# 1NC

## 1

#### The aff should advocate an increase in restrictions on presidential war powers

#### The subject: central government- the USFG.

#### The verb: increase- to make greater

#### The objects –

#### Statutes limit presidential authority

Neil Kinkopf, Associate Professor, Georgia State University College of Law, 2005, “The Statutory Commander in Chief,” Indiana Law Journal, Fall, pp. LN.

This symposium asks us to consider the scope and limits of presidential power in the context of war and terrorism. This question strongly suggests a constitutional focus. [n1](http://www.lexisnexis.com.proxy.lib.wayne.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1365110483507&returnToKey=20_T17087561416&parent=docview&target=results_DocumentContent&tokenKey=rsh-23.113675.46701765596" \l "n1) Because the Constitution establishes the presidential office and sets forth its powers and duties, it is the appropriate starting point for considering this question. The Constitution alone, however, does not get us very far. A wide range of statutes bear on the President's power in this realm and serve to define the extent and limits of his power. As a practical matter, then, the question of presidential power in the context of war and terrorism is one of statutory interpretation. Recognizing the centrality of statutory interpretation in this crucial area, a number of scholars have turned their attention to this question. From their writings, a consensus appears to be emerging on some important foundational points. First, these scholars claim that the President is entitled to deference. Second, where assertions of presidential power implicate individual constitutional rights, these scholars claim that the President's assertion must be founded on a statute that includes a clear statement of authority.

#### Judicial restriction means limiting insulation from the political process

Ilya Somin 2006 Assistant Professor, George Mason University School of Law.

Northwestern University Law Review v100 n4 “ACTIVE LIBERTY” AND JU DICIAL POWER: WHAT SHOULD COURTS DO TO PROMOTE DEMOCRACY? http://www.law.northwestern.edu/lawreview/v100/n4/1827/LR100n4Somin.pdf

In his excellent 1993 book on risk regulation, Breaking the Vicious Circle , Justice Breyer contended that voter ignorance of regulatory policy and the relative dangers posed by various environmental and safety hazards often contributes to irrational policy decisions in which vast resources are expended on the elimination of minor threats to health and safety, while more serious dangers are neglected. 122 Breaking the Vicious Circle concludes that the impact of public ignorance on regulatory policy should be alleviated by giving greater power to bureaucracies insulated from the political process. 123 Whatever the merits of this proposal, it obviously undercuts rather than strengthens popular participation in government policy, the value Justice Breyer wishes to advance in Active Liberty . Thus, it is unfortunate and somewhat surprising that he ignores the possibility that judicially imposed restrictions on the scope of government might alleviate the immense knowledge burden the modern state imposes on rationally ignorant voters.

#### Restrictions are prohibitions

Words & Phrases 2004 v37A p410

N.D.Okla. 1939. "Restriction," as used in the statutes concerning restriction on alienation of lands inherited from deceased Osage allottees, is synonymous with "prohibition." Act April J8, 1912. §§ 6, 7, 37 Stat. 87, 88.—U.S. v. Mullendore, 30 F.Supp. 13, appeal dismissed 111 F.2d 898.— Indians 15(1).

#### The direct object is WPA-- means what Congress has explicitly ceded to the president

Robert **Bejesky 2013** **Law** **Faculty** – **Michigan**, Alma, CMU, U Miami

Mississippi College Law Review 32 Miss. C. L. Rev. 9 LENGTH: 33871 words ARTICLE: Dubitable Security Threats and Low Intensity Interventions as the Achilles' Heel of War Powers NAME: \* BIO: \* M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American Government and Constitutional Law courses for Alma College, and business law courses at Central Michigan University and the University of Miami.

3. Congress Authorizes Partial or Full Hostilities and Parameterizes Military Command

Throughout the nineteenth century and for most of the twentieth century, government officials and scholars fully concurred that the President could not wage war beyond the terms of congressional approval. 76 Courts have invalidated presidential acts in wartime precisely because Congress did not grant the authority to the President. 77 Inherent in Congress's power to declare war, legislate, and appropriate funds is Congress's power to devise time and scope parameters on combat, to call it limited, and to prescribe that it only be partial. 78 Chief Justice Marshall explained that because Congress possesses the "whole powers of war ... Congress may authorize general hostilities, in which case the general laws of war apply to our situation; or partial hostilities ... ." 79 In Miller v. United States, the [\*19] Court held that Congress's power to declare war includes "the power to prosecute it by all means and in all manner in which war may be legitimately prosecuted." 80 The Framers specified that Congress could be involved in operational military affairs during confrontation and impose restrictions and directives on the President, 81 but they also understood the import of executive discretion in directing war efforts and a single hand in making strategic military decisions. 82

Nonetheless, Congress frequently instituted conditions and regulations on combat operations 83 and became involved in legislating to set precise parameters. Congress has previously regulated the manner of deploying the Armed Forces; the rules of engagement; the timing, scope, and type of forces for combat; the purposes for the use of force; 84 the places where warships can sail during wartime; the composition of crews on vessels; and how soldiers would march; in response, presidents consistently respected Congress's micromanagement. 85 In United States v. Smith, the circuit court held that "the president cannot control the statute, nor dispense with its execution, and still less can he authorize a person to do what the law forbids... [because war] power is exclusively vested in congress." 86

For example, with facts involving a confrontation between U.S. and French vessels, Justice Chase cited congressional statutes to specify that while Congress had "authorized hostilities on the high seas," it not endow [\*20] the President with authority "to commit hostilities on land; to capture unarmed French vessels, nor even capture French armed vessels lying in a French port ... ." 87 The Executive, it held, has no unilateral constitutional authority to initiate particular forms of hostility, and Congress could prevent deployment of the military outside U.S. borders even when hostilities were not clearly expected. 88

#### Links

#### 1. The SUBJECT of the action is the AFF team, not the USFG.

#### 2. The OBJECT of the action is the judge, not war powers.

#### Vote neg-

#### Infinite regression—disregarding resolutional syntax produces an endless regression to small, trivial plans. For example, an aff only about the subject opens the door to ANY philosophy that speaks to ‘being.’

#### The impact to that is decisionmaking—debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into competing truth claims

Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 45)

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.¶ Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.¶ To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.¶ Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Decisionmaking is the most portable skill—key to all facets of life and advocacy

Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 9-10)

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.¶ Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.¶ Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.¶ We all make many decisions even- day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate CO vote for. paper or plastic, all present lis with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?¶ Is the defendant guilty as accused? Tlie Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?¶ The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.¶ Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.¶ Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.¶ Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

#### Limits—resolutional limits encourage AFF innovation, predictive research on a designated topic, and clash—a precursor to productive education. Also, the inherent value of arguments within limits is greater, which link turns education arguments.

#### Unbridled affirmation makes research impossible and destroys dialogue in debate

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf¶ Thorkild Hanghøj, Copenhagen, 2008 ¶ Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish¶ Research Centre on Education and Advanced Media Materials), which is located at the Institute of¶ Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have¶ taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the¶ Institute of Education at the University of Bristol and the institute formerly known as Learning Lab¶ Denmark at the School of Education, University of Aarhus, where I currently work as an assistant¶ professor.

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

#### Dialogue is critical to affirming any value—shutting down deliberation devolves into totalitarianism and reinscribes oppression

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http://www.flt.uae.ac.ma/elhirech/baktine/0521831059.pdf#page=331

Northwestern Professor, Prof. Morson's work ranges over a variety of areas: literary theory (especially narrative); the history of ideas, both Russian and European; a variety of literary genres (especially satire, utopia, and the novel); and his favorite writers -- Chekhov, Gogol, and, above all, Dostoevsky and Tolstoy. He is especially interested in the relation of literature to philosophy.

