## 1NC

### 1

#### A. The resolution indicates affs should advocate topical government change

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

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

#### Statutes require congress

Hill 13 – Gerald Hill, Juris Doctor from Hastings College of the Law of the University of California, Executive Director of the California Governor’s Housing Commission, AB from Stanford University and Kathleen Hill, M.A. in Political Psychology from California State University, Sonoma, Fellow in Public Affairs at the Coro Foundation (The People’s Law Dictionary, http://dictionary.law.com/Default.aspx?selected=2010)

statute n. a Federal or state written law enacted by the Congress or state legislature, respectively. Local statutes or laws are usually called "ordinances." Regulations, rulings, opinions, executive orders and proclamations are not statutes.

#### Judicial requires the court

Webster’s 1 – Merriam-Webster’s Dictionary of Law, "Judicial", http://research.lawyers.com/glossary/judicial.html

Judicial: Definition - adj¶ [Latin judicialis, from judicium judgment, from judic- judex judge, from jus right, law + dicere to determine, say]¶ 1 a : of or relating to a judgment, the function of judging, the administration of justice, or the judiciary ¶ b : of, relating to, or being the branch of government that is charged with trying all cases that involve the government and with the administration of justice within its jurisdiction ¶ compare administrative executive legislative ¶ 2 : created, ordered, or enforced by a court <a ~ foreclosure>

#### B. They don’t - Three reasons our interpretation is best

#### First is limits. Allowing affs that are only tangentially related to the topic allows an unlimited number of affs (prisons, immigration, etc) where the aff would always have the literature advantage. Even if they win that those affs are debatable, the aff would always have the literature and expertise advantage against impact turns to their aff. They also force the negative to engage in limitless research to prepare for every conceivable approach to the topic, making debate A) inaccessible to people that have to work for a living and B) even more biased toward schools with large coaching staffs.

#### Specific, limited resolutions ensure mutual ground which is key to sustainable controversy without sacrificing creativity or openness

Steinberg & Freeley 2008

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

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

#### Decisionmaking skills gained from debate are key to problem solving in all facets of life—outweighs the case

Steinberg & Freeley 2008

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If we assume it to be possible without recourse to violence to reach agreement on all the problems implied in the employment of the idea of justice we are granting the possibility of formulating an ideal of ~~man~~ and society, valid for all beings endowed with reason and accepted by what we have called elsewhere the universal audience.14 I think that the only discursive methods available to us stem from techniques that are not demonstrative—that is, conclusive and rational in the narrow sense of the term—but from argumentative techniques which are not conclusive but which may tend to demonstrate the reasonable character of the conceptions put forward. It is this recourse to the rational and reasonable for the realization of the ideal of universal communion that characterizes the age-long endeavor of all philosophies in their aspiration for a city of ~~man~~ in which violence may progressively give way to wisdom.13 Whenever an individual controls the dimensions of" a problem, he or she can solve the problem through a personal decision. For example, if the problem is whether to go to the basketball game tonight, if tickets are not too expensive and if transportation is available, the decision can be made individually. But if a friend's car is needed to get to the game, then that person's decision to furnish the transportation must be obtained. Complex problems, too, are subject to individual decision making. American business offers many examples of small companies that grew into major corporations while still under the individual control of the founder. Some computer companies that began in the 1970s as one-person operations burgeoned into multimillion-dollar corporations with the original inventor still making all the major decisions. And some of the multibillion-dollar leveraged buyouts of the 1980s were put together by daring—some would say greedy—financiers who made the day-to-day and even hour-to-hour decisions individually. When President George H. W. Bush launched Operation Desert Storm, when President Bill Clinton sent troops into Somalia and Haiti and authorized Operation Desert Fox, and when President George W. Bush authorized Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, they each used different methods of decision making, but in each case the ultimate decision was an individual one. In fact, many government decisions can be made only by the president. As Walter Lippmann pointed out, debate is the only satisfactory way the exact issues can be decided: A president, whoever he is, has to find a way of understanding the novel and changing issues which he must, under the Constitution, decide. Broadly speaking ... the president has two ways of making up his mind. The one is to turn to his subordinates—to his chiefs of staff and his cabinet officers and undersecretaries and the like—and to direct them to argue out the issues and to bring him an agreed decision… The other way is to sit like a judge at a hearing where the issues to be decided are debated. After he has heard the debate, after he has examined the evidence, after he has heard the debaters cross-examine one another, after he has questioned them himself he makes his decision… It is a much harder method in that it subjects the president to the stress of feeling the full impact of conflicting views, and then to the strain of making his decision, fully aware of how momentous it Is. But there is no other satisfactory way by which momentous and complex issues can be decided.16 John F. Kennedy used Cabinet sessions and National Security Council meetings to provide debate to illuminate diverse points of view, expose errors, and challenge assumptions before he reached decisions.17 As he gained experience in office, he placed greater emphasis on debate. One historian points out: "One reason for the difference between the Bay of Pigs and the missile crisis was that [the Bay of Pig\*] fiasco instructed Kennedy in the importance of uninhibited debate in advance of major decision."18 All presidents, to varying degrees, encourage debate among their advisors. We may never be called on to render the final decision on great issues of national policy, but we are constantly concerned with decisions important to ourselves for which debate can be applied in similar ways. That is, this debate may take place in our minds as we weigh the pros and cons of the problem, or we may arrange for others to debate the problem for us. Because we all are increasingly involved in the decisions of the campus, community, and society in general, it is in our intelligent self-interest to reach these decisions through reasoned debate.

