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***Most predictable—the agent and verb of the resolution indicate a debate about hypothetical action***

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

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

#### Executive authority stems from the constitution or statutory delegation.

Gaziano, 2001 (Todd, senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation, 5 Texas Review of Law & Politics 267, Spring, lexis)

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations. n32 The source of authority (constitutional versus statutory) carries important implications for the extent to which that authority may be legitimately exercised or circumscribed. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. n33 The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

#### Authority must have a legal basis – assertions aren’t enough

Words and Phrases, 2004 (Volume 4a, Cumulative Supplement Pamphlet, p. 275)

U.S.N.Y. 1867. Under the federal judiciary act, giving the Supreme Court jurisdiction to review a final judgement or decree of a state court of last resort in any suit where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, it is held that the term “authority exercised under the United States” must be something more than a bare assertion of such authority, and must be an authority having a real existence derived from competent governmental power, and in this respect the word “authority” stands on the same footing with “treaty” or “statute.” Hence, where a party claimed authority under an order of a federal court which, when rightfully viewed, did not purport to confer any authority upon him, a writ of error to the Supreme Court has dismissed.—Milligar v. Hartupee, 73 U.S. 258, 6 Wall. 258, 18 L.Ed. 829

***Clash is the biggest impact in the round and internally link turns their pedagogy – the Neg’s ability to contest Aff claims improves BOTH TEAMS’ knowledge.***

**O’Donnell 4** – PhD, director of debate at Mary Washington (Tim, WFU Debaters Research Guide, "Blue helmet blues", ed. Bauschard %26 Lacy, http://groups.wfu.edu/debate/MiscSites/DRGArticles/DRGArtiarticlesIndex.htm)

The answer, I believe, resides deep in the rhetorical tradition in the often overlooked notion of stasis. Although the concept can be traced to Aristotle’s Rhetoric, it was later expanded by Hermagoras whose thinking has come down to us through the Roman rhetoricians Cicero and Quintillian. **Stasis is a Greek word meaning to “stand still.” It has generally been considered by argumentation scholars to be the point of clash where two opposing sides meet in argument**. **Stasis recognizes the fact that interlocutors engaged in a conversation, discussion, or debate need to have some level of expectation regarding what the focus of their encounter ought to be**. **To reach stasis, participants need to arrive at a decision about what the issue is prior to the start of their conversation**. Put another way, **they need to mutually acknowledge the point about which they disagree.**

**What happens when participants fail to reach agreement about what it is that they are arguing about? They talk past each other with little or no awareness of what the other is saying**. The oft used cliché of two ships passing in the night, where both are in the dark about what the other is doing and neither stands still long enough to call out to the other, is the image most commonly used to describe what happens when participants in an argument fail to achieve stasis. **In such situations, genuine engagement is not possible because participants have not reached agreement about what is in dispute**. For example, when one advocate says that the United States should increase international involvement in the reconstruction of Iraq and their opponent replies that the United States should abandon its policy of preemptive military engagement, they are talking past each other. **When such a situation prevails, it is hard to see how a productive conversation can ensue.**

I do not mean to suggest that dialogic engagement always unfolds along an ideal plain where participants always can or even ought to agree on a mutual starting point. The reality is that many do not. In fact, refusing to acknowledge an adversary’s starting point is itself a powerful strategic move. However, it must be acknowledged that **when such situations arise, and participants cannot agree on the issue about which they disagree, the chances that their exchange will result in a productive outcome are diminished significantly**. **In an enterprise like academic debate, where the goals of the encounter are cast along both educational and competitive lines, the need to reach accommodation on the starting point is urgent.** **This is especially the case when time is limited and there is no possibility of extending the clock. The sooner such agreement is achieved, the better. Stasis helps us understand that we stand to lose a great deal when we refuse a genuine starting point.**

***Abolishing constraints does not improve creativity---starting from defined constraints like the topic is better for overall creativity because innovative thinking comes from problem-solving like figuring out how to read what you want to read while still being topical***

**Intrator 10** – David, President of The Creative Organization, October 21, 2010, “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

**One of the** **most pernicious myths about creativity,** one **that** **seriously inhibits creative thinking** **and innovation**, **is the belief that one needs to “think outside the box**.”

As someone who has worked for decades as a professional creative, **nothing could be further from the truth**. **This a is view shared by the vast majority of creatives**, expressed famously by the modernist designer Charles Eames when he wrote, “**Design depends largely upon constraints.”**

The myth of **thinking outside the box stems from a** **fundamental misconception of what creativity is**, and what it’s not.

**In the popular imagination, creativity is something weird and wacky.** The creative process is magical, or divinely inspired.

**But**, in fact, **creativity is** not about divine inspiration or magic.

It’s **about problem-solving, and by definition a problem is a constraint**, a limit, a box.

One of the best illustrations of this is the work of **photographers**. They **create by excluding the great mass what’s before them**, **choosing a small frame in which to work**. Within that tiny frame, literally a box, they uncover relationships and establish priorities.

What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution.

This can be quite demanding, both intellectually and emotionally.

**Intellectually**, you are required to establish limits, set priorities, and cull patterns and relationships **from a great deal of material,** much of it fragmentary.

More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like.

Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered.

But **to be truly creative, you have to clean up your mess, organizing those fragments into something** real, something **useful**, something that actually works.

That’s the hard part.

It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated.

It also can be emotionally difficult.

**You’ll need to throw out many ideas you originally thought were great**, ideas you’ve become attached to, **because they simply** don’t fit into the rules **you’re creating as you build your box**.

### DA

#### Restricting detention authority means Obama will just kill Lee Quinn and Alabama fans

Wittes ’11, Benjamin Wittes is a Senior Fellow in Governance Studies at the Brookings Institution, where he is the Research Director in Public Law, and Co-Director of the Harvard Law School - Brookings Project on Law and Security. Detention and Denial [electronic resource] : The Case for Candor after Guantanamo. Washington : Brookings Institution Press, 2011., ebook, accessed via Wayne State online library, pg 28-29, jj

That is the equilibrium toward which we have drifted, and it ¶ should surprise nobody, for it is an entirely foreseeable consequence of the incentive structure that we have created. Imagine ¶ for a moment that you had described the direction of our legal ¶ policy choices to a devotee of the law and economics movement—¶ a field based on the central insight that legal rules create behavioral incentives. Imagine telling, say, Richard Posner that we ¶ would suddenly make detention difficult and refuse for years to ¶ create a stable regime of known, clear rules. Imagine also that you ¶ had then asked this platonic Posner to identify the consequences. ¶ He probably would have replied that detention would grow less ¶ visible. We would release some people precipitously. We would ¶ rely on proxies more. We probably would kill some people that ¶ we might have captured before. Rarely does life comport with ¶ theory as well as detention policy has conformed to the predictions that law and economics would suggest. As the real Richard ¶ Posner wrote of the original decision to judicialize Guantánamo ¶ proceedings, it “seems like a sensible, ‘practical’ decision, but may ¶ not be. . . . [T]he decision may just encourage the government to ¶ hold more detainees abroad, say, in Afghanistan or Iraq, . . . and ¶ what would be gained by that?”8¶ None of what has happened was hard to predict. Water finds a ¶ path to the sea. Dam a river and it will flow around the dam. This ¶ metaphor, something of a cliché in discussing campaign finance ¶ law and attempts to regulate money in politics, applies with equal ¶ force in counterterrorism operations. The reason is simple, and ¶ we ignore it at considerable risk of intellectual blindness: The call ¶ to prevent terrorist events is so compelling politically that just as ¶ gravity operates on water, it will operate on politicians and other ¶ officials responsible for security. It will operate so strongly that ¶ new restrictions in one area will merely shift government energies ¶ to other areas. Encumber the use of one power, and authorities ¶ will just use another; throw a wrench in that one, and they’ll ¶ move on to something else. If prosecutions in federal court are ¶ too hard, you create incentives to use military commissions. If the ¶ commissions are too generous to the accused, detention without ¶ trial will see greater use. Make it too tough to use a particular ¶ form of detention and the government will shift to others. Make ¶ detention broadly problematic and you promote the use of proxies less fastidious than we are and the use of drones.¶ The government interests at stake are so powerful that the ¶ executive will deploy every lawful option available and will show ¶ enormous creativity in expanding the field of options—both by ¶ making novel legal arguments and by developing tactical innovations. The attempt to force counterterrorism operations to ¶ take place through conventional means of law enforcement will ¶ impede it and channel it to some degree. For the most part, however, it will redirect it to less visible, less attractive, and more ¶ violent exercises of government power.

### Case

#### Irony is a terrible political strategy

STEVE ALMOND 12, Author, 'Not That You Asked', The Baffler No. 20, The Joke’s on You, http://thebaffler.com/past/the\_jokes\_on\_you

Among the hacks who staff our factories of conventional wisdom, evidence abounds that we are living in a golden age of political comedy. The New York Times nominates Jon Stewart, beloved host of Comedy Central’s Daily Show, as the “most trusted man in America.” His protégé, Stephen Colbert, enjoys the sort of slavish media coverage reserved for philanthropic rock stars. Bill Maher does double duty as HBO’s resident provocateur and a regular on the cable news circuit. The Onion, once a satirical broadsheet published by starving college students, is now a mini-empire with its own news channel. Stewart and Colbert, in particular, have assumed the role of secular saints whose nightly shtick restores sanity to a world gone mad.¶ But their sanctification is not evidence of a world gone mad so much as an audience gone to lard morally, ignorant of the comic impulse’s more radical virtues. Over the past decade, political humor has proliferated not as a daring form of social commentary, but a reliable profit source. Our high-tech jesters serve as smirking adjuncts to the dysfunctional institutions of modern media and politics, from which all their routines derive. Their net effect is almost entirely therapeutic: they congratulate viewers for their fine habits of thought and feeling while remaining careful never to question the corrupt precepts of the status quo too vigorously.¶ Our lazy embrace of Stewart and Colbert is a testament to our own impoverished comic standards. We have come to accept coy mockery as genuine subversion and snarky mimesis as originality. It would be more accurate to describe our golden age of political comedy as the peak output of a lucrative corporate plantation whose chief export is a cheap and powerful opiate for progressive angst and rage.

#### Irony is slacktivism – we parody problems but do nothing about them

Goerlandt 6(Iannis, Professor at Ghent University, Critique, “"Put the Book Down and Slowly Walk Away": Irony and David Foster Wallace's Infinite Jest”, Volume 47, Issue 3, Spring, Proquest)

**Hutcheon** also **spots** the possibility of **complacency in irony: irony becomes a kind of surrogate for actual resistance and opposition. Ironists have been accused of smugness** before, [. . .] but this time it is the interpreter too who is not being let off the hook. Even worse, **irony is seen** by some **to have become a cliché of contemporary culture, a "convention for establishing complicity**," a "screen for bad faith" [. . .]. **What was once** an "avenue of **dissent" is now** seen as "**a commodity** in its own right" [. . .]. This position is usually articulated in terms of contrast: the "authentic" or "sincere" past versus the ironic present of **the "total" ironist** [. . .] whose use of what is interpreted as a mode of "monadic relativism" [. . .] **prevents taking any stand on any issue**. (28)9

#### Debate is a key site to confront presidential war powers. The affirmative fails to attend to the issue which forfeits our ability to activate political agency to curtail violent governmental policies. Debating a time sensitive controversy like war powers is key to challenge conventional wisdom on the subject which checks securitization and exclusion

Kurr 13 – Ph.D. student in the Communication Arts & Sciences program at Pennsylvania State University and a coach for the Penn State Debate Society (9/5, UVA Miller Center & CEDA Public Debate Series, “Bridging Competitive Debate and Public Deliberation on Presidential War Powers”, http://public.cedadebate.org/node/14)

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

The second major function concerns the specific nature of deliberation over war powers. Given the connectedness between presidential war powers and the preservation of national security, deliberation is often difficult. Mark Neocleous describes that when political issues become securitized; it “helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms.” (2008, p. 71). Collegiate debaters, through research and competitive debate, serve as a bulwark against this “short-circuiting” and help preserve democratic deliberation. This is especially true when considering national security issues. Eric English contends, “The success … in challenging the dominant dialogue on homeland security politics points to efficacy of academic debate as a training ground.” Part of this training requires a “robust understanding of the switch-side technique” which “helps prevent misappropriation of the technique to bolster suspect homeland security policies” (English et. al, 2007, p. 224). Hence, competitive debate training provides foundation for interrogating these policies in public.

Alarmism on the issues of war powers is easily demonstrated by Obama’s repeated attempts to transfer detainees from Guantanamo Bay. Republicans were able to launch a campaign featuring the slogan, “not in my backyard” (Schor, 2009). By locating the nexus of insecurity as close as geographically possible, the GOP were able to instill a fear of national insecurity that made deliberation in the public sphere not possible. When collegiate debaters translate their knowledge of the policy wonkery on such issues into public deliberation, it serves to cut against the alarmist rhetoric purported by opponents.

In addition to combating misperceptions concerning detainee transfers, the investigative capacity of collegiate debate provides a constant check on governmental policies. A new trend concerning national security policies has been for the government to provide “status updates” to the public. On March 28, 2011, Obama gave a speech concerning Operation Odyssey Dawn in Libya and the purpose of the bombings. Jeremy Engels and William Saas describe this “post facto discourse” as a “new norm” where “Americans are called to acquiesce to decisions already made” (2013, p. 230). Contra to the alarmist strategy that made policy deliberation impossible, this rhetorical strategy posits that deliberation is not necessary. Collegiate debaters researching war powers are able to interrogate whether deliberation is actually needed. Given the technical knowledge base needed to comprehend the mechanism of how war powers operate, debate programs serve as a constant investigation into whether deliberation is necessary not only for prior action but also future action. By raising public awareness, there is a greater potential that “the public’s inquiry into potential illegal action abroad” could “create real incentives to enforce the WPR” (Druck, 2010, p. 236). While this line of interrogation could be fulfilled by another organization, collegiate debaters who translate their competitive knowledge into public awareness create a “space for talk” where the public has “previously been content to remain silent” (Engels & Saas, 2013, p. 231).

Given the importance of presidential war powers and the strategies used by both sides of the aisle to stifle deliberation, the import of competitive debate research into the public realm should provide an additional check of being subdued by alarmism or acquiescent rhetorics. After creating that space for deliberation, debaters are apt to influence the policies themselves. Mitchell furthers, “Intercollegiate debaters can play key roles in retrieving and amplifying positions that might otherwise remain sedimented in the policy process” (2010, p. 107). With the timeliness of the war powers controversy and the need for competitive debate to reorient publicly, the CEDA/Miller Center series represents a symbiotic relationship that ought to continue into the future. Not only will collegiate debaters become better public advocates by shifting from competition to collaboration, the public becomes more informed on a technical issue where deliberation was being stifled. As a result, debaters reinvigorate debate.