Bakhtin viewed the whole process of “ideological” (in the sense of ideas and values, however unsystematic) development as an endless dialogue. As teachers, we find it difficult to avoid a voice of authority, however much we may think of ours as the rebel’s voice, because our rebelliousness against society at large speaks in the authoritative voice of our subculture.We speak the language and thoughts of academic educators, even when we imagine we are speaking in no jargon at all, and that jargon, inaudible to us, sounds with all the overtones of authority to our students. We are so prone to think of ourselves as fighting oppression that it takes some work to realize that we ourselves may be felt as oppressive and overbearing, and that our own voice may provoke the same reactions that we feel when we hear an authoritative voice with which we disagree. So it is often helpful to think back on the great authoritative oppressors and reconstruct their self-image: helpful, but often painful. I remember, many years ago, when, as a recent student rebel and activist, I taught a course on “The Theme of the Rebel” and discovered, to my considerable chagrin, that many of the great rebels of history were the very same people as the great oppressors. There is a famous exchange between Erasmus and Luther, who hoped to bring the great Dutch humanist over to the Reformation, but Erasmus kept asking Luther how he could be so certain of so many doctrinal points. We must accept a few things to be Christians at all, Erasmus wrote, but surely beyond that there must be room for us highly fallible beings to disagree. Luther would have none of such tentativeness. He knew, he was sure. The Protestant rebels were, for a while, far more intolerant than their orthodox opponents. Often enough, the oppressors are the ones who present themselves and really think of themselves as liberators. Certainty that one knows the root cause of evil: isn’t that itself often the root cause? We know from Tsar Ivan the Terrible’s letters denouncing Prince Kurbsky, a general who escaped to Poland, that Ivan saw himself as someone who had been oppressed by noblemen as a child and pictured himself as the great rebel against traditional authority when he killed masses of people or destroyed whole towns. There is something in the nature of maximal rebellion against authority that produces ever greater intolerance, unless one is very careful. For the skills of fighting or refuting an oppressive power are not those of openness, self-skepticism, or real dialogue. In preparing for my course, I remember my dismay at reading Hitler’s Mein Kampf and discovering that his self-consciousness was precisely that of the rebel speaking in the name of oppressed Germans, and that much of his amazing appeal – otherwise so inexplicable – was to the German sense that they were rebelling victims. In our time, the Serbian Communist and nationalist leader Slobodan Milosevic exploited much the same appeal. Bakhtin surely knew that Communist totalitarianism, the Gulag, and the unprecedented censorship were constructed by rebels who had come to power. His favorite writer, Dostoevsky, used to emphasize that the worst oppression comes from those who, with the rebellious psychology of “the insulted and humiliated,” have seized power – unless they have somehow cultivated the value of dialogue, as Lenin surely had not, but which Eva, in the essay by Knoeller about teaching The Autobiography of Malcolm X, surely had. Rebels often make the worst tyrants because their word, the voice they hear in their consciousness, has borrowed something crucial from the authoritative word it opposed, and perhaps exaggerated it: the aura of righteous authority. If one’s ideological becoming is understood as a struggle in which one has at last achieved the truth, one is likely to want to impose that truth with maximal authority; and rebels of the next generation may proceed in much the same way, in an ongoing spiral of intolerance.

#### If our interpretation is net-beneficial it means there’s no reason to vote affirmative. If the case is true then it de-justifies the resolution. Teams are still signified by ‘AFF’ and ‘NEG’, so the resolution is a required measurement for ‘affirmation.’

## 2

**The retreat to local concerns enables unsolved global problems to assure extinction – their anti politics solves nothing, but emptying space enables authoritarian reactions**

Dr. Carl **Boggs** **Prof**essor Ph.D

AND

Society 26: 741-780, 1997.

The decline of the public sphere in late twentieth-century America poses a series of great dilemmas and challenges. Many ideological currents scrutinized here - localism, metaphysics, spontaneism, post- modernism, Deep Ecology -intersect with and reinforce each other. While these currents have deep origins in popular movements of the 1960s and 1970s, they remain very much alive in the 1990s. Despite their different outlooks and trajectories, they all share one thing in common: a depoliticized expression of struggles to combat and over- come alienation. The false sense of empowerment that comes with such mesmerizing impulses is accompanied by a loss of public engagement, an erosion of citizenship and a depleted capacity of individuals in large groups to work for social change. As this ideological quagmire worsens, urgent problems that are destroying the fabric of American society will go unsolved - perhaps even unrecognized - only to fester more ominously into the future. And such problems (ecological crisis, poverty, urban decay, spread of infectious diseases, technological displacement of workers) cannot be understood outside the larger social and global context of internationalized markets, finance, and communications. Paradoxically, the widespread retreat from politics, often inspired by localist sentiment, comes at a time when agendas that ignore or sidestep these global realities will, more than ever, be reduced to impotence. In his commentary on the state of citizenship today, Wolin refers to the increasing sublimation and dilution of politics, as larger numbers of people turn away from public concerns toward private ones. By diluting the life of common involvements, we negate the very idea of politics as a source of public ideals and visions.74 In the meantime, the fate of the world hangs in the balance. The unyielding truth is that, even as the ethos of anti-politics becomes more compelling and even fashionable in the United States, it is the vagaries of political power that will continue to decide the fate of human societies. This last point demands further elaboration. The shrinkage of politics hardly means that corporate colonization will be less of a reality, that social hierarchies will somehow disappear, or that gigantic state and military structures will lose their hold over people's lives. Far from it: the space abdicated by a broad citizenry, well-informed and ready to participate at many levels, can in fact be filled by authoritarian and reactionary elites - an already familiar dynamic in many lesser- developed countries. The fragmentation and chaos of a Hobbesian world, not very far removed from the rampant individualism, social Darwinism, and civic violence that have been so much a part of the American landscape, could be the prelude to a powerful Leviathan designed to impose order in the face of disunity and atomized retreat. In this way the eclipse of politics might set the stage for a reassertion of politics in more virulent guise - or it might help further rationalize the existing power structure. In either case, the state would likely become what Hobbes anticipated: the embodiment of those universal, collective interests that had vanished from civil society.75

**Their attempt to sidestep the costs and benefits of policy implementation is the link – it demonstrates their orientation toward their project lacks seriousness**

Jeffrey C. **Isaac** is James H. Rudy **Prof**essor of **Political Science** and director of the Center for the Study of Democracy and Public Life at **Indiana** University, Bloomington. Dissent / Spring 200**2**