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

Galloway 2007

(Ryan, professor of communications at Samford University, “Dinner And Conversation At The Argumentative Table: Reconceptualizing Debate As An Argumentative Dialogue”, Contemporary Argumentation and Debate, Vol. 28 2007, ebsco)

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

### 2

#### The focus on the particular without challenging the predominant ideological coordinates is the epitome of interpassivity, perpetually acting within the existing order to create the illusion of progress while preventing any true change.

Slavoj Zizek**,** [prof at U. Ljubljana, “Repeating Lenin”, 1997, [www.lacan.com/replenin](http://www.lacan.com/replenin)

What are we to say to this? Again, the problem resides in the implicit qualifications which can be easily discerned by the "concrete analysis of the concrete situation," as Lenin himself would have put it. "Fidelity to the democratic consensus" means the acceptance of the present liberal-parliamentary consensus, which precludes any serious questioning of how this liberal-democratic order is complicit in the phenomena it officially condemns, and, of course, any serious attempt to imagine a society whose socio-political order would be different. In short, it means: say and write whatever you want - on condition that what you do does not effectively question or disturb the predominant political consensus. So everything is allowed, solicited even, as a critical topic: the prospects of a global ecological catastrophe, violations of human rights, sexism, homophobia, antifeminism, the growing violence not only in the far-away countries, but also in our megalopolises, the gap between the First and the Third World, between the rich and the poor, the shattering impact of the digitalization of our daily lives... there is nothing easier today than to get international, state or corporate funds for a multidisciplinary research into how to fight the new forms of ethnic, religious or sexist violence. The problem is that all this occurs against the background of a fundamental Denkverbot, the prohibition to think. Today's liberal-democratic hegemony is sustained by a kind of unwritten Denkverbot similar to the infamous Berufsverbot in Germany of the late 60s - the moment one shows a minimal sign of engaging in political projects that aim to seriously challenge the existing order, the answer is immediately: "Benevolent as it is, this will necessarily end in a new Gulag!" The ideological function of the constant reference to the holocaust, gulag and the more recent Third World catastrophes is thus to serve as the support of this Denkverbot by constantly reminding us how things may have been much worse: "Just look around and see for yourself what will happen if we follow your radical notions!" And it is exactly the same thing that the demand for "scientific objectivity" means: the moment one seriously questions the existing liberal consensus, one is accused of abandoning scientific objectivity for the outdated ideological positions. This is the point on which one cannot and should not concede: today, the actual freedom of thought means the freedom to question the predominant liberal-democratic "post-ideological" consensus - or it means nothing. <**He Continues. . .>** One is therefore tempted to turn around Marx's thesis 11: the first task today is precisely NOT to succumb to the temptation to act, to directly intervene and change things (which then inevitably ends in a cul de sac of debilitating impossibility: "what can one do against the global capital?"), but to question the hegemonic ideological coordinates. If, today, one follows a direct call to act, this act will not be performed in an empty space - it will be an act WITHIN the hegemonic ideological coordinates: those who "really want to do something to help people" get involved in (undoubtedly honorable) exploits like Medecins sans frontiere, Greenpeace, feminist and anti-racist campaigns, which are all not only tolerated, but even supported by the media, even if they seemingly enter the economic territory (say, denouncing and boycotting companies which do not respect ecological conditions or which use child labor) - they are tolerated and supported as long as they do not get too close to a certain limit. This kind of activity provides the perfect example of interpassivity: of doing things not to achieve something, but to PREVENT from something really happening, really changing. All the frenetic humanitarian, politically correct, etc., activity fits the formula of "Let's go on changing something all the time so that, globally, things will remain the same!”

#### This debate is about competing methodologies. The question at the end of the debate is whose ethical orientation best catalyzes political organization against Capital. Vote negative to affirm the Communist Hypothesis as a prerequisite to political or personal calculations, which ensure that discussions in debate continue to operate from within a broader framework of capitalistic competition

Badiou 2009 (Alain, Prof. @ European Graduate … ,*The Meaning of Sarkozy*, pgs. 97-103 bb)

