# 1nc

### 1

#### Interpretation— the affirmative must defend a politics that concludes that The United States Federal Government substantially increasing statutory and/or judicial restrictions on the war powers authority of the President of the United States in one or more of the topic areas.

#### The resolution requires them to defend enactment of a topical USFG policy.

Ericson 3 Jon, 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.

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

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

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

#### Bounded knowledge is good – debate should be maintained as a disciplinary space- key to unlocking critically pedagogies potential for social justice. The resolution allows a key point of stasis, a fair division of ground, and negative access to topic generics

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Giroux’s critical pedagogy rests upon a commitment to public spaces for learning, where diverse forms of knowledge can be exchanged and developed; where students and teachers engage critically with those knowledges, and with one another; and through which genuine democratic ideals can be pursued. Disciplines are regarded as antithetical to these aims, because they are considered closed, elitist and to perpetuate conservative forms of relationships and types of knowledge. Thus, critical pedagogy seeks, instead, to escape disciplinary boundaries and build interdisciplinary spaces in which such public and political realms can exist and prosper. Looking anew at disciplines I suggest that there is an alternative view of disciplines to that outlined above. In this view disciplines are complex, contested and permeable spaces. I further propose that, if critical pedagogues such as Giroux can, in Proust’s term, look with new eyes at disciplines, they will hopefully see dynamic and safe structures that could provide real and robust allies in the fight to protect higher education from narrow, largely economic, interpretations of its role, and instead promote higher education as a democratic space which supports greater social justice. In this section I seek to encourage this new look at disciplines by first outlining my conception of them as complex, contested and permeable structures, in contrast to Giroux’s perspective of disciplines as static, elitist and limiting. Secondly, I argue that interdisciplinarity and disciplinarity should be thought of as complementary spaces, rather than alternatives. Finally, I discuss how the act of looking anew at disciplines may help critical pedagogy strengthen its own theoretical and practical stances. If critical pedagogy is to challenge narrow commercial and commodified conceptualisations of higher education, it needs to refocus on its commitment to action, rather than pure theory, and looking anew at disciplines as potential allies may be a first step in doing this. Disciplines: complex, contested and permeable I am not arguing that disciplines have not at various times acted conservatively or have not valued stasis over change. Certainly, at different times, disciplinary structures have proven effective homes for forces resistant to change – both epistemologically and politically. Many of us can no doubt relate to the description of ‘the food-fights that go on within disciplines’, and ‘the most absurd yet intense and devastating attempts to expel from the center and marginalize people whose perspectives are different’ (Bérubé and Nelson 1995, 192). My argument, instead, is that these examples or snapshots of experience do not tell the whole story about the dynamic nature of disciplinarity. Those who take a long-term historical view of the development of disciplines, such as the authors of the essays within Anderson and Valente’s (2002) volume on Disciplinarity at the fin de siècle, reveal the degree of change, debate and contestation – of evolution, fracturing and succession – within such disciplinary structures. Thus, the editors state: ‘what has often been lacking in our current disciplinary debates is a longer perspective that would enable us to understand better their historical conditions and developments’ (1). Taking this long view is, I suggest, essential to looking anew at disciplines. It is also rather paradoxical that critical pedagogues accuse disciplines of privileging certain forms of knowledge; critical pedagogy does this too. Such privileging is indeed, surely part of the inherently political nature of pedagogy? What is crucial are the choices made between different forms of knowledge, the awareness of such choices, and the motivations for and outcomes of these choices. If Giroux’s critical pedagogy could take a sufficiently long-term view of the development of disciplines, this would afford a better understanding of their intrinsically dynamic nature. Without this long view, there is the danger of falling into the trap of what Plotnitsky (2002, 75) describes as ‘extreme epistemological conservatism’ in one’s analysis of disciplines. In his illuminating account of the development of quantum physics, Plotnitsky explores the link between disciplinarity and radicality. He argues that non-classical epistemology, ways of knowing that differ from that upon which the discipline has previously been based, form part of the ongoing development of a discipline such as physics. Indeed, ‘Radicality becomes the condition of disciplinarity rather than, as it may appear at first sight and as it is often argued by the proponents of classical theories, being in conflict with it’ (2002, 49). In contrast, Giroux appears to suggest that only in interdisciplinary fields such as cultural studies can non-classical or alternative forms of knowledge be brought together with more traditional epistemologies (Aronowitz and Giroux 1991; Giroux 1992). Giroux’s position is based upon his strong association of disciplines with canonical forms of knowledge and a rigid adherence to textual authority. The alternative is to see disciplines as Davidson (2004) does; as spaces with boundaries that are ‘flexible, culturally determined, interdependent and relative to time’ (302). Parker’s (2002) concept of ‘new disciplinarity’, encompassing a distinction between subjects and disciplines, helps illuminate the emancipatory potential of disciplinary spaces. She describes subjects as groupings which ‘can be reduced to common transferable and equivalent subject-specific skills’ (375), with an emphasis on ‘the end product, and skills and competencies’ that aggregate over set periods (375). It is true that subjects are inclusive, in the sense that nearly anyone can take part in studying them, but, as Parker argues, they are also passive – ‘they are taught, learned, delivered’ (374). In contrast, Parker views a discipline as something that is ‘practiced and engaged with’ (375). Disciplines are ongoing, evolving communities. Subjects permit only transmissive or bankable knowledge, while disciplines allow for transgressive and creative approaches. Disciplines offer spaces for students and teachers to interact critically. Disciplines can encompass diverse and shifting knowledge communities. Giroux’s fear that disciplines impose particular forms of knowledge, discourse and learning on students is not without foundation. However, I argue it is based on examples of poor practice, rather than anything inherent to the nature of academic disciplines. Disciplines are, and should be, sites of contestation and challenge; of competing and conflicting ‘takes’ on knowledge. What disciplines have internally in common is a shared discourse in which to undertake such conflict, and to do so with rigour. In her discussion of attitudes to disciplinarity among French academics, Donahue (2004) observes that: ‘They accounted for its contestatory nature, describing their own research groups as negotiated, arguing back-and-forth, and suggesting that this contested nature is part of what students must learn to navigate’ (68).