Politics is about ends and means—about the values that we pursue and the methods by which we pursue them. In a perfect world, there would be a perfect congruence between ends and means: our ends would always be achievable through means that were fully consistent with them; the tension between ends and means would not exist. But then there would be no need to pursue just ends, for these would already be realized. Such a world of absolute justice lies beyond politics. The left has historically been burdened by the image of such a world. Marx’s vision of the “riddle of history solved” and Engels’s vision of the “withering away of the state” were two canonical expressions of the belief in an end-state in which perfect justice could be achieved once and for all. But the left has also developed a concurrent tradition of serious strategic thinking about politics. Centered around but not reducible to classical Marxism, this tradition has focused on such questions as the relations of class, party, and state; the consequences of parliamentary versus revolutionary strategies of social change; the problem of hegemony and the limits of mass politics; the role of violence in class struggle; and the relationship between class struggle and war. These questions preoccupied Karl Kautsky, V.I. Lenin, Leon Trotsky, Rosa Luxemburg, Georg Lukàcs, and Antonio Gramsci—and also John Dewey, Arthur Koestler, Ignazio Silone, George Orwell, Maurice Merleau-Ponty, Jean-Paul Sartre, and Albert Camus. The history of left political thought in the twentieth century is a history of serious arguments about ends and means in politics, arguments about how to pursue the difficult work of achieving social justice in an unjust world. Many of these arguments were foolish, many of their conclusions were specious, and many of the actions followed from them were barbaric. The problem of ends and means in politics was often handled poorly, but it was nonetheless taken seriously, even if so many on the left failed to think clearly about the proper relationship between their perfectionist visions and their often Machiavellian strategies. What is striking about much of the political discussion on the left today is its failure to engage this earlier tradition of argument. The left, particularly the campus left—by which I mean “progressive” faculty and student groups, often centered around labor solidarity organizations and campus Green affiliates—has become moralistic rather than politically serious. Some of its moralizing—about Chiapas, Palestine, and Iraq—continues the third worldism that plagued the New Left in its waning years. Some of it—about globalization and sweatshops— is new and in some ways promising (see my “Thinking About the Antisweatshop Movement,” Dissent, Fall 2001). But what characterizes much campus left discourse is a substitution of moral rhetoric about evil policies or institutions for a sober consideration of what might improve or replace them, how the improvement might be achieved, and what the likely costs, as well as the benefits, are of any reasonable strategy. One consequence of this tendency is a failure to worry about methods of securing political support through democratic means or to recognize the distinctive value of democracy itself. It is not that conspiratorial or antidemocratic means are promoted. On the contrary, the means employed tend to be preeminently democratic—petitions, demonstrations, marches, boycotts, corporate campaigns, vigorous public criticism. And it is not that political democracy is derided. Projects such as the Green Party engage with electoral politics, locally and nationally, in order to win public office and achieve political objectives. But what is absent is a sober reckoning with the preoccupations and opinions of the vast majority of Americans, who are not drawn to vocal denunciations of the International Monetary Fund and World Trade Organization and who do not believe that the discourse of “anti-imperialism” speaks to their lives. Equally absent is critical thinking about why citizens of liberal democratic states—including most workers and the poor—value liberal democracy and subscribe to what Jürgen Habermas has called “constitutional patriotism”: a patriotic identification with the democratic state because of the civil, political, and social rights it defends. Vicarious identifications with Subcommandante Marcos or starving Iraqi children allow left activists to express a genuine solidarity with the oppressed elsewhere that is surely legitimate in a globalizing age. But these symbolic avowals are not an effective way of contending for political influence or power in the society in which these activists live.

**Their activist reaction to deliberation lacks epistemic modesty – it engages in a form of knowledge production which replicates injustice**

Robert B. **Talisse** Department of **Philosophy**, **Vanderbilt** University 200**6** Deliberativist responses to activist challenges A continuation of Young’s dialectic Philosophy & Social Criticism 31 (4) [In this article, the activist is ‘he’ and the deliberativist is ‘she’]

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

**The alternative is to embrace the risks associated with defending the implementation of their values as policy – only embracing risks fills political space to resist the worst abuses of a military state**

The Military State of America and the Democratic Left WINTER 2010 DISSENT James B. **Rule** is affiliated with the Center for the Study of Law and Society at the **U**niversity of **C**alifornia, **Berkeley, 2010** and a longtime member of Dissent’s Editorial Board. His latest book is Privacy in Peril (Ebsco)

In a dangerous world, any course of action bears risks. No one can absolutely rule out the possibility that a steady diet of aggressive American military action abroad might forestall disasters yet unseen. Nor can anyone deny that relentless surveillance of domestic communications, or invocation of national security to rebuff all challenges to the exercise of government power could, conceivably, help block further terrorist acts on U.S. soil. But nor, for that matter, can anyone authoritatively deny that such measures might actually make matters much worse. Political programs are defined as much by the risks they are willing to accept as by the values they seek to promote. The democratic Left properly welcomes the risks of broader and deeper democracy, at home and abroad. It counsels more government openness and broader public engagement in governance, even while acknowledging that these things can go wrong. It seeks to build, however incrementally, supranational structures of authority and conflict-resolution—as against reliance on unilateral intimidation and worse. It refuses to let American fixation on worldwide dominance to serve as an excuse for not building a strong nation at home—that is, for neglecting health, employment, environmental responsibility, and education. We on the democratic Left must be quick to take risks on behalf of these ends— because the alternative risks of endless, deadly international conflict and narrowing attention to domestic well-being are far more alarming.

**This serious political commitment provides the only hope to avoid the worst impacts and the internal links to their offense**

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Second, it would mean frankly acknowledging something well understood, often too eagerly embraced, by the twentieth century Marxist left—that it is often politically necessary to employ morally troubling means in the name of morally valid ends. A just or even a better society can only be realized in and through political practice; in our complex and bloody world, it will sometimes be necessary to respond to barbarous tyrants or criminals, with whom moral suasion won’t work. In such situations our choice is not between the wrong that confronts us and our ideal vision of a world beyond wrong. It is between the wrong that confronts us and the means—perhaps the dangerous means—we have to employ in order to oppose it. In such situations there is a danger that “realism” can become a rationale for the Machiavellian worship of power. But equally great is the danger of a righteousness that translates, in effect, into a refusal to act in the face of wrong. What is one to do? Proceed with caution. Avoid casting oneself as the incarnation of pure goodness locked in a Manichean struggle with evil. Be wary of violence. Look for alternative means when they are available, and support the development of such means when they are not. And never sacrifice democratic freedoms and open debate. Above all, ask the hard questions about the situation at hand, the means available, and the likely effectiveness of different strategies. Most striking about the campus left’s response to September 11 was its refusal to ask these questions. Its appeals to “international law” were naïve. It exaggerated the likely negative consequences of a military response, but failed to consider the consequences of failing to act decisively against terrorism. In the best of all imaginable worlds, it might be possible to defeat al-Qaeda without using force and without dealing with corrupt regimes and political forces like the Northern Alliance. But in this world it is not possible. And this, alas, is the only world that exists. To be politically responsible is to engage this world and to consider the choices that it presents. To refuse to do this is to evade responsibility. Such a stance may indicate a sincere refusal of unsavory choices. But it should never be mistaken for a serious political commitment.

## Case

#### Impacts come first – nuclear war makes their solvency impossible Brian Martin (science, techonology, and society at the Unviersity of Wollongong, Australia) September 3, 02 “Activism after nuclear war?” <http://www.transnational.org/SAJT/forum/meet/2002/Martin_ActivismNuclearWar.html> In the event of nuclear war, as well as death and destruction there will be serious political consequences. Social activists should be prepared. The confrontation between Indian and Pakistani governments earlier this year showed that military use of nuclear weapons is quite possible. There are other plausible scenarios. A US military attack against Iraq could lead Saddam Hussein to release chemical or biological weapons, providing a trigger for a US nuclear strike. Israeli nuclear weapons might also be unleashed. Another possibility is accidental nuclear war. Paul Rogers in his book Losing Control says that the risk of nuclear war has increased due to proliferation, increased emphasis on nuclear war-fighting, reduced commitment to arms control (especially by the US government) and Russian reliance on nuclear arms as its conventional forces disintegrate. A major nuclear war could kill hundreds of millions of people. But less catastrophic outcomes are possible. A limited exchange might kill "only" tens or hundreds of thousands of people. Use of nuclear "bunker-busters" might lead to an immediate death toll in the thousands or less. Nuclear war would also lead to increased political repression. Martial law might be declared. Activists would be targeted for surveillance or arrest. Dissent would become even riskier. War always brings restraints on civil liberties. The political aftermath of September 11 - increased powers for police forces and spy agencies, increased intolerance of and controls over political dissent - is just a taste of what would be in store in the aftermath of nuclear war.