I would like to situate the Sarkozy episode, which is not an impressive page in French history, in a broader horizon. Let us picture a kind of Hegelian fresco of recent world history - by which I do not, like our journalists, mean the triad Mitterrand-Chirac-Sarkozy, but rather the development of the politics of working-class and popular emancipation over nearly two centuries.¶Since the French Revolution and its gradually universal echo, since the most radically egalitarian developments of that revolution, the decrees of Robespierre's Committee of Public Safety on the 'maximum' and Babeuf's theoriza­ tions, we know (when I say 'we', I mean humanity in the abstract, and the knowledge in question is universally available on the paths of emancipation) that communum u the right hypothuu. Indeed, there is no other, or at least I am not aware of one. All those who abandon this hypothesis immediately resign themselves to the market economy, to parliamentary democracy - the form of state suited to capitalism - and to the inevitable and 'natural' character of the most monstrous inequalities.¶What do we mean by 'communism'? As Marx argued in the 1844ManUJcriptJ, communism is an idea regarding the destiny of the human species. This use of the word must be completely distinguished from the meaning of the adjective 'communist' that is so worn-out today, in such expressions as 'communist parties', 'communist states' or 'communist world' - never mind that 'communist state' is an oxymoron, to which the obscure coinage 'socialist state' has wisely been preferred. Even if, as we shall see, these uses of the word belong to a time when the hypothesis was still coming-to-be.¶In its generic sense, 'communist' means first of all, in a negative sense - as we can read in its canonical text The CommunutManijeJto - that the logic of classes, ofthefunda­ mental subordination of people who actually work for a dominant class, can be overcome. This arrangement, which has been that of history ever since antiquity, is not ipevitable. Consequently, the oligarchic power of those who possess wealth and organize its circulation, crystallized in the might of states, is not inescapable. The communist hypothesis is that a different collective organization is practicable, one that will eliminate the inequality ofwealth and even the division of labour: every individual will be a 'multi-purpose worker', and in particular people will circulate between manual and intellectual work, as well as between town and country. The private appropriation of monstrous fortunes and their transmission by inheritance will disappear. The existence of a coercive state separate from civil society, with its military and police, will no longer seem a self-evident necessity. There will be, Marx tells us - and he saw this point as his major contribution - after a brief sequence of 'proletarian dictatorship' charged with destroying the remains of the old world, a long sequence of reorganization on the basis of a 'free association' of producers and creators, which will make possible a 'with­ ering away' of the state.¶'Communism' as such only denotes this very general set of intellectual representations. This set is the horizon of any initiative, however local and limited in time it may be, that breaks with the order of established opinions - the necessity of inequalities and the state instrument for protect­ ing these - and composes a fragment of a politics of emancipation. In other words, communism is what Kant called an 'Idea', with a regulatory function, rather than a programme. It is absurd to characterize communist principles in the sense I have defined them here as utopian, as is so often done. They are intellectual patterns, always actualized in a different fashion, that serve to produce lines of demarcation between different forms of politics. By and large, a particular political sequence is either compatible with these principles or opposed to them, in which case it is reactionary. 'Communism', in this sense, is a heuristic hypothesis that is very frequently used in political argument,¶even if the word itself does not appear. If it is still true, as Sartre said, that 'every anti-communist is a swine', it is because any political sequence that, in its principles or lack of them, stands in formal contradiction with the communist hypothesis in its generic sense, has to be judged as opposed¶ to the emancipation of the whole of humanity, and thus to the properly human destiny of humanity. Whoever does not illuminate the coming-to-be of humanity with the communist hypothesis - whatever words they use, as such words matter little - reduces humanity, as far as its collective becoming is concerned, to animality. As we know, the contemporary - that is, the capitalist name of this animality - is 'competition'. The war dictated by self-interest, and nothing more.¶As a pure Idea of equality, the communist hypothesis has no doubt existed in a practical state since the beginnings of the existence of the state. As soon as mass action opposes state coercion in the name of egalitarian justice, we have the appearance of rudiments or fragments of the communist hypothesis. This is why, in a pamphlet titled De l'uJeologie, which I wrote in collaboration with the late lamented Fran<;oisBalmes and was published in 1976, we proposed to identifY 'communist invariants'.2 Popular revolts, such as that of the slaves led by Spartacus, or that of the German peasants led by Thomas Munzer, are examples of this practical existence of communist invariants.¶ However, in the explicit form that it was given by certain thinkers and activists of the French Revolution, the commu­ nist hypothesis inaugurates political modernity. It was this that laid low the mental structures of the ancien regime, yet without being tied to those 'democratic' political forms that the bourgeoisie would make the instrument for its own pursuit of power. This point is essential: from the beginning, the communist hypothesis in no way coincided with the 'democratic' hypothesis that would lead to present-day parliamentarism. It subsumes a different history and different events. What seems important and creative when illuminated by the communist hypothesis is different in kind from what bourgeois-democratic historiography selects. That is indeed why Marx, giving materialist foundations to the first effective great sequence of the modern politics of emancipation, both took over the word 'communism' and distanced himself from any kind of democratic 'politicism' by maintaining, after the lesson of the Paris Commune, that the bourgeois state, no matter how democratic, must be destroyed.¶Well, I leave it to you to judge what is important or not, to judge the points whose consequences you choose to assume against the horizon of the communist hypothesis. Once again, it is the right hypothesis, and we can appeal to its principles, whatever the declensions or variations that these undergo in different contexts.¶Sartre said in an interview, which I paraphrase: If the communist hypothesis is not right, if it is not practicable, well, that means that humanity is not a thing in itself, not very different from ants or termites. What did he mean by that? If competition, the 'free market', the sum of little pleasures, and the walls that protect you from the desire of the weak, are the alpha and omega of all collective and private existence, then the human animal is not worth a cent.¶And it is this worthlessness to which Bush with his aggressive conservatism and crusader spirit, Blair the Pious with his militarist rhetoric, and Sarkozy with his 'work, family, country' discipline, want to reduce the existence of the immense majority of living individuals. And the 'Left' is still worse, simply juxtaposing to this vacant violence a vague spirit of charity. To morbid competItIOn, the pasteboard¶ victories of daddy's boys and girls, the ridiculous supermen¶ of unleashed finance, the coked-up heroes of the planetary¶ stock exchange, this Left can only oppose the same actors¶ with a bit of social politeness, a little walnut oil in the wheels,¶crumbs of holy wafer for the disinherited - in other words,¶ borrowing from Nietzsche, the bloodless figure of the 'last man,.¶ To put an end once and for all to May '68 means agreeing that our only choice is between the hereditary nihilism of finance and social piety. It not only means accepting that communism collapsed in the Soviet Union, not only acknowledging that the PartiCommuniste Fran<;ais has been wretchedly defeated, but also and above all it means abandoning the hypothesis that May '68 was a militant invention precisely aware ofthe failure ofstate 'communism'. And thus that May '68, and still more so the five years that followed, inaugurated a new sequence for the genuine communist hypothesis, one that always keeps its distance from the state. Certainly, no one could say where all this might lead, but we knew in any case that what was at stake was the rebirth of this hypothesis.¶If the thing that Sarkozy is the name of succeeds in imposing the necessity of abandoning any idea of a rebirth of this kind, if human society is a collection of individuals pursuing their self-interest, if this is the eternal reality, then it is certain that the philosopher can and must abandon the human animal to its sad destiny.¶ But we shall not let a triumphant Sarkozy dictate the meaning of our existence, or the tasks of philosophy. For what we are witnessing in no way imposes such a renunciation of the communist hypothesis, but simply a consideration of the moment at which we find ourselves in the history of this hypothesis.

