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# 1NC – FW

## 1NC – Definitions

#### Affirmative teams should instrumentally defend topical action --- their failure to do so is a voting issue

#### The word “resolved” before the colon means the plan must be enacted in a legislative forum, that’s a quote from the Army Officer School 04.

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

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

####  “United States federal government should” means any discussion of the plan should be about the consequences after the government enacts it, literally

Ericson, 03 (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.

#### Should indicates obligation or duty

**Compact Oxford English Dictionary, 8** (“should”, 2008, http://www.askoxford.com/concise\_oed/should?view=uk)

should

modal verb (3rd sing. should) 1 used to indicate obligation, duty, or correctness. 2 used to indicate what is probable. 3 formal expressing the conditional mood. 4 used in a clause with ‘that’ after a main clause describing feelings. 5 used in a clause with ‘that’ expressing purpose. 6 (in the first person) expressing a polite request or acceptance. 7 (in the first person) expressing a conjecture or hope.

USAGE Strictly speaking should is used with I and we, as in I should be grateful if you would let me know, while would is used with you, he, she, it, and they, as in you didn’t say you would be late; in practice would is normally used instead of should in reported speech and conditional clauses, such as I said I would be late. In speech the distinction tends to be obscured, through the use of the contracted forms I’d, we’d, etc.

**And independently a voting issue for limits and ground--- negative strategy is based on the “should” question of the resolution---there are an infinite number of reasons that the scholarship of their advocacy could be a reason to vote affirmative--- these all obviate the only predictable strategies based on topical action---they overstretch our research burden and undermine preparedness for all debates**

**Aff conditionality – without the plan text as a stable source of the offense the aff can shift their advocacy to get out of offense which discourages research and clash**

## 1NC – War Powers Good

#### Simualted national security law debates inculcate agency and decision-making skills—that enables activism and avoids cooption

Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11/13, 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.

## 1NC – Decision Making

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

Steinberg and Freeley ‘13

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*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity 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 of issues, there is no debate. Controversy invites decisive choice between competing positions. 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 live 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? Does 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? How 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 card, 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 are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a 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. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. 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 a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean *Iliad* 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, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote weII-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" 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 Laurania 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 treaty 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.

#### Rules and process key

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The process of democratic governance is more than a means to an end. Often, how we deliberate a policy is as important or even more important to the outcome of the debate than the underlying issue itself. Recent history is rife with examples of laws that rose and fell on the mechanics of voting in the legislative body or the parliamentary vehicles in which the legislation was offered. There is a normative element to deliberation in a democracy, and failure to vet an issue sufficiently is often seen as grounds for rejecting the legislation itself (Paroske, 2009). For example, it is routine for legislators of a minority party in Congress to denounce a pending bill because there were not enough hearings on the issue, or that a sufficient number or kind of amendments was not allowed, or even that the time devoted to debate on the floor was insufficient. These questions of process in legislation dominate headlines. Less studied, but perhaps even more interesting, are questions of process in a regulatory framework. Given its complexity, rulemaking is especially prone to process- oriented questions. Far more than legislation, rules must navigate a number of prescribed argumentative hurdles on their way to adoption. This raises the stakes for following proper procedure both logically and practically, as violating protocols makes it likely the rule will be rejected. In addition, the authority of agencies in the federal government is nebulous. Agency power to make rules is delegated by Congress, but there is little consensus on the degree of latitude that those designees hold. Since rulemakers lack constitu- tional warrants for coercing citizen behavior, they are highly susceptible to criticism of their authority and jurisdiction. Asked to act both independently and under the watch of the constitutional branches, rulemakers must pay careful attention to process.

## 1NC – Govt

#### The second impact is government knowledge – debate’s key to in-depth governmental knowledge

**Zwarensteyn 12**, Ellen, Thesis Submitted to the Graduate Faculty of GRAND VALLEY STATE UNIVERSITY In Partial Fulfillment of the Requirements For the Degree of Masters of Science, “High School Policy Debate as an Enduring Pathway to Political Education: Evaluating Possibilities for Political Learning,” August, <http://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1034&context=theses>

The first trend to emerge concerns how debate fosters in-depth political knowledge. Immediately, every resolution calls for analysis of United States federal government action. Given that each debater may debate in over a hundred different unique rounds, there is a competitive incentive thoroughly research as many credible, viable, and in-depth strategies as possible. Moreover, the requirement to debate both affirmative and negative sides of the topic injects a creative necessity to defend viable arguments from a multitude of perspectives. As a result, the depth of knowledge spans questions not only of what, if anything, should be done in response to a policy question, but also questions of who, when, where, and why. This opens the door to evaluating intricacies of government branch, committee, agency, and even specific persons who may yield different cost-benefit outcomes to conducting policy action. Consider the following responses: I think debate helped me understand how Congress works and policies actually happen which is different than what government classes teach you. Process counterplans are huge - reading and understanding how delegation works means you understand that it is not just congress passes a bill and the president signs. You understand that policies can happen in different methods. Executive orders, congress, and courts counterplans have all helped me understand that policies don’t just happen the way we learn in government. There are huge chunks of processes that you don't learn about in government that you do learn about in debate. Similarly, Debate has certainly aided [my political knowledge]. The nature of policy-making requires you to be knowledgeable of the political process because process does effect the outcome. Solvency questions, agent counterplans, and politics are tied to process questions. When addressing the overall higher level of awareness of agency interaction and ability to identify pros and cons of various committee, agency, or branch activity, most respondents traced this knowledge to the politics research spanning from their affirmative cases, solvency debates, counterplan ideas, and political disadvantages. One of the recurring topics concerns congressional vs. executive vs. court action and how all of that works. To be good at debate you really do need to have a good grasp of that. There is really something to be said for high school debate - because without debate I wouldn’t have gone to the library to read a book about how the Supreme Court works, read it, and be interested in it. Maybe I would’ve been a lawyer anyway and I would’ve learned some of that but I can’t imagine at 16 or 17 I would’ve had that desire and have gone to the law library at a local campus to track down a law review that might be important for a case. That aspect of debate in unparalleled - the competitive drive pushes you to find new materials. Similarly, I think [my political knowledge] comes from the politics research that we have to do. You read a lot of names name-dropped in articles. You know who has influence in different parts of congress. You know how different leaders would feel about different policies and how much clout they have. This comes from links and internal links. Overall, competitive debaters must have a depth of political knowledge on hand to respond to and formulate numerous arguments. It appears debaters then internalize both the information itself and the motivation to learn more. This aids the PEP value of intellectual pluralism as debaters seek not only an oversimplified ‘both’ sides of an issue, but multiple angles of many arguments. Debaters uniquely approach arguments from a multitude of perspectives – often challenging traditional conventions of argument. With knowledge of multiple perspectives, debaters often acknowledge their relative dismay with television news and traditional outlets of news media as superficial outlets for information.

#### Failure to engage the state means the aff fails, coalitions break down, and hawks seize the political – only engagement solves

**Mouffe 2009** (Chantal Mouffe is Professor of Political Theory at the Centre for the Study of Democracy, University of Westminster, “The Importance of Engaging the State”, *What is Radical Politics Today?*, Edited by Jonathan Pugh, pp. 233-7)

In both Hardt and Negri, and Virno, there is therefore emphasis upon ‘critique as withdrawal’. They all call for the development of a non-state public sphere. They call for self-organisation, experimentation, non-representative and extra-parliamentary politics. They see forms of traditional representative politics as inherently oppressive. So they do not seek to engage with them, in order to challenge them. They seek to get rid of them altogether. This disengagement is, for such influential personalities in radical politics today, the key to every political position in the world. The Multitude must recognise imperial sovereignty itself as the enemy and discover adequate means of subverting its power. Whereas in the disciplinary era I spoke about earlier, sabotage was the fundamental form of political resistance, these authors claim that, today, it should be desertion. It is indeed through desertion, through the evacuation of the places of power, that they think that battles against Empire might be won. Desertion and exodus are, for these important thinkers, a powerful form of class struggle against imperial postmodernity. According to Hardt and Negri, and Virno, radical politics in the past was dominated by the notion of ‘the people’. This was, according to them, a unity, acting with one will. And this unity is linked to the existence of the state. The Multitude, on the contrary, shuns political unity. It is not representable because it is an active self-organising agent that can never achieve the status of a juridical personage. It can never converge in a general will, because the present globalisation of capital and workers’ struggles will not permit this. It is anti-state and anti-popular. Hardt and Negri claim that the Multitude cannot be conceived any more in terms of a sovereign authority that is representative of the people. They therefore argue that new forms of politics, which are non-representative, are needed. They advocate a withdrawal from existing institutions. This is something which characterises much of radical politics today. The emphasis is not upon challenging the state. Radical politics today is often characterised by a mood, a sense and a feeling, that the state itself is inherently the problem. Critique as engagement I will now turn to presenting the way I envisage the form of social criticism best suited to radical politics today. I agree with Hardt and Negri that it is important to understand the transition from Fordism to post-Fordism. But I consider that the dynamics of this transition is better apprehended within the framework of the approach outlined in the book Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (Laclau and Mouffe, 2001). What I want to stress is that many factors have contributed to this transition from Fordism to post-Fordism, and that it is necessary to recognise its complex nature. My problem with Hardt and Negri’s view is that, by putting so much emphasis on the workers’ struggles, they tend to see this transition as if it was driven by one single logic: the workers’ resistance to the forces of capitalism in the post-Fordist era. They put too much emphasis upon immaterial labour. In their view, capitalism can only be reactive and they refuse to accept the creative role played both by capital and by labour. To put it another way, they deny the positive role of political struggle. In Hegemony and Socialist Strategy: Towards a Radical Democratic Politics we use the word ‘hegemony’ to describe the way in which meaning is given to institutions or practices: for example, the way in which a given institution or practice is defined as ‘oppressive to women’, ‘racist’ or ‘environmentally destructive’. We also point out that every hegemonic order is therefore susceptible to being challenged by counter-hegemonic practices – feminist, anti-racist, environmentalist, for example. This is illustrated by the plethora of new social movements which presently exist in radical politics today (Christian, anti-war, counter-globalisation, Muslim, and so on). Clearly not all of these are workers’ struggles. In their various ways they have nevertheless attempted to influence and have influenced a new hegemonic order. This means that when we talk about ‘the political’, we do not lose sight of the ever present possibility of heterogeneity and antagonism within society. There are many different ways of being antagonistic to a dominant order in a heterogeneous society – it need not only refer to the workers’ struggles. I submit that it is necessary to introduce this hegemonic dimension when one envisages the transition from Fordism to post-Fordism. This means abandoning the view that a single logic (workers’ struggles) is at work in the evolution of the work process; as well as acknowledging the pro-active role played by capital. In order to do this we can find interesting insights in the work of Luc Boltanski and Eve Chiapello who, in their book The New Spirit of Capitalism (2005), bring to light the way in which capitalists manage to use the demands for autonomy of the new movements that developed in the 1960s, harnessing them in the development of the post-Fordist networked economy and transforming them into new forms of control. They use the term ‘artistic critique’ to refer to how the strategies of the counter-culture (the search for authenticity, the ideal of selfmanagement and the anti-hierarchical exigency) were used to promote the conditions required by the new mode of capitalist regulation, replacing the disciplinary framework characteristic of the Fordist period. From my point of view, what is interesting in this approach is that it shows how an important dimension of the transition from Fordism to post- Fordism involves rearticulating existing discourses and practices in new ways. It allows us to visualise the transition from Fordism to post- Fordism in terms of a hegemonic intervention. To be sure, Boltanski and Chiapello never use this vocabulary, but their analysis is a clear example of what Gramsci called ‘hegemony through neutralisation’ or ‘passive revolution’. This refers to a situation where demands which challenge the hegemonic order are recuperated by the existing system, which is achieved by satisfying them in a way that neutralises their subversive potential. When we apprehend the transition from Fordism to post- Fordism within such a framework, we can understand it as a hegemonic move by capital to re-establish its leading role and restore its challenged legitimacy. We did not witness a revolution, in Marx’s sense of the term. Rather, there have been many different interventions, challenging dominant hegemonic practices. It is clear that, once we envisage social reality in terms of ‘hegemonic’ and ‘counter-hegemonic’ practices, radical politics is not about withdrawing completely from existing institutions. Rather, we have no other choice but to engage with hegemonic practices, in order to challenge them. This is crucial; otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regulation. Indeed there are many historical (and not so historical) examples of this. When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state. The strategy of exodus could be seen as the reformulation of the idea of communism, as it was found in Marx. There are many points in common between the two perspectives. To be sure, for Hardt and Negri it is no longer the proletariat, but the Multitude which is the privileged political subject. But in both cases the state is seen as a monolithic apparatus of domination that cannot be transformed. It has to ‘wither away’ in order to leave room for a reconciled society beyond law, power and sovereignty. In reality, as I’ve already noted, others are often perfectly willing to take control. If my approach – supporting new social movements and counterhegemonic practices – has been called ‘post-Marxist’ by many, it is precisely because I have challenged the very possibility of such a reconciled society. To acknowledge the ever present possibility of antagonism to the existing order implies recognising that heterogeneity cannot be eliminated. As far as politics is concerned, this means the need to envisage it in terms of a hegemonic struggle between conflicting hegemonic projects attempting to incarnate the universal and to define the symbolic parameters of social life. A successful hegemony fixes the meaning of institutions and social practices and defines the ‘common sense’ through which a given conception of reality is established. However, such a result is always contingent, precarious and susceptible to being challenged by counter-hegemonic interventions. Politics always takes place in a field criss-crossed by antagonisms. A properly political intervention is always one that engages with a certain aspect of the existing hegemony. It can never be merely oppositional or conceived as desertion, because it aims to challenge the existing order, so that it may reidentify and feel more comfortable with that order. Another important aspect of a hegemonic politics lies in establishing linkages between various demands (such as environmentalists, feminists, anti-racist groups), so as to transform them into claims that will challenge the existing structure of power relations. This is a further reason why critique involves engagement, rather than disengagement. It is clear that the different demands that exist in our societies are often in conflict with each other. This is why they need to be articulated politically, which obviously involves the creation of a collective will, a ‘we’. This, in turn, requires the determination of a ‘them’. This obvious and simple point is missed by the various advocates of the Multitude. For they seem to believe that the Multitude possesses a natural unity which does not need political articulation. Hardt and Negri see ‘the People’ as homogeneous and expressed in a unitary general will, rather than divided by different political conflicts. Counter-hegemonic practices, by contrast, do not eliminate differences. Rather, they are what could be called an ‘ensemble of differences’, all coming together, only at a given moment, against a common adversary. Such as when different groups from many backgrounds come together to protest against a war perpetuated by a state, or when environmentalists, feminists, anti-racists and others come together to challenge dominant models of development and progress. In these cases, the adversary cannot be defined in broad general terms like ‘Empire’, or for that matter ‘Capitalism’. It is instead contingent upon the particular circumstances in question – the specific states, international institutions or governmental practices that are to be challenged. Put another way, the construction of political demands is dependent upon the specific relations of power that need to be targeted and transformed, in order to create the conditions for a new hegemony. This is clearly not an exodus from politics. It is not ‘critique as withdrawal’, but ‘critique as engagement’. It is a ‘war of position’ that needs to be launched, often across a range of sites, involving the coming together of a range of interests. This can only be done by establishing links between social movements, political parties and trade unions, for example. The aim is to create a common bond and collective will, engaging with a wide range of sites, and often institutions, with the aim of transforming them. This, in my view, is how we should conceive the nature of radical politics.