#### Theoretical critiques that merely highlights the foundations of oppression without discussing solutions locks in suffering and death. Anna M. Agathangelou, director of the Global Change Institute, assistant professor of political science at York University, and L.H.M. Ling, Associate Professor in the Graduate Program in International Affairs at New School University, Fall 97, Studies in Political Economy, Vol. 54, p. 7-8 Yet, ironically if not tragically, dissident IR also paralyzes itself into non-action. While it challenges the status quo, dissident IR fails to transform it. Indeed, dissident IR claims that a “coherent” paradigm or research program – even an alternative one – reproduces the stifling parochialism and hidden power-mongering of sovereign scholarship. “Any agenda of global politics informed by critical social theory perspectives,” writes Jim George “must forgo the simple, albeit self-gratifying, options inherent in ready-made alternative Realisms and confront the dangers, closures, paradoxes, and complicities associated with them.” Even references to a “real world,” dissidents argue, repudiate the very meaning of dissidence given their sovereign presumption of a universalizable, testable Reality. What dissident scholarship opts for, instead, is a sense of disciplinary crisis that “resonates with the effects of marginal and dissident movements in all sorts of other localities.” Despite its emancipatory intentions, this approach effectively leaves the prevailing prison of sovereignty intact. It doubly incarcerates when dissident IR highlights the layers of power that oppress without offering a heuristic, not to mention a program, for emancipatory action. Merely politicizing the supposedly non-political neither guides emancipatory action nor guards it against demagoguery. At best, dissident IR sanctions a detached criticality rooted (ironically) in Western modernity. Michael Shapiro, for instance, advises the dissident theorist to take “a critical distance” or “position offshore” from which to “see the possibility of change.” But what becomes of those who know they are burning in the hells of exploitation, racism, sexism, starvation, civil war, and the like while the esoteric dissident observes “critically” from offshore? What hope do they have of overthrowing these shackles of sovereignty? In not answering these questions, dissident IR ends up reproducing, despite avowals to the contrary, the sovereign outcome of discourse divorced from practice, analysis from policy, deconstruction from reconstruction, particulars from universals, and critical theory from problem-solving.

#### No Impact - Biopolitics does not cause huge global massacres

Mika Ojakangas (PhD in Social Science and Academy research fellow @ the Helsinki Collegium for Advanced Studies @ University of Helsinki) 2005 “The Impossible Dialogue on Biopower: Foucault and Agamben,” May 2005, Foucault Studies, No. 2, http://www.foucault-studies.com/no2/ojakangas1.pdf

Admittedly, in the era of biopolitics, as Foucault writes, even “massacres have become vital.” This is not the case, however, because violence is hidden in the foundation of biopolitics, as Agamben believes. Although the twentieth century thanatopolitics is the “reverse of biopolitics”, it should not be understood, according to Foucault, as “the effect, the result, or the logical consequence” of biopolitical rationality. Rather, it should be understood, as he suggests, as an outcome of the “demonic combination” of the sovereign power and biopower, of “the citycitizen game and the shepherd-flock game” or as I would like to put it, of patria potestas (father’s unconditional power of life and death over his son) and cura maternal (mother’s unconditional duty to take care of her children). Although massacres can be carried out in the name of care, they do not follow from the logic of biopower for which death is the “object of taboo”. They follow from the logic of sovereign power, which legitimates killing by whatever arguments it chooses, be it God, Nature, or life.

#### There are institutional checks on mass violence in democratic societies – they overexaggerate the negative impact of biopolitics

Edward Ross Dickinson (University of Cincinnati) March 2004 "Biopolitics, Facism, Democracy: Some Reflections on Our Discourse About 'Modernity,'" Central European History, vol. 37, no. 1

One answer might be to argue— as Michael Schwartz and Peter Fritzsche have suggested— that regimes that arise for reasons having little to do with this aspect of modernity “choose” their biopolitics to suit their needs and principles. Victoria de Grazia, for example, has suggested that differing class coalitions determine regime forms, and that regime forms determine the “shape” of biopolitics.111 This is obviously not the approach that has predominated in the literature on Germany, however,which has explored in great depth the positive contribution that modern biopolitics made to the construction of National Socialism. This approach may well exaggerate the importance of biopolitics; but, in purely heuristic terms, it has been extremely fruitful. I want to suggest that it might be equally fruitful to stand it on its head, so to speak. One could easily conclude from this literature that modern biopolitics “fits” primarily authoritarian, totalitarian, technocratic, or otherwise undemocratic regimes, and that democracy has prevailed in Europe in the teeth of the development of technocratic biopolitics. Again, however, the history of twentieth-century Germany, including the five decades after World War II, suggests that this is a fundamentally implausible idea. A more productive conclusion might be that we need to begin to work out the extent and nature of the positive contribution biopolitics has made to the construction also of democratic regimes. Why was Europe’s twentieth century, in addition to being the age of biopolitics and totalitarianism, also the age of biopolitics and democracy? How should we theorize this relationship? I would like to offer  ve propositions as food for thought. First, again, the concept of the essential legitimacy and social value of individual needs, and hence the imperative of individual rights as the political mechanism for getting them met, has historically been a cornerstone of some strategies of social management. To borrow a phrase from Detlev Peukert, this does not mean that democracy was the “absolutely inevitable” outcome of the development of biopolitics; but it does mean that it was “one among other possible outcomes of the crisis of modern civilization.”112 Second, I would argue that there is also a causal fit between cultures of expertise, or “scientism,” and democracy. Of course, “scientism” subverted the real, historical ideological underpinnings of authoritarian polities in Europe in the nineteenth century. It also in a sense replaced them. Democratic citizens have the freedom to ask “why”; and in a democratic system there is therefore a bias toward pragmatic, “objective” or naturalized answers— since values are often regarded as matters of opinion, with which any citizen has a right to differ. Scienti c “fact” is democracy’s substitute for revealed truth, expertise its substitute for authority. The age of democracy is the age of professionalization, of technocracy; there is a deeper connection between the two, this is not merely a matter of historical coincidence. Third, the vulnerability of explicitly moral values in democratic societies creates a problem of legitimation. Of course there are moral values that all democratic societies must in some degree uphold (individual autonomy and freedom, human dignity, fairness, the rule of law), and those values are part of their strength. But as people’s states, democratic social and political orders are also implicitly and often explicitly expected to do something positive and tangible to enhance the well-being of their citizens. One of those things, of course, is simply to provide a rising standard of living; and the visible and astonishing success of that project has been crucial to all Western democracies since 1945. Another is the provision of a rising standard of health; and here again, the democratic welfare state has “delivered the goods” in concrete, measurable, and extraordinary ways. In this sense, it may not be so simpleminded, after all, to insist on considering the fact that modern biopolitics has “worked” phenomenally well. Fourth, it was precisely the democratizing dynamic of modern societies that made the question of the “quality” of the mass of the population seem— and not only in the eyes of the dominant classes — increasingly important. Again, in the course of the nineteenth and early twentieth centuries the expected level of the average citizen’s active participation in European political, social, cultural, and economic life rose steadily, as did the expected level of her effective in uence in all these spheres. This made it a matter of increasing importance whether the average person was more or less educated and informed, more or less moral and self-disciplined,more or less healthy and physically capable,more or less socially competent. And modern social reform — “biopolitics” defined very broadly—seemed to offer the possibility of creating the human foundation for a society ordered by autonomous participation, rather than by obedience. This too was part of the Machbarkeitswahn of modernity; but this was potentially a democratic “Wahn,” not only an authoritarian one. Fifth, historically there has been a clear connection between the concept of political citizenship and the idea of moral autonomy. The political “subject” (or citizen — as opposed to the political subject,who is an object of state action) is also a moral subject. The citizen’s capacity for moral reasoning is the legitimating postulate of all democratic politics. The regulation of sexual and reproductive life has long been understood in European societies to be among the most fundamental issues of morality. There is, therefore, a connection between political citizenship on the one hand, and the sexual and reproductive autonomy implied in the individual control that is a central element of the modern biopolitical complex, on the other. The association in the minds of conservatives in the late imperial period between democracy and declining fertility was not a panicky delusion; panicky it certainly was, but it was also a genuine insight into a deeper ideological connection.113 Perhaps it should not be surprising, therefore, that the first great homeland of eugenic legislation was the United States — the first great homeland of modern democracy. In fact the United States served both as a kind of promised land for racial and eugenic “progressives” in Germany, and as a worst-case scenario of “regression into barbarism” for those opposed to coercive eugenic measures. 114 Nor should it be surprising that, apart from Nazi Germany, the other great land of eugenic sterilization in Europe in the 1930s was Scandinavia, where democratic governments heavily influenced by social democratic parties were busily constructing the most ambitious and extensive welfare states in the world.115 The lesson is not that modern democracy is “dangerous” or destructive, much less that it is crypto-fascist — that, as Jacques Donzelot put it, the 1930s was the age of “social fascism” and our own age that of “social sector fascism.” 116 The relevant message is, rather, that it is time to place the less familiar history of modern democratic biopolitics alongside the more familiar history of modern totalitarian biopolitics. The dream of perfectibility — Machbarkeitswahn — is central to modernity. But social engineering, the management of society, can be organized in different ways. Historically, totalitarian biopolitics was a self-destructive failure. Democratic biopolitics has, in contrast, been— not in any moral sense, but politically —a howling success. For the historian interested in modernity, that story is no less interesting or important than the story of the implosion of the Nazi racial state.