#### This round is key – every act of discussion must be understood as a point of metaphoric condensation for Communism. Voting negative means the assuming with full ethical force that the battle is already won.

**BADIOU2010** [ALAIN, The Communist Hypothesis Translated by David Macey and Steve Corcoran 2010 p 252-257

Let's recapitulate as simply as possible. A truth is the political real. History, even as a reservoir of proper names, is a symbolic place. The ideological operation of the Idea of communism is the imaginary projection of the political real into the symbolic fiction of History, including in its guise as a representation of the action of innumerable masses via the One of a proper name. The role of this Idea is to support the individual's incorporation into the discipline of a truth procedure, to authorize the individual, in his or her own eyes, to go beyond the Statist constraints of mere survival by becoming a part of the body-of-truth, or the subjectivizable body. We will now ask: why is it necessary to resort to this ambiguous operation? Why do the event and its consequences also have to be exposed in the guise of a fact - often a violent one that IS accompanied by different versions of the 'cult of personality'? What is the reason for this historical appropriation of emancipatory politics? The simplest reason is that ordinary history, the history of individual lives, is confined within the State. The history of a life, with neither decision nor choice, is in itself a part of the history of the State, whose conventional mediations are the family, work, the homeland, property, religion, customs and so forth. The heroic, but individual, projection of an exception to all the above - as is a truth procedure - also aims at being shared with everyone else; it aims to show itself to be not only an exception but also a possibility that everyone can share from now on. And that is one of the Idea's functions: to project the exception into the ordinary life of individuals, to fill what merely exists with a certain mea'mre of the extraordinary. To convince my own immediate circle - husband or wife, neighbours and friends, colleagues - that the fantastic exception of truths in the making also exists, that we are not doomed to lives programmed by the constraints of the State. Naturally, in the final analysis, only the raw, or militant, experience of the truth procedure will compel one person or another's entry into the bodyoftruth. But to take him or her to the place where this experience is to be found - to make him or her a spectator of, and therefore partly a participant in, what is important for a truth the mediation of the Idea, the sharing of the Idea, are almost always required. The Idea of communism (regardless of what name it might otherwise be given, which hardly matters: no Idea is definable by its name) is what enables a truth procedure to be spoken in the impure language of the State and thereby for the lines of force by virtue of which the State prescribes what is possible and what i s impossible to be shifted for a time. In this view of things, the most ordinary action is to take someone to a real political meeting, far from their home, far from their predetermined existential parameters, in a hostel of workers from Mali, for example, or at the gates of a factory. Once they have come to the place where politics is occurring, they will make a decision about whether to incorporate or withdraw.But in order for them to come to that place, the Idea and for two centuries, or perhaps since Plato, it has been the Idea of communism - must have already shifted them in the order of representations, of History and of the State. The symbol must imaginarily come to the aid of the creative flight from the real. Allegorical facts must ideologize and historicize the fragility of truth. A banal yet crucial discussion with four workers and a student in an ill-lit room must momentarily be enlarged to the dimensions of Communism and thus be both what it is and what it will have been as a moment in the local construction of the True. Through the enlargement of the symbol, it must become visible that 'just ideas' come from this practically invisible practice.The fiveperson meeting in an out-of-the-way suburb must be eternal in the very expression of its precariousness. That is why the real must be exposed in a fictional structure.

#### We must have the courage to reinvent and remain faith to the idea of communism. The world of the status quo is not necessary and should be abolished. This radical starting point is good enough to create possibilities for new politics