#### Reject any other role of the ballots because they are self serving.

### 2

#### YOUR DEMAND FOR ACTION NOW AND FOCUS ON INDIVIDUAL SACRIFICE TRADES OFF WITH AN INSTITUTIONAL ANALYSIS AND LEADS TO PRESCRIPTIONS CAN LEAVE THE OPPRESSED WORSE OFF

KUPER 02

[Andrew Kuper, Fellow of Trinity College, Cambridge University, "More than charity: cosmopolitan alternatives to the "Singer Solution".”, Ethics & International Affairs, Volume 16, Issue 1, pages 107–128, March 2002, Accessed via Wiley Library 5/28/13, \\wyo-bb]

Here's the rub: It is not enough to say that all persons have equal moral claims on us; we need to ask how best to organize ourselves politically and economically to meet those claims. Which combinations of rules and institutions of governance are most effective? What roles ought we to play as individuals in respect of the primary agents of aid and justice? Analogies to ethical decisions by an individual in a hermetically sealed case actually obscure all these problems and questions. For while it is true that we often act as individuals, the causal relevance or impact of our actions depends on the positions we occupy within complex social systems. Philosophers may want me to put the point a little more technically: Singer conflates issues of practical reason--our obligations to the vulnerable--with issues of judgment--the obligations of the relatively rich to the poor in the particular case of the world in which we live. If we are to make judgments of how to act in this world, we should not confuse abstract with practical requirements. From the fact that we have an abstract obligation of aid or charity, it does not follow that we are practically obliged to donate to the poor. How we address poverty is a matter of judgment: understanding the relevant features of a social system or situation; considering which principles are relevant, whether they present competing demands in practice, and how other agents are likely to act; and finally, adjudicating on a contextual course of action. Nothing in the principle of aid or charity determines that the right action in any or all contexts is donation. All-too-quick recommendations are not just a leap from principle to action, they are symptomatic of an implicitly apolitical outlook that does not take the real demands of contextual judgment seriously. Singer might say that analogies are merely designed to show that we do have an extensive obligation of charity. But this is no answer. His analogies and other arguments abstract from the causal dynamics of poverty and opportunity, and from the mediated and indirect nature of social relations at a global scale. This leads to a serious underestimation of the complexities of the remedies and the diversity of roles available to us. Indeed, it leads to a failure to see that, in making judgments about poverty relief, knowledge of institutions and awareness of roles must frame thinking about individuals. Even aggressively laissez-faire capitalists maintain that their actions are best for the poor. That is, what is at stake most of the time is not how much we should sacrifice, but whether and which uses of resources and what kinds of agencies make a positive difference, and how. POLITICAL JUDGMENT IN CONTEXT Lest I seem to sound like a neoliberal apologist, or a defeatist, it is helpful to see how much more informative is the theoretical orientation of Karl Marx. Marx understood that the first step in approaching political struggle and producing change is a structural analysis of the dynamic causes of impoverishment and immiseration. A theory that does not include a contextual and institutional analysis (in the broadest sense) is condemned to recommending brief symptomatic relief, or even damaging and counterproductive action. This is not a peculiarly Marxist point, and one does not have to sympathize with Marxists to think that telling the bourgeoisie to be more charitable as individual actors is unlikely to produce deep changes. There is, ironically, a quasi-Calvinist strand to the individualist approach to development: an insistence that one can never do enough, never be as moral as one ought to be; and an emphasis on individual conscience rather than effective collective moral norms and political institutions. Yet the well-documented failure of relief efforts in recent decades is a powerful indicator that a structure-sensitive approach to development is indispensable to any wise, humane program or philosophy of right action. Consider, most starkly, the perpetuation and intensification of the Rwandan conflict and the human misery aggravated by aid agencies that sustained refugee camps. In spite of the camps becoming bases for militiamen and incubators for cholera, the prospect of international NGO aid encouraged people not to return to their homes even when it was safer to do so, thus intensifying and prolonging the conflict. Consider also the "food relief" of the 1970s that so damaged the situation of developing world farmers and their dependents. It is hardly an unfamiliar thought that things can always get worse: consider Shakespeare's King Lear on the Heath, or Titus Andronicus. Development experts will be highly aware of countless recent examples that we can only wish were fictional.