#### Their movement leads to violent nuclear counter-revolutions – state reform is key

Martin **Shaw, 2001** Review of International Studies, The unfinished global revolution: intellectuals and the new politics of international relations, http://nationalism.org/library/science/ir/shaw/shaw-ris-2001-27-04.pdf

The new politics of international relations require us, therefore, to go beyond the anti-imperialism of the intellectual left as well as of the semi-anarchist traditions of the academic discipline. We need to recognize three fundamental truths. First, in the twenty-first century people struggling for democratic liberties across the non- Western world are likely to make constant demands on our solidarity. Courageous academics, students and other intellectuals will be in the forefront of these movements. They deserve the unstinting support of intellectuals in the West. Second, the old international thinking in which democratic movements are seen as purely internal to states no longer carries conviction—despite the lingering nostalgia for it on both the American right and the anti-American left. The idea that global principles can and should be enforced worldwide is firmly established in the minds of hundreds of millions of people. This consciousness will become a powerful force in the coming decades. Third, global state-formation is a fact. International institutions are being extended, and (like it or not) they have a symbiotic relation with the major centre of state power, the increasingly internationalized Western conglomerate. The success of the global-democratic revolutionary wave depends first on how well it is consolidated in each national context—but second, on how thoroughly it is embedded in international networks of power, at the centre of which, inescapably, is the West. From these political fundamentals, strategic propositions can be derived. First, democratic movements cannot regard non-governmental organizations and civil society as ends in themselves. They must aim to civilize local states, rendering them open, accountable and pluralistic, and curtail the arbitrary and violent exercise of power. Second, democratizing local states is not a separate task from integrating them into global and often Western-centred networks. Reproducing isolated local centres of power carries with it classic dangers of states as centres of war.84 Embedding global norms and integrating new state centres with global institutional frameworks are essential to the control of violence. (To put this another way: the proliferation of purely national democracies is not a recipe for peace.) Third, while the global revolution cannot do without the West and the UN, neither can it rely on them unconditionally. We need these power networks, but we need to tame them too, to make their messy bureaucracies enormously more accountable and sensitive to the needs of society worldwide. This will involve the kind of ‘cosmopolitan democracy’ argued for by David Held.85 It will also require us to advance a global social-democratic agenda, to address the literally catastrophic scale of world social inequalities. This is not a separate problem: social and economic reform is an essential ingredient of alternatives to warlike and genocidal power; these feed off and reinforce corrupt and criminal political economies. Fourth, if we need the global-Western state, if we want to democratize it and make its institutions friendlier to global peace and justice, we cannot be indifferent to its strategic debates. It matters to develop international political interventions, legal institutions and robust peacekeeping as strategic alternatives to bombing our way through zones of crisis. It matters that international intervention supports pluralist structures, rather than ratifying Bosnia-style apartheid.86 As political intellectuals in the West, we need to have our eyes on the ball at our feet, but we also need to raise them to the horizon. We need to grasp the historic drama that is transforming worldwide relationships between people and state, as well as between state and state. We need to think about how the turbulence of the global revolution can be consolidated in democratic, pluralist, international networks of both social relations and state authority. We cannot be simply optimistic about this prospect. Sadly, it will require repeated violent political crises to push Western and other governments towards the required restructuring of world institutions.87 What I have outlined is a huge challenge; but the alternative is to see the global revolution splutter into partial defeat, or degenerate into new genocidal wars—perhaps even nuclear conflicts. The practical challenge for all concerned citizens, and the theoretical and analytical challenges for students of international relations and politics, are intertwined.