#### Yes the government has flawed components but challenging our understanding of government is important and valuable through discussion of federal policies--- Learning that language allows us to confront and challenge those institutions outside of this round and resolves a lot of the impacts they discuss

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ACCORDING TO LASSWELL (1971), policy science is about the production and application of knowledge of and in policy. Policy-makers who desire to tackle problems on the political agenda successfully, should be able to mobilise the best available knowledge. This requires high-quality knowledge in policy. Policy-makers and, in a democracy, citizens, also need to know how policy processes really evolve. This demands precise knowledge of policy. There is an obvious link between the two: the more and better the knowledge of policy, the easier it is to mobilise knowledge in policy. Lasswell expresses this interdependence by defining the policy scientist's operational task as eliciting the maximum rational judgement of all those involved in policy-making. For the applied policy scientist or policy analyst this implies the development of two skills. First, for the sake of mobilising the best available knowledge in policy, he/she should be able to mediate between different scientific disciplines. Second, to optimise the interdependence between science in and of policy, she/he should be able to mediate between science and politics. Hence Dunn's (1994, page 84) formal definition of policy analysis as an applied social science discipline that uses multiple research methods in a context of argumentation, public debate [and political struggle] to create, evaluate critically, and communicate policy-relevant knowledge. Historically, the differentiation and successful institutionalisation of policy science can be interpreted as the spread of the functions of knowledge organisation, storage, dissemination and application in the knowledge system (Dunn and Holzner, 1988; van de Graaf and Hoppe, 1989, page 29). Moreover, this scientification of hitherto 'unscientised' functions, by including science of policy explicitly, aimed to gear them to the political system. In that sense, Lerner and Lasswell's (1951) call for policy sciences anticipated, and probably helped bring about, the scientification of politics. Peter Weingart (1999) sees the development of the science-policy nexus as a dialectical process of the scientification of politics/policy and the politicisation of science. Numerous studies of political controversies indeed show that science advisors behave like any other self-interested actor (Nelkin, 1995). Yet science somehow managed to maintain its functional cognitive authority in politics. This may be because of its changing shape, which has been characterised as the emergence of a post-parliamentary and post-national network democracy (Andersen and Burns, 1996, pages 227-251). National political developments are put in the background by ideas about uncontrollable, but apparently inevitable, international developments; in Europe, national state authority and power in public policy-making is leaking away to a new political and administrative elite, situated in the institutional ensemble of the European Union. National representation is in the hands of political parties which no longer control ideological debate. The authority and policy-making power of national governments is also leaking away towards increasingly powerful policy-issue networks, dominated by functional representation by interest groups and practical experts. In this situation, public debate has become even more fragile than it was. It has become diluted by the predominance of purely pragmatic, managerial and administrative argument, and under-articulated as a result of an explosion of new political schemata that crowd out the more conventional ideologies. The new schemata do feed on the ideologies; but in larger part they consist of a random and unarticulated 'mish-mash' of attitudes and images derived from ethnic, local-cultural, professional, religious, social movement and personal political experiences. The market-place of political ideas and arguments is thriving; but on the other hand, politicians and citizens are at a loss to judge its nature and quality. Neither political parties, nor public officials, interest groups, nor social movements and citizen groups, nor even the public media show any inclination, let alone competency, in ordering this inchoate field. In such conditions, scientific debate provides a much needed minimal amount of order and articulation of concepts, arguments and ideas. Although frequently more in rhetoric than substance, reference to scientific 'validation' does provide politicians, public officials and citizens alike with some sort of compass in an ideological universe in disarray. For policy analysis to have any political impact under such conditions, it should be able somehow to continue 'speaking truth' to political elites who are ideologically uprooted, but cling to power; to the elites of administrators, managers, professionals and experts who vie for power in the jungle of organisations populating the functional policy domains of post-parliamentary democracy; and to a broader audience of an ideologically disoriented and politically disenchanted citizenry.

## 1NC – Agonism

#### Productive agonism requires rules and constraints to measure the performance of contestants--- ---only contestation based on respect for the institution that makes competition possible, i.e. the topic, creates good relationships between competitors and value to life---excluding their affirmative is the foundation of good agonism

Christa Davis Acampora 2, Professor of Philosophy at Hunter College of the City University of New York, Fall 2002, “Of Dangerous Games and Dastardly Deeds,” International Studies in Philosophy, Vol. 34, No. 3