**BADIOU, 2010** [ALAIN, The Communist Hypothesis Translated by David Macey and Steve Corcoran 2010 p 62-67

Having closed that parenthesis, we can say that we are still struggling with the difficult questions raised by May '68. We are the contemporaries of '68 from the point of view of politics, the definition of politics, and the organized future of politics. I therefore use the word 'contemporary' in the strongest possible sense. Of course, the world has changed, and of course categories have changed. The categories 'student th" k ' d " h' you , workers an peasants now mean sometlng different, and the union and party organizations of those days are now in ruins. But we have the same problem, and are the contemporaries of the problem revealed by May '68: the classical figure of the politics of emancipation was ineffective. Those of us who were politically active in the 1 960s and 1970s did not need the collapse of the USSR to teach us that. Countless new things have been experimented with, tried out and tested both in theory and in the practices that are dialectically bound up with it. And it still goes on thanks to the energy of a handful of activists, intellectuals and workers - and no distinction is made between them - who appear to be working in isolation. They are the guardians of the future and they are inventing the future. But it cannot be said that the problem has been resolved: what new forms of political organization are needed to handle political antagonisms? As in science, until such time as the problem has not been resolved, you have all sorts of discoveries stimulated by the search for a solution. Sometimes, and for the same reason, whole new theories see the light of day, but the problem itself is still there. We can define our contemporaneity with May '68 in similar terms. It is another way of talking about our fidelity to May '68. The decisive issue is the need to cling to the historical hypothesis of a world that has been freed from the law of profit and private interest - even while we are, at the level of intellectual representations, still prisoners of the conviction that we cannot do away with it, that this is the way of the world, and that no politics of emancipation is possible. That is what I propose to call the communist hypothesis. It is in fact mainly negative, as it is safer and more important to say that the existing world is not necessary than it is to say, when we have nothing to go on, that a different world is possible. This is a question of modal logic: how, in political terms, can we move from non-necessity to possibility?Because quite simply, if we accept the inevitability of the unbridled capitalist economy and the parliamentary politics that supports it, then we quite simply cannot see the other possibilities that are inherent in the situation in which we find ourselves. Second, we have to try to retain the words of our language, even though we no longer dare to say them out loud. In '68, these were the words that were used by everyone. Now they tell us: 'The world has changed, so you can no longer use those words, and you know that it WIL'S the language of illusions and terror.' 'Oh yes, we can! And we must!' The problem is still there, and that means that we must be able to pronounce those words. It is up to us to criticise them, and to give them a new meaning. We must be able to go on saying 'people', 'workers', 'abolition of private property', and so on, without being considered has-beens, and without considering ourselves as has-beens. We have to discuss these words in our own field, in our own camp. We have to put an end to the linguistic terrorism that delivers us into the hands of our enemies. Giving up on the language issue, and accepting the terror that subjectively forbids us to pronounce words that offend dominant sensibilities, is an intolerable form of oppression. And finally, we have to realize that all politics is organized, and that the most difficult question is probably that of what type of organization we need. We can resolve it through the multifaceted experiments that begin in '68. For the classic party dispositif, and its social supports, the most important 'battles' were in fact electoral battles, and that is a doctrine that has given all it can give. It is worn out and no longer works, despite the great things it was able to achieve or promote between 1900 and 1960. We have to discuss our fidelity to May '68 on two levels. At the ideological and historical level, we should draw up our own balance sheet for the twentieth century, so that we can reformulate the emancipation hypothesis in contemporary terms, now that the socialist states have failed. And we also know that new local experiments and political battles are going on, and that they will provide the backdrop that will create these new forms of organization. This combination of complex ideological and historical work, and theoretical and practical data about new forms of political organization, is the defining feature of our times. I would readily describe this as the era of the reformulation of the communist hypothesis. Then what is the virtue that means most to us? You know that the revolutionaries of 1 792-94 used the word 'virtue'. Saint-Just asked the crucial question: 'What do those who want neither virtue nor terror want?' His answer was that they wanted corruption. And that indeed is what today's world asks of us: to accept the wholesale corruption of minds under the yoke of commodities and money. The main political virtue we need to fight that now is courage. Not only courage when we face the police - though we will certainly find that - but the courage to defend and practice our ideas and principles, to say what we think, what we want, and what we are doing.To put it in a nutshell: we have to be bold enough to have an idea. A great idea. We have to convince ourselves that there is nothing ridiculous or criminal about having a great idea. The world of global and arrogant capitalism in which we live is taking us back to the 1840s and the birth of capitalism. Its imperative, as formulated by Guizot, was: 'Get rich!' We can translate that as 'Live without an idea!' We have to say that we cannot live without an idea. We have to say: 'Have the courage to support the idea, and it can only be the communist idea in its generic sense.' That is why we must remain the contemporaries of May '68. In its own way, it tells us that living without an idea is intolerable. And then a long and terrible resignation set in. Too many people now think that there is no alternative to living for oneself, for one's own interests. Let us have the courage to cut ourselves off from such people. I am a philosopher, so let me tell you something that has been said again and again since Plato's day. It is very simple. I am telling you as a philosopher that we have to live with an idea, and that what deserves to be called a real politics begins with that conviction.

#### Our ethico-political obligation is to assume responsibility for our actions. Capitalism render’s its victims anonymous and ensures that the aff’s personal focus never come to terms with the billions of degraded life choices globally

Slavoj Zizek and Glyn Daly, Senior Lecturer in Politics in the Faculty of Arts and Social Sciences at University College, Northampton, 2004, Conversations With Zizek, p. 14-16

For Zizek it is imperative that we cut through this Gord­ian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization/anonymization of the millions who are subju­gated by it throughout the world. Against the standardized positions of postmodern culture — with all its pieties con­cerning ‘multiculturalist’ etiquette — Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it breaks with these types of positions and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedevilled by an almost fetishistic economism that has tended towards political mor­bidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffe, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of im­plicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibi­tion conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight thatin order to create a uni­versal global system the forces of capitalism seek to conceal the politico-discursive violence

of its constructionthrough a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is thatthe gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s population. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its out­comes of winning and losing as if they were simply a matter of chance and sound judgement in a neutral marketplace. Capitalism does indeed create a space for a certain diver­sity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and name­less (viz, the patronizing reference to the ‘developing world’. And Zizek’s point is that this mystification is mag­nified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differ­ential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sus­tained by postmodern forms of consumerism and lifestyle. Against thisZizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-par­ticular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or to reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.

### 3

#### In this round, we should welcome veterans.

#### The focus on the ways in which militarism affects soldiers and veterans ignores the ways in which civilian populations are traumatized as a result of those same wars

Samia Kohli ¶ Research Scholar, Department of Strategic and Regional ¶ Studies University of Jammu, ¶ Jammu and Kashmir, India Shaheen Showkat ¶ Assistant professor, Department of Strategic Studies University ¶ Of Jammu, ¶ Jammu and Kashmir, India “Impact of War on Mental Health of Civilians: An Overview”, May 2013,

Since the dawn of civilization on planet called earth, war remains one of the most critical issues in human interactions. War has various causes and consequences that vary from age to age but when it comes to the consequences of human health life stands at the front line of victimization. Most of the scholarly works have been debated and documented on physical, social, economic and cultural dimensions of war. However, the psychological dimension has been partly ignored in recent studies. Therefore this paper is about the psychological dimension that is how war has its impact on mental health of civilians/non-combatants in various regions of war torn states. Most people are aware of the fact that soldiers can suffer from significant psychological problems as a result of war, including Post-Traumatic Stress Disorder. However, wars can also traumatize civilian populations, especially those who flee the war zone and become refugees. Civilians can also face the additional difficulty of coping with combat stress without the advantage of military training. In this context this paper will briefly analyze the victimizations of mental health of civilians in various at national and international level.