#### EUTHANASIA AND GENOCIDE IS JUSTIFIED BY THE DEPLOYMENT OF THE RHETORIC OF “NO VALUE TO LIFE” Richard Coleson, M.A.R., J.D., ISSUES IN LAW & MEDICINE, Summer, 1997 Euthanasia also was advocated in Germany. As early as 1895, a widely-used German medical textbook made a claim for "the right to death." Michael Berenbaum, The World Must Know: The History of the Holocaust as Told in the United States Holocaust Memorial Museum 64 (1993). Immediately following World War I, the notion took greater root in the German medical and legal professions, instigated largely by a publication by Professors Karl Binding and Alfred Hoche of Die Freigabe der Vernichtung lebensunwertens Leben (Permitting the Destruction of Unworthy Life) (1920). See 8 Issues in Law & Med. 221 (1992) (Patrick Derr and Walter Wright, trans.) (copies of which have been lodged with the Court). What transpired in Germany in the late 1930s and 1940s would unalterably change the debate over the ethics and legality of physicians participating in ending the lives of their patients. In that period, the lives of hundreds of thousands of terminally ill, incurably sick, and mentally incompetent patients were terminated by German doctors--the elite of the profession in Europe--in a program of "euthanasia" propagated both by acceptance of the " unworthy life" thesis and by the imposition of National Socialist theories of eugenics derived from earlier concepts developed by the German medical profession and intelligentsia. Michael Burleigh, Death and Deliverance: 'Euthanasia' in Germany 1900-1945 93-97, 273-277, 284-285 (1994); Robert Jay Lifton, The Nazi Doctors: Medical Killing and the Psychology of Genocide 44-79 (1986); Gallagher, By Trust Betrayed, supra at 74-95. In the ensuing decades, the connection of medical killing in Nazi Germany to contemporary debates regarding the legalization of assisted suicide and euthanasia has been a matter of great controversy. Burleigh, Death and Deliverance, supra at 291-98. [Footnote omitted] It is clear, however, that those closest to these events saw some connection. The condemnation of the "Nazi doctors" was universal and prompted great reflection on the question of ensuring that their actions never be repeated. As one step, the world's physicians reaffirmed the foundational ethical principle of their profession: that doctors must not kill. [Footnote omitted] The cases before this Court are the most important juridical test since that time of the meaning of that principle. For this reason alone, the experience which influenced so much of what the world thinks today of the issue of euthanasia is relevant to the deliberations of this Court. The acceptance by physicians of the notion of a "life not worthy to be lived" under the "euthanasia" program was a cornerstone of the horror that was to follow. Leo Alexander, Medical Science Under Dictatorship, 241 New Eng. J. Med. 39, 44 (1949). Without the willingness of doctors to participate, the euthanasia program would not have occurred. Patrick Derr, Hadamar, Hippocrates, and the Future of Medicine: Reflections on Euthanasia and the History of German Medicine, 4 Issues in Law & Med. 487 (1989). This "cornerstone" principle persists today. The experience of the Netherlands (described in the Brief of Amicus Curiae the American Suicide Foundation in No. 96-110) establishes that the participation of physicians in killing their patients invariably rests upon, and propagates, the notion of life unworthy of life. The writings of pro-euthanasia philosophers James Rachels, Peter Singer, and John Harris [Footnote omitted] confirm this fact. While social and political conditions in Western democracies obviously differ from those of post-World War I and Nazi Germany, the consequences of legalizing physician-assisted suicide and euthanasia will be no less dire.

#### Social injustices are not the root cause of war. Eliminating war actually offers a better chance of solving injustices than vice versa\*\*\*

Joshua S. **Goldstein,** pub. date: 20**01**, Prof. of IR @ American University, Washington D.C. He is the author of a broad range of research works on international conflict, cooperation, and political economy, with a central focus on great-power relations and world order, War and Gender: How Gender Shapes the War System and Vice Versa, Cambridge University, pp. 412

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice speicifically (or perhaps among others) in order to pursue peace. This approach beings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices casue war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although theses influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war, It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice beings to the peace movement energy, allies, and moral grounding, yet in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate. 10

#### Life without value is better than death

Kenneth **Waltz**, pub. date: 19**59**, Institute of War and Peace Studied; Father of realism, Man, The State, and War

St. Augustine had observed the importance of self-preservation in the hierarchy of human motivations. When we see that even the most wretched “fear to die, and will rather live in such misfortune than end it by death, is it not obvious enough,” he asks, “how nature shrinks from annihilation?”10 The desire for self-preservation is, with Augustine, an observed fact. It is not a principle sufficient to explain the whole of man’s behavior. For Spinoza, however, the end of every act is the self-preservation of the actor. The laws of nature are simply statements of what this single end requires: natural right, a statement of what it logically permits.11 The man who lives according to reason will demonstrate both courage and high-mindedness. That is, he will strive to preserve himself in accordance with the dictates of reason, and he will strive to aid other men and unite them to him in friendship. This is not a description of actual behavior; it is a description of behavior that is ideally rational. It is not because they are duties that the man who follows the dictates of reason behaves with courage and high-mindedness. Instead

#### The slightest chance of nuclear weapons exchange must be rejected. The mere possibility of extinction nullifies any other calculation – the use of an actual nuclear weapon between countries declares war on all of humanity including indigenous populations\*\*\*

George **Kateb**, pub. dtae: 19**92**, William Nelson Cromwell Professor of Politics, Emeritus, @ Princeton University, “The Inner Ocean: Individualism and Democraitic Culture,” p. 111-3

Shells work attempts to force on us an acknowledgement that sounds far-fetched and even ludicrous, an acknowledgement that the possibility of extinction is carried by any use of nuclear weapons, no matter how limited or **seemiliy rational or** seemingly morally justified. He himself acknowledges that ther is a difference between a possibility and a certainty. But in a matter that is more than a matter, more than one practical matter in a vast series of political matters, in the “matter” of extinction, we are obliged to treat a possibility –a genuine possibility- as a certainty. Humanity is not to take any step that contains even the slightest risk of extinction. The doctrine of no-use is based on the possibility of extinction. Shell’s perspectives transforms the subject. He takes us away from the arid stretches of strategy and askes us to feel continuosly, if we can, and feel keenly if only for an instant now and then, how utter distinct the nuclear world is. Nuclear discourse must vividly register that distinctiveness. It is of no moral account that extinction may be only a slight possibility. No one can say how great the possibility is, but no one has yet credibly denied that by some sequence or other a particular use of nuclear weapon may lead to human and natural extinction. **I**f it is no impossible it must be treated as certain: the loss signified by extinction **nullifies all calculations of probability as it** nullifies all calculations of costs and benefits**.** Abstractly put, the connections between any use of nuclear weaons and human and natural extinction are several. Most obviously, **a sizable exchange of strategic nuclear weapons can, by chain of events of nature, lead to the earth uninhabitability**, to “nuclear winter,” or to Shell’s “republic of insects and grass.” But the consideration of extinction cannot rest with the possibility of a sizable exchange of strategic weaons. It cannot rest with the imperative that a sizable exchange must not take place. A so-called tactical or “theater” use, or a so-called limited use, is also prohibited absolutely, because of the possibility of **immediate** escalation into a sizable exchange or because, in even if there is not **an immediate** escalation, the possibility of extinction would reside in the precedent for future use sety by any use **whatever in a world in which more than one power possesses nuclear weapons**. Add other consequences: the contagious effect on nonnuclear powers who may feel compelled by a mixture of fear and vanity try to acquire their own weapons, thus increasing the possibility of use by increasing the number of nuclear powers; and the unleashed emotions of indignation, retribution, and reventch, which, if not acted on immediately in the form of escalation, can be counted on to seek expression later. **Other than full strategic uses are not confined, no matter how small the explosive power:** each would be a cancerous transformation of the world. All nuclear roads lead to the possibility of extinction. It is true by definition, but let us make it expilicit: the doctrine of no-use excludes any first or retaliatory or later use, whether sizable or not. No-use is the imperative derived form the possibility of extinction. By containing the possibility of extinction, any use is tantamount to a declaration of war against humanity. It is not merely a **war crime or a single** crime against humanity. Such a war is waged by the user of nuclear weapons against every human individual as individual (present and future), **not as citizen of this or that country**. It is not only a war against the country that is the target. To respond with nuclear weapons, where possible, only increases the chances of extinction and can never, therefore, be allowed. The use of nuclear weapons establishes the right of any person or group, acting officially or not, violently or not, to try to punish those responsible for the use. The aim of the punishment is to deter later uses and thus to try to reduce the possibility fo extinction, if, by chance, the particular use in question did no directly lead to extinction. The form of the punishment cannot be specified. Of course the chaos ensuing from a sizable exchange could make punishment irrelevant. The important point, however, is to see that those who use nuclear weapons are qualitatively worse than criminals, and at the least forfeits their offices.