#### ONLY ASSERTING OUR POLITICS OF TRUTH CAN SOLVE FOR THE SOCIAL EXCLUSION THEY OUTLINE

DEAN 05

[Jodi Dean, Associate Professor of Political Theory at Hobart William Smith, “ Zizek against Democracy”, Book, pg 128, \\wyo-bb]

This right-wing detour, then, emphasizes Žižek’s notion of universal partisan Truth, a political Truth. According to Žižek, what democrats, multiculturalists, and “reborn pseudo-Nietzscheans” foreclose is a “politics of truth.”80 None of these positions is willing to take a side, to assert and claim that there is a truth of a situation. Instead, they embrace a multiplicity of narratives and forms of political engagement, as if these different perspectives could be combined without distortion. At the same time, these left positions limit political engagement to resistance, as if this resistance were not itself already allowed for in the hegemonic framework. 81 For Žižek, the failure of such an approach is that radical political practice itself is conceived of as an unending process which can destabilize, displace, and so on, the power structure, without ever being able to undermine it effectively— the ultimate goal of radical politics is ultimately to displace the limit of social exclusions, empowering the excluded agents (sexual and ethnic minorities) by creating marginal spaces in which they can articulate and question their identity … there are no final victories and ultimate demarcations.82 So, not only do such approaches to radical politics leave the overarching political-economic frame intact, but the very political tactics chosen are those conducive to the deterritorializing flows of global capital.

#### CAPITALISM IS COLLAPSING ALL AROUND US – THE TIME HAS COME TO EMBRACE THE COMMUNIST HORIZON – IT’S THE ONLY HOPE TO SURVIVE GLOBAL CATASTROPHE

DEAN 12

[Jodi Dean, Prof of Political Science at Hobart and William Smith Colleges, 2012, “The Communist Horizon”, p 46-53, \\wyo-bb]