The agonistic game is organized around the test of a specific quality the persons involved possess. When two runners compete, the quality tested is typically speed or endurance; when artists compete, it is creativity; craftsmen test their skills, etc.. The contest has a specific set of rules and criteria for determining (i.e., measuring) which person has excelled above the others in the relevant way. What is tested is a quality the individual competitors themselves possess; and external assistance is not permitted. (This is not to say that agonistic games occur only between individuals and that there can be no cooperative aspects of agonistic engagement. Clearly individuals can assert themselves and strive against other individuals within the context of a team competition, but groups can also work collectively to engage other groups agonistically. In those cases what is tested is the collective might, creativity, endurance, or organizational ability of the participating groups.) ¶ Ideally, agonistic endeavors draw out of the competitors the best performance of which they are capable. Although agonistic competition is sometimes viewed as a "zero-sum game," in which the winner takes all, in the cases that Nietzsche highlights as particularly productive agonistic institutions, all who participate are enhanced by their competition. Winning must be a significant goal of participation in agonistic contests, but it would seem that winning might be only one, and not necessarily the most important one, among many reasons to participate in such a competition. In his later writings, Nietzsche appears to be interested in thinking about how the structures of contests or struggles can facilitate different possibilities for competing well within them. In other words, he questions whether the structure of the game might limit the way in which one might be able to compete. His study of slavish morality illuminates well that concern. ¶ II. Dastardly Deeds ¶ The so-called "Good Eris," described in "Homer's Contest," supposedly allowed the unavoidable urge to strive for preeminence to find expression in perpetual competition in ancient Greek culture. In On the Genealogy of Morals, Nietzsche seeks to critique Christianity for advocating a kind of altruism, or selflessness, that is essentially self-destructive, and for perverting the urge to struggle by transforming it into a desire for annihilation. Read in light of "Homer's Contest," Nietzsche's Genealogy enables us to better grasp his conception of the value of contest as a possible arena for the revaluation of values, and it advances an understanding of the distinctions Nietzsche draws between creative and destructive forms of contest and modes of competing within them. ¶ Nietzsche's On the Genealogy of Morals, a Streitschrift—a polemic, a writing that aims to provoke a certain kind of fighting—portrays a battle between "the two opposing values 'good and bad,' 'good and evil'." Nietzsche depicts slavish morality as that which condemns as evil what perpetuates the agon—namely, self-interest, jealousy, and the desire to legislate values— but rather than killing off the desire to struggle, slavish morality manipulates and redirects it. Prevention of struggle is considered by Nietzsche to be hostile to life: an "order thought of as sovereign and universal, not as a means in the struggle between power-complexes but as a means of preventing all struggle in general—... would be a principle hostile to life, an agent of the dissolution and destruction of man, an attempt to assassinate the future of man, a sign of weariness, a secret path to nothingness" (GM II:11). "The 'evolution' of a thing, a custom, an organ is [...] a succession of [...] more or less mutually independent processes of subduing, plus the resistances they encounter, the attempts at transformation for the purpose of defense and reaction, and the results of successful counteractions"(GM II:12). For Nietzsche, human beings, like nations, acquire their identity in their histories of struggles, accomplishments, and moments of resistance. The complete cessation of strife, for Nietzsche, robs a being of its activity, of its life. ¶ In the second essay of the Genealogy, Nietzsche identifies the notion of conscience, which demands a kind of self-mortification, as an example of the kind of contest slavish morality seeks: "Hostility, cruelty, joy in persecuting, in attacking, in change, in destruction—all this turned against the possessors of such instinct: that is the origin of the 'bad conscience'" (GM II:16). Denied all enemies and resistances, finding nothing and no one with whom to struggle except himself, the man of bad conscience: ¶ impatiently lacerated, persecuted, gnawed at, assaulted, and maltreated himself; this animal that rubbed itself raw against the bars of its cage as one tried to 'tame' it; this deprived creature... had to turn himself into an adventure, a torture chamber, an uncertain and dangerous wilderness — this fool, this yearning and desperate prisoner became the inventor of the 'bad conscience.' But thus began the gravest and uncanniest illness... a declaration of war against the old instincts upon which his strength, joy, and terribleness had reached hitherto (GM II:16). ¶ Bad conscience functions in slavish morality as a means of self-flagellation, as a way to vent the desire to hurt others once external expressions of opposition are inhibited and forbidden. "Guilt before God: this thought becomes an instrument of torture to him" (GM II:22). In that case, self-worth depends upon the ability to injure and harm oneself, to apply the payment of selfmaltreatment to one's irreconcilable account with God. It is the effort expended in one's attempt to make the impossible repayment that determines one's worth. xi The genuine struggle, that which truly determines value for the ascetic ideal is one in which one destructively opposes oneself—one's value increases as one succeeds in annihilating oneself. ¶ Slavish morality is still driven by contest, but the mode of this contest is destructive. It mistakes self-inflicted suffering as a sign of strength. The ascetic ideal celebrates cruelty and torture—it revels in and sanctifies its own pain. It is a discord that wants to be discordant, that enjoys itself in this suffering and even grows more self-confident and triumphant the more its own presupposition, its physiological capacity for life decreases. 'Triumph in the ultimate agony': the ascetic ideal has always fought under this hyperbolic sign; in this enigma of seduction, in this image of torment and delight, it recognized its brightest light, its salvation, its ultimate victory (GM III:28). ¶ Slavish morality, particularly in the form of Pauline Christianity, redirects the competitive drive and whips into submission all outward expressions of strife by cultivating the desire to be "good" xii in which case being good amounts abandoning, as Nietzsche portrays it, both the structure of the contests he admired in "Homer's Contest" and the productive ways of competing within them. It does not merely redirect the goal of the contest (e.g., struggling for the glory of Christ rather than competing for the glory of Athens), rather how one competes well is also transformed (e.g., the "good fight" is conceived as tapping divine power to destroy worldly strongholds xiii rather than excelling them). In other words, the ethos of contest, the ethos of the agon is transformed in slavish morality. Xiv ¶ III. Dangerous Games ¶ Moralities effect contests in two ways: 1) they articulate a structure through which the meaning of human being (e.g., excellence, goodness, etc.) can be created and meted out, and 2) they simultaneously cultivate a commitment to a certain way of competing within those structures. By cultivating not only a desire to win but a desire to compete well (which includes respect for one's competitor and the institutions that sets forth the terms of the engagement), xv we can establish a culture capable of deriving our standards of excellence internally and of renewing and revaluing those standards according to changes in needs and interests of our communities. This is the legacy that Nietzsche strives to articulate in his "Homer's Contest," one that he intends his so-called "new nobility" to claim. If the life of slavish morality is characterized by actions of annihilation and cruelty, Nietzsche's alternative form of valuation is marked by its activity of surmounting what opposes, of overcoming opposition by rising above (erheben) what resists, of striving continually to rise above the form of life it has lived. ¶ As a form of spiritualized striving, self-overcoming, must, like Christian agony, be selfdirected; its aim is primarily resistance to and within oneself, but the agony—that is, the structure of that kind of painful struggle—differs both in how it orients its opposition and in how it pursues its goals . Self-overcoming does not aim at self-destruction but rather at selfexhaustion and self-surpassing. It strives not for annihilation but for transformation, and the method of doing so is the one most productive in the external contests of the ancient Greeks: the act of rising above. Self-overcoming asks us to seek hostility and enmity as effective means for summoning our powers of development. Others who pose as resistances, who challenge and test our strength, are to be earnestly sought and revered. That kind of reverence, Nietzsche claims, is what makes possible genuine relationships that enhance our lives. Such admiration and cultivation of opposition serve as "a bridge to love" (GM I:10) because they present a person with the opportunity to actively distinguish himself, to experience the joy and satisfaction that comes with what Nietzsche describes as "becoming what one is." xvi This, Nietzsche suggests, is what makes life worth living—it is what permits us to realize a certain human freedom to be active participants in shaping our own lives. xvii¶ Agonists, in the sense that Nietzsche has in mind, do not strive to win at all costs. Were that their chief or even highly prominent goal we would expect to see even the best contestants hiding from their serious challengers to their superiority or much more frequently resorting to cheating in order to win. Rather, agonists strive to claim maximal meaning for their actions. (That's the good of winning.) They want to perform in a superior manner, one that they certainly hope will excel that of their opponent. In other words, the best contestants have a foremost commitment to excellence, a disposition that includes being mindful of the structure through which their action might have any meaning at all—the rules of the contest or game.xviii ¶ What makes this contest dangerous? xix To be engaged in the process of overcoming, as Nietzsche describes it, is to be willing to risk oneself, to be willing to risk what one has been— the meaning of what one is—in the process of creating and realizing a possible future. The outcome is not guaranteed, that a satisfactory or "better" set of meanings and values will result is not certain. And when the contest is one in which rights to authority are in play, even the Nietzschean contest always runs the risk of supporting tyranny—of supplying the means by which the tyrannical takes its hold. Nietzsche is, of course, mindful of this danger, which is why in his account of the Greek agon he finds it important to discuss the alleged origin of ostracism as the mechanism for preserving the openness of contest. xx ¶ Nietzsche claims agonistic institutions contribute to the health of individuals and the culture in which these institutions are organized because agon provides the means for attaining personal distinction and for creating shared goals and interests. Pursuit of this activity, Nietzsche claims, is meaningful freedom. Late in his career, Nietzsche writes, "How is freedom measured in individuals and peoples? According to the resistance which must be overcome, according to the exertion required, to remain to top. The highest type of free men should be sought where the highest resistance is constantly overcome: five steps from tyranny, close to the threshold of the danger of servitude" (TI, "Skirmishes," 38). Nietzsche believes that it is only when our strength is tested that it will develop. Later in the passage just cited, Nietzsche continues, "Danger alone acquaints us with our own resources, our virtues, our armor and weapons, our spirit, and forces us to be strong. First principle: one must need to strong—otherwise one will never become strong" (TI, "Skirmishes," 38). Nietzsche takes upon himself, in his own writing, the task of making these kinds of challenges for his readers. Nietzsche's critiques of liberal institutions, democracy, feminism, and socialism should be read in the context of his conception of human freedom and the goal he takes for himself as a kind of liberator. Read thus, we could very well come to see the relevance of agonistic engagement as a means of pursuing a kind of democracy viewed not as a static preservation of some artificial and stultifying sense of equality, but as a process of pursuing meaningful liberty, mutual striving together in pursuit of freedom conceived not as freedom from the claims of each other but as the freedom of engagement in the process of creating ourselves. xxi¶ IV. A Nietzschean ethos of agonism ¶ In a recent essay, Dana R. Villa examines the general thrust of arguments of those advocating agonistic politics. These "contemporary agonists," xxii he claims, largely look to Nietzsche and Foucault (cast as Nietzsche's heir, at least with regard to his conception of power and contest) for inspiration as they make their "battle cry of 'incessant contestation'," which is supposed to create the space a radical democratic politics. These theorists, remind us that the public sphere is as much a stage for conflict and expression as it is a set of procedures or institutions designed to preserve peace, promote fairness, or achieve consensus. They also (contra Rawls) insist that politics and culture form a continuum, where ultimate values are always already in play; where the content of basic rights and the purposes of political association are not the objects of a frictionless 'overlapping consensus' but are contested every day in a dizzying array of venues. xxiii¶ Villa would commend them for this reminder, but he claims that "recent formulations of an agonistic politics […] have tended to celebrate conflict, and individual and group expression, a bit too unselectively". xxiv He argues that "Nietzsche-inspired" agonists would do better to look to Arendt's conception of the agon and its place in political life for pursuing democratic aims, because she stipulates "that action and contestation must be informed by both judgment and a sense of the public if they are to be praiseworthy. The mere expression of energy in the form of political commitment fails to impress her." "'Incessant contestation,' like Foucauldian 'resistance,' is essentially reactive." What such a politics boils down to is "merely fighting"; so conceived, "politics is simply conflict". xxv Placing the expression of energies of the individual, multiplicities of selves, or groups at the center of an agonistic politics that lacks some aim beyond just fighting does not advance the aims of democracy. Without specifying an agonistic ethos that crafts a sense of "care for the world—a care for the public realm," politics as the socalled "contemporary agonists" conceive it cannot be liberatory. Arendt, Villa argues, supplies such an ethos in a way that Nietzsche does not. My goal here has been to argue that Nietzsche does supply us with an agonistic ethos, that despite the fact that the advocates of "incessant contestation" might fail to distinguish agonistic conflict from "mere fighting" or "simply conflict" Nietzsche does. My aim is more than mere point-scoring. I am not interested in supporting a case that Nietzsche's views are better than Arendt's. I do think Nietzsche's work offers conceptual resources useful for amplifying and clarifying agonistic theories that are pervasive in numerous fields, including political science, moral psychology, and literary criticism. If we are attentive to how Nietzsche distinguishes different kinds of contests and ways of striving within them we can construct an ethos of agonism that is potentially valuable not only for the cultivation of a few great men but which also contributes to the development of a vibrant culture. By way of concluding, I shall draw on the distinctions developed in Nietzsche's conception of agon and sketch the outlines of a productive ethos of agonism. ¶ Some competitions bring with them entitlements and rewards that are reserved for the sole winner. Nearly all of these can be described as zero-sum games: in order for someone to win, others must lose. Further, if I choose to help you to prepare your dossier for your promotion application for the only available post, I risk reducing my own chances for success. Let's call these kinds of competitions antagonistic ones, in which the competitors are pitted against each other in an environment hostile to cooperation. ¶ We can also imagine competitions that are not zero-sum games, in which there is not a limited number of resources. Such contests would allow us to enact some of the original meanings at the root of our words for competition and struggle. The Latin root of compete means "to meet," "to be fitting," and "to strive together toward." The Greek word for struggle, which also applied to games and competitions, is agon, which in its original use meant "gathering together." xxvi Practicing an agonistic model of competition could provide results of shared satisfaction and might enable us to transform competitions for fame and status that inform so much of our lives into competitions for meeting cooperatively and provisionally defined standards of aesthetic and intellectual excellence.xxvii¶ If we can revive the sense of agon as a gathering together that vivifies the sense of competition that initiates a striving together toward, we can better appreciate the unique relational possibilities of competition. Recalling the definitions of agon and competition provided above, from which I tried to indicate a sense of competition that could facilitate a process of gathering to strive together toward, consider another example. When two runners compete in order to bring out the best performances in each, their own performances become inextricably linked. When I run with you, I push you to pull me, I leap ahead and call you to join me. When you run faster, I respond to your advance not by wishing you would run slower or that you might fall so that I could surge ahead. I do not view your success as a personal affront, rather I respond to it as a call to join you in the pursuit. When in the course of running with me, you draw from me the best of which I am capable, our performances serve as the measure of the strength in both of us. Neither achievement finds its meaning outside of the context in which we created it. When two (or more) compete in order to inspire each other, to strive together toward, the gathering they create, their agon, creates a space in which the meaning of their achievements are gathered. When your excellent performance draws mine out of me, together we potentially unlock the possibilities in each. For this we can certainly be deeply indebted to each other. At the same time, we come to understand and appreciate ourselves and our own possibilities in a new way. Furthermore, this way of coming to understand and appreciate our difference(s), and of recognizing perhaps their interdependence, might be preferable, to other ways in which differences might be determined. Although surely not appropriate in all circumstances, agonistic endeavors can provide an arena for devising a more flexible and creative way of measuring excellence than by comparison with some rigid and externally-imposed rule. xxviii¶ Agonism is not the only productive way of relating to each other, and we can certainly play in ways that are not agonistic, but I do think such an ethos of agonism is compatible with recognition of both the vulnerability of the other and one's dependence upon others for one's own identity. It incorporates aggression, instructive resistance, as well as cooperation, and it is compatible with the practice of generosity. It cultivates senses of yearning and desire that do not necessarily have destructive ends. It requires us to conceive of liberation as something more than freedom from the constraints of others and the community, but as a kind of freedom— buttressed with active support—to be a participant in the definition and perpetual recreation of the values, beliefs, and practices of the communities of which one is a part. That participation might entail provisional restraints, limitations, and norms that mark out the arenas in which such recreations occur. ¶ At his best, I think Nietzsche envisions a similar form for the agonistic life. Competitive "striving together toward" can be a difficult condition to create and a fragile one to maintain. It requires the creation of a common ground from which participants can interact. It needs a clearly defined goal that is appropriately demanding of those who participate. It requires that the goal and the acceptable means of achieving it are cooperatively defined and clearly articulated, and yet it must allow for creativity within those rules. It demands systematic support to cultivate future participants. And it must have some kind of mechanism for keeping the competition open so that future play can be anticipated. When any one of the required elements is disrupted, the competition can deteriorate into alternative and non-productive modes of competition and destructive forms of striving. But when agonistic contest is realized, it creates enormous opportunities for creative self-expression, for the formation of individual and communal identity, for acquiring self-esteem and mutual admiration, and for achieving individual as well as corporate goals. It is one of the possibilities that lie not only beyond good and evil but also beyond the cowardly and barbarous.

## 2

#### My partner and I affirm that the War Powers authority of the President of the United States should be eliminated in the areas of targeted killing, indefinite detention, and introducing United States Armed Forces into hostilities.

#### The net benefit is cyber ops good:

#### Unique link- status quo cyber ops are sufficient to deter senaku island conflict- Their advocacy injects uncertainty into decision making which causes conflict escalation

Leigh Drogen 13, founder and chief investment officer of Surfview Capital, LLC, a New York based investment management firm, “Why Cyber Weapons Will Make The World Even Safer,” 3/4, http://www.leighdrogen.com/why-cyber-weapons-will-make-the-world-even-safer/

Scene: China has just exchanged fire with Japan over the East China Sea Islands. The US Navy is in theatre and has as promised under its security umbrella treaty with Japan vows to protect the sovereignty of Japanese territory. In response China has threatened to hold US infrastructure (power, water, transportation) hostage and gives the US 48 hours to exit the theatre. The US immediately responds with a similar threat to cripple Chinese infrastructure via cyber attacks unless China relinquishes cyber attacks within 48 hours.¶ Now you can bet your last dollar that the US has been holding war games designed to simulate exactly this scenario. And while we don’t know how they’ve played out, we can make some pretty informed assumptions based on the corollary of nuclear war theory.¶ The ability for foreign agents to hijack critical infrastructure and cripple it within a short period of time is now to the point where we, and our potential adversaries, could face damage many magnitudes higher than a nuclear strike, not in lives lost, but economic, social, and political damage.¶ Cyber warfare has reached a level where we can say that there is mutually assured destruction of critical infrastructure in a war between the US and China.¶ Which is exactly why I’m ready to say that cyber warfare will make the world an even safer place.¶ There is no argument against the claim that nuclear weapons have massively decreased overall warfare across the world since World War II. During that time we haven’t seen a war between two nuclear states.¶ But the more important development, as Tom Friedman loves to point out, we haven’t seen a major conflict between two countries with a McDonalds. Now, look past the frivolity of that statement through to the bigger point, lives lost is no longer the major determinant of why countries decide to forgo war, it is now primarily an economic and social decision.¶ The cost in treasure and political capital that it takes to go to war as a developed economy with another state is massive. The US has had a huge hand in this no doubt playing the world’s policeman since World War II. Police are not very effective at hunting down transgressors, their job is primarily prevention, a job that the US has pretty much perfected at this point.¶ China will not follow through on its cyber war threat because the cost in economic, social, and political damage to the regime from a crippling US cyber attack would be far too much to handle versus the benefit from its move on the islands. What do you think middle and upper class urban Chinese citizens would do if China risked everything they’ve worked so hard to build over the past 25 years for the islands? They risk nothing less than the regime being toppled. They are already walking on thin ice under the unwritten deal they’ve made, continued economic development for the regime’s position in power.¶ Cyber war has reached the level of mutually assured destruction as the damage caused will lead to popular revolt. It certainly would here in the US.¶ The flip side to this argument, as it is made with nuclear weapons, is that non state actors are not tied to the same consequences and therefor are much more dangerous. I would agree, and in the case of cyber war they it’s even scarier as their capability to inflict damage is far greater (this was the theme of Skyfall), it’s hard to obtain and deliver a nuclear weapon.¶ That said, I believe cyber weapons will add to global security as they become more pervasive.