# 2NC

### A2 Our Aff = Better Policy

#### We don’t link to their offense - Policy implications are necessary to test theory— starting from the alternative’s starting point is the only way to make your theoretical insights worth anything – our alt spillsover and solves the case

Peter Feaver (Asst. Prof of Political Science at Duke University) 2001 Twenty-First Century Weapons Proliferation, p 178)

At the same time, virtually all good theory has implications for policy. Indeed, if no conceivable extension of the theory leads to insights that would aid those working in the ‘real world’, what can be ‘good’ about good theory? Ignoring the policy implications of theory is often a sign of intellectual laziness on the part of the theorist. It is hard work to learn about the policy world and to make the connections from theory to policy. Often, the skill sets do not transfer easily from one domain to another, so a formidable theorist can show embarrassing naivete when it comes to the policy domain he or she putatively studies. Often, when the policy implications are considered, flaws in the theory (or at least in the presentation of the theory) are uncovered. Thus, focusing attention on policy implications should lead to better theorizing. The gap between theory and policy is more rhetoric than reality. But rhetoric can create a reality–or at least create an undesirable kind of reality–where policy makers make policy though ignorant of the problems that good theory would expose, while theorists spin arcana without a view to producing something that matters. It is therefore incumbent on those of us who study proliferation–a topic that raises interesting and important questions for both policy and theory–to bring the communities together. Happily, the best work in the proliferation field already does so.

#### The chances your advocacy is translated into actual changes in human behavior is so small you can write it off and vote on presumption

David Barnhizer (Professor of Law at Ohio State University, Articles Editor of the Ohio State Law Journal and then served as a Reginald Heber Smith Community Lawyer Fellow in Colorado Springs Legal Services Office, a Ford Urban Law Fellow, and a Clinical Teaching Fellow at the Harvard Law School, Senior Advisor to the International Program of the Natural Resources Defense Council, a Senior Fellow for Earth Summit Watch, and General Counsel for the Shrimp Tribunal. He has served as Executive Director of The Year 2000 Committee) 2006 “waking from sustainability’s “impossible dream”” Georgetown environmental law review

My point should not be taken as a lack of concern with the kinds of conditions described by those who warn about impending catastrophes. We face a wrenching future, just as billions of people have been forced to deal with a wrenching past in terms of the tenuous quality of life they endure on a daily basis. The concern of this essay is with how we can best deal with what is within our power to influence or change and how to achieve the best possible outcomes within the context of the existing systems available to us. Because the perspectives of our leaders are short-term, and conditions appear relatively normal almost to the moment at which the so-called "chaos effects" manifest and the systems on which we rely fall apart, it is difficult to the point of improbability to mobilize the political power to make changes at an early enough point where the consequences of our actions can be avoided entirely or at least mitigated significantly.53 This situation is made more difficult by the fact that many key figures and institutions are benefiting from the existing arrangements. Even though their actions are ultimately responsible for harm to others, they refuse to surrender what they consider their rightful gains. Not only do they seek to reap their economic and political profits, they undermine others' efforts to avoid the impending harm. Those who warn of collapse and disaster are accused of being doomsayers and Cassandras.

### A2 Perms

#### Their attempts to distinguish their academic from political action endorses retreat – even if the line itself is valid, the way they USE the line is a link – their perm presents an alibi which undercuts praxis, meaning the case has zero solvency

Johnston ‘7 Adrian is from the dept. of philosophy at the university of new mexico. “The cynic’s fetish: slavoj zizek and the dynamics of belief” International journal of zizek studies, online

However, the absence of this type of Lacan-underwritten argument in Žižek’s socio- political thought indicates something important. Following Lacan, Žižek describes instances of the tactic of “lying in the guise of truth” and points to late-capitalist cynicism as a key example of this (here, cynically knowing the truth that “the System” is a vacuous sham produces no real change in behavior, no decision to stop acting “as if” this big Other is something with genuine substantiality).149 Žižek proclaims that, “the starting point of the critique of ideology has to be full acknowledgement of the fact that it is easily possible to lie in the guise of truth.”150 Although the Lacanian blurring of the boundary between theoretical thinking and practical action might very well be completely true, accepting it as true 99 inevitably risks strengthening a convenient alibi—the creation of this alibi has long been a fait accompli for which Lacan alone could hardly be held responsible—for the worst sort of intellectualized avoidance of praxis. Academics can convincingly reassure themselves that their inaccessible, abstract musings, the publications of which are perused only by their tiny self-enclosed circle of “ivory tower” colleagues, aren’t irrelevant obscurities made possible by tacit complicity with a certain socio-economic status quo, but, rather, radical political interventions that promise sweeping changes of the predominating situation. If working on signifiers is the same as working in the streets, then why dirty one’s hands bothering with the latter? Consequently, if Žižek is to avoid allowing for a lapse into this comfortable academic illusion, an illusion for which Lacan could all too easily be perverted into offering rationalizing excuses, he must eventually stipulate a series of “naïve” extra-theoretical/extra- discursive actions (actions that will hopefully become acts after their enactment) as part of a coherent political platform for the embattled Left. His rejection of Marx’s positive prescriptive program as anachronistic is quite justified. But, in the wake of Žižek’s clearing of the ground for something New in politics, there is still much to be done.

# 1NR

**1NR Limits**

**Their conceptualization of the topic makes stasis impossible. A focus on the subjectivity of the resolution, for example, means any PREREQUISITE argument to understanding the government or prisons would be topical: a discussion of bio-politics, capitalism, equality, power, identity, etc.**

**Also, the re-definition of the OBJECT of the resolution means the AFF would only have to suggest a communicative relationship to the judge, like: cultural exchanges, invitational rhetoric, ontology of difference.**

**Limits is the biggest impact – turns and outweighs any of their offense**

**FIRST, It’s a pre-requisite to truth-testing - An AFF outside the resolution should not be presumed to be true just because they spoke first. Debate is a method testing arguments. Without a point of stasis to base the direction of our research it is impossible to adequately test an argumentative hypothesis. Any argument sounds good when neither team is prepared to answer it. The link to limits short-circuits their terminal impacts. They must win a sustainable interpretation of the resolution to access these arguments, even if they are framed as impact turns to fairness**

**SECOND, Straight turns your exclusion arguments – the more unlimited the topic becomes the more the role of the negative gets excluded**

Ryan **Galloway** (Samford Debate Coach, Professor of Communication Studies at Samford) **2007** “DINNER AND CONVERSATION AT THE ARGUMENTATIVE TABLE: RECONCEPTUALIZING DEBATE AS AN ARGUMENTATIVE DIALOGUE” Contemporary Argumentation and Debate, Vol. 28, 2007

A second reason to reject the topic has to do with its exclusivity. Many teams argue that because topicality and other fairness constraints prevent particular speech acts, debaters are denied a meaningful voice in the debate process. Advocates argue that because the negative excludes a particular affirmative performance that they have also precluded the affirmative team. The problem with this line of reasoning is that it views exclusion as a unitary act of definitional power. However, a dialogical perspective allows us to see power flowing both ways. A large range of affirmative cases necessitates fewer negative strategies that are relevant to the range of such cases. If the affirmative can present any case it desires, the benefits of the research, preparation, and in-depth thinking that go into the creation of negative strategies are diminished, if not **eviscerated entirely**. The affirmative case is obliged to invite a negative response. In addition, even when the negative strategy is not entirely excluded, any strategy that diminishes argumentative depth and quality diminishes the quality of in-round dialogue. An affirmative speech act that flagrantly violates debate fairness norms and claims that the benefits of the affirmative act supersede the need for such guidelines has the potential of excluding a meaningful negative response, and undermines the pedagogical benefits of the in-round dialogue. The “germ of a response” (Bakhtin, 1990) is stunted.