Slavoj Zizek argues that the ruling ideology wants us to think that radical change is impossible. This ideology, he says, tells us that it's impossible to abolish capitalism. Perpetually repeating its message of no alternative, the dominant ideology attempts to "render invisible the impossible-real of the antagonism that cuts across capitalist societies ."2 Zizek's description might have worked a decade or so ago, but not anymore . The end of the first decade of the twenty-first century has brought with it massive upris ings , demonstrations, strikes , occupations , and revolutions throughout the Middle East, EU , U K , and US. In the US, mainstream media remind viewers dai ly that radical change is possible, and incite us to fear it. The Right, even the center, regularly invokes the possibility of radical change, and it associ ates that change with communism. Why communism? Because the gross inequality ushered in by the extreme capitali sm of neoliberal state policy and desperate financialism is visible, undeniable, and global. Increasing in industrialized countries over the last three decades, income inequality is particularly severe in Chile, Mexico, Turkey, and the US, the four industrialized countries with the largest income gaps (Portugal, the UK, and Italy also make the top ten) .3 Inequality in the US is so extreme that its Gini coefficient (45) makes it more comparable to Cameroon (44.6) and Jamai c a (45.5) than to Germany (30.4) and the UK (34).4 The antagonism that cuts across c apitalist countries is so apparent that dominant ideological forces can't obscure it. The US typically positions extreme inequality, indebtedness, and decay elsewhere, offshore . The severe global economic recession, collapse in the housing and mortgage markets, increase in pennant involuntary unemployment, trillion-dollar bank bailouts, and extensive cuts to federal, state, and local budgets , however, have made what we thought was the third world into our world. Contra Zizek, the division cutting across capitalist societies is nowhere visible, nowhere palpable in the US and U K now than i t's been since at least the 1 920s . We learn that more of our children live in povelty than at any time i n rec ent history (20 perc ent of children in the US as of 2010), that the wealth of the very, ve11' rich-the top 1 percent-has dramatically i ncreased while income for the rest of us has remained stagnant or declined, that many of the foreclosures the banks force on homeowners are meaningless, illegal acts of expropriation (the banks c an' t doc ument who owns what so they lac k the paper necessary to justify foreclos ure proceedings). We read of corporations sitting on piles of c ash instead of hiring back their laidoff workforce. Under neoliberalism, they lavishly enjoy their profits rath er than put them bac k into produc tion -what Gerard Dumenil and Dominique Levy c all an explicit strategy of "disac c umulation."·3 In fact, we read that the middle c lass is basic ally finished. Ad Age, the primary trade journal for the advertising industry, published a major report declari ng the end of mass affluence. As if it were describing an emerging confrontation between two great hostile classes, the report notes the stagnation of working class income and the exponential growth of upper class i ncome: most consumer spending comes from the top 10 percent of households. For advertisers , the only consumers worth reaching are the "s mall plutocracy of wealthy elites" with "outsize purchasing influenc e," an i nfluence that creates "an i ncreasingly conc entrated market in luxury goods ."() Admittedly, popular media in the US rarely refer to the super rich as the bourgeoisie and the rest of us as the proletariat. They are more likely to us e terms like "Wall Street" versus "Main Street"-which i s one of the reasons Occupy Wall Street took hold as a movement; people were already ac c ustomed to hearing about all that had been done to save the banks. Sometimes, U S popular media avoids a direct contrast between the 1 perc ent and the 99 perc ent, instead juxtaposing executive pay with strapped consumers looking for bargai ns or c utting back on spending. In 20 10, median pay for the top executives increased 23 percent; the CEO of Viacom, Philippe P. D auman, made 84.5 million dollars . ' CEOs from top banks enjoyed a 36 percent i ncrease, with Jami e D i mon from JP Morgan Chas e and Lloyd B lankfein from Goldman Sachs topping the list.8 Even CEOs of companies experiencing major losses and declines have been getting extreme bonus es : General Electric's CEO, Jeffrey R. Immelt, received an average of 12 million dollars a year over a s ix-year period while the company had a 7 percent decline in returns; Gregg L. Engles, CEO of Dean Foods , took away an average of 20.4 million dollars a year over six years while the company declined 11 percent:1 Super high pay doesn't reward performance. It's a form of theft through which the very rich serve themselves, bestowing a largess e that keeps money within their class. In a setting like the US where the mantra for over fifty years has been "what's good for business is good for Ametica," the current undeniability of division i s significant. Inequality is appealing as a factor, a force, even a crime. Every sector of U S society vi ews class confli c t as the ptimary conflict in the country)'. 1 0 No wonder w e are hearing t h e name "communism" again-the antagonism cutting across c apitali s t societies is palpable, pressing. The Right positions communism as a threat bec ause communism names the defeat of and alternative to c apitalism. It recognizes the crisis in c apitalism: overac cumulation leaves the rich sitting on piles of cash they can't invest; industrial c apac i ty remains unused and workers remain unemployed; global interconnections make unneeded skyscrapers, fiber-optic cables, malls, and housing developments as much a prut of China as the US. At the same time, scores of significant problems-whether linked to food shortages resulting from climate change, energy sho1tages resulting from oil dependency, or dmg shortages resulting from the failure of private pharmaceutical companies to risk their own c apital-remain unmet because they require the kindsof large-scale planning and cooperation that capitalism, prutic ularly in its contemporary finance- and communicationsdriven incarnation, subverts . David Harvey explains that capitalists these days construe a healthy economy as one that grows about 3 percent a year. The likelihood of continued 3 percent annual growth in the world economy, however, is small. This is in part bec ause of the difficulty of reabsorbing surplus c apital. By 2030 it would be necessary to find investment opportunities for three billion dollars, roughly twice what was needed in 20 10. 1 1 The future of capitalism is thus highly unc ertain-and, for capi talists, grim. Neoliberals and neocons ervativ es evoke the threat of communism because they sense the mortali ty of capitalism. We shouldn't let the media screen deceive us. We shouldn't think that the charge that Obama is a communist and peace is communist fool us into thinking that communism is just an image covering up and distorting the more serious politics of global finance, trade, and currency regulation. That politics is hopeless, a farce, the attempt of financial and economic elites to come to some temporary arrangements conducive to their continued exploitation of the work of the rest of us .