#### There will be no voice of the perspective of the person about to be killed **– this reifies the privileged discussions the 1AC criticizes**

Mir and Alwazir 2013 [Noor Mir and Rooj Alwazir / April 25th, 2013, Noor is the Pakistani-American anti-drone campaign coordinator at CODEPINK. Rooj is a Yemeni-American activist and organizer with SupportYemen, Drone Wars: How White Privilege Obscures Real Dialogue, http://dissidentvoice.org/2013/04/drone-wars-how-white-privilege-obscures-real-dialogue/

¶ Lindsey Graham’s was not the only one whose self-righteous “understanding” of the political and cultural landscapes of places like Pakistan and Yemen barred him from actually exploring the human cost of war. The majority of the hearing focused on analyzing the flaws of the current administration’s reliance on an overbearing executive authority and reforming the AUMF. We waited with bated breath for it to go beyond what we had hoped was only a self-obsessed, stagnant battle of the egos, but it did not. Questions prized legal, constitutional and operational aspects over ones actually pertaining to stories that Farea could have told, their commentaries punctuated with “We thank you for coming such a long way,” or “We thank you for that chilling perspective.” Nobody apologized for bombing his village, Wessab. They ascribed so profoundly and unwaveringly to forceful measures of “counterterrorism” as a given strategy with no room for questioning that they, in turn, tried to reject the validity of his personal experiences.¶ There are both benefits, and costs to having witnessed a panel of white male privilege embodied, questioning a similarly colored panel, except with one brown face. The outlier, the subject of fascination, the other, upon whom were projected a series of embarrassingly condescending generalizations about the “untrustworthiness” of the Yemeni government and questions about whether “Yemenis supported AQAP before the drone strikes,” to which he answered no (because surprisingly, people of color do not welcome terrorism of any variety). Farea spoke beautifully and passionately when he was afforded the chance about the dangers of drones in creating more enemies than friends, but was not allowed to analyze or explain his statement any further, curtailed by a reliance on legal jargon and reining in executive authority. We are thankful for him being there, but we are distressed that the Subcommittee’s treatment of his presence was just that– a cold, removed, and uninvolved treatment markedly different from their involved and lengthy conversations with the remaining witnesses. Why invite a Yemeni to speak about the human costs of drone wars and then cast a shadow of doubt and ignorance over his experiences by adopting a presumptuous tone?¶ The benefits are that Farea’s testimony was the only segment of the hearing that was any different from what we have heard before and what the public wants to hear more of. We appreciate that he prompted moral discussion and colored the panel of academics and military experts with his very human experiences of drone-related tragedies. We are grateful that he occupies a very special place as a person who looks at the United States as a second home and as a place of generosity and kindness; this sentiment occupied the center of his testimony and thus positively problematized the complexities of his relationship with drone wars in Yemen.¶ We must focus on these personal stories, destroyed and mangled bodies, identified by mothers as their son’s via a video on a cell phone. We must focus on his love and respect for this country and his simultaneous dismay at its terror. We must cherish his challenge of the usual power dynamics. We must invite a Farea to every hearing on drone strikes and allow for the voice of a person of color to be empowered and to resound with its own volition, devoid of the presumptions and blanket abstractions of our elected officials. We must disempower them of their given privilege and attend to the power of his words as they are importantly different from the rest. We must not presume that his country is lesser than ours, or more conflicted than ours, or in need of the sort of dialogue that is prefaced on “What I feel is good for you, must be good for you.”¶ As we left the hearing room, a young male journalist came up to us and said, “Are you with CODEPINK? Do you know that what you do is counterproductive? Your chortling and whispering during the hearing impairs my ability to listen.” This is for him: We are Yemeni, we are Pakistani, we are Americans. We are activists and we are dissenting– be it with an article, or a louder than usual whisper, a die-in in front of a drone manufacturer’s, a sit-in, a voluntary arrest, or charging towards an elected representative.¶ We stand with justice. We are here to stay.

## 2NC

### CP

#### The 2AC misses the point of our argument

Samia Kohli ¶ Research Scholar, Department of Strategic and Regional ¶ Studies University of Jammu, ¶ Jammu and Kashmir, India Shaheen Showkat ¶ Assistant professor, Department of Strategic Studies University ¶ Of Jammu, ¶ Jammu and Kashmir, India

“Impact of War on Mental Health of Civilians: An Overview”, May 2013,

This paper reviews a description of how the civilian population responds to war situation. ¶ The occurrence of a wide variety of psychological symptoms and syndromes in the ¶ population of in conflict situations is widely documented by available research. Political ¶ violence, war and other forms of manmade disasters are particularly prevalent in parts of the ¶ third world. We found that the war trauma caused PTSD as well as a wide range of general ¶ psychological symptoms. Probability of occurrence of PTSD and its intensity were higher ¶ with the greater number of the traumatic experiences. Psychological traumas, a very intense ¶ one, makes a person more prone to reaction and development of general psychological ¶ symptoms and more sensitive to post war stressors, where as occurrence of phobic, psychotic ¶ and depressive symptoms depends more strongly on psychotraumatization than on every day ¶ stressors. When psychological trauma is less intense, stressful events play an important role ¶ in the occurrence of general psychological symptoms. Thus the need of the hour is to provide ¶ mental health care as a part of the total relief, rehabilitation and reconstruction process to the ¶ civilian population in war and conflict situations

### You Exclude Us

#### 1. No impact—there’s no reason any particular person or assertion should be guaranteed a win or even allowed to debate.