***Focus on legal process is key; theoretical discussion won’t suffice. Only policy relevant debate about specific proposals holds the government accountable for their hypocrisy and teaches us the language of the war-machine***

Ewan E. **Mellor** – European University Institute, Political and Social Sciences, Graduate Student, Paper Prepared for BISA Conference 20**13**, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, online

**This section of the paper considers** more generally **the need for** just war **theorists to engage with policy debate about the use of force**, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. **It draws on John Kelsay’s conception of just war thinking as being a social practice**,35 **as well as on** Michael **Walzer’s understanding of the role of the social critic in society**.36 It argues that **the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.**”37¶ Kelsay argues that:¶ [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just.38¶ He also argues that “**good just war thinking involves continuous and complete deliberation**, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.”39 **This is important as it highlights the need for** just war **scholars to engage with the ongoing operations in war and the** specific policies **that are involved**. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. **Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,”**40 **in terms of being able to discuss it and judge it in moral terms**.¶ Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. **The** just war **theorist, as a social critic, must be involved with his or her own society and its** practices. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 **the** just war **theorist must be close to and must understand the** language through which war is constituted**, interpreted and reinterpreted**.42 **It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to**¶ **demonstrate its hypocrisy and to show the gap that exists between its practice and its values**.43 **The tradition** itself provides a set of values and principles and, as argued by Cian O’Driscoll, **constitutes a “language of engagement” to spur participation in public and political debate.**44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force.46 **By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis**.¶ **Engaging with the reality of war requires recognising that war is**, as Clausewitz stated, **a continuation of policy**. **War**, according to Clausewitz, **is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued**.47 ***Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship***.48 ***This engagement must bring*** just war ***theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers***, **however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power**. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition **the policy-makers will be forced to account for their decisions and justify them in just war language**. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”,49 **it is incumbent upon** just war **theorists to ensure that the public are informed and are capable of holding their political leaders to account**. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility. As Walzer has argued, **it is precisely because it is “our country” that we are “especially obligated to criticise its policies**.”51

#### The impact to our argument is the political itself. Challenging the “conventional wisdom” on the presidency is vital to actualizing social change. We control uniqueness – the “Cult of the Presidency” is killing micropolitics now

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Nearly six years earlier, September 11 had inspired similar rhetorical excess, but with far greater consequence. The week after the attacks, President Bush invoked America’s ‘‘responsibility to history’’ and declared that we would ‘‘answer these attacks and rid the world of evil .’’ 5 A mission that vast would seem to require equally vast powers. And the Bush administration has made some of the broadest assertions of executive power in American history: among them, the power to launch wars at will, to tap phones and read e-mail without a warrant, and to seize American citizens on American soil and hold them for the duration of the War on Terror— in other words, perhaps forever— without ever having to answer to a judge. Those assertions have justifiably given rise to fears of a new Imperial Presidency. Yet, many of the same people who condemn the growing concentration of power in the executive branch also embrace a virtually limitless notion of presidential responsibility. Today, politics is as bitterly partisan as it’s been in three decades, and the Bush presidency is at the center of the fight. But amid all the bitterness, it’s easy to miss the fact that, at bottom, both Left and Right agree on the boundless nature of presidential responsibility. Neither Left nor Right sees the president as the Framers saw him: a constitutionally constrained chief executive with an important, but limited job: to defend the country when attacked, check Congress when it violates the Constitution, enforce the law— and little else. Today, for conservatives as well as liberals, it is the president’s job to protect us from harm, to ‘‘grow the economy,’’ to spread democracy and American ideals abroad, and even to heal spiritual malaise— whether it takes the form of a ‘‘sleeping sickness of the soul,’’ as Hillary Clinton would have it, or an ‘‘if it feels good, do it’’ ethic, as diagnosed by George W. Bush. 6 Few Americans find anything amiss in the notion that it is the president’s duty to solve all large national problems and to unite us all in the service of a higher calling. The vision of the president as national guardian and redeemer is so ubiquitous that it goes unnoticed. Is that vision of the presidency appropriate for a self-governing republic? Is it compatible with limited, constitutional government? The book you’re holding argues that it is not. Americans’ unconfined conception of presidential responsibility is the source of much of our political woe and some of the gravest threats to our liberties. If the public expects the president to deal with all national problems, physical or spiritual, then the president will seek— or seize— the power necessary to handle that responsibility. We’re right to fear the growth of presidential power. But the Imperial Presidency is the price of making the office the focus of our national hopes and dreams.

#### Turns case. The global shapes the local and not vice versa. The presidency controls the direction of micropolitical success

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**This article analyzes the often fraught yet sometimes productive relationship between the modern presidency and social movements**. Although the presidency-social movement nexus is fraught with tension, ***collaboration between the White House and social activists was indispensable to the important changes that occurred during the second half of the twentieth century***. **Focusing especially on** Lyndon **Johnson's uneasy but critical relationship to the civil rights movement** and Ronald Reagan's enlistment of the Christian Right into the Republican Party, **we trace the emergence of a novel form of politics since the 1960s that joins executive prerogative, grassroots insurgency, and party polarization**. **Johnson's efforts to leverage presidential power to advance civil rights played a critical role in recasting the relationship between national administration and social movements**, one that paved the way for a national conservative offensive. The relationship forged between Johnson and the civil rights movement has echoes in the similar joining of the Reagan presidency and the Christian Right, an executive-insurgency alliance that instigated the transformation of the Republican Party and spurred the development a new presidency-centered party system by the end of the 1980s.

**This article explores the relationship between the modern presidency and social movements, an uneasy but critical alliance in the quest for both liberal and conservative reform during the past half-century**. Focusing on Lyndon Johnson's relationship to the civil rights movement and Ronald Reagan's collaboration with the Christian Right, **we explore the idea**, born of the Progressive era, **that the presidency is inherently disposed to ally itself with major reform movements**. **Presidency scholars, like many citizens, regularly perceive occupants of the Oval Office as leading agents of change in a labyrinthine political system that can be difficult to navigate**. Social movement scholars, in turn, associate social and political transformation with organized, collective insurgencies of ordinary people motivated by common purposes or social solidarities. By definition, social movements are, to borrow James Jasper's words, "conscious, concerted, and relatively sustained efforts by organized groups ... to change some aspect of their society by using extra-institutional means" (1999, 5).

**Although both presidents and social movements have played leading roles in the development of major legal and policy innovation over the course of American political development, the respective literatures on executive power and insurgency rarely intersect**. **Salutary efforts to probe the subject tend to emphasize the inherent conflict between a centralizing institution tasked with conserving the constitutional order and grassroots associations dedicated to structural change** (e.g., see Riley 1999; Sanders 2007). **To be sure, the relationship between presidents and insurgents is fraught with tension; nonetheless, it has significant formative potential given the ambition and capacity of both actors under opportune conditions to transform the political order**. For all of their differences, ***the ambitions and work of presidents and movements are sometimes complementary rather than antagonistic.***

Our central point is that the emergence of **the modern presidency recasts in important ways the relationship between executive power and social movements**. Constrained by constitutional norms, the separation and division of powers, and a decentralized party system, the disruptive potential of executive power was often limited until the twentieth century. **With the advent of the modern presidency during the Progressive era**, however, **the White House was more likely to challenge the existing order of things**. To be sure, modern executives regularly have shied away from close relationships with controversial social movements and sometimes openly attacked them (Tichenor 1999, 2007). Nonetheless, ***the consolidation of the modern presidency during the New Deal realignment invested the executive with powers and public expectations that made it a critical agent of social and economic reform*** (Milkis 1993). **Once the White House became the center of growing government commitments, its occupants were more likely to profess support for the same high ideals that prominent social movements in their camps championed** (Miroff 1981,14).

**The idea that the executive office might act as a spearhead for social justice-a rallying point for democratic reform movements-reached a critical juncture during the Johnson presidency**. **The nation received glimpses of the transformational possibilities of presidential-movement collaborations during the presidencies of Theodore Roosevelt, Woodrow Wilson, Franklin Roosevelt, Harry Truman, and John F. Kennedy**. But they also demonstrated the deep conflicts of interest and ideology that inherently divided presidents and movements. **Only with Lyndon Johnson was the full panoply of modern presidential powers-political, administrative, and rhetorical-deployed on behalf of insurgent interests and demands**. Johnson claimed broad authority to transform domestic policy on his own terms at a time when Congress and parties were subordinate to a "modern" presidency at high tide and a national administration unprecedentedly expansive. This also was a period when the civil rights movement's ability to blend and balance disruptive collective action and conventional political pressure was at its zenith. Consequently, **Johnson and the civil rights movement formed a more direct, combustible, and transformative relationship than was true of previous collaborations between presidents and social movements** (Milkis and Tichenor 2011). **The result was both a historic body of civil rights reforms** and enormous political fallout for Johnson and the Democratic Party.

**A little more than a decade later, a new executive-insurgency alliance spurred a national conservative offensive**. Like Johnson, Reagan commanded a strong and active presidency that reshaped national law and policy commitments, but he sought to deploy modern executive power to achieve conservative objectives. Some of these purposes, most notably a more aggressive anti-Communist agenda and the protection of "family values," required the expansion rather than the rolling back of national governmental responsibilities. Moreover, by the time Ronald Reagan became president, cultural forces unleashed by the Great Society had created a more polarized political environment. **Reagan's contribution to the development of a decidedly right of center modern Republican Party, pledged to advance issues of critical importance to Christian conservatives, made the GOP an attractive venue for the forging a strong bond between the White House and Christian Right**. As we shall see, **the fact that Christian conservatives were less suspicious of executive power than civil rights activists had been might have diminished the Christian Right's reformist potential**. **Yet with their impressive march through American political institutions, these religious movement activists joined with Reagan in advancing a more centralized, polarized, and programmatic party system that defied national consensus and enduring reform, and appeared to issue, instead, a rancorous struggle between conservatives and liberals for control of the modern executive office.**

The two cases examined in this article thus shed light on important developments in American politics. Johnson's alliance with the civil rights movement and Reagan's ties with the Christian right mark critical episodes in the confluence of executive prerogative and insurgency that both infused politics with moral fervor and sharpened conflict between liberals and conservatives. By the end of the 1980s, these new strains had formed into a novel form of party politics that joined presidential prerogative, grassroots mobilization, and partisan polarization. We seek to take account of this transformation of American politics in the conclusion, suggesting that the **critical, tense alliances presidents have forged with social movements over the past half-century have advanced reforms and visions of an alternative political order**-but at the risk of weakening the means of common deliberation and public judgment, the very practices that nurture a civic culture.

#### Vote neg to reclaim our democratic agency; to rethink our relationship to the presidency and return to the ideal and practice of people’s sovereignty

Nelson ’08 (Dana D. Nelson, professor of English at Vanderbilt University, 2008,

 “Bad for Democracy: How the Presidency Undermines the Power of the People”, pg xvii-xviii)

**But Obama detractors, right and left, might usefully cool off a bit and consider that the failures we seek to attribute to the president could as easily be dropped at our own feet**. **The cycle of the four seasons evoked by our quadrennial presidential election might encourage us to believe that democracy will perpetually renew itself**, a gift of nature reminiscent of the seasons. In the seasonal rendition, the energies of democracy wax and wane; like the winter freeze that coaxes seeds from their hulls and gives roots the rest they need to thrive again in the summer to come, this “natural” cycle is a good thing. We become energized in the democratic summer of the election cycle and involve ourselves in selecting a new president. Then we cozy into our couches during the democratic winter and wait for him to perform the magical work of democracy, preferably with a cinematic flourish that will keep us happily spellbound. **The ever-renewing cycle of seasons might be a comforting myth, but it’s not democracy’s reality. The real radicalism of the U.S. revolution for independence came in its advancement of the ideal and the practice of the people’s sovereignty, the idea that regular people were qualified and capable of self-rule** if they worked at it vigilantly, thoughtfully, and hard enough. **The Constitution structured a balanced government, and we have for centuries regarded its scheme of checks and balances as the clarion of democracy**—without really paying attention to how those checks are holding up. Here’s **what the Framers got wrong: the three branches are not in fact equally suited to protect their own self-interest**. **The one headed by the single person—the executive—is best suited for that. Consequentially**, over time, **the presidency has expanded its symbolic and practical powers to the point that**, as I argue in this book, **the presidency is jeopardizing the fundamental premise of democracy: the self-rule of the people.** As we stew in the cold of winter, once again blaming the president for not fixing everything we see wrong in our nation (and indeed, the world), we might want to consider that **we are unthinkingly surrendering our own democratic power and agency**, both as a form of government and as our most precious cultural and political heritage. Corazon Aquino, the Philippine politician who led her country into what many regarded as a democratic revolution against the corrupt Marcos government, died in August 2009. Reflecting on the optimism of that revolutionary moment, and what came after, many Filipinos expressed a sense of regret not just for the loss of Aquino but for their country since her landmark election--- for lost opportunity, the failure to capitalize on the possibilities opened up in that moment of change in the face of continuing poverty, inequality and corruption. Teresita I. Barcelo summarized in The New York Times: “We thought all we needed to do was remove the dictator and do nothing about it. We thought the problem was just the dictator. I say the problem is us. We did not change.” As Barcelo understands, **what the president does for us can be good or bad—but either way, it isn’t democracy**. Bad for Democracy urges that we learn from her wisdom that democratic change does not come like the change of seasons, a gift of nature or the president, but rather from our own efforts at self-governing. **Democracy is not “natural”; rather, it’s a habitat we build together. it won’t be easy, but if we care about our nation’s democratic experiment, we must seriously rethink the relationship of citizens to our form of self-government.** We must find ways to involve ourselves in that project among those with whom we disagree, within a government that is far friendlier to corporate than citizen interest, and within a society that has for too long considered “democracy” something that only “government” does.

#### While you’re sitting on the sidelines, the president is creating reality. We need to get on the frontlines and challenge the presidency. Otherwise, new realities will always be created and they won’t be very pretty for the marginalized. Challenging the cult the presidency is a key component of deliberation and an effective counter-narrative

* President controls counter-factual --- gets to reinterpret and shape reality

Nelson ’08, Dana D. Nelson, professor of English at Vanderbilt University, 2008, “Bad for Democracy: How the Presidency Undermines the Power of the People”, pg 1-2

IN THE RUN-UP TO THE 2004 PRESIDENTIAL ELECTION, A BUSH administration official memorably asserted to New York Times reporter Ron Suskind, “We’re an empire now, and when we act, we create our own reality And while you’re studying that reality—judiciously, as you with we’ll act again, creating other new realities, which you can study too, and that’s how things will sort out. We’re history’s actors . . . and you, all of you, will be left to just study what we do 6” Suskind’s article “Without a Doubt” framed this assertion as the administration’s assessment of Left- leaning intellectuals, and it predictably outraged Bush’s political oppositions His administration was widely seen by Democrats as heedlessly unilateralist: this bald assertion of power seemed concisely to summarize Bush’s own philosophy and his scorn for those who disagree with him. But this is not just a simple summary of the Bush—Cheney—Rumsfeld— Wolfowìtz philosophy for dealing with political, opposition. Rather, it draws on a deep and relatively unnoticed tradition of expanding presidential powers that began in the age of George Washington. This expansion has come at times through the ambitions, machinations, and moxie of individual presidents — some of them impressively gifted governmental and political leaders. It has also come through the active and passive consent of citizens, the courts, and Congress. Because the president has come to symbolize both our democratic process and our national power, we tend to see him simultaneously as democracy’s heart (he will unify the citizenry) and its avenging sword (he will protect us from all external threats). Those beliefs, inculcated in us from our earliest days in school, reinforced by both popular culture and media coverage of government, politics, and foreign affairs, make us want to give the president more power, regardless of the constitutional checks and balances we also learned to treasure as schoolchildren.