#### Senkaku conflict escalates

Klare 13 -- (Michael, professor of peace and world security studies at Hampshire College, “The Next War”, Realclearworld.com, January 23, 2013, <http://www.realclearworld.com/articles/2013/01/23/the_next_war_100500.html>)

Don't look now, but conditions are deteriorating in the western Pacific. Things are turning ugly, with consequences that could prove deadly and spell catastrophe for the global economy.¶ In Washington, it is widely assumed that a showdown with Iran over its nuclear ambitions will be the first major crisis to engulf the next secretary of defense -- whether it be former Senator Chuck Hagel, as President Obama desires, or someone else if he fails to win Senate confirmation. With few signs of an imminent breakthrough in talks aimed at peacefully resolving the Iranian nuclear issue, many analysts believe that military action -- if not by Israel, then by the United States -- could be on this year's agenda.¶ Lurking just behind the Iranian imbroglio, however, is a potential crisis of far greater magnitude, and potentially far more imminent than most of us imagine. China's determination to assert control over disputed islands in the potentially energy-rich waters of the East and South China Seas, in the face of stiffening resistance from Japan and the Philippines along with greater regional assertiveness by the United States, spells trouble not just regionally, but potentially globally.¶ Islands, Islands, Everywhere¶ The possibility of an Iranian crisis remains in the spotlight because of the obvious risk of disorder in the Greater Middle East and its threat to global oil production and shipping. A crisis in the East or South China Seas (essentially, western extensions of the Pacific Ocean) would, however, pose a greater peril because of the possibility of a U.S.-China military confrontation and the threat to Asian economic stability.¶ The United States is bound by treaty to come to the assistance of Japan or the Philippines if either country is attacked by a third party, so any armed clash between Chinese and Japanese or Filipino forces could trigger American military intervention. With so much of the world's trade focused on Asia, and the American, Chinese, and Japanese economies tied so closely together in ways too essential to ignore, a clash of almost any sort in these vital waterways might paralyze international commerce and trigger a global recession (or worse).¶ All of this should be painfully obvious and so rule out such a possibility -- and yet the likelihood of such a clash occurring has been on the rise in recent months, as China and its neighbors continue to ratchet up the bellicosity of their statements and bolster their military forces in the contested areas. Washington's continuing statements about its ongoing plans for a "pivot" to, or "rebalancing" of, its forces in the Pacific have only fueled Chinese intransigence and intensified a rising sense of crisis in the region. Leaders on all sides continue to affirm their country's inviolable rights to the contested islands and vow to use any means necessary to resist encroachment by rival claimants. In the meantime, China has increased the frequency and scale of its naval maneuvers in waters claimed by Japan, Vietnam, and the Philippines, further enflaming tensions in the region.¶ Ostensibly, these disputes revolve around the question of who owns a constellation of largely uninhabited atolls and islets claimed by a variety of nations. In the East China Sea, the islands in contention are called the Diaoyus by China and the Senkakus by Japan. At present, they are administered by Japan, but both countries claim sovereignty over them. In the South China Sea, several island groups are in contention, including the Spratly chain and the Paracel Islands (known in China as the Nansha and Xisha Islands, respectively). China claims all of these islets, while Vietnam claims some of the Spratlys and Paracels. Brunei, Malaysia, and the Philippines also claim some of the Spratlys.¶ Far more is, of course, at stake than just the ownership of a few uninhabited islets. The seabeds surrounding them are believed to sit atop vast reserves of oil and natural gas. Ownership of the islands would naturally confer ownership of the reserves -- something all of these countries desperately desire. Powerful forces of nationalism are also at work: with rising popular fervor, the Chinese believe that the islands are part of their national territory and any other claims represent a direct assault on China's sovereign rights; the fact that Japan -- China's brutal invader and occupier during World War II -- is a rival claimant to some of them only adds a powerful tinge of victimhood to Chinese nationalism and intransigence on the issue. By the same token, the Japanese, Vietnamese, and Filipinos, already feeling threatened by China's growing wealth and power, believe no less firmly that not bending on the island disputes is an essential expression of their nationhood.¶ Long ongoing, these disputes have escalated recently. In May 2011, for instance, the Vietnamese reported that Chinese warships were harassing oil-exploration vessels operated by the state-owned energy company PetroVietnam in the South China Sea. In two instances, Vietnamese authorities claimed, cables attached to underwater survey equipment were purposely slashed. In April 2012, armed Chinese marine surveillance ships blocked efforts by Filipino vessels to inspect Chinese boats suspected of illegally fishing off Scarborough Shoal, an islet in the South China Sea claimed by both countries.¶ The East China Sea has similarly witnessed tense encounters of late. Last September, for example, Japanese authorities arrested 14 Chinese citizens who had attempted to land on one of the Diaoyu/Senkaku Islands to press their country's claims, provoking widespread anti-Japanese protests across China and a series of naval show-of-force operations by both sides in the disputed waters.¶ Regional diplomacy, that classic way of settling disputes in a peaceful manner, has been under growing strain recently thanks to these maritime disputes and the accompanying military encounters. In July 2012, at the annual meeting of the Association of Southeast Asian Nations (ASEAN), Asian leaders were unable to agree on a final communiqué, no matter how anodyne -- the first time that had happened in the organization's 46-year history. Reportedly, consensus on a final document was thwarted when Cambodia, a close ally of China's, refused to endorse compromise language on a proposed "code of conduct" for resolving disputes in the South China Sea. Two months later, when Secretary of State Hillary Rodham Clinton visited Beijing in an attempt to promote negotiations on the disputes, she was reviled in the Chinese press, while officials there refused to cede any ground at all.¶ As 2012 ended and the New Year began, the situation only deteriorated. On December 1st, officials in Hainan Province, which administers the Chinese-claimed islands in the South China Sea, announced a new policy for 2013: Chinese warships would now be empowered to stop, search, or simply repel foreign ships that entered the claimed waters and were suspected of conducting illegal activities ranging, assumedly, from fishing to oil drilling. This move coincided with an increase in the size and frequency of Chinese naval deployments in the disputed areas.¶ On December 13th, the Japanese military scrambled F-15 fighter jets when a Chinese marine surveillance plane flew into airspace near the Diaoyu/Senkaku Islands. Another worrisome incident occurred on January 8th, when four Chinese surveillance ships entered Japanese-controlled waters around those islands for 13 hours. Two days later, Japanese fighter jets were again scrambled when a Chinese surveillance plane returned to the islands. Chinese fighters then came in pursuit, the first time supersonic jets from both sides flew over the disputed area. The Chinese clearly have little intention of backing down, having indicated that they will increase their air and naval deployments in the area, just as the Japanese are doing.¶ Powder Keg in the Pacific¶ While war clouds gather in the Pacific sky, the question remains: Why, pray tell, is this happening now?¶ Several factors seem to be conspiring to heighten the risk of confrontation, including leadership changes in China and Japan, and a geopolitical reassessment by the United States.¶ \* In China, a new leadership team is placing renewed emphasis on military strength and on what might be called national assertiveness. At the 18th Party Congress of the Chinese Communist Party, held last November in Beijing, Xi Jinping was named both party head and chairman of the Central Military Commission, making him, in effect, the nation's foremost civilian and military official. Since then, Xi has made several heavily publicized visits to assorted Chinese military units, all clearly intended to demonstrate the Communist Party's determination, under his leadership, to boost the capabilities and prestige of the country's army, navy, and air force. He has already linked this drive to his belief that his country should play a more vigorous and assertive role in the region and the world.¶ In a speech to soldiers in the city of Huizhou, for example, Xi spoke of his "dream" of national rejuvenation: "This dream can be said to be a dream of a strong nation; and for the military, it is the dream of a strong military." Significantly, he used the trip to visit the Haikou, a destroyer assigned to the fleet responsible for patrolling the disputed waters of the South China Sea. As he spoke, a Chinese surveillance plane entered disputed air space over the Diaoyu/Senkaku islands in the East China Sea, prompting Japan to scramble those F-15 fighter jets.¶ \* In Japan, too, a new leadership team is placing renewed emphasis on military strength and national assertiveness. On December 16th, arch-nationalist Shinzo Abe returned to power as the nation's prime minister. Although he campaigned largely on economic issues, promising to revive the country's lagging economy, Abe has made no secret of his intent to bolster the Japanese military and assume a tougher stance on the East China Sea dispute.¶ In his first few weeks in office, Abe has already announced plans to increase military spending and review an official apology made by a former government official to women forced into sexual slavery by the Japanese military during World War II. These steps are sure to please Japan's rightists, but certain to inflame anti-Japanese sentiment in China, Korea, and other countries it once occupied.¶ Equally worrisome, Abe promptly negotiated an agreement with the Philippines for greater cooperation on enhanced "maritime security" in the western Pacific, a move intended to counter growing Chinese assertiveness in the region. Inevitably, this will spark a harsh Chinese response -- and because the United States has mutual defense treaties with both countries, it will also increase the risk of U.S. involvement in future engagements at sea.¶ \* In the United States, senior officials are debating implementation of the "Pacific pivot" announced by President Obama in a speech before the Australian Parliament a little over a year ago. In it, he promised that additional U.S. forces would be deployed in the region, even if that meant cutbacks elsewhere. "My guidance is clear," he declared. "As we plan and budget for the future, we will allocate the resources necessary to maintain our strong military presence in this region." While Obama never quite said that his approach was intended to constrain the rise of China, few observers doubt that a policy of "containment" has returned to the Pacific.¶ Indeed, the U.S. military has taken the first steps in this direction, announcing, for example, that by 2017 all three U.S. stealth planes, the F-22, F-35, and B-2, would be deployed to bases relatively near China and that by 2020 60% of U.S. naval forces will be stationed in the Pacific (compared to 50% today). However, the nation's budget woes have led many analysts to question whether the Pentagon is actually capable of fully implementing the military part of any Asian pivot strategy in a meaningful way. A study conducted by the Center for Strategic and International Studies (CSIS) at the behest of Congress, released last summer, concluded that the Department of Defense "has not adequately articulated the strategy behind its force posture planning [in the Asia-Pacific] nor aligned the strategy with resources in a way that reflects current budget realities."¶ This, in turn, has fueled a drive by military hawks to press the administration to spend more on Pacific-oriented forces and to play a more vigorous role in countering China's "bullying" behavior in the East and South China Seas. "[America's Asian allies] are waiting to see whether America will live up to its uncomfortable but necessary role as the true guarantor of stability in East Asia, or whether the region will again be dominated by belligerence and intimidation," former Secretary of the Navy and former Senator James Webb wrote in the Wall Street Journal. Although the administration has responded to such taunts by reaffirming its pledge to bolster its forces in the Pacific, this has failed to halt the calls for an even tougher posture by Washington. Obama has already been chided for failing to provide sufficient backing to Israel in its struggle with Iran over nuclear weapons, and it is safe to assume that he will face even greater pressure to assist America's allies in Asia were they to be threatened by Chinese forces.¶ Add these three developments together, and you have the makings of a powder keg -- potentially at least as explosive and dangerous to the global economy as any confrontation with Iran. Right now, given the rising tensions, the first close encounter of the worst kind, in which, say, shots were unexpectedly fired and lives lost, or a ship or plane went down, might be the equivalent of lighting a fuse in a crowded, over-armed room. Such an incident could occur almost any time. The Japanese press has reported that government officials there are ready to authorize fighter pilots to fire warning shots if Chinese aircraft penetrate the airspace over the Diaoyu/Senkaku islands. A Chinese general has said that such an act would count as the start of "actual combat." That the irrationality of such an event will be apparent to anyone who considers the deeply tangled economic relations among all these powers may prove no impediment to the situation -- as at the beginning of World War I -- simply spinning out of everyone's control.¶ Can such a crisis be averted? Yes, if the leaders of China, Japan, and the United States, the key countries involved, take steps to defuse the belligerent and ultra-nationalistic pronouncements now holding sway and begin talking with one another about practical steps to resolve the disputes. Similarly, an emotional and unexpected gesture -- Prime Minister Abe, for instance, pulling a Nixon and paying a surprise goodwill visit to China -- might carry the day and change the atmosphere. Should these minor disputes in the Pacific get out of hand, however, not just those directly involved but the whole planet will look with sadness and horror on the failure of everyone involved.

# Case

## 1NC – No Govt

**Psychoanalytic affirmation does not spill over to government policy**

Adam Rosen-Carole 10, Visiting Professor of Philosophy at Bard College, 2010, “Menu Cards in Time of Famine: On Psychoanalysis and Politics,” Psychoanalytic Quarterly, Vol. LXXIX, No. 1, p. 205-207

On the other hand, though in these ways and many others, psychoanalysis seems to promote the sorts of subjective dispositions and habits requisite for a thriving democracy, and though in a variety of ways psychoanalysis contributes to personal emancipation— say, by releasing individuals from self-defeating, damaging, or petrified forms action and reaction, object attachment, and the like—in light of the very uniqueness of what it has to offer, one cannot but wonder: to what extent, if at all, can the habits and dispositions—broadly, the forms of life—cultivated by psychoanalytic practice survive, let alone flourish, under modern social and political conditions? If the emancipatory inclinations and democratic virtues that psychoanalytic practice promotes are systematically crushed or at least regularly unsupported by the world in which they would be realized, then isn’t psychoanalysis implicitly making promises it cannot redeem? Might not massive social and political transformations be the condition for the efficacious practice of psychoanalysis? And so, under current conditions, can we avoid experiencing the forms of life nascently cultivated by psychoanalytic practice as something of a tease, or even a source of deep frustration?

(2) Concerning psychoanalysis as a politically inclined theoretical enterprise, the worry is whether political diagnoses and proposals that proceed on the basis of psychoanalytic insights and forms of attention partake of a fantasy of interpretive efficacy (all the world’s a couch, you might say), wherein our profound alienation from the conditions for robust political agency are registered and repudiated?

Consider, for example, Freud and Bullitt’s (1967) assessment of the psychosexual determinants of Woodrow Wilson’s political aspirations and impediments, or Reich’s (1972) suggestion that Marxism should appeal to psychoanalysis in order to illuminate and redress neurotic phenomena that generate disturbances in working capacity, especially as this concerns religion and bourgeois sexual ideology. Also relevant are Freud’s, Žižek’s (1993, 2004), Derrida’s (2002) and others’ insistence that we draw the juridical and political consequences of the hypothesis of an irreducible death drive, as well as Marcuse’s (1970) proposal that we attend to the weakening of Eros and the growth of aggression that results from the coercive enforcement of the reality principle upon the sociopolitically weakened ego, and especially to the channeling of this aggression into hatred of enemies. Reich (1972) and Fromm (1932) suggest that psychoanalysis be employed to explore the motivations to political irrationality, especially that singular irrationality of joining the national-socialist movement, while Irigaray (1985) diagnoses the desire for the Same, the One, the Phallus as a desire for a sociosymbolic order that assures masculine dominance.