**Raises barriers for access to debate – novices would never stick with the activity if they knew that had to be prepared to debate every single philosophical perspective on someone else’s personal experience. Limits minimize resource disparities – which are a huge cause of inequality in debate**

**LBL- fairness is not neutral**

**THIRD, Competitive equity – without it, any form of fairness is impossible - Fairness is not an exclusionary measuring stick for what counts– it is a context specific recognition of your engagement in a relationship with the people who are next to you on the pairings**

Peter **Corning** (a Ph.D. in the social sciences, post-doctoral training in biology and behavior genetics, several years of teaching in Stanford University's interdisciplinary Human Biology Program, director of the Institute for the Study of Complex Systems, former president of the International Society for the Systems Sciences) July **2010** “Against Fairness?” http://www.thefairsociety.net/2010/07/against-fairness.html

The modern concept of fairness, derived from the original Greek idea of “justice”, has been regularly debunked ever since Periclean Athens. You share with the ancient Sophists the argument that everyone defines it differently, therefore fairness/justice is a meaningless term. You should brush up your Plato, who provided a definitive rebuttal in the Republic. Fairness is not, after all, some sort of absolute standard or measuring rod. It refers to an aspect of our relationships with one another. Fairness has to do with taking into account the needs and interests of all parties, or “stakeholders”, and trying to strike a balance, or find a middle ground, among them. It is always context specific. As Plato put it, justice is a matter of “giving every man his due.” A good rule of thumb for judging fairness is to ask how you would feel in the other person’s place. As for the deep conflict between capitalism and socialism over property rights versus economic equality, neither can claim to have absolute priority. We are all approximately equal in relation to our well documented basic needs. These are biological imperatives that must be accommodated, or else. However, “equity”, or rewards for merit (what Aristotle called “proportionate equality”), is also a fundamental aspect of fairness, along with the principle of reciprocity.

**Structural limits causing exclusion in debate are inevitable – speech orders, speech times, limited number of prelims, travel schedules and budget constraints– the question is which limits are the most productive given our methodologies and which ones can we affirm as being less exclusionary on the whole.**

**This means that we don’t need to win that ‘debate collapses’ to win that you shouldn’t endorse these kinds of practice. As long as we win the egregious nature of their model of debate that should be sufficient to vote negative answers the reasonability arguments.**

**Debate is a negotiation of stasis - The resolution provides the least exclusive basis from which to base the question of the ballot. The resolution is the only thing that everyone in the community has equal access to.**

**Limits are key to creativity**

David **Intrator** (President of The Creative Organization) October 21, **2010** “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

**A2: Exclusion**

**Exclusion is a two way street – demanding our arguments link to or respond to their 1AC is the affirmative form of topicality. The topic was at least chosen through a more democratic community process than the affirmative.**

**Also, our use of topicality doesn’t exclude as much as they do – we just say non-topical arguments should not be rewarded with the ballot, while they say that negative performances should be punished with the loss of a ballot and thus excluded. Our other arguments are designed to refute their “role of the ballot” thesis, not reject them directly. Only under their identity politics are PEOPLE subject to rejection.**

**Topical version of the affirmative – they can say whatever they want, tell stories to justify a topical plan, tell stories that are irrelevant – but only the parts of their performance affirming the resolution should be commended with the win, since that win would also be a loss for the negative.**

**1NR Topical Version**

**Our interpretation is a floor not a ceiling – does not dictate what methods you can incorporate into your advocacy – it only dictates the question to which they should be directed towards. Several affirmatives should minimize their link arguments to exclusion to make our Limits DA outweigh**

**Topical detention affs under war powers are limited to enemy combatants in conjunction with the war on terror**

**The Committee on Federal Courts 4** [2004, The Committee on Federal Courts, “THE INDEFINITE DETENTION OF "ENEMY COMBATANTS": BALANCING DUE PROCESS AND NATIONAL SECURITY IN THE CONTEXT OF THE WAR ON TERROR \*”, 59 The Record 41, The Record of The Association of The Bar of the City of New York]

The President, assertedly acting under his "war power" in prosecuting the "war on terror," has claimed the authority to detain indefinitely, and without access to counsel, persons he designates as "enemy combatants," an as yet undefined term that embraces selected suspected terrorists or their accomplices.

Two cases, each addressing a habeas corpus petition brought by an American citizen, have reviewed the constitutionality of detaining "enemy combatants" pursuant to the President's determination:

- Hamdi v. Rumsfeld, 316 F.3d 450 (4th Cir. 2003), cert. granted, 124 S. Ct. 981 (Jan. 9, 2004) (No. 03-6696), concerns a citizen seized with Taliban military forces in a zone of armed combat in Afghanistan;

- Padilla ex. rel. Newman v. Bush, 233 F. Supp. 2d 564 (S.D.N.Y. 2002), rev'd sub nom., Padilla ex. rel. Newman v. Rumsfeld, 352 F.3d 695 (2d Cir. 2003), cert. granted, 124 S. Ct. 1353 (Feb. 20, [\*42] 2004) (No. 03-1027), concerns a citizen seized in Chicago, and suspected of planning a terrorist attack in league with al Qaeda.

Padilla and Hamdi have been held by the Department of Defense, without any access to legal counsel, for well over a year. No criminal charges have been filed against either one. Rather, the government asserts its right to detain them without charges to incapacitate them and to facilitate their interrogation. Specifically, the President claims the authority, in the exercise of his war power as "Commander in Chief" under the Constitution (Art. II, § 2), to detain persons he classifies as "enemy combatants":

- indefinitely, for the duration of the "war on terror";

- without any charges being filed, and thus not triggering any rights attaching to criminal prosecutions;

- incommunicado from the outside world;

- specifically, with no right of access to an attorney;

- with only limited access to the federal courts on habeas corpus, and with no right to rebut the government's showing that the detainee is an enemy combatant.

**\* Perform narratives of marginalized voices in prisons like Guantanamo Bay etc.**

**\* Add the defense of increasing restrictions to WPA to their 1AC.**

**\* Perform a CALL for action toward war powers, to illuminate the contradictions of ALL status quo systems of prisons.**

**Topicality does not destroy debate’s potential as a democratic classroom – some boundaries for discussion have to be bracketed off**

Marjorie **Chatterjee** (Graduate Student Michigan State University Online Masters of Arts in Education) August **2003** “Democratic Classrooms: A Base for Preventing Classroom Behavior Problems” https://www.msu.edu/user/chatter8/gradworkpdfs/CEP%20841%20Course%20Project1.pdf

Democratic communities also recognize the needs of students to work in a variety of groups. Teachers regularly mix students up into pairs, small groups, large groups, and allow work as an individual. Students’ current needs are taken into consideration, allowing a variety of groupings to occur at once. Democratic classrooms promote shared power and self-control through a democratic approach to rules. Together teachers and students specify, clarify, practice, and monitor the rules. Students are more invested in their class rules because they have ownerships of them and see them as relevant to the learning environment. (Savage, pgs. 34-37). Rules are established during the first few days of school, because time is needed for this unique group of individuals to learn to interact with one another. For young children, who take everything literally, keeping rules in simple language is important. (Anderson, pg. 19). Rules must also have logical consequences that apply to the teacher and the students. For example, if a student is late and misses the beginning of the lesson, the logical consequence is that the student must spend any free time they have catching up. Another logical consequence may be that if the teacher is late returning test papers, the students receive points added to their grades. “The application of logical consequences to everyone in the classroom, including the teacher, also has the effect of creating a more positive and democratic climate in which all individuals are free to learn from their mistakes.” (Savage, pg. 167).