#### Demystifying the Cult of the Presidency is Necessary to Allow for Diverse Opinions and Expertise. Presidential primacy generates antagonistic politics in the status quo

**Nelson ’08**, Dana D. Nelson, professor of English at Vanderbilt University, 2008, “Bad for Democracy: How the Presidency Undermines the Power of the People”, pg 139-143

**The militarization of our democratic politics fosters a Manichaean Worldview. You’re either with us or against us, on the side of the good or the axis of evil. It’s easy to attribute these politically reductive and vicious characterizations to the “other” side, but thinkers on both the right and the left have become infected with the knee-jerk habits of political demonization**. It is on such habits that “shouting head” television and radio have thrived, as well as a book industry that produces such titles as If Democrats Had Any Brains, They’d Be Republicans, and Rush Limbaugh Is a Big Fat Idiot. **These political actors** (in the fullest sense) **scorn reasoned deliberation and compromise. Instead, with an evangelical fervor, they denounce their opponents** (the losers) **in the shrillest and most aggressive terms possible. They maximize and overdraw political difference in order to vilify it. Demonology demands that your hero is my villain** (which helps explain opinion polls that, for instance, in 2007 showed 75 percent of Republicans approving Bush’s performance, as opposed to 8 percent of Democrats), **With such opponents, compromise is demeaning when it’s not unthinkable. With such opponents, no one can deliberate**. If you don’t agree with the president, this demonology teaches (and both Demo crats and Republicans have made this claim in the past twenty years), you should leave the country.

**The macho mystique of the commander in chief feeds the civil war atmosphere of U.S. democratic culture. The exaggerated and irremediable differences painted by its Manichaean pundits work to create a climate of political and social fear,** activating and feeding what political scientists have described as an “authoritarian dynamic” or “situation-sensitive” authoritarianism. Recent research shows “that the effect of an authoritarian disposition on partisanship has. .. increased markedly between 1992 and 2OO4” Marc Hetherington and Jonathan Weiler’s study draws on four questions introduced in the 1992 National Election Study, which probe for two of three key authoritarian attitudes, submission and conventional ism (the third is aggression. Hetherington and Weiler, like fellow political scientist Bob Altemeyer; are interested in showing authoritarianism’s effect on current expressions of conservative partisanship. Others like Karen Stenner, caution that it’s important to distinguish between the authoritananism that is situationally manifested by those predisposed for whatever reason, toward authoritarianism, and the apparent authoritarianism of some kinds of conservatism. But **there is a growing consensus that normative threats and fears about bad leadership summon authoritarian behaviors into our political scene—exactly the kinds of threats cultivated and kept alive by our politics-as-war culture, and that cultivate the habit of mistaking the president as “our” commander in chief**; who policies we must honor, whether or not we like them.

As touted Senate strategies like the “nuclear option” suggest, and as analysts like Mann and Ornstein, and Crenson and Ginsberg, demonstrate, **key democratic political skills for consociation and deliberation are declining** in government. **Shouting-head culture has encouraged citizens who do want to talk politics - face-to--face or online — to seek these conversations only among those with whom they believe they’ll find agreement. But this reassuring habit only feeds the cycle of war culture.** Groups of like-minded people are highly susceptible to the phenomenon of group polarization, something legal scholar Cass Sunstein has recently described at length in Why Societies Need Dissent. In settings where a group shares basic leanings or opinions, deliberation tends to radicalize the opinion of the group and individuals within it, polarizing rather than moderating opinion. **Democratic deliberation needs civil injections of diverse opinion, different expertises, and diverging institutions that support civil dissent**. **Politics-as-war kills this possibility as it strangles citizens’ ability to imagine a richer, more active, and productively dissensual democratic community We can’t say that the mystique of the commander in chief causes all these ills, but we can say his macho symbolic presence certainly encourages them.**

Finally, politics-as-war spills over into our daily lives. The post-1965 trend toward social enclaving and gated communities crucially reinforçes tendencies toward political enclaving, as Bill Bishop so richly documents in his book, The Big Sort. **Politics-as-war has spawned culture wars and what the sociolinguist Deborah Tannen has described as “argument culture,” an agonistic, warlike stance that assumes all differences must be seen in oppositional terms and all decisions must be produced by adversariaist means. This attitude permeates our most mundane interactions.**

As Tannen notes, it’s become habitual to conceptualize joining a conver—sation as “leaping into the fray” rather than as “sharing ideas.” **Argument culture encourages Americans to approach every subject as though it were war**, a proclivity that feeds aggressive debate, “slash-and-burn” argumentative styles, and a winner-take-all attitude toward discussion that can inspire irrelevance and even dishonesty in routine interactions, **all in the name of “coming out on top.” Some people, clearly, are good at argument culture** and even thrive on it, **but for the rest, the energy required for routine defensiveness in argument culture is drawn away from more creative, generative enterprises. And those who have intelligent qualifications to contribute to debates, but fear being slaughtered in the war of words, withdraw, with them go vital, enriching insights.**

# 2NC

**2NC Overview.**

#### Education – debate about hypothetical powers rather than explicit authorities is a distraction

Micah Zenko 13 (@MicahZenko) is the Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations. MARCH 19, 2013, Foreign Policy, This Is Not the Drone Debate We're Looking For, <http://www.foreignpolicy.com/articles/2013/03/19/this_is_not_the_drone_debate_were_looking_for?page=full>, jj

After 10 years of disinterest from policymakers and pundits, and one year of carefully-managed official statements from the Obama administration, there is finally an active debate on the U.S. policy of non-battlefield targeted killings via drones. Suddenly, everyone feels compelled to offer their opinion on drone strikes on political talk shows and in op-eds and congressional hearings. There is just one problem: Little of the public debate discusses the actual conduct of targeted killings, and focuses instead on hypothetical operations. As a result, there is even greater misinformation that distorts, muddies, and distracts from the real issues. During his 13-hour filibuster, Senator Rand Paul repeatedly asked if President Obama believed he had the constitutional authority to target U.S. citizens within the United States. He specifically mentioned the hypothetical scenario in which Jane Fonda, Kent State protestors, or someone in a café (mentioned 34 times!) could be targeted under the Obama administration's legal framework. While Paul raised several important questions about targeted killings, his focus on such implausible examples obscured the full scope of the drone wars. Of the 3,500 to 4,700 victims, only four were U.S. citizens -- and only one was targeted intentionally. In short, the longest congressional discussion held on targeted killings concentrated on one one-thousandth of the issue. The following day, John McCain took to the Senate floor to denounce Paul and defend targeted killings in case of contingencies like "Nazis who came ashore on Long Island in World War II" or a "bomb-laden, explosive-laden vehicle headed for a nuclear power plant." These justifications echoed those of Attorney General Eric Holder, who declared domestic drone strikes were reserved for "circumstances like a catastrophic attack like the ones suffered on December 7, 1941, and September 11, 2001." According to the 9/11 Commission, at around 10:15 a.m. on the morning of September 11, Vice President Dick Cheney told his military aide that Air Force F-16s were authorized to shoot down a civilian airliner (United 93) heading toward Washington, D.C. if the fighter pilots could confirm that it had been hijacked. Since nobody actually contends that the president cannot use force in such an instance, these arguments are emotionally-laden red herrings. Meanwhile, human rights groups, legal scholars, and columnists are increasingly warning about the prospect of fully autonomous robots, which could conduct lethal strikes without a human being in the decision-making loop. While the U.S. military has long maintained autonomous defensive systems that launch counterbattery fire to suppress artillery and rocket attacks, Pentagon officials have repeatedly stated that there are no plans to develop fully autonomous drones for targeted killing operations. Although there should be clear limits on what decisions are made by robotic sensors and algorithms, this is not an imminent capability that presidents will possess, nor is it a practical near-term concern. Moreover, it is unrelated to the weapons platforms that have been used by the Bush and Obama administrations 420 times and counting. Finally, drone defenders stick to the official line of who can be attacked: senior operational leaders of al Qaeda and associates who pose a grave and imminent threat to the United States. This has not been true for almost five years, though the assertion continues to be recycled and widely accepted by policymakers and pundits. In fact, the vast majority of individuals killed by drones were anonymous militants who allegedly threatened coalition forces in Afghanistan or the domestic security forces in Pakistan. According to the New America Foundation, of the estimated 2,426 to 3,969 people killed by CIA drones in Pakistan, only 51 -- or roughly 2 percent -- were reported as "militant leaders." The reality of U.S. targeted killings is more complex than the unlikely or hypothetical scenarios offered in the past few weeks. For example, there has not been a U.S. targeted killing in Somalia in almost 14 months, since the al Qaeda-affiliated organization al-Shabab was weakened by African Union, Kenyan, and Ethiopian troops deployed throughout the country. Gen. Carter Ham, commander of U.S. Africa Command, stated last week that al-Shabab was "significantly weakened in the past year," while James Clapper, the director national intelligence, described it as "largely in retreat." That this relative good news has occurred without the assistance of U.S. cruise missiles or special operations raids holds lessons for confronting extremist militants elsewhere. At the same time, the CIA's drone strikes in Pakistan have declined from a zenith of 122 in 2010, to 48 in 2012, to 6 so far in 2013. Since 2008, these strikes have primarily focused on suspected militants who threaten U.S. servicemembers with improvised explosive devices, suicide bombs, and small-arms fire across the border in Afghanistan. As additional U.S. troops withdraw, drone strikes that are intended to protect them should also become increasingly rare. Moreover, if Afghanistan exercises its sovereign right to prohibit the United States from using its territory for external military operations -- once a possibility, now increasingly likely -- then the laws of geography and logistics make drone strikes into Pakistan basically impossible. This also assumes that Pakistani officials remain unable to fulfill their repeated pledge of ending U.S. drone strikes -- a pledge first made in January 2006, or 341 strikes ago. Finally, the number of targeted killings in Yemen against suspected members of al Qaeda in the Arabian Peninsula, and militants fighting an insurgency against the security forces of the regime of President Abdu Rabbu Mansour Hadi, went from 10 in 2011, to 42 in 2012, to 5 so far in 2013. These are difficult to assess, since reportedly some strikes are conducted by Yemeni and Saudi air forces, and others by the CIA and Joint Special Operations Command. The Yemeni government has also claimed responsibility for some U.S. strikes that caused civilian casualties in order to shield the United States from criticism and accountability. Based on conversations with Obama administration officials, whether the current strategy in Yemen is "working" to reduce the threat posed by externally-directed terrorism is one of the most hotly debated questions of U.S. foreign policy. The overdue public and congressional debates about the Obama administration's targeted killings should be based on how those operations are actually justified and conducted, which is itself based on inconsistencies and unexamined assumptions that deserve close scrutiny. A debate that focuses on drone strikes that have not occurred, that are highly improbable, or that would be conducted with capabilities that do not exist, might get public attention, but it misses the real story.

***Precision outweighs - precondition to predictability and education***

**Resnick 1**Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

In matters of national security, establishing **a clear definition of terms is a precondition** for effective policymaking. **Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk** alienating their constituencies. They also risk **exacerbating misperceptions** and hostility among those the policies target. **Scholars who commit the same error undercut their ability to conduct valuable empirical research**. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

**2NC – Theory Overview**

***Establishment of fair limits and rules about the subject of debate must be a precursor to debate itself.***

**Shively 2k**—Ruth Lessl Shively, Assistant Prof Political Science, Texas A&M University [Partisan Politics and Political Theory, p. 181-2]

The requirements given thus far are primarily negative. The ambiguists must say "no" to-they must reject and limit-some ideas and actions. In what follows, we will also find that they must say "yes" to some things. In particular, they must say "yes" to the idea of rational persuasion. This means, first, that they must recognize the role of agreement in political contest, or the basic accord that is necessary to discord. The mistake that the ambiguists make here is a common one. The mistake is in thinking that agreement marks the end of contest-that consensus kills debate. But this is true only if the agreement is perfect-if there is nothing at all left to question or contest. In most cases, however, our agreements are highly imperfect. We agree on some matters but not on others, on generalities but not on specifics, on principles but not on their applications, and so on. And this kind of limited agreement is the *starting* condition of contest and debate. As John Courtney Murray writes: We hold certain truths; therefore we can argue about them. It seems to have been one of the corruptions of intelligence by positivism to assume that argument ends when agreement is reached. In a basic sense, the reverse is true. There can be no argument except on the premise, and within a context, of agreement. (Murray 1960, 10) In other words, we cannot argue about something if we are not communicating: if we cannot agree on the topic and terms of argument or if we have utterly different ideas about what counts as evidence or good argument. At the very least, we must agree about what it is that is being debated before we can debate it. For instance, one cannot have an argument about euthanasia with someone who thinks euthanasia is a musical group. One cannot successfully stage a sit-in if one's target audience simply thinks everyone is resting or if those doing the sitting have no complaints. Nor can one demonstrate resistance to a policy if no one knows that it is a policy. In other words, contest is meaningless if there is a lack of agreement or communication about what is being contested. Resisters, demonstrators, and debaters must have some shared ideas about the subject and/or the terms of their disagreements. The participants and the target of a sit-in must share an understanding of the complaint at hand. And a demonstrator's audience must know what is being resisted. In short, the contesting of an idea presumes some agreement about what that idea is and how one might go about intelligibly contesting it. In other words, contestation rests on some basic agreement or harmony.

### A2: We Meet

#### War powers authority means the warrant and justification to exercise those powers, not simply the ability to do so.

Zimmerman 9 Fellow, Center for the Study of the Presidency and Congress

Adam, "The Politics Economics Make." March 22, 2009, http://www.thepresidency.org/storage/documents/Fellows2009/Colgate\_Zimmerman.pdf

**Skowronek distinguishes between presidential power and authority. Power is the formal and informal resources of the presidency. Authority is the warrant to exercise the powers of the presidency**. Skowronek asserts that presidential authority is a function of a recurrent pattern that he refers to as political time. Political time is the “historical medium through which authority structures have recurred,” whereas secular time is “the medium through which power structures have evolved.”1 Political time describes the ability of the president to exercise authority over the formal powers of the office, whereas secular time is the emergent pattern that describes how those formal powers have developed and evolved. **Skowronek employs these conceptions of secular and political** **time to understand how “contingent structures of authority have affected the reorganization of presidential power, and how changes in the organization of the presidential power have affected the political range of different claims to authority**.”2 In short, Skowronek attempts to employ these two patterns – secular and political – to describe the president’s ability to exercise authority over the formal powers of the office changed. **Skowronek concludes that as the formal powers of the presidency expands; the** **ability of the president to exercise those powers has narrowed**.