#### 2. Simulation solves bad forms of exclusion—ideal for people with limited topic knowledge.

Schaap 2005

(Andrew, University of Melbourne, Politics, Vol 25 Iss 1, February)

#2 Concern and respect for students and student learning: Using the role play encouraged students to express ideas in terms of the concepts associated with the particular ideology they were asked to engage with. A particular advantage of the role play was that it enabled students to learn from each other; students with different levels of competence in political theory benefited from the questions and explanations that they gave to each other. Moreover, the teacher naturally assumes a generous disposition in this situation as students ask for advice, help, clarification, etc. throughout the session. # 3 Appropriate assessment and feedback: The role play provided immediate opportunities to provide students with feedback on their ideas. Like Levy, I tended not to correct misinformation. However, I did reward students by pointing out when a particularly good point was being made. I also recorded the meeting so that students could listen to the discussion later and I posted the various draft declarations of human rights on the subject website. # 4 Clear goals and intellectual challenge: When devising the role play I was forced to articulate the learning outcomes I hoped to achieve more clearly than I had done when preparing regular lectures. This may have been related to the high-risk nature of this teaching method and my worry that students would not take it seriously if they could not see the point of it. A particular advantage of this teaching method is that it posed an intellectual challenge to students, regardless of their level of competence in the subject.

#### 3. Our ground claims turn their exclusion arguments – make it impossible to be neg

Galloway 7 — Ryan Galloway, Assistant Professor and Director of Debate at Samford University, 2007 (“Dinner and Conversation at the Argumentative Table: Re-Conceptualizing Debate As An Argumentative Dialogue,” *Contemporary Argumentation & Debate*, Volume 28, September, Available Online to Subscribing Institutions via Academic Search Premier, p. 12)

While affirmative teams often accuse the negative of using a juridical rule to exclude them, the affirmative also relies upon an unstated rule to exclude the negative response. This unstated but understood rule is that the negative speech act must serve to negate the affirmative act. Thus, affirmative teams often exclude an entire range of negative arguments, including arguments designed to challenge the hegemony, domination, and oppression inherent in topical approaches to the resolution. Becoming more than just a ritualistic tag-line of “fairness, education, time skew, voting issue,” fairness exists in the implicit right to be heard in a meaningful way. Ground is just that—a ground to stand on, a ground to speak from, a ground by which to meaningfully contribute to an ongoing conversation.

### T Version

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

Donahue 13 - Associate Professor of Law, Georgetown Law

(Laura K, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf)

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

### Legal Ed

#### Debating and topic-preparation enhances student familiarity with legal complexity

Christopher C. Joyner (prof. of International law at Georgetown) Spring 1999 “teaching international law: views from an international relations political scientist” ILSA journal of international & comparative law 5 ILSA J Int’l & Comp L 377

A debate exercise provides students with deeper insights into and appreciation of the complexities of integrating international law into the foreign policy making process. The success of any given debate depends upon the quality of the team members' efforts to research and present a topic, and on their ability to relate concepts and principles of international law to the ways in which foreign policy objectives are formulated and achieved. The exercise is not intended to train international lawyers or to promote forensics as a skill, but rather to give undergraduate political science students a greater sense of the real-world process by which foreign policy is made and implemented, and of the place international legal considerations must be given in that process. In this way, the relevance and reality of international law can be more effectively demonstrated for students of political science in general and of international relations theory in particular.

#### And, you should prioritize practical paths to agency – structural strategy trumps discursive education

David McNally (prof. PoliSci at York University) 1997 *in defense of history: marxism and the postmodern agenda* p. 26-27

We are witnessing today a new idealism, infecting large sections of the intellectual left, which has turned language not merely into an independent realm, but into an all pervasive realm, a sphere so omnipresent, so dominant, as virtually to extinguish human agency. Everything is discourse, you see; and discourse is everything. Because human begins are linguistic creatures, because the world in which we act is a world we know and describe through language, it allegedly follows that there is nothing outside language. Our language, or “discourse,” or “text” – the jargon varies but not the message – defines and limits what we know, what we can imagine, what we can do. There is a political theory here too. Oppression is said to be rooted ultimately in the way in which we and others are defined linguistically, the way in which we are positioned by words in relation to other words, or by codes which are said to be “structured like a language.” Our very being, our identities and “subjectivities,” are constituted through language. As one trendy literary theorist puts it in David Lodge’s novel *Nice Work*, it is not merely that you are what you speak; no, according to the new idealism, “you are what speaks you.” Language is thus the final “prison-house.” Our confinement there is beyond resistance; it is impossible to escape from that which makes us what we are. This new idealism corresponds to a profound collapse of political horizons. It is the pseudoradicalism of a period of retreat for the left, a verbal radicalism of the word without deed, or, rather, of the word *as* deed. In response to actual structures and practices of oppression and exploitation, it offers the rhetorical gesture, the ironic turn of phrase. It comes as little surprise, then, when one of the chief philosophers of the new idealism, Jacques Derrida, tells us that he “would hesitate to use such terms as ‘liberation’” 1 Imprisoned within language, we may play with words; but we can never hope to liberate ourselves from immutable structures of oppression rooted in language, itself. The new idealism and the politics it entails are not simply harmless curiosities; they are an abdication of political responsibility, especially at a time of ferocious capitalist restructuring, of widening gaps between rich and poor, of ruling class offensives against social programs. They are also an obstacle to the rebuilding of mass ~~movements~~ of protest and resistance.