Žižek (2004) contends that only a psychoanalytic exposition of the disavowed beliefs and suppositions of the United States political elite can get at the fundamental determinants of the Iraq War. Rose (1993) argues that it was the paranoiac paradox of sensing both that there is every reason to be frightened and that everything is under control that allowed Thatcher “to make this paradox the basis of political identity so that subjects could take pleasure in violence as force and legitimacy while always locating ‘real’ violence somewhere else—illegitimate violence and illicitness increasingly made subject to the law” (p. 64). Stavrakakis (1999) advocates that we recognize and traverse the residues of utopian fantasy in our contemporary political imagination.1

Might not the psychoanalytic interpretation of powerful figures (Bush, Bin Laden, or whomever), collective subjects (nations, ethnic groups, and so forth), or urgent “political” situations register an anxiety regarding political impotence or “castration” that is pacified and modified by the fantasmatic frame wherein the psychoanalytically inclined political theorist situates him- or herself as diagnosing or interpretively intervening in the lives of political figures, collective political subjects, or complex political situations with the idealized efficacy of a successful clinical intervention? If so, then the question is: are the contributions of psychoanalytically inclined political theory anything more than tantalizing menu cards for meals it cannot deliver?

As I said, the worry is twofold. These are two folds of a related problem, which is this: might the very seductiveness of psychoanalytic theory and practice—specifically, the seductiveness of its political promise—register the lasting eclipse of the political and the objectivity of the social, respectively? In other words, might not everything that makes psychoanalytic theory and practice so politically attractive indicate precisely the necessity of wide-ranging social/institutional transformations that far exceed the powers of psychoanalysis?

And so, might not the politically salient transformations of subjectivity to which psychoanalysis can contribute overburden subjectivity as the site of political transformation, blinding us to the necessity of largescale institutional reforms? Indeed, might not massive institutional transformations be necessary conditions for the efficacy of psychoanalytic practice, both personally and politically? Further, might not the so-called interventions and proposals of psychoanalytically inclined political theory similarly sidestep the question of the institutional transformations necessary for their realization, and so conspire with our blindness to the enormous institutional impediments to a progressive political future?

#### Heteronorm needs the state to be productive

Duggan 1994 Lisa, Queering the State, Social Text, No. 39 (Summer, 1994), pp. 1-14

The problem for those of us engaged in queer scholarship and teaching, who have a stake in queer politics, is how to respond to these attacks at a moment when we have unprecedented opportunities (we are present in university curriculums and national politics as never before), yet confront perilous and paralyzing assaults. It is imperative that we respond to these attacks in the public arena from which they are launched. We cannot defend our teaching and scholarship without engaging in public debate and addressing the nature and operations of the state upon which our jobs and futures depend. In other words, the need to turn our attention to state politics is not only theoretical (though it is also that). It is time for queer intellectuals to concentrate on the creative production of strategies at the boundary of queer and nation-strategies specifically for queering the state.5

#### Ceding state based politics causes a takeover by the Christian Right --- Internal link turns the K and the root cause for queer exclusion.

Brenkman 2002 John, Distinguished Professor of English and Literature at the CUNY and Baruch College, Narrative, Vol. 10, No. 2, p. 188-189

**How then to analyze or theorize this struggle? A motif in Edelman's analysis takes the rhetoric and imagery of the Christian Right** and traditional Catholicism **to be a more insightful discourse than liberalism when it comes to understanding the underlying politics of sexuality** today. I think **this is extremely misguided. The Right does not have a truer sense of the social-symbolic order than liberals and radicals; it simply has more reactionary aims and has mobilized with significant effect to impose its phobic and repressive values** on civil society and through the state. **The Christian Right is itself a "new social movement" that contests the feminist and gay and lesbian social movements. To grant the Right the status of exemplary articulators of "the" social order strikes me as politically self-destructive and theoretically just plain wrong**.

#### Scenario planning is inevitable – alt just causes policymakers to rely on their preconceptions instead of sound analysis

**Fitzsimmons, 07**  (Michael, Washington DC defense analyst, “The Problem of Uncertainty in Strategic Planning”, Survival, Winter 06-07, online)

But handling even this weaker form of uncertainty is still quite challeng-  ing. If not sufficiently bounded, a high degree of variability in planning factors  can exact a significant price on planning. The complexity presented by great variability strains the cognitive abilities of even the most sophisticated decision-  makers.15 And even a robust decision-making process sensitive to cognitive  limitations necessarily sacrifices depth of analysis for breadth as variability and  complexity grows. It should follow, then, that in planning under conditions of  risk, variability in strategiccalculation should be carefully tailored to available  analytic and decision processes.  Why is this important? What harm can an imbalance between complexity  and cognitive or analytic capacity in strategic planning bring? Stated simply, where analysis is silent or inadequate, the personal beliefs of decision-makers  fill the void. As political scientist Richard Betts found in a study of strategic sur-  prise, in ‘an environment that lacks clarity, abounds with conflicting data, and  allows no time for rigorous assessment of sources and validity, ambiguity allows  intuition or wishfulness to drive interpretation ... The greater the ambiguity, the  greater the impact of preconceptions.’16The decision-making environment that  Betts describes here is one of political-military crisis, not long-term strategic planning. But a strategist who sees uncertainty as the central fact of his environ-  ment brings upon himself some of the pathologies of crisis decision-making.  He invites ambiguity, takes conflicting data for granted and substitutes a priori  scepticism about the validity of prediction for time pressure as a rationale for  discounting the importance of analytic rigour.  It is important not to exaggerate the extent to which data and ‘rigorous  assessment’ can illuminate strategic choices. Ambiguity is a fact of life, and  scepticism of analysis is necessary. Accordingly, the intuition and judgement of  decision-makers will always be vital to strategy, and attempting to subordinate  those factors to some formulaic, deterministic decision-making model would be  both undesirable and unrealistic. All the same, there is danger in the opposite  extreme as well. Without careful analysis of what is relatively likely and what  is relatively unlikely, what will be the possible bases for strategic choices? A  decision-maker with no faith in prediction is left with little more than a set of  worst-case scenarios and his existing beliefs about the world to confront the  choices before him.Those beliefs may be more or less well founded, but if they  are not made explicit and subject to analysis and debate regarding their application to particular strategic contexts, they remain only beliefs and premises,rather than rational judgements. Even at their best, such decisions are likely to  be poorly understood by the organisations charged with their implementation.  At their worst, such decisions may be poorly understood by the decision-makers  themselves.

## 1NC Offense

#### This argumentative methodology of tautology creates a kind of myth that closes of criticism and shuts out space for reflection—it is an order not to think

**Robinson, Prof Pol @ U Nottingham, 2005**

(Andrew, “The Political Theory of Constitutive Lack: A Critique”, Theory & Event, 8:1)

 The myth of lack: a Barthesian critique of Lacanian political theory

 The theoretical underpinnings of political Lacanianism typically rely on a "postmodern" disdain for essentialism, grounds and teleology, and articulate wider belief in contingency (for instance, by emphasizing contemporaneity). Doesn't a belief in contingency necessitate some conception of "constitutive lack"? The point to emphasize here is that "constitutive lack" is not an endorsement of contingency: **it is a new conception of** an **essence**, which is used as a **positive foundation** for claims. It may be posited as negativity, but it operates within the syntax of theoretical discourse as if it were a noun referring to a specific object.

 More precisely, I would maintain that "constitutive lack" is an instance of a Barthesian **myth. It is, after all, the function of myth to do exactly what this concept does: to assert the empty facticity of a particular ideological schema while rejecting any need to argue for its assumptions.** 'Myth does not deny things; on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification, it is a clarity which is not that of an explanation but that of a statement of fact'37. This is precisely the status of "constitutive lack": a supposed fact which is supposed to operate above and beyond explanation, on an ontological level instantly accessible to those with the courage to accept it. Myths operate to construct euphoric enjoyment for those who use them, but their operation is in conflict with the social context with which they interact. This is because their operation is connotative: they are "received" rather than "read"38, and open only to a "readerly" and not a "writerly" interpretation. A myth is a second-order signification attached to an already-constructed denotative sign, and the ideological message projected into this sign is constructed outside the context of the signified. A myth is therefore, in Alfred Korzybski's sense, intensional: its meaning derives from a prior linguistic schema, not from interaction with the world in its complexity39. Furthermore, myths have **a repressive social function**, carrying in Barthes's words **an 'order not to think'**40. They are necessarily projected onto or imposed on actual people and events, under the cover of this order. The "triumph of literature" in the Dominici trial41 consists precisely in this projection of an externally-constructed mythical schema as a way of avoiding engagement with something one does not understand

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 Lacanian theory, like Barthesian myths, involves a prior idea of a structural matrix which is not open to change in the light of the instances to which it is applied. Žižek's writes of a 'pre-ontological dimension which precedes and eludes the construction of reality'42, while Laclau suggests there is a formal structure of any chain of equivalences which necessitates the logic of hegemony43. Specific analyses are referred back to this underlying structure as its necessary expressions, without apparently being able to alter it; for instance, 'those who triggered the process of democratization in eastern Europe... are not those who today enjoy its fruits, not because of a simple usurpation... but because of a deeper structural logic'44. In most instances, the mythical operation of the idea of "constitutive lack" is implicit, revealed only by a rhetoric of denunciation. For instance, Mouffe accuses liberalism of an 'incapacity... to grasp... the irreducible character of antagonism'45, while Žižek claims that a 'dimension' is 'lost' in Butler's work because of her failure to conceive of "trouble" as constitutive of "gender"46. This language of "denial" which is invoked to silence critics is a clear example of Barthes's "order not to think": one is not to think about the idea of "constitutive lack", one is simply to "accept" it, under pain of invalidation. **If someone else disagrees, s/he can simply be told that there is something crucial missing from her/his theory. Indeed, critics are as likely to be accused of being "dangerous" as to be accused of being wrong.**

# 2NC

**Chandler 2009** (David Chandler is Professor of International Relations at the University of Westminster, “Questioning Global Political Activism”, *What is Radical Politics Today?,* Edited by Jonathan Pugh, pp. 81-2)

Today more and more people are ‘doing politics’ in their academic work. This is the reason for the boom in International Relations (IR) study and the attraction of other social sciences to the global sphere. I would argue that the attraction of IR for many people has not been IR theory but the desire to practise global ethics. The boom in the IR discipline has coincided with a rejection of Realist theoretical frameworks of power and interests and the sovereignty/anarchy problematic. However, I would argue that this rejection has not been a product of theoretical engagement with Realism but an ethical act of rejection of Realism’s ontological focus. It seems that our ideas and our theories say much more about us than the world we live in. Normative theorists and Constructivists tend to support the global ethical turn arguing that we should not be as concerned with ‘what is’ as with the potential for the emergence of a global ethical community. Constructivists, in particular, focus upon the ethical language which political elites espouse rather than the practices of power. But the most dangerous trends in the discipline today are those frameworks which have taken up Critical Theory and argue that focusing on the world as it exists is conservative problem-solving while the task for critical theorists is to focus on emancipatory alternative forms of living or of thinking about the world. Critical thought then becomes a process of wishful thinking rather than one of engagement, with its advocates arguing that we need to focus on clarifying our own ethical frameworks and biases and positionality, before thinking about or teaching on world affairs. This becomes ‘me-search’ rather than research. We have moved a long way from Hedley Bull’s (1995) perspective that, for academic research to be truly radical, we had to put our values to the side to follow where the question or inquiry might lead. The inward-looking and narcissistic trends in academia, where we are more concerned with our reflectivity – the awareness of our own ethics and values – than with engaging with the world, was brought home to me when I asked my IR students which theoretical frameworks they agreed with most. They mostly replied Critical Theory and Constructivism. This is despite the fact that the students thought that states operated on the basis of power and self-interest in a world of anarchy. Their theoretical preferences were based more on what their choices said about them as ethical individuals, than about how theory might be used to understand and engage with the world. Conclusion I have attempted to argue that there is a lot at stake in the radical understanding of engagement in global politics. Politics has become a religious activity, an activity which is no longer socially mediated; it is less and less an activity based on social engagement and the testing of ideas in public debate or in the academy. Doing politics today, whether in radical activism, government policy-making or in academia, seems to bring people into a one-to-one relationship with global issues in the same way religious people have a one-to-one relationship with their God. Politics is increasingly like religion because when we look for meaning we find it inside ourselves rather than in the external consequences of our ‘political’ acts. What matters is the conviction or the act in itself: its connection to the global sphere is one that we increasingly tend to provide idealistically. Another way of expressing this limited sense of our subjectivity is in the popularity of globalisation theory – the idea that instrumentality is no longer possible today because the world is such a complex and interconnected place and therefore there is no way of knowing the consequences of our actions. The more we engage in the new politics where there is an unmediated relationship between us as individuals and global issues, the less we engage instrumentally with the outside world, and the less we engage with our peers and colleagues at the level of political or intellectual debate and organisation.

Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11/13, 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

2. Factual Chaos and Uncertainty

One of the most important skills for students going into national security law is the ability to deal with factual chaos. The presentation of factual chaos significantly differs from the traditional model of legal education, in which students are provided a set of facts which they must analyze. Lawyers working in national security law must figure out what information they need, integrate enormous amounts of data from numerous sources, determine which information is reliable and relevant, and proceed with analysis and recommendations. Their recommendations, moreover, must be based on contingent conditions: facts may be classified and unavailable to the legal analyst, or facts may change as new information emerges. This is as true for government lawyers as it is for those outside of governmental structures. They must be aware of what is known, what is unsure, what is unknown, and the possibility of changing circumstances, and they must advise their clients, from the beginning, how the legal analysis might shift if the factual basis alters. a. Chaos. Concern about information overload in the national security environment is not new: in the 1970s scholars discussed and debated how to handle the sequential phases of intelligence gathering and analysis in a manner that yielded an optimal result.132 But the digital revolution has exponentially transformed the quantitative terms of reference, the technical means of collection and analysis, and the volume of information available. The number of sources of information – not least in the online world – is staggering. Added to this is the rapid expansion in national security law itself: myriad new Executive Orders, Presidential Directives, institutions, programs, statutes, regulations, lawsuits, and judicial decisions mean that national security law itself is rapidly changing. Lawyers inside and outside of government must keep abreast of constantly evolving authorities. The international arena too is in flux, as global entities, such as the United Nations, the European Court of Human Rights, the G-7/G-8, and other countries, introduce new instruments whose reach includes U.S. interests. Rapid geopolitical changes relating to critical national security concerns, such as worldwide financial flows, the Middle East, the Arab Spring, South American drug cartels, North Korea, the former Soviet Union, China, and other issues require lawyers to keep up on what is happening globally as a way of understanding domestic concerns. Further expanding the information overload is the changing nature of what constitutes national security itself.133 In sum, the sheer amount of information the national security lawyer needs to assimilate is significant. The basic skills required in the 1970s thus may be similar – such as the ability (a) to know where to look for relevant and reliable information; (b) to obtain the necessary information in the most efficient manner possible; (c) to quickly discern reliable from unreliable information; (d) to know what data is critical; and (e) to ascertain what is as yet unknown or contingent on other conditions. But the volume of information, the diversity of information sources, and the heavy reliance on technology requires lawyers to develop new skills. They must be able to obtain the right information and to ignore chaos to focus on the critical issues. These features point in opposite directions – i.e., a broadening of knowledge and a narrowing of focus. A law school system built on the gradual and incremental advance of law, bolstered or defeated by judicial decisions and solidified through the adhesive nature of stare decisis appears particularly inapposite for this rapidly-changing environment. An important question that will thus confront students upon leaving the legal academy is how to keep abreast of rapidly changing national security and geopolitical concerns in an information-rich world in a manner that allows for capture of relevant information, while retaining the ability to focus on the immediate task at hand. Staying ahead of the curve requires developing a sense of timing – when to respond to important legal and factual shifts – and identifying the best means of doing so. Again, this applies to government and non-government employees. How should students prioritize certain information and then act upon it? This, too, is an aspect of information overload. b. Uncertainty. National security law proves an information-rich, factuallydriven environment. The ability to deal with such chaos may be hampered by gaps in the information available and the difficulty of engaging in complex fact-finding – a skill often under-taught in law school. Investigation of relevant information may need to reach far afield in order to generate careful legal analysis. Uncertainty here plays a key role. In determining, for instance, the contours of quarantine authority, lawyers may need to understand how the pandemic in question works, where there have been outbreaks, how it will spread, what treatments are available, which social distancing measures may prove most effective, what steps are being taken locally, at a state-level, and internationally, and the like. Lawyers in non-profit organizations, legal academics, in-house attorneys, and others, in turn, working in the field, must learn how to find out the relevant information before commenting on new programs and initiatives, agreeing to contractual terms, or advising clients on the best course of action. For both government and non-government lawyers, the secrecy inherent in the field is of great consequence. The key here is learning to ask intelligent questions to generate the best legal analysis possible. It may be the case that national security lawyers are not aware of the facts they are missing – facts that would be central to legal analysis. This phenomenon front-loads the type of advice and discussions in which national security lawyers must engage. It means that analysis must be given in a transparent manner, contingent on a set of facts currently known, with indication given up front as to how that analysis might change, should the factual basis shift. This is particularly true of government attorneys, who may be advising policymakers who may or may not have a background in the law and who may have access to more information than the attorney. Signaling the key facts on which the legal decision rests with the caveat that the legal analysis of the situation might change if the facts change, provides for more robust consideration of critically important issues. c. Creative Problem Solving. Part of dealing with factual uncertainty in a rapidly changing environment is learning how to construct new ways to address emerging issues. Admittedly, much has been made in the academy about the importance of problem-based learning as a method in developing students’ critical thinking skills.134 Problem-solving, however, is not merely a method of teaching. It is itself a goal for the type of activities in which lawyers will be engaged. The means-ends distinction is an important one to make here. Problemsolving in a classroom environment may be merely a conduit for learning a specific area of the law or a limited set of skills. But problem-solving as an end suggests the accumulation of a broader set of tools, such as familiarity with multidisciplinary approaches, creativity and originality, sequencing, collaboration, identification of contributors’ expertise, and how to leverage each skill set. This goal presents itself in the context of fact-finding, but it draws equally on strong understanding of legal authorities and practices, the Washington context, and policy considerations. Similarly, like the factors highlighted in the first pedagogical goal, adding to the tensions inherent in factual analysis is the abbreviated timeline in which national security attorneys must operate. Time may not be a commodity in surplus. This means that national security legal education must not only develop students’ complex fact-finding skills and their ability to provide contingent analysis, but it must teach them how to swiftly and efficiently engage in these activities. 3. Critical Distance As was recognized more than a century ago, analytical skills by themselves are insufficient training for individuals moving into the legal profession.135 Critical thinking provides the necessary distance from the law that is required in order to move the legal system forward. Critical thought, influenced by the Ancient Greek tradition, finds itself bound up in the Socratic method of dialogue that continues to define the legal academy. But it goes beyond such constructs as well. Scholars and educators disagree, of course, on what exactly critical thinking entails.136 For purposes of our present discussion, I understand it as the metaconversation in the law. Whereas legal analysis and substantive knowledge focus on the law as it is and how to work within the existing structures, critical thought provides distance and allows students to engage in purposeful discussion of theoretical constructs that deepen our understanding of both the actual and potential constructs of law. It is inherently reflective. For the purpose of practicing national security law, critical thought is paramount. This is true partly because of the unique conditions that tend to accompany the introduction of national security provisions: these are often introduced in the midst of an emergency. Their creation of new powers frequently has significant implications for distribution of authority at a federal level, a diminished role for state and local government in the federalism realm, and a direct impact on individual rights.137 Constitutional implications demand careful scrutiny. Yet at the time of an attack, enormous pressure is on officials and legislators to act and to be seen to act to respond.138 With the impact on rights, in particular, foremost in legislators’ minds, the first recourse often is to make any new powers temporary. However, they rarely turn out to be so, instead becoming embedded in the legislative framework and providing a baseline on which further measures are built.139 In order to withdraw them, legislators must demonstrate either that the provisions are not effective or that no violence will ensue upon their withdrawal (either way, a demanding proof). Alternatively, legislators would have to acknowledge that some level of violence may be tolerated – a step no politician is willing to take. Any new powers, introduced in the heat of the moment, may become a permanent part of the statutory and regulatory regime. They may not operate the way in which they were intended. They may impact certain groups in a disparate manner. They may have unintended and detrimental consequences. Therefore, it is necessary for national security lawyers to be able to view such provisions, and related policy decisions, from a distance and to be able to think through them outside of the contemporary context. There are many other reasons such critical analysis matters that reflect in other areas of the law. The ability to recognize problems, articulate underlying assumptions and values, understand how language is being used, assess whether argument is logical, test conclusions, and determine and analyze pertinent information depends on critical thinking skills. Indeed, one could draw argue that it is the goal of higher education to build the capacity to engage in critical thought. Deeply humanistic theories underlie this approach. The ability to develop discerning judgment – the very meaning of the Greek term, 􏰀􏰁􏰂􏰃􏰄􏰅􏰆 – provides the basis for advancing the human condition through reason and intellectual engagement. Critical thought as used in practicing national security law may seem somewhat antithetical to the general legal enterprise in certain particulars. For government lawyers and consultants, there may be times in which not providing legal advice, when asked for it, may be as important as providing it. That is, it may be important not to put certain options on the table, with legal justifications behind them. Questions whether to advise or not to advise are bound up in considerations of policy, professional responsibility, and ethics. They may also relate to questions as to who one’s client is in the world of national security law.140 It may be unclear whether and at what point one’s client is a supervisor, the legal (or political) head of an agency, a cross-agency organization, the White House, the Constitution, or the American public. Depending upon this determination, the national security lawyer may or may not want to provide legal advice to one of the potential clients. Alternatively, such a lawyer may want to call attention to certain analyses to other clients. Determining when and how to act in these circumstances requires critical distance. 4. Nontraditional Written and Oral Communication Skills Law schools have long focused on written and oral communication skills that are central to the practice of law. Brief writing, scholarly analysis, criminal complaints, contractual agreements, trial advocacy, and appellate arguments constitute standard fare. What is perhaps unique about the way communication skills are used in the national security world is the importance of non-traditional modes of legal communication such as concise (and precise) oral briefings, email exchanges, private and passing conversations, agenda setting, meeting changed circumstances, and communications built on swiftly evolving and uncertain information. For many of these types of communications speed may be of the essence – and unlike the significant amounts of time that accompany preparation of lengthy legal documents (and the painstaking preparation for oral argument that marks moot court preparations.) Much of the activity that goes on within the Executive Branch occurs within a hierarchical system, wherein those closest to the issues have exceedingly short amounts of time to deliver the key points to those with the authority to exercise government power. Unexpected events, shifting conditions on the ground, and deadlines require immediate input, without the opportunity for lengthy consideration of the different facets of the issue presented. This is a different type of activity from the preparation of an appellate brief, for instance, involving a fuller exposition of the issues involved. It is closer to a blend of Supreme Court oral argument and witness crossexamination – although national security lawyers often may not have the luxury of the months, indeed, years, that cases take to evolve to address the myriad legal questions involved. Facts on which the legal analysis rests, moreover, as discussed above, may not be known. This has substantive implications for written and oral communications. Tension between the level of legal analysis possible and the national security process itself may lead to a different norm than in other areas of the law. Chief Judge Baker explains, If lawyers insist on knowing all the facts all the time, before they are willing to render advice, or, if they insist on preparing a written legal opinion in response to every question, then national security process would become dysfunctional. The delay alone would cause the policymaker to avoid, and perhaps evade, legal review.141 Simultaneously, lawyers cannot function without some opportunity to look carefully at the questions presented and to consult authoritative sources. “The art of lawyering in such context,” Baker explains, “lies in spotting the issue, accurately identifying the timeline for decision, and applying a meaningful degree of formal or informal review in response.”142 The lawyer providing advice must resist the pressure of the moment and yet still be responsive to the demand for swift action. The resulting written and oral communications thus may be shaped in different ways. Unwilling to bind clients’ hands, particularly in light of rapidly-changing facts and conditions, the potential for nuance to be lost is considerable. The political and historical overlay of national security law here matters. In some circumstances, even where written advice is not formally required, it may be in the national security lawyer’s best interests to commit informal advice to paper in the form of an email, notation, or short memo. The process may serve to provide an external check on the pressures that have been internalized, by allowing the lawyer to separate from the material and read it. It may give the lawyer the opportunity to have someone subject it to scrutiny. Baker suggests that “on issues of importance, even where the law is clear, as well as situations where novel positions are taken, lawyers should record their informal advice in a formal manner so that they may be held accountable for what they say, and what they don’t say.”143 Written and oral communication may occur at highly irregular moments – yet it is at these moments (in the elevator, during an email exchange, at a meeting, in the course of a telephone call), that critical legal and constitutional decisions are made. This model departs from the formalized nature of legal writing and research. Yet it is important that students are prepared for these types of written and oral communication as an ends in and of themselves. 5. Leadership, Integrity and Good Judgment National security law often takes place in a high stakes environment. There is tremendous pressure on attorneys operating in the field – not least because of the coercive nature of the authorities in question. The classified environment also plays a key role: many of the decisions made will never be known publicly, nor will they be examined outside of a small group of individuals – much less in a court of law. In this context, leadership, integrity, and good judgment stand paramount. The types of powers at issue in national security law are among the most coercive authorities available to the government. Decisions may result in the death of one or many human beings, the abridgment of rights, and the bypassing of protections otherwise incorporated into the law. The amount of pressure under which this situation places attorneys is of a higher magnitude than many other areas of the law. Added to this pressure is the highly political nature of national security law and the necessity of understanding the broader Washington context, within which individual decision-making, power relations, and institutional authorities compete. Policy concerns similarly dominate the landscape. It is not enough for national security attorneys to claim that they simply deal in legal advice. Their analyses carry consequences for those exercising power, for those who are the targets of such power, and for the public at large. The function of leadership in this context may be more about process than substantive authority. It may be a willingness to act on critical thought and to accept the impact of legal analysis. It is closely bound to integrity and professional responsibility and the ability to retain good judgment in extraordinary circumstances. Equally critical in the national security realm is the classified nature of so much of what is done in national security law. All data, for instance, relating to the design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of nuclear material in the production of energy is classified from birth.144 NSI, the bread and butter of the practice of national security law, is similarly classified. U.S. law defines NSI as “information which pertains to the national defense and foreign relations (National Security) of the United States and is classified in accordance with an Executive Order.” Nine primary Executive Orders and two subsidiary orders have been issued in this realm.145 The sheer amount of information incorporated within the classification scheme is here relevant. While original classification authorities have steadily decreased since 1980, and the number of original classification decisions is beginning to fall, the numbers are still high: in fiscal year 2010, for instance, there were nearly 2,300 original classification authorities and almost 225,000 original classification decisions.146 The classification realm, moreover, in which national security lawyers are most active, is expanding. Derivative classification decisions – classification resulting from the incorporation, paraphrasing, restating, or generation of classified information in some new form – is increasing. In FY 2010, there were more than seventy-six million such decisions made.147 This number is triple what it was in FY 2008. Legal decisions and advice tend to be based on information already classified relating to programs, initiatives, facts, intelligence, and previously classified legal opinions. The key issue here is that with so much of the essential information, decisionmaking, and executive branch jurisprudence necessarily secret, lawyers are limited in their opportunity for outside appraisal and review. Even within the executive branch, stove-piping occurs. The use of secure compartmentalized information (SCI) further compounds this problem as only a limited number of individuals – much less lawyers – may be read into a program. This diminishes the opportunity to identify and correct errors or to engage in debate and discussion over the law. Once a legal opinion is drafted, the opportunity to expose it to other lawyers may be restricted. The effect may be felt for decades, as successive Administrations reference prior legal decisions within certain agencies. The Office of Legal Counsel, for instance, has an entire body of jurisprudence that has never been made public, which continues to inform the legal analysis provided to the President. Only a handful of people at OLC may be aware of the previous decisions. They are prevented by classification authorities from revealing these decisions. This results in a sort of generational secret jurisprudence. Questions related to professional responsibility thus place the national security lawyer in a difficult position: not only may opportunities to check factual data or to consult with other attorneys be limited, but the impact of legal advice rendered may be felt for years to come. The problem extends beyond the executive branch. There are limited opportunities, for instance, for external judicial review. Two elements are at work here: first, very few cases involving national security concerns make it into court. Much of what is happening is simply not known. Even when it is known, it may be impossible to demonstrate standing – a persistent problem with regard to challenging, for instance, surveillance programs. Second, courts have historically proved particularly reluctant to intervene in national security matters. Judicially-created devices such as political question doctrine and state secrets underscore the reluctance of the judiciary to second-guess the executive in this realm. The exercise of these doctrines is increasing in the post-9/11 environment. Consider state secrets. While much was made of some five to seven state secrets cases that came to court during the Bush administration, in more than 100 cases the executive branch formally invoked state secrets, which the courts accepted.148 Many times judges did not even bother to look at the evidence in question before blocking it and/or dismissing the suit. In numerous additional cases, the courts treated the claims as though state secrets had been asserted – even where the doctrine had not been formally invoked.149 In light of these pressures – the profound consequences of many national security decisions, the existence of stovepiping even within the executive branch, and limited opportunity for external review – the practice of national security law requires a particularly rigorous and committed adherence to ethical standards and professional responsibility. This is a unique world in which there are enormous pressures, with potentially few external consequences for not acting in accordance with high standards. It thus becomes particularly important, from a pedagogical perspective, to think through the types of situations that national security attorneys may face, and to address the types of questions related to professional responsibility that will confront them in the course of their careers. Good judgment and leadership similarly stand paramount. These skills, like many of those discussed, may also be relevant to other areas of the law; however, the way in which they become manifest in national security law may be different in important ways. Good judgment, for instance, may mean any number of things, depending upon the attorney’s position within the political hierarchy. Policymaking positions will be considerably different from the provision of legal advice to policymakers. Leadership, too, may mean something different in this field intimately tied to political circumstance. It may mean breaking ranks with the political hierarchy, visibly adopting unpopular public or private positions, or resigning when faced by unethical situations. It may mean creating new bureaucratic structures to more effectively respond to threats. It may mean holding off clients until the attorneys within one’s group have the opportunity to look at issues while still being sensitive to the political needs of the institution. Recourse in such situations may be political, either through public statements and use of the media, or by going to different branches of government for a solution. 6. Creating Opportunities for Learning In addition to the above skills, national security lawyers must be able to engage in continuous self-learning in order to improve their performance. They must be able to identify new and emerging legal and political authorities and processes, systems for handling factual chaos and uncertainty, mechanisms to ensure critical distance, evaluating written and oral performance, and analyzing leadership skills. Law schools do not traditionally focus on how to teach students to continue their learning beyond the walls of academia. Yet it is vital for their future success to give students the ability to create conditions of learning.