#### Authority is the legal right to take action, power is the ability to do so

Forsythe and Hendrickson 96

[David P. Forsythe, Professor and Chair of Political Science University of Nebraska-Lincoln, Ryan C. Hendrickson, Ph.D. Candidate University of Nebraska-Lincoln. “U.S. Use of Force Abroad: What Law for the President?” Presidential Studies Quarterly, Vol. 26, No. 4]

The crisis is most precisely about authority, not power. Authority, in the legal sense, concerns ¶ the right to do something. Power refers to the capability to do something. Part of the problems ¶ in the U.S. constitutional crisis over use of force abroad is that the president has the power to ¶ make war, and to obtain congressional deference most of the time, whatever the proper under ¶ standing of authority.

### Catch-all

#### The ballot is a normative statement on the desirability of USFG action --- proven by resolved, the colon and the phrase “federal government”

**Strait & Wallace ’08** – L. Paul Strait, University of Southern California and Brett ¶ Wallace, George Washington University, Contemporary Argumentation & Debate. Sep2008, ACADEMIC DEBATE AS A DECISION-MAKING GAME: INCULCATING THE VIRTUE OF PRACTICAL WISDOM. Vol. 29, p1-36. 36p, jj

The affirmative does not get to choose simply any ¶ frame of interpretation for its (topical) plan. This is an ¶ important point that Korcok’s analysis ignores, because it¶ leaves open the possibility that an actor besides the USFG ¶ could be the decision-maker. This is not to say that Korcok ¶ endorses non-topical action, but taking into account the fact ¶ that the affirmative’s actor has to be topical allows us to ¶ narrow down the range of possible decision-makers and to ¶ make a conclusive answer about what question the ¶ affirmative is attempting to answer in order to win the ¶ debate. Obviously, in a policy debate, the Congress, the ¶ executive, and the judiciary all are possible decision-makers ¶ that are examples of the resolution. But in the context of ¶ framework debates, the resolution gives us only one question ¶ to answer. Every year, the resolution contains the ¶ introductory Resolved, which is followed by a course of ¶ action by the USFG. A colon separates the two parts of the ¶ resolution from each other, indicating that we as a ¶ community in each round have to “express an opinion by ¶ resolution or vote” about the normative question of USFG ¶ action (Words and Phrases, 1964, p. 478). Individual ¶ participants in the debate round are not the agents of the ¶ resolution, but the ones coming to an affirmative or negative ¶ conclusion about the question of whether it would be good ¶ for the United States federal government as a decision-maker ¶ to act. Each debate critic and individual debater is clearly ¶ separated from the decision-maker by the resolution. ¶ Negative interpretations that turn the judge or the debaters ¶ into a second decision-maker thus attempt to change the ¶ question that the resolution is asking in order to evaluate the ¶ opportunity cost of their localized action. ¶ Considering the topical agent identified in the plan ¶ to be the decision-maker with respect to the debate, rather ¶ than the judge or the debaters, has three additional benefits. ¶ First, ethical questions relating to intellectually endorsing the ¶ affirmative and other areas of literature that are not ¶ traditionally discussed in the context of policymaking can ¶ still be discussed under this decision-making framework, but ¶ in a more productive manner. A negative strategy that ¶ includes a counterplan that uses different assumptions to ¶ solve the affirmative and says the affirmative’s approach is ¶ morally bankrupt is a reason why the affirmative should be ¶ ethically rejected. Even absent a counterplan, ignoring¶ implications for the judge and excluding her ability to ¶ individually endorse alternative moral frameworks forces ¶ negative teams to make their criticisms more specific to the ¶ plan. If they want to say that the affirmative case is ¶ unethical, they should be forced to engage the traditional ¶ arguments in the teleology/deontology literature, e.g., ‘moral ¶ purity has unintended consequences.’ This would mean that ¶ the negative’s alternative for the judge to reject the ¶ affirmative’s unethical course of action would have to be ¶ much more specific and engaging on the question of whether ¶ it is possible to predict consequences or embrace moral ¶ absolutism in the context of the affirmative’s advantages. ¶ Second, identifying the topical agent of the plan as ¶ the decision-maker prevents debate from being about roleplaying. Many critical teams’ objection to policymaking is ¶ that the debaters are not the Federal Government and should ¶ not pretend otherwise. Since our argument merely is that the ¶ judge’s range of fiat is constrained by the authority of a ¶ single decision-maker, rather than that the judge should be ¶ the decision-maker, debaters or judges do not have to accept ¶ uncritically the USFG’s authority or way of thinking.

**Resolved Def – A2: Mental Analysis, etc**

#### Their interpretation doesn’t assume the context of debate – resolved is used to designate that the issue to be debated is a resolution.

**Parcher 1** Jeff Parcher, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. **American Heritage Dictionary: Resolve**: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. **Firmness of** purpose; **resolution**. 2. **A determination or decision**. (2) **The very nature of the word "resolution" makes it a question**. American Heritage: **A course of action determined or decided on**. A formal statement of a decision, **as by a legislature**. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) **Further context: the word resolved is used to emphasis the fact that it's policy debate**. **Resolved comes from the adoption of resolutions by legislative bodies.** A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

### Should

***Severs “should” – it means “must” and requires immediate legal effect***

**Summers 94** (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13>)

**The legal question to be resolved by the court is whether the word "should**"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn13) in the May 18 order **connotes futurity or may be deemed a ruling in praesenti.**[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn16)  ¶5 Nisi prius orders should be so construed as to give effect to every words and every part of the text, with a view to carrying out the evident intent of the judge's direction.[17](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn17) The order's language ought not to be considered abstractly. The actual meaning intended by the document's signatory should be derived from the context in which the phrase to be interpreted is used.[18](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn18) When applied to the May 18 memorial, these told canons impel my conclusion that the judge doubtless intended his ruling as an in praesenti resolution of Dollarsaver's quest for judgment n.o.v. Approval of all counsel plainly appears on the face of the critical May 18 entry which is [885 P.2d 1358] signed by the judge.[19](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn19) True minutes[20](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn20) of a court neither call for nor bear the approval of the parties' counsel nor the judge's signature. To reject out of hand the view that in this context "should" is impliedly followed by the customary, "and the same hereby is", makes the court once again revert to medieval notions of ritualistic formalism now so thoroughly condemned in national jurisprudence and long abandoned by the statutory policy of this State. IV CONCLUSION Nisi prius judgments and orders should be construed in a manner which gives effect and meaning to the complete substance of the memorial. When a judge-signed direction is capable of two interpretations, one of which would make it a valid part of the record proper and the other would render it a meaningless exercise in futility, the adoption of the former interpretation is this court's due. A rule - that on direct appeal views as fatal to the order's efficacy the mere omission from the journal entry of a long and customarily implied phrase, i.e., "and the same hereby is" - is soon likely to drift into the body of principles which govern the facial validity of judgments. This development would make judicial acts acutely vulnerable to collateral attack for the most trivial of reasons and tend to undermine the stability of titles or other adjudicated rights. It is obvious the trial judge intended his May 18 memorial to be an in praesenti order overruling Dollarsaver's motion for judgment n.o.v. It is hence that memorial, and not the later June 2 entry, which triggered appeal time in this case. Because the petition. in error was not filed within 30 days of May 18, the appeal is untimely. I would hence sustain the appellee's motion to dismiss.[21](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn21)  Footnotes: [1](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn1) The pertinent terms of the memorial of May 18, 1993 are: IN THE DISTRICT COURT OF BRYAN COUNTY, STATE OF OKLAHOMA COURT MINUTE 5/18/93 No. C-91-223 After having heard and considered arguments of counsel in support of and in opposition to the motions of the Defendant for judgment N.O.V. and a new trial, the Court finds that the motions should be overruled. Approved as to form: /s/ Ken Rainbolt /s/ Austin R. Deaton, Jr. /s/ Don Michael Haggerty /s/ Rocky L. Powers Judge [2](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn2) The turgid phrase - "should be and the same hereby is" - is a tautological absurdity. This is so because "**should" is synonymous with ought or must and is in itself sufficient to effect an inpraesenti ruling - one that is couched in "a present indicative synonymous with ought**." See infra note 15. [3](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn3) Carter v. Carter, Okl., [783 P.2d 969](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=10645), 970 (1989); Horizons, Inc. v. Keo Leasing Co., Okl., [681 P.2d 757](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=9677), 759 (1984); Amarex, Inc. v. Baker, Okl., [655 P.2d 1040](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=5345), 1043 (1983); Knell v. Burnes, Okl., [645 P.2d 471](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=5225), 473 (1982); Prock v. District Court of Pittsburgh County, Okl., [630 P.2d 772](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=4989), 775 (1981); Harry v. Hertzler, 185 Okl. 151, [90 P.2d 656](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=13059), 659 (1939); Ginn v. Knight, 106 Okl. 4, 232 P. 936, 937 (1925). [4](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn4) "Recordable" means that by force of [12 O.S. 1991 § 24](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=93563&date=11/8/94) an instrument meeting that section's criteria must be entered on or "recorded" in the court's journal. The clerk may "enter" only that which is "on file." The pertinent terms of [12 O.S. 1991 § 24](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=93563&date=11/8/94) are: "Upon the journal record required to be kept by the clerk of the district court in civil cases . . . shall be entered copies of the following instruments on file: 1. All items of process by which the court acquired jurisdiction of the person of each defendant in the case; and 2. All instruments filed in the case that bear the signature of the and judge and specify clearly the relief granted or order made." [Emphasis added.] [5](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn5) See [12 O.S. 1991 § 1116](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=94410&date=11/8/94) which states in pertinent part: "Every direction of a court or judge made or entered in writing, and not included in a judgment is an order." [Emphasis added.] [6](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn6) The pertinent terms of [12 O.S. 1993 § 696.3](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=94066&date=11/8/94) , effective October 1, 1993, are: "A. Judgments, decrees and appealable orders that are filed with the clerk of the court shall contain: 1. A caption setting forth the name of the court, the names and designation of the parties, the file number of the case and the title of the instrument; 2. A statement of the disposition of the action, proceeding, or motion, including a statement of the relief awarded to a party or parties and the liabilities and obligations imposed on the other party or parties; 3. The signature and title of the court; . . ." [7](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn7) The court holds that the May 18 memorial's recital that "the Court finds that the motions should be overruled" is a "finding" and not a ruling. In its pure form, a finding is generally not effective as an order or judgment. See, e.g., Tillman v. Tillman, 199 Okl. 130, [184 P.2d 784](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=1926) (1947), cited in the court's opinion. [8](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn8) When ruling upon a motion for judgment n.o.v. the court must take into account all the evidence favorable to the party against whom the motion is directed and disregard all conflicting evidence favorable to the movant. If the court should conclude the motion is sustainable, it must hold, as a matter of law, that there is an entire absence of proof tending to show a right to recover. See Austin v. Wilkerson, Inc., Okl., [519 P.2d 899](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=42632), 903 (1974). [9](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn9) See Bullard v. Grisham Const. Co., Okl., [660 P.2d 1045](http://www.oscn.net/applications/oscn/deliverdocument.asp?citeid=9476), 1047 (1983), where this court reviewed a trial judge's "findings of fact", perceived as a basis for his ruling on a motion for judgment n.o.v. (in the face of a defendant's reliance on plaintiff's contributory negligence). These judicial findings were held impermissible as an invasion of the providence of the jury and proscribed by OKLA. CONST. ART, 23, § 6 . Id. at 1048. [10](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn10) Everyday courthouse parlance does not always distinguish between a judge's "finding", which denotes nisi prius resolution of fact issues, and "ruling" or "conclusion of law". The latter resolves disputed issues of law. In practice usage members of the bench and bar often confuse what the judge "finds" with what that official "concludes", i.e., resolves as a legal matter. [11](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn11) See Fowler v. Thomsen, 68 Neb. 578, 94 N.W. 810, 811-12 (1903), where the court determined a ruling that "[1] find from the bill of particulars that there is due the plaintiff the sum of . . ." was a judgment and not a finding. In reaching its conclusion the court reasoned that "[e]ffect must be given to the entire in the docket according to the manifest intention of the justice in making them." Id., 94 N.W. at 811. [12](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn12) When the language of a judgment is susceptible of two interpretations, that which makes it correct and valid is preferred to one that would render it erroneous. Hale v. Independent Powder Co., 46 Okl. 135, 148 P. 715, 716 (1915); Sharp v. McColm, 79 Kan. 772, 101 P. 659, 662 (1909); Clay v. Hildebrand, 34 Kan. 694, 9 P. 466, 470 (1886); see also 1 A.C. FREEMAN LAW OF JUDGMENTS § 76 (5th ed. 1925). [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn13) "**Should**" not only **is used as a "present indicative" synonymous with ought** but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. **Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability**. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an obligation and to be more than advisory); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (**one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an obligation to include the requested segment**); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("**should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony**"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker2fn14) In praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or immediately effective, as opposed to something that will or would become effective in the future [in futurol]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

### Affect

***Affect is not enough for decision-making – it leads to misguided decisions especially in the context of large magnitude and future-oriented impacts***

Paul **Slovic et al 2004** “Risk as Analysis and Risk as Feelings: Some Thoughts about Affect, Reason, Risk, and Rationality,” Risk Analysis, Vol. 24, No. 2

**There are two important ways that experiential thinking misguides us. One results from the deliberate manipulation of our affective reactions by those who wish to control our behaviors** (**advertising and marketing exemplify this manipulation**). **The other results from the natural limitations of the experiential system and the existence of stimuli in our environment that are simply not amenable to valid affective representation**. The latter problem is discussed below. **Judgments and decisions can be faulty not only because their affective components are manipulable, but also because they are subject to inherent biases of the experiential system.** For example, **the affective system seems designed to sensitize us to small changes in our environment** (e.g., the difference between 0 and 1 deaths) **at the cost of making us less able to appreciate and respond appropriately to larger changes further away from zero** (e.g., the difference between 500 deaths and 600 deaths). **Fetherstonhaugh** et al.(25) **referred to this insensitivity as “psychophysical numbing**.” Albert Szent-Gyorgi put it another way: **“I am deeply moved if I see one man suffering and would risk my life for him. Then I talk impersonally about the possible pulverization of our big cities, with a hundred million dead. I am unable to multiply one man’s suffering by a hundred million.”** **Similar problems arise when the outcomes that we must evaluate are visceral in nature. Visceral factors include drive states such as hunger, thirst, sexual desire, emotions, pain, and drug craving. They have direct, hedonic impacts that have a powerful effect on behavior.** Although they produce strong feelings in the present moment, **these feelings are difficult if not impossible to recall or anticipate in a veridical manner**, a factor that plays a key role in the phenomenon of addiction:(29) Unlike currently experienced visceral factors, which have a disproportionate impact on behavior, **delayed visceral factors tend to be ignored or severely underweighted in decision making**. **Today’s pain, hunger, anger, etc. are palpable, but the same sensations anticipated in the future receive little weight**. (p. 240)

***Basing politics around affect is impossible-we can’t choose how we respond to things***

Paul **Slovic et al 2004** “Risk as Analysis and Risk as Feelings: Some Thoughts about Affect, Reason, Risk, and Rationality,” Risk Analysis, Vol. 24, No. 2,

Although the visceral emotion of fear certainly plays a role in risk as feelings, we shall focus here on a “faint whisper of emotion” called affect. As used here, “**affect” means the specific quality of “goodness” or “badness**” (i) **experienced as a feeling state** (with or **without consciousness**) **and** (ii) **demarcating a positive or negative quality of a stimulus. Affective responses occur rapidly and automatically – note how quickly you sense the feelings associated with the stimulus word “treasure” or the word “hate**.” We argue that reliance on such feelings can be characterized as “the affect heuristic.” In this paper, we trace the development of the affect heuristic across a variety of research paths followed by ourselves and many others. We also discuss some of the important practical implications resulting from ways that this heuristic impacts the way we perceive and evaluate risk, and, more generally, the way it effects all human decision making.