### Condo

#### Their insistence on consistency of argument makes us targets of elites and assumes outdated theories of knowledge production – if we win this argument, it not only flips their epistemology and value to life claims, it also flips the aff because they’ve grounded it in the 2AC in a notion of discursive consistency – if they drop this argument, we win the debate.

Mann ‘98

(Paul, The nine grounds of intellectual warfare, http://pmc.iath.virginia.edu/text-only/issue.196/mann.196)  
The “standpoint”, identification with and defense of one's own thought, the demand that one be on one's own side, that one stand by one's word, is so standard a feature of intellectual ethics and politics that it has been taken completely for granted. But the entrenched position is a vestige of archaic forms of warfare. The Tofflers argue that the Gulf War demonstrated the failure of entrenchment -- Iraq's older, industrial, sedentary strategy -- against advanced military technologies of speed, st ealth, and coordinated intelligence. "[T]he allied force was not a [conventional military] machine, but a system with far greater internal feedback, communication, and self-regulatory adjustment capability. It was . . . a 'thinking system'" (80). For Napoleon as well, Virilio notes, "the capacity for war [was] the capacity for movement" (WC 10). In the same manner, those bound to intellectual positions remain blind to the tactical advantages of mobility and secrecy, and the new war studies will be used to suggest strategic figures outside the position's fortified walls. [27] I will return to the %precisely% oxymoronic, self-canceling figure of secrecy in a later section. Here, I will proceed by suggesting that the new war studies should come to quite rigorous and unromantic terms with the nomadology of Deleuze and Guattari.^20^ In their work, the war machine is essentially exterior to the state, even if the state appropriates it. The problem is, therefore, how to pursue exteriority in disciplinary and epistemological structures that are themselves entirely defined by their institutional interiority. It will certainly not be through any of the current specular and spectacular modes of narcissistic identification with the "other." One should treat every text that peddles its vicarious nomadism while elaborating the most conventional analyses with the greatest suspicion, and at the same time with some confidence, perhaps still quite groundless, that an intellectual nomadology might still be carried out elsewhere.^21^ It is necessary to comprehend the force of extremely difficult ideas: the nomadic war-machine's exteriority to the state and its precise relation to battle; the nomads' territorial engagement with smooth space, without "striation," interiority, or chrono-historical organization; their indifference to semiological systems and their particular epistemological orientations (ornament instead of sign, ballistics and metallurgical science, numbering, speed, etc.); the strange relation of \_A Thousand Plateaus\_ to texts that would seem to treat the same matters in a more disciplinary way -- its relation, for instance, to psychoanalysis and philosophy (and what is the strategic connection between this book and Deleuze's extraordinary and in many ways quite scholarly treatments of the history of philosophy?); indeed, the very ontology of the nomadic %idea% itself: all of these must be explored in considerable detail, without ever descending to any merely exegetical commentary, and without reducing what is at stake in this book to an intellectual position. Deleuze and Guattari challenge us to rethink our whole relation to books and to writing, to the very order of our thought -- a task in which they themselves often fail. One must begin by reading them at a loss, but a loss that is not only the result of their work's difficulty, which careful analysis would eventually overcome; rather, a loss that reaches down into our deepest epistemological attachments. It will be necessary, for instance, to reconceive the very notion of intellectual rigor (the order of argument, demonstration, proof) and communicative clarity: not to abandon them for the sake of some impressionistic indulgence, but to relocate them outside the striated space of the state apparatus that has always provided their structure. One might find oneself, for instance, no longer putting forth positions, outlining, defending, and identifying oneself with them: § Marked 15:01 § one might find oneself engaged in an even more severe, more rigorous discipline of affirming ideas without attaching oneself to them, making them appear (as Baudrillard suggested in another context) only so as to make them disappear.^22^ One might find oneself developing a logic that is no longer striated and arborescent (a trunk and its branches) but smooth, rhizomatic, turbulent, fractal, self-interfering, labyrinthine, subterranean. I am fully aware of how treacherous, how complex and self-contradictory a gesture it is even to refer to these ideas in such a form and such a forum as this one, how properly absurd it would be to pursue writing, to pursue knowledge itself, in the following manner.

## 1NR

#### The alt is a prerequisite to case solvency – class differences structure identity stratification in the status quo – Difference is inevitable but capitalism makes those differentiations violent

Kovel, 2002 [Joel Kovel**,** Alger Hiss Prof. At Bard, 2002 The Enemy of Nature, Zed Books, p. 123-125]

If, however we ask the question of efficacy, that is, which split sets the others into motion, then priority would have to be given to class, for the plain reason that class relations entail the state as an instrument of enforcement and control, and it is the state that shapes and organizes the splits that appear in human ecosystems. Thus class is both logically and historically distinct from other forms of exclusion (hence we should not talk of ‘classism’ to go along with ‘sexism’ and ‘racism,’ and ‘species-ism’). This is, first of all, because class is an essentially [hu]man-made category, without root in even a mystified biology. We cannot imagine a human world without gender distinctions although we can imagine a world without domination by gender. But a world without class is eminently imaginable — indeed, such was the human world for the great majority of our species’ time on earth, during all of which considerable fuss was made over gender. Historically, the difference arises because ‘class’ signifies one side of a larger figure that includes a state apparatus whose conquests and regulations create races and shape gender relations. Thus there will be no true resolution of racism so long as class society stands, inasmuch as a racially oppressed society implies the activities of a class-defending state.’0 Nor can gender inequality be enacted away so long as class society, with its state, demands the super-exploitation of woman’s labour. Class society continually generates gender, racial, ethnic oppressions and the like, which take on a life of their own, as well as profoundly affecting the concrete relations of class itself. It follows that class politics must be fought out in terms of all the active forms of social splitting. It is the management of these divisions that keeps state society functional.