EMRE **HATIPOGLU, et all, 13** (Ph. D. 2010 The Pennsylvania State University¶ M. A. 2004 Sabancı University¶ B. A. 2001 Boğaziçi University , MELTEM MU€FT U€LER-BA C", AND TERI MURPHY Sabanci University, Simulation Games in Teaching International Relations: Insights from a Multi-Day, Multi- Stage, Multi-Issue Simulation on Cyprus, ￼￼￼￼International Studies Perspectives (2013), 1–13)

Active learning has emerged in the recent years as an integral part of teaching international relations. Accordingly, simulations are active learning tools that motivate students to deepen their understanding of the subject material. Teach- ing diplomacy and bargaining in a real-life setting to students of international relations and conflict studies is a challenge. Simulations replicate the real-world situations in a controlled context by the “instructors” with the ultimate goal of creating a proactive learning environment. This type of learning fosters students’ ability to learn while creating new knowledge instead of the traditional passive forms of learning, whereby the instructor gives a lecture to a group of students. Simulations, of course, rest on the assumption that students adapt to this new learning environment by developing new patterns of analytical thinking. Simulations are student-centered learning tools (Biggs 2003).

In this article, we analyze a simulation exercise conducted in February 2012 with 35 students from different social science backgrounds. Specifically, the exer- cise was a mediation simulation of the Cyprus conflict. The simulation took place in multiple stages, with the last stage played out in front of an interna- tional audience of policymakers. The simulation exercise was aimed partly for the graduate students to grasp the many complexities in a crisis situation and to become more aware of the intricacies of reaching a negotiated settlement in an intransigent conflict such as Cyprus. The main objective, of course, was to integrate theory with practice and enable students to put skills acquired in their classes to real life. The simulation exercise incorporated in itself the goal of peace education, as foreseen by Hazleton (1984). This, in itself, was a learning objective.

This paper first describes the simulation exercise, which is specifically devel- oped to combine elements of active learning amidst real-life interactions with the main policymakers, that is, the Minister of Foreign Affairs, UN officials, as well as foreign policymakers. The simulation we conducted was unique in its attempt to create an interface between the students and the “real” policymakers. Consequently, the simulation exercise provided a rare mix of simulation with the real world of diplomacy. The students’ ability to mimic real negotiation set- tings was recognized by the President of the 66th Assembly of the UN (2011), Mr. Nassir Al-Nasser who noted the level of similarity of the final round of the simulation and those he has witnessed at the UN. This, in turn, constituted one of the comparative advantages of our simulation exercise.

Simulations as Tools for Active Learning

Why do simulations at all? After all, students could easily learn about conflicts through case study analysis or mediation theory in traditional classroom set- tings; ability to put their knowledge and skills to practice in the real world would be tested in their careers once they graduate. Kolb (1984) maintained that learning is an active process, takes place in cycles, and that students need “concrete experience.” This view is similar to Boyer, Trumbore, and Fricke (2006:67), who argue that the main challenge lies in “helping students under- stand abstract theories and concepts and how they apply to their everyday lives.” Alternatively, a simulation exercise could be used to divorce students’ idealism from the complexities of real-life political conflicts (Youde 2008). More importantly, active learning tools such as simulations help “humanize” the other (Morgan 2003) and enable mutual understanding. Simulations encourage students to think about the conflict at hand from different points of view (Lantis 1998), enabling them to see the situation from the “oppo- nents’” perspectives. Since simulations are structured within a set of ground rules, which set a tone for the quality of interactions among the students and define the parameters of the negotiation process, they enhance the active learning experience. Specifically, they provide the students with a glimpse into the real-life diplomatic games and into the concerns of the parties caught up in that precise conflict situation.

# 1nr

### Pic

#### However, the punishment does not fit the crime- creating specified punishments only recreates the separation between abled and disabled bodies

**Humphrey, 2k**

(Jill C. Faculty of applied social science @ the Open University, Researching disability politics, or, some problems with the social model in practice, Disability & Society 15.1)

ABSTRACT This article arises from a research project involving the disabled members’ group in UNISON, and problematises the social model which explicitly undergirds the discourses and practices of this group. In abstract terms, **there are dangers that** the social model can be interpreted in a way whichprivileges some impaired identities over others, sanctions a separatist ghetto which cannot reach out to other groups of disabled and disadvantaged people, and weaves a tangled web around researchers who adhere to the emancipatory paradigm**.** In concrete terms, **these dangers are explored with reference to the stories of impaired people who believe that they are excluded from the disabled members’ group**, the **predicaments of ex-disabled and differently-disabled people in relation to the movement, and the culture of suspicion surrounding academics, particularly the `non-disabled’ researcher as would-be ally**. It is argued that, whilst such identities and issues might appear to be `marginal’ ones in the sense of occurring at the boundary of disabled communities, disability politics and disability studies, they should not be `marginalised’ by disabled activists and academics, and indeed that they pose challenges to our collective identities, social movements, theoretical models and research paradigms which need to be addressed. Introduction The social model arose as a reaction against the medical model of disability, which reduced disability to impairment so that disability was located within the body or mind of the individual, whilst the power to de® ne, control and treat disabled people was located within the medical and paramedical professions (Oliver, 1996). Under the bio-medical reÂ gime, material deprivation and political disenfranchisement continued unabated, whilst institutional discrimination and social stigmatisation were exacerbated by segregation (Barnes 1991). In this context, the social model harbours a number of virtues in rede® ning disability in terms of a disabling environment, repositioning disabled people as citizens with rights, and reconfiguring the responsibilities for creating, sustaining and overcoming disablism. Indeed, when the social model is confronted with the resurrection of the medical model in its bio-medical, psychological, psychiatric and sociological guises, then it needs to be vigorously defended (Shakespeare & Watson, 1997). However, this does not mean that the social model is flawless, in either its design or its implementation. More precisely, if it is interpreted in a way which undermines the very communities, politics and studies it was supposed to enhance, it is incumbent upon us to inquire `What’ s going on? What’ s going wrong?’ A fruitful starting point and indeed one which already contains an answer to the above questions, is to recognise that there are two main versions of the social model, which are necessarily interrelated, but which will lead into opposing directions if we are not careful. In academic texts, the social model begins with an appreciation of the individual and collective experiences of disabled people (e.g. Swain et al., 1993). It goes on to elaborate the nature of a disabling society in terms of the physical environment, the political economy, the welfare state and sedimented stereotypes (e.g. Barnes et al., 1999). Finally, it endorses a critical or emancipatory paradigm of research (e.g. Barnes & Mercer 1997a) . This analysis lends itself to a recognition of the array of diverse experiences of disabling barriers; a realistic appraisal of the need for broader political coalitions to combat entrenched structural inequalitie s and cultural oppressions; and an openness about the potential for non-disabled people to contribute to critical theory and research.In activist discourses, the emphasis is upon the fact that it is non-disabled people who have **engineered the physical environment**, dominated **the political economy, managed welfare services, controlled research agendas,** recycled pejorative labels and images, and translated these into eugenics policies. This analysis lends itself to a dichotomy between non-disabled and disabled people which becomes coterminous with the dichotomy between oppressors and oppressed**; and** this tightens the boundaries around the disabled identity**, the disabled people’ s movement and disability research**. **Whilst this hermeneutic closure is designed to ward off incursions and, therefore, oppressions from non-disabled people, it may also have some unfortunate consequences.** I would like to illustrate these consequences by drawing upon a research project involving the four self-organised groups (SOGs) for women, black people, disabled members, and lesbian and gay members in UNISON (see Humphrey, 1998, 1999). Material drawn directly from conversations and observations in the disabled members’ group is supplemented by interview transcripts with members of the lesbian and gay group, my own personal experiences of and re¯ ections upon disability and discrimination, and recent developments in various social movements and critical research texts. The rest of the article depicts three problematic consequences of the social model in practice and redirects them back to the social model as critical questions which need to be addressed by its proponents. First, **there are questions of disability identity where a kind of `purism’ has been cultivated from the inside of the disability community. Here, it can be demonstrated that some people with certain types of impairments have not been welcomed into the disabled members’ group** in UNISON, **which means that the disability community is not yet inclusive, and that its membership has been skewed in a particular direction.** Second, there are questions of disability politics where a kind of `separatism’ has been instituted**.** Whilst the UNISON constitution allows for separatism to be supplemented by both coalitions and transformations, these have been slow to materialise in practice, and the dearth of such checks and balances in the wider disabled peoples’ movement implies that the danger of developing a specific kind of disability ghetto is more acute. Third, there are questions of disability research where a kind of `provisionalism’ is suspended over the role of researchers. The most obvious dilemmas arise for the non-disabled researcher as would-be ally, but it is becoming clear that disabled academics can also be placed in a dilemmatic position, and it is doubtful whether any researcher can practise their craft to their own standards of excellence when operating under the provisos placed upon them by political campaigners.

### 1NC – Hetero Offense

#### Their “framing” & “performance first” claims undermine material resistance to heterosexism and denies agency.

Weedon, 1999 Chris, (she's) the Chair of the Centre for Critical and Cultural Theory at Cardiff University, Feminism, theory, and the politics of difference, p.123-124

Butler's focus on gender as performance and citation has, however, provoked strong criticism from radical feminists. Radical lesbian feminist Sheila Jeffreys, for example, interprets much recent postmodern feminism as part of what she terms a 'return to gender' exemplified in the 'lesbianandgay' theory of Judith Butler, Diana Fuss and others. She argues that these postmodern theorists have invented **'a harmless version of gender as an idea** which lesbians and gay men can **endlessly play with** and be revolutionary at the same time' (Jeffreys 1996: 359). For Jeffreys this marks a dangerous depoliticization. She argues that feminists of the 1970s and 1980s were 'engaged in the task of eliminating gender and phallocentric sexuality' (p. 362). This involved moving beyond the power relations of patriarchy. Not only does postmodernism declare this project impossible, it reinstates a version of gender which Jeffreys sees as **'depoliticised, sanitised and** something **difficult to associate with sexual violence, economic inequality [and] women dying from backstreet abortions**' (p. 359). In lesbian culture, Jeffreys suggests, the postmodern return to gender is evident in the 1980s rehabilitation of 'role playing and lipstick lesbianism' which Jeffreys sees as far from subversive, as helping 'to shore up the facade of femininity' (p. 366). Rather than constituting a political challenge to heterosexist patriarchy, Jeffreys sees **ideas of performative gender**, celebrated by feminist queer theory, as a **form** of **liberal individualism**: Post-modernist lesbian and gay theory performs the useful function of permitting those who simply wish to **employ the tools and trappings** of sexism and racism to feel not only justified but even revolutionary. Lesbian role-playing, sadomasochism, male gay masculinity, drag, Madonna's mimicry, her use of black men and black iconography, Mapplethorpe's racist sexual stereotyping, can be milked for all the pleasure and profit that they offer in a male supremacist culture in which inequality of power is seen as all that sex is or could be. The enjoyment of the status quo is then called 'parody' so that it can be retrieved by intellectuals who might otherwise feel anxious about the excitement they experience. For those post-modern lesbianandgay theorists who have no interest in taking their pleasures in these ways, the ideas of radical uncertainty, of the utopian or essentialist nature of any project for social change, provide a theoretical support for a gentlemanly liberalism and individualism. (p. 374) This reading of queer theory draws attention to the dangers inherent in postmodern approaches to difference that do not pay due attention to the hierarchical relations of power which produce it. Feminist Critiques of Poststructuralism and Postmodernism Post-modernism is intent on all these things, in particular in disengagement from the self (so that we will enjoy abuse of the body and not object to sadomasochism in all its forms); in a denial of our shared experience (so that we will not experience the joy of solidarity, of sisterhood, of community – all of which are enhanced by diversity); in disengagement from political practice (so that we will become fragmented communities, committed to nothing but violence and the same old abusive uses of power, crossdressed or not); to the fragmentation of society (so that we will not assume any commonality with women from other countries or cultures or other times; again we will lose our history); to the silencing of all peoples because of the erection of artificial centres (so that we in the southern hemisphere, on the rim of the Pacific or anywhere not deemed the centre, will never be able to assume others know anything about us at all; or those of us called epileptic, schizophrenic, or whatever newly invented label, will feel the same). (Hawthorne 1996: 496)