***Even if they win that affect is a key motivator for action, it is both insufficient and ineffective in decisionmaking***

Sabine M. **Marx et al 2007**, “Communication and mental processes: Experiential and analytic processing of uncertain climate information,” Global Environmental Change 17,

Yet, while the engagement of experience-based, **affective decision-making** can make risk communications more salient and motivate behavior, experiential processing **is** also **subject to its own biases, limitations and distortions, such as the finite pool of worry and single action bias**. **Experiential processing works best with easily imaginable, emotionally laden material, yet many aspects of climate variability and change are relatively abstract and require a certain level of analytical understanding** (e.g., long-term trends in mean temperatures or precipitation). Ideally, communication of climate forecasts should encourage the interactive engagement of both analytic and experiential processing systems in the course of making concrete decisions about climate, ranging from individual choices about what crops to plant in a particular season to broad social choices about how to mitigate or adapt to global climate change. One way to facilitate this interaction is through group and participatory decision-making. As the Uganda example suggests, group processes allow individuals with a range of knowledge, skills and personal experience to share diverse information and perspectives and work together on a problem. Ideally, **groups should include at least one member trained to understand statistical forecast information to ensure that all sources of information—both experiential and analytic—are considered as part of the decision-making process.** Communications to groups should also try to translate statistical information into formats readily understood in the language, personal and cultural experience of group members. In a somewhat iterative or cyclical process, the shared concrete information can then be re-abstracted to an analytic level that leads to action. Risk and uncertainty are inherent dimensions of all climate forecasts and related decisions. **Analytic products like trend analysis, forecast probabilities, and ranges of uncertainty ought to be valuable contributions to stakeholder decision-making**. Yet decision makers also listen to the inner and communal voices of personal and collective experience, affect and emotion, and cultural values. Both systems—analytic and experiential—should be considered in the design of climate forecasts and risk communications. If not, **many analytic products will fall on deaf ears as decision makers continue to rely heavily on personal experience and affective cues to make plans for an uncertain future**. The challenge is to find innovative and creative ways to engage both systems in the process of individual and group decision-making.

**A2: Limits Bad – Creativity/Innovation**

***Abolishing constraints does not improve creativity---starting from defined constraints like the topic is better for overall creativity because innovative thinking comes from problem-solving like figuring out how to read what you want to read while still being topical***

**Intrator 10** – David, President of The Creative Organization, October 21, 2010, “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

**One of the** **most pernicious myths about creativity,** one **that** **seriously inhibits creative thinking** **and innovation**, **is the belief that one needs to “think outside the box**.”

As someone who has worked for decades as a professional creative, **nothing could be further from the truth**. **This a is view shared by the vast majority of creatives**, expressed famously by the modernist designer Charles Eames when he wrote, “**Design depends largely upon constraints.”**

The myth of **thinking outside the box stems from a** **fundamental misconception of what creativity is**, and what it’s not.

**In the popular imagination, creativity is something weird and wacky.** The creative process is magical, or divinely inspired.

**But**, in fact, **creativity is** not about divine inspiration or magic.

It’s **about problem-solving, and by definition a problem is a constraint**, a limit, a box.

One of the best illustrations of this is the work of **photographers**. They **create by excluding the great mass what’s before them**, **choosing a small frame in which to work**. Within that tiny frame, literally a box, they uncover relationships and establish priorities.

What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution.

This can be quite demanding, both intellectually and emotionally.

**Intellectually**, ***you are required to establish limits***, set priorities, and cull patterns and relationships **from a great deal of material,** much of it fragmentary.

More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like.

Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered.

But **to be truly creative, you have to clean up your mess, organizing those fragments into something** real, something **useful**, something that actually works.

That’s the hard part.

It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated.

It also can be emotionally difficult.

**You’ll need to throw out many ideas you originally thought were great**, ideas you’ve become attached to, **because they simply *don’t fit into the rules* you’re creating as you build your box**.

***Constraints are key to creativity---challenging ourselves to innovate within the confines of rules creates far more creative responses than starting with a blank slate***

Finding a way to be topical increases creativity and problem-solving ability---finding a way to be creative within the resolution is more real world because whenever you face a problem in life there will be certain constraints that you have to operate within.

**Mayer 6** – Marissa Ann Mayer, vice-president for search products and user experience at Google, February 13, 2006, “Creativity Loves Constraints,” online: http://www.businessweek.com/print/magazine/content/06\_07/b3971144.htm?chan=gl

**When people think about creativity, they think about artistic work** -- **unbridled, unguided effort** **that leads to beautiful effect**. **But** if you look deeper, you'll find that **some of the most inspiring art forms**, **such as haikus, sonatas, and religious paintings, are** **fraught with constraints**. **They are beautiful** **because creativity triumphed over the "rules**." **Constraints shape and focus problems and provide** **clear challenges to overcome**. ***Creativity thrives best when constrained.***

But constraints must be balanced with a healthy disregard for the impossible. Too many curbs can lead to pessimism and despair. Disregarding the bounds of what we know or accept gives rise to ideas that are non-obvious, unconventional, or unexplored. The **creativity realized in** this **balance** **between constraint and disregard for the impossible is fueled by passion and leads to revolutionary change**.

A few years ago, I met **Paul Beckett, a talented designer** who makes sculptural clocks. When I asked him why not do just sculptures, Paul **said he** **liked the challenge of making something artistically beautiful that also had to perform as a clock**. **Framing the task in that way freed his creative force**. Paul reflected that **he** also **found it easier to** **paint on a canvas that had a mark on it** **rather than starting with one that was entirely clean and white**. This resonated with me. **It is** often **easier to direct your energy** **when you** **start with constrained challenges** (a sculpture that must be a clock) **or constrained possibilities** (a canvas that is marked).

***They’ll say limits are bad, but constraints are more conducive to creative thinking—following the rules is key to innovation.***

**Gibbert et al. 7** — Michael Gibbert, Assistant Professor of Management at Bocconi University (Italy), et al., with Martin Hoeglis, Professor of Leadership and Human Resource Management at WHU—Otto Beisheim School of Management (Germany), and Lifsa Valikangas, Professor of Innovation Management at the Helsinki School of Economics (Finland) and Director of the Woodside Institute, 2007 (“In Praise of Resource Constraints,” *MIT Sloan Management Review*, Spring, Available Online at https://umdrive.memphis.edu/gdeitz/public/The%20Moneyball%20Hypothesis/Gibbert%20et%20al.%20-%20SMR%20(2007)%20Praise%20Resource%20Constraints.pdf, Accessed 04-08-2012, p. 15-16)

Resource constraints can also fuel innovative team performance directly. In the spirit of the proverb "necessity is the mother of invention," [end page 15] teams may produce better results because of resource constraints. Cognitive psychology provides experimental support for the "less is more" hypothesis. For example, scholars in creative cognition find in laboratory tests that subjects are most innovative when given fewer rather than more resources for solving a problem.

The reason seems to be that the human mind is most productive when restricted. Limited—or better focused—by specific rules and constraints, we are more likely to recognize an unexpected idea. Suppose, for example, that we need to put dinner on the table for unexpected guests arriving later that day. The main constraints here are the ingredients available and how much time is left. One way to solve this problem is to think of a familiar recipe and then head off to the supermarket for the extra ingredients. Alternatively, we may start by looking in the refrigerator and cupboard to see what is already there, then allowing ourselves to devise innovative ways of combining subsets of these ingredients. Many cooks attest that the latter option, while riskier, often leads to more creative and better appreciated dinners. In fact, it is the option invariably preferred by professional chefs.

The heightened innovativeness of such "constraints-driven" solutions comes from team members' tendencies, under the circumstances, to look for alternatives beyond "how things are normally done," write C. Page Moreau and Darren W. Dahl in a 2005 Journal of Consumer Research article. Would-be innovators facing constraints are more likely to find creative analogies and combinations that would otherwise be hidden under a glut of resources.

**A2: Reasonability/T Debates = Race To Bottom---2NC**

***It’s arbitrary and undermines research***

**Resnick 1**Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

In matters of national security, establishing **a clear definition of terms is a precondition** for effective policymaking. **Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk** alienating their constituencies. They also risk **exacerbating misperceptions** and hostility among those the policies target. **Scholars who commit the same error undercut their ability to conduct valuable empirical research**. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

***This is infinitely regressive—***

There is no bright line for determining what is and isn’t “reasonable.” The **combination** of all “reasonable” interpretations would saddle the neg with a massive research burden. The term “reasonable” is **vague** and **arbitrary**.

No brightline-reasonability is subjective and allows judge intervention. Debaters should decide debates, not judges.

**Stone 1923**—Justice in the Circuit Court of Appeals, Eighth Circuit [Sussex Land & Live Stock Co. v. Midwest Refining Co., 294 F. 597; 1923 U.S. App. LEXIS 2531; 34 A.L.R. 249, No. 6192; No. 6193, Circuit Court of Appeals, Eighth Circuit, December 5, Available Online via Lexis-Nexis]

Where the use of land affects others, the use must be "reasonable" to escape liability for resultant damage to others. **What is "reasonable" depends upon a variety of considerations and circumstances. It is an elastic term which is of uncertain value in a definition. It has been well said that "reasonable," means with regard to all the interest affected, his own and his neighbor's and also having in view public policy**. But, elastic as this rule is, both reason and authority have declared certain limitations beyond which it cannot extend. One of these limitations is that it is "unreasonable" and unlawful for one owner to physically invade the land of another owner. There can be no damnum absque injuria where there is such a trespass.

# 1NR

### Dandyism

***Predictions are methodologically sound, reflexive, and increasingly accurate, which means we can make link args***

Ruud **van der Helm** is a Dutch policy officer on instrument development in the Aid Effectiveness and Policy Department. Futures – Volume 41, Issue 2, Pages 67-116 (March **2009**) – obtained via Science Direct

Futurists build and discuss statements on future states of affairs. When their work is challenged, they cannot defend ‘‘what may come to be’’ with robust forms of proof. They have no direct observation, can design no experiments, and cannot accumulate data sets. All the work, all the discussions of validity, have to rely on indirect reasoning based on current and past observations, experiments and data. Such reasoning is fragile and subject to considerable uncertainty. Ever since the field emerged in the 1950s and 1960s, futurists have been acutely aware of the special challenge this implies, including two most obvious consequences. First, even the most serious work is vulnerable to potentially devastating criticism. This has triggered an on-going effort of theoretical justification that has accompanied the development of the Futures field. Second, in relation to this, sound methodology is crucially important to provide support when exploring such insecure ground as professional and academic speculation on possible futures. It is not surprising that methodology has constantly been one – and often the – central concern of the field, sometimes to a point of excess. As early as 1980, De´coufle´ could warn companion futurists against the urge ‘‘to jump steps in the long and difficult progression towards the still hypothetical scientificity of conjectural work by displaying inappropriate complacency for issues of method’’. Whether or not some futurists do ‘jump steps’, the Futures field has consistently shown much reflexivity on its theoretical foundations and its methodological procedures. However, the nature of the theoretical and methodological challenges to be addressed by such reflexivity changes over time. The doctrines, the methodological resources, the knowledge-base, the organisation of discussion in the field, that once provided the basis for successfully meeting the challenges of a given era may become inadequate or irrelevant if the context comes to change in a major way. Our argument in this special issue is that such a major change in the challenges that have to be met by our field is now well under way, calling for a major re-examination and renewal of the theoretical underpinnings of futures work.1 Deepening and refining the diagnosis of the changing context of FS is of course one part of the task ahead of us. But to launch the effort, and show its necessity, let us just sketch a rough picture of the situation, by reviewing three important aspects of the development of the Futures field: (1) practical necessity and finalisation, (2) peculiarity and separation, and (3) methodology-based development. Confronted with strident criticism on the possibility and legitimacy of any serious study of future situations, the strongest argument put forward by many pioneers of the Futures field was that studying possible futures was necessary for action and decision-making. As expressed by Bertrand de Jouvenel (1964): ‘‘One always foresees, without richness of data, without awareness of method, without critique nor cooperation. It is now urgent and important to give this individual and natural activity a cooperative, organised character, and submit it to growing demands of intellectual rigor’’. This has proved a decisive basis for the development of the field, fromthe1960s to thep resent day. It has led to a situation where most works on futures are legitimised through their connection to business management, to public decision-making, or both. The success of foresight in the recent years is an illustration of the strength of this covenant between futures methodology and the needs of long-term, strategic, management and policy. The downside of thus using the contribution to decision-making as the main theoretical justification and as the backbone of methodological design in futures work has been, and is now, a constant weakening of the effort to explore and develop other bases for theoretical foundation and methodological development. Although many such avenues have been opened, they have not been explored very far, because the evaluation of new methods has been based on their adequacy in serving studies designed for the preparation of decision-making, or of collective action.

## Cult

### 2NC – Legal/Process Focus Good

#### That's a prior question to any ethical stance on the topic itself—they cede the debate space to conventional wisdom and shut down the subject

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

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File%3A1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

#### Law can only be understood as a function of contingent practice—how we bring knowledge into play and question legal orthodoxy influences its conceptual integrity and power over political discourse

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(Susanne, “Targeted Killing and Its Law: On a Mutually Constitutive Relationship”, Leiden Journal of International Law (2012), 25, pp. 665–682)

It was only with President Barack Obama’s ‘drone program’30 that targeted killing operations were systematically and more openly employed in the fight against terrorism. Since Obama entered office, there has reportedly been a conspicuous increase of aerial strikes, mainly in Pakistan. Targeted killing became a subject of public knowledge and thus publicly visible.31 As a security technology assigned to the context of military operations, the term itself then came to represent a rather new phenomenon of (mainly drone-launched) air strikes on a foreign territory – which, of course, does not preclude intelligence continuing to play a crucial role in the fight against terrorism and accomplishing respective missions.32 Yet, within the ‘theatre of war’, as this telling phrase indicates, the practice of killing political opponents takes an entirely different shape. The exercise of sovereign power sees itself authorized to address corresponding bodies of law, notably around ‘self-defence’ and ‘armed conflict’. It is with these legal references that a justification of targeted killing operations apparently ceases to be required, according to US State Department Legal Advisor Harald S. Koh:

Some have argued that the use of lethal force against specific individuals fails to provide adequate process and thus constitutes unlawful extrajudicial killing. But a state that is engaged in an armed conflict or in legitimate self-defense is not required to provide targets with legal process before the state may use lethal force.33

At the very same moment as targeted killing entered the public stage, it became legalizable. It did so as a security dispositif by locating itself within the legal discourse and at the same time relocating elementary conceptions of existing international law.