#### THE ALTERNATIVE IS TO EMBRACE THE COMMUNIST PARTY.

#### EVERY ETHICAL DECISION – UP TO THE BALLOT ITSELF – SHOULD BE INFUSED WITH ALL OF THE SIGNIFICANCE OF HUMANITY’S DESTINY. THE QUESTION REGARDING THE PLAN IS "DOES IT CONFIRM OR CONTRADICT THE COMMUNIST HYPOTHESIS." IF WE WIN A LINK ARGUMENT, YOU SHOULD REJECT THE AFFIRMATIVE BECAUSE THEY REDUCE LIFE TO A BARBARIC RAT RACE AND STAND OPPOSED TO UNIVERSAL EMANCIPATION.

BADIOU 8

[Alain Badiou, former Chair of Philosophy at École normale supérieure, 2008. ~The Meaning of Sarkozy, pp. 97-103, \\wyo-bb]

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

### 3

#### Getting veterans involved can be devastating, they will either not support the war and stop interventionist strategies OR if we do intervene they support use of unrest

Khazan 13

[Olga Kahazan, associate editor at The Atlantic, “What Are the Big Factors Determining Whether Americans Support War?”, SEP 4 2013, <http://www.theatlantic.com/politics/archive/2013/09/what-are-the-big-factors-determining-whether-americans-support-war/279290/>, \\wyo-bb]

Veterans are less likely to support intervention than are non-veterans. Among other findings, the book Choosing Your Battles: American Civil-Military Relations and the Use of Force, by Peter D. Feaver and Christopher Gelpi, shows that having military experience makes you less likely to be an interventionist -- perhaps because you know just what a nasty situation the country is weighing getting into. The authors find that Americans with military experience support intervention only in situations that pose a direct threat to U.S. national security -- a pragmatic perspective sometimes called “realpolitik.” Meanwhile, “Civilian elites who have no military experience are somewhat more likely than military officers to report an ‘interventionist’ opinion, advocating foreign policy goals that do not fit within the realpolitik interstate security paradigm, including responses to human rights abuses and the internal collapse of governance in other countries, or the desire to alter a state's domestic regime.”

#### That lowering of public opinion would significantly limit our ability to go to war, Americans don’t want another Vietnam.

Cohen 84

[Eliot A. Cohen, Assistant Professor of Government and Allston Burr Senior Tutor in Quincy House at

Harvard University, “Constraints on America's Conduct of Small Wars”, International Security, Vol. 9, No. 2 (Fall, 1984), pp. 151-181, \\wyo-bb]

We can distinguish three types of political constraints on the waging of small wars, all of which were intensified by the war in Vietnam. The first of these is public opinion, i.e., public revulsion against any kind of military commit- ment which could involve American troops in a war such as that which took 50,000 American lives in the jungles of Southeast Asia. It is axiomatic in American politics that the American people want "no more Vietnams"; thus, it is assumed, popular opinion will severely limit the willingness of the American people to support a similar kind of war. Although it is conceivable that an American administration could engage in war despite the vehement disapproval of the American public, few politicians would care to do so, realizing as they must the likely consequences for their chances of future success and reputation.