### Psycho

#### Finishing 1NC robinson

**Robinson, Prof Pol @ U Nottingham, 2005**

(Andrew, “The Political Theory of Constitutive Lack: A Critique”, Theory & Event, 8:1)

 The myth of lack: a Barthesian critique of Lacanian political theory

 The theoretical underpinnings of political Lacanianism typically rely on a "postmodern" disdain for essentialism, grounds and teleology, and articulate wider belief in contingency (for instance, by emphasizing contemporaneity). Doesn't a belief in contingency necessitate some conception of "constitutive lack"? The point to emphasize here is that "constitutive lack" is not an endorsement of contingency: **it is a new conception of** an **essence**, which is used as a **positive foundation** for claims. It may be posited as negativity, but it operates within the syntax of theoretical discourse as if it were a noun referring to a specific object.

 More precisely, I would maintain that "constitutive lack" is an instance of a Barthesian **myth. It is, after all, the function of myth to do exactly what this concept does: to assert the empty facticity of a particular**

**ideological schema while rejecting any need to argue for its assumptions.** 'Myth does not deny things; on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification, it is a clarity which is not that of an explanation but that of a statement of fact'37. This is precisely the status of "constitutive lack": a supposed fact which is supposed to operate above and beyond explanation, on an ontological level instantly accessible to those with the courage to accept it. Myths operate to construct euphoric enjoyment for those who use them, but their operation is in conflict with the social context with which they interact. This is because their operation is connotative: they are "received" rather than "read"38, and open only to a "readerly" and not a "writerly" interpretation. A myth is a second-order signification attached to an already-constructed denotative sign, and the ideological message projected into this sign is constructed outside the context of the signified. A myth is therefore, in Alfred Korzybski's sense, intensional: its meaning derives from a prior linguistic schema, not from interaction with the world in its complexity39. Furthermore, myths have **a repressive social function**, carrying in Barthes's words **an 'order not to think'**40. They are necessarily projected onto or imposed on actual people and events, under the cover of this order. The "triumph of literature" in the Dominici trial41 consists precisely in this projection of an externally-constructed mythical schema as a way of avoiding engagement with something one does not understand.

 Lacanian theory, like Barthesian myths, involves a prior idea of a structural matrix which is not open to change in the light of the instances to which it is applied. Žižek's writes of a 'pre-ontological dimension which precedes and eludes the construction of reality'42, while Laclau suggests there is a formal structure of any chain of equivalences which necessitates the logic of hegemony43. Specific analyses are referred back to this underlying structure as its necessary expressions, without apparently being able to alter it; for instance, 'those who triggered the process of democratization in eastern Europe... are not those who today enjoy its fruits, not because of a simple usurpation... but because of a deeper structural logic'44. In most instances, the mythical operation of the idea of "constitutive lack" is implicit, revealed only by a rhetoric of denunciation. For instance, Mouffe accuses liberalism of an 'incapacity... to grasp... the irreducible character of antagonism'45, while Žižek claims that a 'dimension' is 'lost' in Butler's work because of her failure to conceive of "trouble" as constitutive of "gender"46. This language of "denial" which is invoked to silence critics is a clear example of Barthes's "order not to think": one is not to think about the idea of "constitutive lack", one is simply to "accept" it, under pain of invalidation. **If someone else disagrees, s/he can simply be told that there is something crucial missing from her/his theory. Indeed, critics are as likely to be accused of being "dangerous" as to be accused of being wrong.**

#### Their claim that we must begin with the psyche is a totalizing gesture—every totalizing theory attempt to claim that progress is impossible without considering gender, class, race, or whatever—this renders psychoanalysis into a tautology, in which one can only prove the pitfalls of psychoanalysis if one already endorses psychoanalysis—this means that methodological criticism must come first

**O’Neill, Prof Critical Theory @ Bryn Mawr, 2001**

(Edward R., “The Last Analysis of Slavoj Zizek”, Film-Philosophy,

V 5, No 17, June, http://www.film-philosophy.com/vol5-2001/n17oneill)

We reject a theory of human actions not based on itself alone, since every theory involves the assumption of a perspective that cannot be questioned: if you do not accept class struggle, the unconscious, or the ontological difference, then you cannot accept anything else that Marx, Freud, or Heidegger have to say. But we reject these theories at those places where their formulae for selecting and transforming a surface phenomenon into its significance become capricious, or the scope of the theory's application seems unreasonably wide. What is irksome about Marxism is that for its adherents there is nothing but class struggle, and anything which denies the centrality of class struggle is mere 'ideology'. Ditto for Freud: anything can be traced back to the repression of impulses as long as the interpretation is long enough to get from one point to the other. And for Heidegger, Being does not show itself and so even its very concealment serves as an index of its (paradoxical) unconcealment.

 Such theories may be condemned as 'totalizing', since the perspective leaves nothing outside it, and condemns with its own pejorative terms -- 'ideology', 'repression', 'metaphysics' -- any opposition to it. And it is all too easy to make fun of these excesses without recognizing that the very fact that one sees them as excessive often places one outside the realm of the theory's adherents, rather than the other way around. Indeed, it is difficult to say whether these sins are evitable. What is less evitable is the assumption of an orientation which would grant meaning, and which assumption cannot in itself be questioned without the adoption of another non-neutral orientation and assumption of significance. Which is to say that the opposition to one theory is not non-theory but only \*another\* theory.

On this view, a method of interpretation can be said to take the role in the human sciences that the experimental method plays for the physical sciences, and, as the human sciences emerged in the 19th century, theories of interpretation, language, and meaning took on an increasingly important role, since such theories of interpretation serve as meta-theories of the human sciences. A theory of human action requires a theory of interpretation, and the selection of a theory of interpretation commits one to an orientation towards decoding human actions: a theory of class oppression thus requires a theory of ideology; a theory of the unconscious requires a theory of dreams; a theory of Being requires a poetics of dwelling.

But since different methods of interpretation take place within different theoretical frameworks, these interpretive methods are every bit as incommensurable as the theories. To some extent, one cannot argue for a theory outside of its own bounds, since assuming those bounds is itself the act of adopting the theory. Although a theory of human action may attempt to make itself a consistent, closed system by spelling out its protocols and procedures, there is no single universal framework for determining what set of standards to adopt, since adopting a theory itself involves exactly the adoption of such a set of standards.

Nevertheless, there is a general set of means to which writers can appeal in trying to persuade readers to adopt their theories. This general set of means should be called 'rhetoric': the non-technical, non-specialized means by which we appeal to induce assent. Thus, every theory of human actions requires some set of rhetorical appeals to persuade readers that this perspective is the one to adopt, even apart from or prior to the internal canons of the theory itself. It is this rhetoric and the relation between it and interpretive method with which the current review will concern itself.

I. B. JUSTIFICATION OF THE CURRENT REVIEW.

While the volume under review \*does\* address somewhat the contemporary status of Cartesianism, and while the volume also appeals at points to films to make its points, philosophy and film cannot be said to intersect in a precise and focused way in this volume. Thus from a certain perspective, the volume would seem inauspicious for the purposes of the present audience -- those with an interest in both philosophy and film.

But if we take philosophy not merely as one subject area within the contemporary academy but rather more broadly as involving a heightened reflexive concern with details of methodology, then it makes a great deal of sense to review the current volume in terms of the philosophical concerns with procedures of interpretation. In so doing, the volume under review will have to serve as a stand-in for larger movements or tendencies within the humanities in general. This burden cannot be entirely fair, but since I believe these methodological concerns are genuine, their application to this particular volume and its contents is not out of order.

The volume currently under review is a convenient place from which to address questions about the place of method in interpretation, since the volume is part of a series which claims to have the same theoretical orientation, since that orientation involves interpreting cultural artefacts and analyzing human behavior. The approach in question is that of Lacanian psychoanalysis, once popular if not dominant in certain sectors of the academy, especially when combined with French Marxism. Even if psychoanalytic theories and their attendant interpretations of popular culture are not central for a group focused on film and philosophy, the issues of how to interpret human actions and artefacts are indeed properly 'philosophical' concerns, as I've tried to argue above.

### Queer Politics

**Queer theory trades off with personal politics that affirm engagement- refusal to engage the state is never the answer**

**Kirsch, 2000**

(Max, Associate Professor at Florida Atlantic University, “Queer Theory and Social Change”, p. 97-98)

Queerness as a deviant form of heterosexuality results in oppression. When this fact is not confronted, it can lead to maladaptive responses that include the markings of internalized homophobia: depression, psychosis, resignation, and apathy. These are very much reactions to the ways in which we view ourselves, which in turn are, at least in part, due to the ways in which we are constantly told to view ourselves. Here, the production of consciousness takes a very concrete form. Those enduring this form of violence cannot, even in the academy, simply decide to disengage. We cannot simply refuse to acknowledge these facts of social life in our present society, and hope that our circumstances will change. Although the lack of definition is what has inspired the use of "queer," it cannot, as Butler herself asserts, "overcome its constituent history of injury" (1993b: 223). Be that as it may, "queer," as put forward by Queer theorists, has no inherent historical or social context. We continually return to the following question: to whom does it belong and what does it represent? These advocates of "queer" do not acknowledge that *queer* is produced by social relations, and therefore contains the attributes of existing social relations. As I have shown, Queer theory, particularly as it is expressed in Butler's writings on performativity, dichotomizes the political as personal and the political as social action into a binary that positions political action in impossible terms. The nature of the "political" is never clearly discussed, and remains a chasm (cf. Kaufman and Martin, 1994). However appealing the notion of positioning the self through a reinterpretation of the "I" may be, it is misguided as political action: it cannot generate the collective energy and organization necessary to challenge existing structures of power. As Michael Aglietta observes, "There is no magical road where the most abstract concepts magically command the movement of society" (1979: 43). The question of polities, then, brings us back to where we began: what is the nature of the political and how do we address it? Is it beneficial to maintain alliances with established political parties? Can we adopt the dominant values of our culture and still hope to change the dynamics of those values? How do we form alliances with other oppressed groups? Is there a structural economic basis for such an alliance, or should we look elsewhere? Perhaps most importantly: is it possible, given the tremendous resources represented by the dominant and coercive ideology of our present social relations, to maintain the energy necessary to develop and continue modes of resistance that counter it? In the last question, as I will show, lies an answer to the issue of alliances and structural identification. But first, we need to refocus the discussion.

**Accepting a radically stigmatized version of queer identity results in actual stigma and fractures movements**

**Kirsch, 2000**

(Max, Associate Professor at Florida Atlantic University, “Queer Theory and Social Change”, p. 92)

"Queer" in this sense, then, attempts to dissolve sexuality and annuls the basis for sexual identity, **precluding a confrontation with a morality that dictates sexual correctness**, affirming some practices while stigmatizing others. "Worse," as Lee Siegel writes, "it often seems that calling oneself queer is a tactic for not acknowledging that one is merely gay, for not shouldering the burdens of coming out or the responsibilities that come with accepting the inevitable reality of a sexual identity and getting on with the rest of life" (1998: 14). If we do not "come out:' we cannot identify our sexuality or gender in the sense of knowing exactly who we are. This knowing is impossible without identifying with others engaged in a similar struggle. Since it is, in fact, **impossible** to constitute a movement for social change based on individual self-ness, we must ask ourselves what or who Butler's position benefits. To see one's gender identity as imitation or parody is to view the self as unreal. It distances the actor from a confrontation with the objects of oppression and thwarts any resistance that matters. It is individual difference reified to the exclusion of community. When we are not comfortable enough with our positions to seek out others who are in the same position, and to use this identity, our identification with them, to counter the symbolic and real violence that exists, we are also hiding from ourselves the real discrimination that denies self-assertion and fulfillment. The result is a fear of engagement, a true manifestation of an internalized homophobia that rests on the individual's rejection of identity and of power, the refusal to identify and to engage power, and thus the rejection of labels. To have a label that is not accepted as equal to others in this culture is to be "less-than," producing marginalization and shame for those desiring to be on an equal par. Here marginality can become an identity in itself: if one recognizes and embraces the fact that one is marginalized, then there is no need to seek support. This position declares that the only way to prevent being eaten by power is to reject participation, "to disclaim:' a pessimistic stance that reinforces rejection. Denying a label or an identity is far easier than a fight for equity that might fail, thus rendering the individual

### security

#### No impact and alt would fail

**Kaufman**, Prof Poli Sci and IR – U Delaware, **‘9**

(Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” *Security Studies* 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs **only if these factors are harnessed.** Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. **A virtue of** this **symbolist theory is that symbolist logic explains why** ethnic **peace is more common than ethnonationalist war.** Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.