It was the identification of a new dimension of threats that, in the first instance, paved the way for targeted killing’s surfacing on the political and legal stage. With the ability to utilize weapons of mass destruction or to display the capacity to invent such weapons, contemporary terrorism has been perceived as competing with the destructive power of states and, at the same time,34 being organized in transnationally operating networks, as an unforeseeable threat. The rationale of facing this threat no longer consists of deterring the attack by a known enemy state, but of pre-empting ‘the danger before it is known’ and before it has a chance to even emerge.35 If international law was prepared to accommodate targeted killing in legal terms, this was also the case because radical uncertainty, in the sense of the unforeseeable and possible, had already been introduced into legal reasoning.36 The precautionary logic constitutes a crucial feature of the new security dispositif – and a condition of possibility for targeted killing to be embraced by international law. As a dispositif, targeted killing entails the claim of its being an appropriate response to the new dimension of threats. Its promise is that a limited, or ‘surgical’, intervention brings about the greatest effects. The rationale is to intercept, or preempt, any preparatory terrorist action and thereby figure out the source of the problem – in the present context, leaders and core figures of a terrorist organization – in order to disrupt the whole matter. Terror networks, through this lens, then, appear to be the mirror image of this dispositif. Rather than merely being a response to the presumed problem, targeted killing asserts that this kind of organization would in fact be its very structure. It thus relocates the legal notions of war and self defence, once clearly attributable to ‘the political space of sovereignty’,37 within an entirely new constellation. What is at stake is no longer the idea of a confrontation between states, but rather the concerted acts of individuals.

If targeted killing could re-emerge as a new phenomenon and legitimate subject of legal debate, gradually losing resemblance to the classical forms of political assassination, this induced a distinctive kind of politico-legal question. The fight against terrorism, namely, is to be assigned to the legal sphere of either warfare or crime control. This decision makes a considerable difference as regards both the rights of state authorities to exercise lethal force and the due-process guarantees of the impacted individuals.38 It is, however, only the traditional notion of sovereign states that suggests a clear distinction be made between foreign and internal affairs, military and criminal cases, war- and peacetime, in accordance with bodies of law. Reluctance to accept targeted killing as a legitimate measure, even when basically assenting to ‘the morality of killing in the context of war’,39 within this framework seems quite rational – that is to say, once targeted killing is regarded as being an instrument of ordinary law enforcement.40 Those clear distinctions, however, have always been an idealization. Wartime, which is thought of as an exception to the norm, intrudes into everyday life through both memories and anticipation.41 The presence of past wars in public debates is as much a testimony to this phenomenon as current political invocations to prepare for the next attack. There is also continuity between war- and peacetime that is reinforced by technologies and institutions.42 The convertibility of military into civilian techniques, and vice versa, is to mention just one facet: the possible double use of drones in war- and in peace times another. It is only the awareness of boundaries being blurred that is a rather recent phenomenon.43 And, in fact, to the extent that targeted killing replaces the notion of assassination, the targets themselves are no longer civilian political leaders, but terrorists44 – a term that comes to be located within the juridical debate beyond the distinction of soldier or civilian. If targeted killing today in the fight against terrorism appears to be an appropriate security technology, embedded within international law, this acceptance in turn is evidence of a new security dispositif’s becoming the norm.

Within a Foucauldian perspective, talk about a new security dispositif does not imply that one dispositif would replace the other altogether, but rather that established notions and practices become relocated and linked to new ones. Sovereign power thus in no way loses its significance, but sees itself confronted with new challenges and obligations, and endowed with new momentums of authorization. Targeted killing, in this sense, itself shapes state formation,45 namely our understanding of sovereignty, of the rule of law, and of what is a legal and an illegal practice. Rather than asking whether international law competes with the sovereignty of states, focus, within this perspective, is on how sovereignty transforms and constitutes itself anew by enforcing international law; how distinctions are being made, for example, between national and international legal matters or between laws of war and ordinary law enforcement; and what kinds of concept underlie legal norms and are being inscribed into the law.

3. A FOUCAULDIAN PERSPECTIVE ON LAW

Foucault did not elaborate on a comprehensive theory of law – a fact that critics have attributed to his allegedly underestimating law’s political and social relevance. Some statements by Foucault may have provoked this interpretation, among them his assertion that law historically ‘recedes’with,46 or is being ‘colonized’ by,47 forms of knowledge that are addressed at governing people and populations. It is, though, precisely this analytical perspective that allows us to capture the mutually productive relationship between targeted killing and the law. In contrast to a widely shared critique, then, Foucault did not read law merely as a negative instrument of constraint. He referred, instead, to a particular mode of juridical power that operates in terms of repressive effects.48Moreover, rather than losing significance coextensively with the ancient sovereign power, law enters new alliances, particularly with certain knowledge practices and attendant expertise.49 This linkage proves to be relevant in the present context, considering not only the interchange between the legal and political discourse on targeted killing, but notably the relationship between law and security.

According to Foucault, social phenomena cannot be isolated from and are only decipherable within the practices, procedures, and forms of knowledge that allow them to surface as such.50 In this sense, ‘all phenomena are singular, every historical or social fact is a singularity’.51Hence, they need to be studied within their historically and locally specific contexts, so as to account for both the subject’s singularity and the conditions of its emergence. It is against this background that a crucial question to be posed is how targeted killing could emerge on the political stage as a subject of legal debate. Furthermore, this analytical perspective on power and knowledge intrinsically being interlinked highlights that our access to reality always entails a productive moment. Modes of thinking, or what Foucault calls rationalities, render reality conceivable and thus manageable.52 They implicate certain ways of seeing things, and they induce truth effects whilst translating into practices and technologies of government. These do not merely address and describe their subject; they constitute or produce it.53

Law is to be approached accordingly.54 It cannot be extracted from the forms of knowledge that enact it, and it is in this sense that law is only conceivable as practice. Even if we only think of the law in ideal terms, as being designated to contain governmental interference, for example, or to provide citizens’ rights, it is already a practice and a form of enacting the law. To enforce the law is always a form of enactment, since it involves a productive moment of bringing certain forms of knowledge into play and of rendering legal norms meaningful in the first place. Law is susceptible to certain forms of knowledge and rationalities in a way that these constitute it and shape legal claims. Rather than on the application of norms, legal reasoning is on the production of norms.

Legality, within this account of law, then, is not only due to a normative authority that, based in our political culture, is external to law, nor is it something that is just inherent in law, epitomized by the principles that constitute law’s ‘innermorality’.55 Rather, the enforcement of law and its attendant reasoning produce their own – legal – truth effects. Independently of the purported intentions of the interlocutors, the juridical discourse on targeted killing leads to, in the first instance, conceiving of and receiving the subject in legal terms.

When targeted killing surfaced on the political stage, appropriate laws appeared to be already at hand. ‘There are more than enough rules for governing drone warfare’, reads the conclusion of a legal reasoning on targeted killing.56 Yet, accommodating the practice in legal terms means that international law itself is undergoing a transformation. The notion of dispositifs is useful in analysing such processes of transformation. It enables us to grasp the minute displacements of established legal concepts that,57 while undergoing a transformation, at the same time prove to be faithful to their previous readings. The displacement of some core features of the traditional conception of the modern state reframes the reading of existing law. Hence, to give just one example for such a rereading of international law: legal scholars raised the argument that neither the characterization of an international armed conflict holds – ‘since al Qaeda is not a state and has no government and is therefore incapable of fighting as a party to an inter-state conflict’58 – nor that of an internal conflict. Instead, the notion of dealing with a non-international conflict,59 which, in view of its global nature, purportedly ‘closely resembles’ an international armed conflict, serves to provide ‘a fuller and more comprehensive set of rules’.60 Established norms and rules of international law are preserved formally, but filled with a radically different meaning so as to eventually integrate the figure of a terrorist network into its conventional understanding. Legal requirements are thus meant to hold for a drone programme that is accomplished both by military agencies in war zones and by military and intelligence agencies targeting terror suspects beyond these zones,61 since the addressed is no longer a state, but a terrorist network.

However, to conceive of law as a practice does not imply that law would be susceptible to any form of knowledge. Not only is its reading itself based on a genealogy of practices established over a longer period.62 Most notably, the respective forms of knowledge are also embedded in varying procedures and strategic configurations. If law is subject to an endless deference of meaning,63 this is not the case in the sense of arbitrary but historically contingent practices, but in the sense of historically contingent practices. Knowledge, then, is not merely an interpretive scheme of law. Rather than merely on meaning, [the] focus is on practices that, while materializing and producing attendant truth effects, shape the distinctions we make between legal and illegal measures. What is more, as regards anticipatory techniques to prevent future harm, this perspective allows for our scrutinizing the division made between what is presumably known and what is yet to be known, and between what is presumably unknown and has yet to be rendered intelligible. This prospect, as will be seen in the following, is crucial for a rereading of existing law. It was the identification of a new order of threat since the terror attacks of 9/11 that brought about a turning point in the reading of international law. The identification of threats in general provides a space for transforming the unknowable into new forms of knowledge. The indeterminateness itself of legal norms proves to be a tool for introducing a new reading of law**.**

### A2: double turn

#### They might say “politics is screwed-up now”. But, if the World’s too “conservative” now it’s because our form of political engagement is TOO THIN. It’s linear and voting neg solves

**Katawala ‘9** (Sunder, Fabian Society, A Future For Politics, p. 31)

The answer to the political legitimacy crisis is politics. **There can be no magic bullet solution to what is primarily a question of** political cultural and **political education**. But **the overriding priority should be to pursue political reform in a way that is engaging and educative of the nature of politics itself and that brings about practical results.**

#### Because politics is currently screwed-up, we need a POLITICAL realm to capitalize upon its failings. They give up on that, and we save it.

Boggs ’97

(CARL BOGGS – Professor and Ph.D. Political Science, National University, Los Angeles -- Theory and Society 26: 741-780)

So it follows that future attempts to revitalize the public sphere and reclaim politics for (and by) an empowered citizenry will face a Sisy- phean battle, especially since corporate colonization, the global capital- ist order, media myth-making, and ``post-modern'' social fragmentation are all so ¢rmly entrenched. And the main twentieth-century ideological discourses ^ nationalism, liberalism, socialism, Communism ^ can be expected to offer few guideposts in a rapidly-changing, unpredictable ¢eld of social forces, popular struggles, and subjective human responses. The truth may be that such ideologies have in themselves contributed to the decline of political life since the 1970s. Meanwhile, the depoliti- cized culture that I am exploring in these pages is neither monolithic nor immune to powerful social contradictions generated within any highly-strati¢ed order; the system is vulnerable to change, perhaps explosive change, as American society experiences further crisis and polarization. Popular movements and organizations have survived into the 1990s, even if many of them have been fully assimilated into normal politics or have become marginalized. Whether such movements can become repoliticized -- whether they can enter into and help transform the public sphere -- will be the urgent question facing the United States and the world in the early twenty-first century.

### A2: Perm Do Both

#### 1. No permutation of our competing models of political engagement is possible—the aff is an attempt to reclaim our agency, but not our agency in the context of democratic institutions—our Nelson alt evidence says we have to reclaim our agency to reactivate participatory democracy and checks and balances, whereas the 1AC jettisons concepts such as citizenship and institutional engagement

Johnston, Emory University, 2004 Adrian, "The Cynic's Fetish: Slavoj Zizek and the Dynamics of Belief," http://www.scribd.com/doc/20244451/Johnston-a-The-Cynic-s-Fetish-Slavoj-Zizek-and-the-Dynamics-of-Belief, 1/1

However, the absence of this type of Lacan-underwritten argument in Žižek’s sociopolitical thought indicates something important. Following Lacan, Žižek describes instances of the tactic of “lying in the guise of truth” and points to late-capitalist cynicism as a key example of this (here, cynically knowing the truth that “the System” is a vacuous sham produces no real change in behavior, no decision to stop acting “as if” this big Other is something with genuine substantiality).149 Žižek proclaims that, “the starting point of the critique of ideology has to be full acknowledgement of the fact that it is easily possible to lie in the guise of truth.”150 Although the Lacanian blurring of the boundary between theoretical thinking and practical action might very well be completely true, accepting it as true inevitably risks strengthening a convenient alibi—the creation of this alibi has long been a fait accompli for which Lacan alone could hardly be held responsible—for the worst sort of intellectualized avoidance of praxis. Academics can convincingly reassure themselves that their inaccessible, abstract musings, the publications of which are perused only by their tiny self-enclosed circle of “ivory tower” colleagues, aren’t irrelevant obscurities made possible by tacit complicity with a certain socio-economic status quo, but, rather, radical political interventions that promise sweeping changes of the predominating situation. If working on signifiers is the same as working in the streets, then why dirty one’s hands bothering with the latter? Consequently, if Žižek is to avoid allowing for a lapse into this comfortable academic illusion, an illusion for which Lacan could all too easily be perverted into offering rationalizing excuses, he must eventually stipulate a series of “naïve” extra-theoretical/extradiscursive actions (actions that will hopefully become acts after their enactment) as part of a coherent political platform for the embattled Left. His rejection of Marx’s positive prescriptive program as anachronistic is quite justified. But, in the wake of Žižek’s clearing of the ground for something New in politics, there is still much to be done. A brief remark by Žižek hints that, despite his somewhat pessimistic assessment of traditional Marxism, he basically agrees with the Marxist conviction that the demise of capitalism is an inevitable, unavoidable historical necessity—“The ultimate answer to the reproach that the radical Left proposals are utopian should thus be that, today, the true utopia is the belief that the present liberal-democratic capitalist consensus could go on indefinitely, without radical changes.”151 This hurling of the charge of utopianism back at those making it is quite convincing. In fact, any system proclaiming to be the embodiment of “the end of history” invariably appears to be utopian. Given what is known about the merciless march of history, believing that an ultimate, unsurpassable socio-political arrangement finally has arrived is almost impossible. So, one should indeed accept as true the unlikelihood of capitalism continuing on indefinitely; it must eventually give way to something else, even if this “x” cannot be envisioned clearly from within the present context. Nonetheless, Žižek’s own theorizing calls for a great deal of cautious reservation about the consequences of embracing this outlook as true, of falling into the trap of (to invoke this motif once more) lying in the guise of truth. Just as the combination of a purely negative, critical Marxism with the anticipation of the event of the act-miracle threatens to turn into an intellectual fetish (in the Žižekian ideological sense of something that renders the present reality bearable), so too might acknowledging the truth of capitalism’s finitude have the same unfortunate side-effect. One can tolerate today’s capitalism, because one knows that it cannot last forever; one can passively and patiently wait it out (at one point, Žižek identifies this anticipation of indeterminate change-yet-to-come as a disempowering lure, although he doesn’t explicitly acknowledge that his own work on ideology sometimes appears to be enthralled by just such a lure152). In both cases, the danger is that the very analyses developed by Žižek in his assault upon late-capitalist ideology might serve to facilitate the sustenance of the cynical distance whose underlying complicity with the present state of affairs he describes so well.

#### 3. The K is a sequencing question---we must first reconstruct our relationship to the presidency before attending to particular struggles – The permutation ensures the presidency will activate powers of presidentialism, reinterpret the people’s democratic actions for their own purposes, and overshadow the actions of the people. Post-9/11 politics serve as an empirical example of why the perm fails.

- the aff doesn’t directly delegate their agency…but by failing to teach us the skills necessary challenge presidential war powers outside the round they ensure acquiescence that lets the pres wage wars in our name

**Nelson ’08**, Dana D. Nelson, professor of English at Vanderbilt University, 2008, “Bad for Democracy: How the Presidency Undermines the Power of the People”, pg 6-10

Looking back, **Americans remember how shaken we each were on that day And if we are fair; even those who now revile George W Bush and his policy choices since that date remember his thrilling leadership at Ground Zero**, As President Bush began his September 14 speech at the site of the collapsed towers, workers at the site’s outer limits protested their inability to hear the president. Bush started again, and again workers interrupted: “Can’t hear you!” The president then famously went off- script: “I can hear YOU,” he responded. “I can hear YOU. The rest of the world hears YOU And the people who knocked these buildings down will hear from all of us soon” His speech was widely heralded by the press as a defining moment of presidential leadership. This, seemingly, was the moment Americans had been waiting for. **Those who feared Bush wasn’t up to the job evidently decided he was: his job approval rating**, according to media polls, **skyrocketed** from the mid-50s to over 90 percent, the biggest bump ever received by a president in the polls, and in fact the highest approval rating for a president in documented history. As I have noted, **Americans have come to expect two somewhat contradictory symbolic roles from the president**. In one aspect, **Americans look for a sense of democratic connection and recognition-** a heart warming unity delivered by the “soft” president who can “feel our pain.” In the other, **Americans look for an avenging protector a steely sense of safety that comes through the toughness of the “hard” and unforgiving president**. In his improvisation, George W. Bush, with genuine leadership skills and perfect intuition, delivered on both aspects. He united domestic recognition and presidential caring with the promise that his leader ship would deliver protection and a strong national response. In this literally iconic moment, **the president’s words recognized the efforts of the brave New Yorkers, collecting their energy and passion into a strong and focused response. In this moment, Bush stood as the symbolic heart of national unity and democratic agency. This moment** also recuperated a good deal of gathering discontent in the days following the attack, and, interestingly, it **effaced another trend**— **the recognition of the power of ordinary citizens to address the calamity**. **By all accounts, President Bush’s immediate response to 9/11 did not inspire confidence.** He seemed strangely slow to register the emerging threat facing the nation, continuing awkwardly to read from a school book and to question the second graders in a Sarasota, Florida, classroom for more than five minutes after the second plane hit. Finally leaving the classroom, he gave a rushed statement to reporters, promising that “terrorism against our nation will not stand.” Then he hurried to Air Force One and spent the day flying away from New York City and Washington, D.C., offering the nation only a two-minute, grainy statement with poor sound quality from an airbase in Louisiana, reporting (somewhat behind the point) that “freedom itself was attacked this morning by a faceless coward.” Even his staunch Republican supporters were disturbed by how the president seemed to be running away instead of leading during the nation’s crisis. It was nighttime—at the end of a long day of network tele vision replaying the horrifying collapse of the first, then the second, tower over and over, as rumors, fear, and grief grew—before the president made it back to Washington, D.C. At 8:30 p.m., from the Oval Office, Bush delivered another short, poorly coordinated, and unmemorable address, promising only that the day would not be forgotten, that “we go forward to defend freedom and all that is good and just in our world.” **But in the gap of presidential leadership, it turns out that the United States had no shortage of heroes and leaders**. Mayor Rudy Giuliani sprang into action, collected and focused. But far more memorably than Giuliani, it was **the people of New York City, the extraordinarily brave and resolute firefighters, police, emergency workers, medical staff, and citizens who emerged as the heroic actors in this moment of crisis.** People all over the nation dropped what they were doing and found their way into the city to offer aid and support. **In this calamity, the People instantly emerged as the lifeblood and force of the country, risking their lives, rescuing strangers, coordinating shelter, relief, and recovery.** The outside New York City watched with awe and pride as ordinary people manifested themselves as American heroes. **The nation faced a crisis, and the response was democratic power in action: the People took the lead**. Frustration and disappointment with the president’s awkward and uncoordinated response was outweighed by the growing admiration for the many nameless people acting on the ground in New York City Flags popped up everywhere, representing a resurgent pride, not just abstractly in ‘America” but, far more specifically, a rightful and altogether too rarely experienced pride in the abilities and courage of the American people. One brilliant aspect of President **Bush’s speech on September 14** **was to unite the two symbolic modes of the president: at Ground Zero he was both the democratic heart and the national avenger.** Another brilliant aspect came in the way that the president stepped into his presidentially ordained role as the symbolic hero. **In that moment, President Bush emerged as the central figure for national power, symbolically over shadowing the extraordinary efforts of the men and women at Ground Zero** even as he spoke to honor them. In that moment, **he activated the powers of presidentialism, signaling that we could all stop worrying and go home**, that he would now be taking care of things. **Soon, he would make this message literal, telling American citizens that the best response to this extraordinary act of terror** and the crisis into which it threw the country **was simply to conduct business as usual**: go to work, go to school, go on trips, **go shopping**. As the nations symbolic hero, **President Bush soothingly and effectively deactivated citizen heroism and civic agency. And his job approval ratings**, pollsters emphasized, **went sky-high**. Perhaps there is no surprise in the apparently high approval for Bush in the immediate aftermath of the attacks. But there are some good questions that we should ask ourselves and maybe some useful lessons. The president has historically been at the center of national power in foreign affairs. It’s obvious that the nation needs the president to demonstrate leadership in times of crisis, and it’s normal for people to want to see that the person elected to the office can act wisely and decisively in a national emergency. But **we need to ask why job approval ratings could go sky-high on the basis of a simple speech. Whatever our feeling about the antideliberative nature of public opinion polling, this numerical certification of Bush’s abilities to lead provided a measure that guided Congress**, **which**, four days later, **handed the president a raft of unilateral powers in the Authorization for Use of Military Force against Terrorists**. In so doing, they skated right past the Constitution’s provision that such powers belong not with the executive branch but with Congress. The resolution was extraordinarily vague and open-ended, and many members of Congress have come to regret their vote for it. Many citizens are apparently regretting their support, too, as Bush’s job approval ratings, based on actual evidence of what he could and would do on the job, plunged in 2007 to lows exceeded only by Richard Nixon in his final days in office. Now, years later, many people want to dissociate themselves from the moment of unity that the 90 percent approval rating reflected to us - “I didn’t vote for him”; “I’ve never trusted him”; “I can’t stand the sound of his voice.”

#### 4. Any risk of a link means you should vote neg – reality is socially constructed by the Presidency – the perm risks giving the president the opportunity to create a new reality gutting solvency for the perm and plan

**Nelson ’08**, Dana D. Nelson, professor of English at Vanderbilt University, 2008, “Bad for Democracy: How the Presidency Undermines the Power of the People”, pg 1-2

**IN THE RUN-UP TO THE 2004 PRESIDENTIAL ELECTION, A BUSH administration official memorably asserted** to New York Times reporter Ron Suskind, “**We’re an empire now, and when we act, we create our own reality And while you’re studying that reality—judiciously, as you with we’ll act again, creating other new realities, which you can study too, and that’s how things will sort out**. **We’re history’s actors . . . and you, all of you, will be left to just study what we do** 6” **Suskind’s article** “Without a Doubt” **framed this assertion as the administration’s assessment of Left- leaning intellectuals**, and it predictably outraged Bush’s political oppositions His administration was widely seen by Democrats as heedlessly unilateralist: this bald assertion of power seemed concisely to summarize Bush’s own philosophy and his scorn for those who disagree with him. But **this is not just a simple summary of the Bush**—Cheney—Rumsfeld— Wolfowìtz **philosophy for dealing with political, opposition. Rather, it draws on a deep and relatively unnoticed tradition of expanding presidential powers** that began in the age of George Washington. This expansion has come at times through the ambitions, machinations, and moxie of individual presidents — some of them impressively gifted governmental and political leaders. **It has** also **come through the active and passive consent of citizens, the courts, and Congress.** **Because the president has come to symbolize both our democratic process and our national power, we tend to see him simultaneously as democracy’s heart** (he will unify the citizenry) **an its avenging sword** (he will protect us from all external threats). **Those beliefs**, inculcated in us from our earliest days in school, reinforced by both popular culture and media coverage of government, politics, and foreign affairs, **make us want to give the president more power**, regardless of the constitutional checks and balances we also learned to treasure as schoolchildren.

#### 5. Their “social location” starting point is incompatible with the alternative – it allows the presidency to remain a moving target and label the perm as “treasonous”, shuts down any public discussion of war powers, and introduces one more technique for us to remain passive in the face of death. The perm is the logic of imperialism via assimilation

* 1AC = acquiescent rhetoric—this allowed WWI—intellectuals convinced themselves war and executive abuse was inevitable and resigned themselves—reinforces citizen/expert divide

Jeremy **Engels**, **and** William O. **Saas** **2013** “On Acquiescence and Ends-Less War: An Inquiry into the New War Rhetoric” Quarterly Journal of Speech Vol. 99, Iss. 2, 2013

To better understand the import of Bourne's observations, it is worth briefly considering the etymology of the word “acquiescence.” According to the Oxford English Dictionary, the English word “acquiescence” is derived from the classical Latin verb acquiescere, a compound verb consisting of the prefix ad (to or towards) and the verb quiescere (to be at rest).23 Acquiescere means “moving towards a state of rest.”24 In medieval Latin, acquiescere came to entail an active recognition of a power greater than oneself, a Logos supreme to which one would pay tribute and in the name of which one ceded political agency in order to achieve spiritual completeness (hence Calvin's acquiescere in scriptura).25 Retaining this sense of coming to rest (ad+quiescere), Bourne suggested that acquiescence—the process of coming to peace with war while withholding assent—was an apt descriptor for his experience, and the experience of many other Americans (especially young intellectuals) of war in 1917. Of course, plenty of Americans were ginned up for war against the purportedly “monstrous” Germans. The rhetoric of assent was vital to the war effort of WWI; the CPI did its job well. WWI crushed the chippy democratic platitudes espoused by progressive philosophers that Americans were somehow too “rational” and “civilized” to be whipped into a frenzy. Yet at the same time, Bourne observed that for many Americans who were opposed to the war—who felt that it was wrong and even “evil”—acquiescence was the name of the game. These dissidents never assented. They simply convinced themselves—or were convinced by external factors—that dissent was pointless. It was in deference to the apparently inexorable forward motion of war, and in service of the rather hopeful presupposition that the war would end, that Bourne lapsed into acquiescence. Cries of outrage against war here gave way to the acquiescent prayer: “This, too, shall pass.”

Bourne arrived honestly at his acquiescence, and he understood the implications of his accommodation. Today, acquiescence is manufactured and mass-produced. Acquiescence has become propaganda just as potent, and just as integral to the war effort, as rhetorics seeking to produce assent and cultivate patriotic rage. Today, acquiescence has equaled—and perhaps even supplanted—enemyship as the foundation of war rhetoric. There is still talk of friends and enemies, of course. But it is mediated by calls for consumption and vacation.

Bourne's work offers an obvious starting point for sketching out the key characteristics of acquiescent rhetorics. The nature of the “war on terror,” however, prevents us from simply transposing Bourne's reflections on WWI onto present exigencies. Indeed, while the “great war” and the “war on terror” share a number of general characteristics (most notably, both were framed as wars for “democracy”), the differences are decisive. In terms of duration, US involvement in World War I was brief relative to our protracted engagements in Afghanistan, Iraq, and the Arabian Peninsula. In terms of distance, the development of drone warfare and the proliferation of paramilitary intelligence squads promise a historically unprecedented reduction of American bodies at risk. Most importantly, the war on terror shows no promise of ending, whether by way of conclusively vanquished enemies or by way of the full exhaustion of resources. There will always be a “number two” leader of the named opposition to demonize, target, hunt, and kill. Thus, to call the war “endless” gets close to the truth, but a more precise formulation will find the source of endlessness in the war's distinctive lack of ends; not endless war, but ends-less war.

**A number of tropes and techniques are used today to promote acquiescence, to cultivate passivity in the face of death, to nurture numbness toward the unacceptable human costs of battle**. Authorities play rhetorical trump cards such as “support the troops” and the discourse of “evil” to stifle dissent.26 Acquiescent rhetorics make critique tantamount to opposing the troops (which few will do), hence teaching citizens that opposing war is futile. Such rhetorics further de-legitimate criticism by dissent as a violation of “the contract of blood” forged with those innocent victims who died on 9/11.27 Furthermore, **acquiescent rhetorics draw on the performative ethos of the military and the symbolic power of the uniform to deflect not just civic authority but citizen attention from battle**. In fact, acquiescent rhetorics seem to draw on the social fact that the general's uniform has become the new white lab coat, the symbol of scientific authority that facilitated obedience during the famed Milgram Experiments.

**The framing of public discussion facilitates acquiescence in contemporary wartime: thus, both the grounds on which war has been justified and the ends toward which war is adjusted are bracketed and hence made infandous**. **The rhetorics of acquiescence bury the grounds for war under nearly impermeable layers of political presentism and keep the ends of war in a state of perpetual flux so that they cannot be challenged**. Specific **details of the war effort are excised from the public realm through the rhetorical maneuver of “occultatio**,” and the authors of such violence—**the president, his administration, and the broader national security establishment—use a wide range of techniques to displace their own responsibility in the orchestration of war.**28

**Freed from the need to cultivate assent, acquiescent rhetorics take the form of a status update: hence**, President **Obama's March 28, 2011 speech on Libya, framed as an “update” to Americans ten days after the bombs of “Operation Odyssey Dawn” had begun** to fall. Such **post facto discourse is a new norm: Americans are called to acquiesce to decisions already made and actions already taken. The Obama Administration has obscured the very definition of “war” with euphemisms like “limited kinetic action**.” **The original obfuscation, the “war on terror,” is a perpetually shifting, ends-less conflict that denies the very status of war**. How do you dissent from something that seems so overwhelming, so inexorable? **It's hard to hit a perpetually shifting target.** Moreover, **as the government has become increasingly secretive about the details of war, crucial information is kept from citizens—or its revelation is branded “treason,” as in the WikiLeaks case—making it much more challenging to dissent**. Furthermore, **government surveillance of citizens cows citizens into quietism**. So what's the point of dissent? After all, this, too, will pass. Thus even the most critical citizens come to rest in peace with war.

#### 6. Modern war doesn’t depend on generating consent---refusing to discuss the pragmatic implications of the war on terror is the same as acquiescing to it

Jeremy Engels, and William O. Saas 2013 “On Acquiescence and Ends-Less War: An Inquiry into the New War Rhetoric” Quarterly Journal of Speech Vol. 99, Iss. 2, 2013

We begin our critique with a simple observation: War today requires technique and effort—witness the exponential increase in defense spending and the explosion of the national security bureaucracy—but this effort is drawn from a small percentage of the population, while an ever more rarefied and secretive elite class directs the war-technique itself. This observation, in turn, begs the question: How does the contemporary war machine sustain itself in the face of so obviously and overwhelmingly deleterious global and domestic ramifications? We find that one answer to this question lies outside the reach of traditional rhetorical criticism that would measure rhetorical success in terms of an assent/dissent binary. To be “for” or “against” war has today become a rather inconsequential distinction, fodder for bumper stickers and empty campaign promises. Overriding the for/against distinction is a general feeling of acquiescence in relation to war. While not completely irrelevant, we argue, assent has been reduced to something like a 2 percent additive to the black oil of public acquiescence that now powers the war machine. To understand contemporary war rhetoric, we must study rhetorics designed to promote acquiescence rather than assent. How, then, do these acquiescent rhetorics work? And what is their history?

Business as usual: in the early days following the terrorist attacks of September 11, 2001, this was President George W. Bush's formula for victory. Hence, his words on September 20, 2001: “I ask your continued participation in and confidence in the American economy. Terrorists attacked a symbol of American prosperity. They did not touch its source. America is successful because of the hard work, and creativity, and enterprise of our people. These were the true strengths of our economy before September 11th, and they are our strengths today.”8 He repeated these sentiments on September 27, 2001, speaking to airline workers at O'Hare International Airport in Chicago about new airport security measures. He observed: “When they struck, they wanted to create an atmosphere of fear. And one of the great goals of this nation's war is to restore public confidence in the airline industry, is to tell the traveling public, ‘Get on board. Do your business around the country. Fly and enjoy America's great destination spots. Go down to Disney World in Florida, take your families and enjoy life the way we want it to be enjoyed.’”9 One goal of presidential rhetoric was, apparently, to facilitate a return to normalcy. To contribute to the war effort, Americans needed only go about their daily routines and maybe enjoy a nice vacation.

September 20 was a fateful day in the rhetorical history of the present. On that day, President Bush first uttered the phrase “war on terror.”10 He spoke these words during the same speech—an address to a joint session of Congress—in which he urged Americans to defeat “terror” by going about their everyday business, the same speech in which he prescribed retail therapy for a wounded nation. On this day, we see the two faces of our new normal: the articulation of endless global war with leisure and consumption. One face is spectacular; the other quotidian. And though it is only natural to focus critical attention on the violence of spectacular, ever-escalating rhetorics demonizing the enemy, we cannot understand the “war on terror” without seriously considering the rhetorical potency of President Bush's injunction to go on vacation and hence to leave the war-making to the professionals.

#### 7. Other educational forums are failing, that means normative POLICY debate is crucial to in-depth education of presidential authority that allows for a re-invigoration of citizenship which checks the Cult of the Presidency—now is key

* Effective scholarship

Adler, professor of political science at Idaho State University, 5

(David Gray, “The Law: Textbooks and the President’s Constitutional Powers,” Presidential Studies Quarterly 35, no. 2 ( June), Wilson Online Library)

Each year, approximately one million college and university students across the United States enroll in an introductory course on American government and politics. For many, and perhaps most of these students, “Political Science 101” will represent their only exposure to the principles and practices of American government. What they carry away from that experience in the form of lectures, classroom discussions, and reading assignments will significantly inform and shape their comprehension of government and politics, and perhaps mold their behavior as citizens. Assuming that students read the textbooks assigned to them, it is a fair deduction that their impressions and understanding of governmental powers—legislative, executive, and judicial—will be influenced by authors’ descriptions and explanations, even accounting for instructors’ corrections and clarifications of textbook discussion and commentary. If true, we might wonder how presidential power is discussed, portrayed, and described in 101 textbooks. How will student readers, transformed into citizens, and perhaps active and participatory citizens, come to understand the constitutional powers vested in the Office of the Presidency? In the face of sweeping assertions of executive power by recent presidents, this is no mean question. Indeed, it is a question of great moment, particularly in the age of a “War on Terrorism” which is principally, if not exclusively designed, shaped, and conducted by the president, and at a juncture in history when presidents, like candidates for the office, claim increasing responsibilities and powers in both foreign and domestic affairs, and when the public imposes rising and demanding expectations—security, economic, cultural, and social— on the nation’s chief executive. Then too, there is the seminal claim of a unilateral executive power to wage preemptive war that must be considered and evaluated.

In a republican form of government, which emphasizes the premise and promise of self-governance, there is, as Thomas Jefferson contended, a great need for education. Moreover, if it is true, as James Madison explained in Federalist no. 51, that the overarching problem confronting a republic is the issue of persuading the government to obey the law, and that the attainment of that goal requires a principal reliance on the citizenry, how is an unarmed or untutored citizen expected to police presidential assertions of power? The rise of what scholars have variously described as the “imperial presidency” (Schlesinger 1973), the “textbook presidency” (Cronin 1975), and the “personal presidency” (Lowi 1985), in short, what James McGregor Burns described as “presidential government” (Burns 1966), has infused Madison’s challenge with a sense of urgency. Viewed in that light, we are entitled to wonder whether 101 textbooks will equip students with enough knowledge about the president’s constitutional powers to recognize executive exaggeration, deceit, and sophistry, as well as aggrandizement, abuse, and usurpation of power.

Thirty years ago, Thomas E. Cronin wrote a widely read and admired book, The State of the Presidency, in which he explained the concept of the “textbook presidency” (Cronin 1975, 24). Professor Cronin observed: “The textbook presidency describes and extols a chief executive who is generally benevolent, omnipotent, omniscient and highly moral.” “Textbooks,” as Cronin noted, “summarize current thinking and guide the work of contemporary researchers. For more than twenty years after the Franklin D. Roosevelt presidency, most textbook treatments of the presidency seriously inflated and unrealistically interpreted presidential competence and beneficence.” As a consequence, Cronin believed, there emerged a consensus among academics that

If society and our system were to be led, they suggested, leadership would have to come from the White House. Whatever strengthened the president’s hand, strengthened the nation. Introductory American government textbooks and related political writings in the 1950s and 1960s endorsed the activist, purposeful, power maximizing model of presidential leadership. They often glorified the manipulative leader, and almost all of them exaggerated to some degree past and future presidential performance. Such distortion risked misleading students and leaders alike about the invention and carrying out of creative civic and political responsibilities. Moreover, these writings hardly prepared the nation for the abuses of presidential power witnessed during the late 1960s and early 1970s. Perhaps some of the distorted interpretations of what a president could and should accomplish actually encouraged some of these abuses. (Cronin 1975, 24)

Academe’s “textbook devotion,” what Cronin later described in a revised edition of The State of the Presidency as “the cult of the presidency,” mirrored the public view of the office (Cronin 1980, 76). In the wake of Cold War incidents, American citizens “looked to presidential leadership with a mixture of awe, support and trust. Where else could they look?” But the admiration, Cronin explained, served to promote unrealistic expectations and “false notions and myths.” There was little expression in the literature about “the possibility of the abuse of power” and the consequent need for improving checks and balances. What was missing in the textbooks, Cronin observed, “was a better sense of proportion and a respectful skepticism about what it was that a president could achieve” (Cronin 1980, 770).

A random survey of some twenty American government textbooks largely confirms Professor Cronin’s observations and findings. There remains remarkably little concern about the abuse of presidential power in spite of scandals, travesties, and transgressions that the nation has endured from Vietnam, Watergate, and Iran-Contra to unbridled claims of executive power in foreign and domestic affairs. Professor Cronin’s study was not primarily concerned with the way in which the “textbook presidency” portrayed the president’s constitutional power, but that is the principal purpose of this essay. This review reveals two broad themes. First, most textbooks reflect an inattentiveness to, a general disregard of, and perhaps an underappreciation for the importance of the president’s constitutional powers. With few exceptions (e.g., Berman and Murphy 2003; Hudson 2004; Landy and Milkis 2004), textbooks offer little more than a cursory review of the president’s constitutional powers. The treatment of the presidential roles in warmaking and foreign affairs receives disproportionate coverage, to be sure, but even those discussions leave students in doubt about the constitutional allocation of foreign affairs and war-making powers between the president and Congress. Tellingly, these accounts are located in chapters devoted to discussion of presidential, not congressional, powers, despite the fact that the Constitution vests in the Congress, not the president, the principal authority to formulate, manage, and conduct the nation’s foreign relations (Adler and George 1996). The textbook arrangement likely reflects the practice and pattern of executive domination of American foreign policy, and it may also reflect authorial preference for, and celebration of, an expansive executive. The textbook treatment of the president’s constitutional authority, moreover, virtually ignores the debates in the Constitutional Convention and various writings contemporaneous with the framing of the Constitution, including the Federalist Papers, which illuminate the meaning of constitutional provisions. Incredibly, the texts ignore altogether Federalist nos. 69 and 75— the two essays most critical to any effort to comprehend the constitutional blueprint for foreign affairs. In Federalist no. 69, for example, Alexander Hamilton engaged in a minute analysis of presidential power in foreign policy as a means of distinguishing the president’s relatively meager powers from the full body of authority possessed by the king of England. The most dramatic distinction, Hamilton observed, is to be found in the fact that the king may engage his country in war, but in the United States, that discretionary authority is vested solely in Congress (Hamilton, Madison, and Jay 1937, Federalist no. 69, 448). And in Federalist no. 75, it fell again to Hamilton, the darling among enthusiasts of a strong executive, to lay bare the essential reason why the Constitution does not grant to the president the nation’s foreign affairs authority: The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a president of the United States. (Hamilton, Madison, and Jay 1937, Federalist no. 75, 487)

There is, in the troubling omission of those Federalist Papers, an important consequence for students as citizens, and it is one that pervades textbook discussions of presidential actions: the lack of normative yardsticks, analyses, and critiques. There is precious little in the way of normative commentary; as a result, students are deprived of critical tools that they might utilize as a means of measuring and evaluating the constitutionality of executive actions. Since when did effective scholarship shrink from offering and defending a viewpoint? With the exception of William Hudson’s text, American Democracy in Peril (Hudson 2004, 291-331), and perhaps a few others, few textbooks employ normative language and judgments such as “aggrandizement,” “abuse,” and “usurpation” of power. Most texts prefer vanilla descriptions to constitutional critiques and criticisms. As a consequence of this scholarly reticence students, it seems, are vulnerable to presidential assertions of constitutional power. They are largely untutored and thus unequipped to pose citizen challenges to executive claims of authority.

This essay is duly obliged to acknowledge, of course, that textbook disregard of the president’s constitutional powers may be attributed to the remarkable influence of Richard Neustadt’s pioneering work, Presidential Power, a book in which he asserted that presidential power rests not on formal constitutional grants but rather on the “power to persuade” (Neustadt 1960, 32). As a consequence of this understanding, it is familiar, Professor Neustadt evinced virtually no interest in constitutional powers and limitations. On the contrary, Neustadt’s Presidential Power was a virtual political manual written in the tradition of Machiavelli’s The Prince, in which he explained how a president might acquire, maintain, and exercise power. Above all, it was devoted to the effort to maximize power. The celebration of a strong presidency exercising personal, not constitutional, power remains a core principle in 101 textbooks, despite the prominence in recent years of presidential abuses, scandals, and failures.

The second theme that emerges, and the focal point of the remainder of this essay, is the problem of confused and misleading claims and characterizations of presidential power derived from the Constitution. Students’ confusion about the metes and bounds of presidential power will render them vulnerable to sweeping assertions of executive power. As a consequence, they will be unable to perform their duties as Madisonian Monitors. Let us turn our attention to four areas of concern: (1) claims about presidential domination of American foreign policy, (2) assertions about presidential power to initiate war, (3) characterizations and assertions about the “executive power” of the president, and (4) mischaracterizations about historic episodes involving the assertions of broad presidential powers.

#### 8. This means the perm can’t re-orient democratic citizenship in a fundamentally meaningful way

Adler, professor of political science at Idaho State University, 5 (David Gray, “The Law: Textbooks and the President’s Constitutional Powers,” Presidential Studies Quarterly 35, no. 2 ( June), Wilson Online Library)

The maintenance and vitality of the Republic will likely hinge on the willingness of an informed citizenry to actively participate in the public affairs of our times. In an age in which presidents exercise unprecedented power, in both foreign and domestic affairs, knowledge of the scope of the president’s constitutional powers becomes critical. However, college students’ understanding of executive powers may be hampered by the general inattentiveness of introductory textbooks to the subject of the president’s constitutional authority. Students whose sole exposure to presidential power occurs in introductory classes will be ill-equipped to assess and, perhaps, challenge sweeping assertions of presidential power.

Readers of this journal may rightly suggest that students should enroll in additional political science classes. For sure. But the problem remains: most university students will enroll in only one course on American politics. As it stands, the textbooks on which they rely for an understanding of the president’s constitutional powers will not adequately train them for their roles as citizen-patriots, a fundamentally important role in fulfilling Madison’s goal of a government that obeys the law.

### \*\*\*2NC Link EXT / A2: We Talk about Pres, we’re political

#### Knowledge production—learning the nitty gritty of the policy process teaches us the language of the experts—pre-requisite to challenging elite domination

Only our framework can teach students to speak the language of experts—knowledge about the policy apparatus is integral to understanding how to defeat oppressive policies

**Hoppe 99** Robert Hoppe is **Prof**essor **of Policy** and knowledge in the Faculty of Management and Governance at Twente University, the Netherlands. "Argumentative Turn" Science and Public Policy, volume 26, number 3, June 1999, pages 201–210 works.bepress.com

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.**

#### Material solutions--the 1AC is great about describing problems with the presidency and politics but doesn’t equip us to find solutions. Their method identifies a problem but stops there. Means that students leave debate less-equipped for the trickier business of SOLUTIONS. That makes us worse activists.

* Comparative between our starting points

Bryant ‘12

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Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park:¶ The underpants gnomes have a plan for achieving profit that goes like this:¶ Phase 1: Collect Underpants¶ Phase 2: ?¶ Phase 3: Profit!¶ They even have a catchy song to go with their work:¶ Well this is sadly how it often is with the academic left. Our plan seems to be as follows:¶ Phase 1: Ultra-Radical Critique¶ Phase 2: ?¶ Phase 3: Revolution and complete social transformation!¶ Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing?¶ But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done!¶ But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We § Marked 12:43 § almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, *and when we do*, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.¶ What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle.¶ I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation.¶ “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### Our method is key—activism only works OUTSIDE the classroom

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In light of Žižek’s account of antagonism, one should not be surprised, however, by the conclusion that broadly effective activism is only possible outside of academia. The failure to unify scholarship and politics was predestined in the symbolic imagination that rendered them unified. Instead, effectively coming to terms with an antagonism means finding ways to keep the competing elements of the antagonism in view—and not simply as “bad” academic pretensions in conflict with “good” political motives. Rather, the two elements that constitute the scholarly subject position, reflective investigation and the production of unavoidable consequences, must be constantly present, each vying for our attention. And, insofar as the two elements are not kept in tension with each other, the scholarly subject position becomes increasingly unbearable, leading to the production of what Žižek calls supplemental ideological fantasies or ready explanations for the gap.