#### Hegemony solves great power war—HOWEVER we need interventions to do this

Jervis 9

[Robert, a professor of international politics at Columbia University, World Politics, “Unipolarity: A structural perspective”, January 2009, p. asp]

With unipolarity, world war is less of a problem and more obviously separated from instability. Since no other state, and perhaps no likely coalition, can threaten the security of the superpower, war is no longer the means for challenging it and changing the structure of the system. Other factors unique to the contemporary system also push great power war further from central concern, as will be discussed below. Of course this does not tell us about the expected patterns for other kinds of war under unipolarity, and the determinants here probably lie outside of the polarity of the system in such factors as local dynamics and the choices the superpower makes. It has the capability to intervene and limit if not prevent many wars, but whether it will do so depends on its values and outlook, combined with the behavior of the local actors. It is also possible that the lack of wars among the major powers would lead to the spread of norms conducive to peace throughout the world, but although structure would play a role here, it would at most be an enabling one.12

### 4

#### The 1ac relies on a fundamental assumption of what a veteran is – they say that one who goes through “war” is a veteran. This, however, always necessitates answering the question: “what is war?” Unlike the 1ac, we acknowledge that we are all in a constant state of militarism. Calls to this state of “war” are what allow all other forms of militarism to go unnoticed

Cuomo 1996 – PhD, University of Wisconsin-Madison, Department of Philosophy, University of Cincinnati (Chris, Hypatia Fall 1996. Vol. 11, Issue 3, pg 30)

In "Gender and `Postmodern' War," Robin Schott introduces some of the ways in which war is currently best seen not as an event but as a presence (Schott 1995). Schott argues that postmodern understandings of persons, states, and politics, as well as the high-tech nature of much contemporary warfare and the preponderance of civil and nationalist wars, render an eventbased conception of war inadequate, especially insofar as gender is taken into account. In this essay, I will expand upon her argument by showing that accounts of war that only focus on events are impoverished in a number of ways, and therefore feminist consideration of the political, ethical, and ontological dimensions of war and the possibilities for resistance demand a much more complicated approach. I take Schott's characterization of war as presence as a point of departure, though I am not committed to the idea that the constancy of militarism, the fact of its omnipresence in human experience, and the paucity of an event-based account of war are exclusive to contemporary postmodern or postcolonial circumstances.(1) Theory that does not investigate or even notice the **omnipresence of militarism** cannot represent or address the depth and specificity of the everyday effects of militarism on women, on people living in occupied territories, on members of military institutions, and on the environment. These effects are relevant to feminists in a number of ways because military practices and institutions help construct gendered and national identity, and because they justify the destruction of natural nonhuman entities and communities **during peacetime.** Lack of attention to these aspects of the business of making or preventing military violence in an extremely technologized world **results in theory that cannot accommodate the connections** among the constant presence of militarism, declared wars, and other closely related social phenomena, such as nationalistic glorifications of motherhood, media violence, and current ideological gravitations to military solutions for social problems. Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states **lead to crisis-based politics and analyses**. For any feminism that aims to resist oppression and create alternative social and political options, crisis-based ethics and politics are problematic because they **distract attention** from the need for sustained resistance to the enmeshed, omnipresent systems of domination and oppression that so often function as givens in most people's lives. Neglecting the omnipresence of militarism allows the **false belief** that the **absence of declared armed conflicts is peace**, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief. The belief that militarism is an ethical, political concern only regarding armed conflict, **creates forms of resistance** to militarism that are merely e**xercises in crisis control.** Antiwar resistance is then mobilized when the "real" violence finally occurs, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war might actually **keep resisters complacent about and complicitous in the general presence of global militarism**. Seeing war as necessarily embedded in constant military presence draws attention to the fact that horrific, state-sponsored violence is happening nearly all over, all of the time, and that it is perpetrated by military institutions and other militaristic agents of the state. **Moving away from crisis-driven politics and ontologies** concerning war and military violence also **enables consideration** of relationships among seemingly disparate phenomena, and therefore can shape more nuanced theoretical and practical forms of resistance. For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. It also provides a lens for considering the relationships among the various kinds of violence that get labeled "war." Given current American obsessions with nationalism, guns, and militias, and growing hunger for the death penalty, prisons, and a more powerful police state, one cannot underestimate the need for philosophical and political attention to connections among phenomena like the "war on drugs," the "war on crime," and other state-funded militaristic campaigns. I propose that the constancy of militarism and its effects on social reality be reintroduced as a crucial locus of contemporary feminist attentions, and that feminists emphasize how wars are eruptions and manifestations of omnipresent militarism that is a product and tool of multiply oppressive, corporate, technocratic states.(2) Feminists should be particularly interested in making this shift because it better allows consideration of the effects of war and militarism on women, subjugated peoples, and environments. While giving attention to the constancy of militarism in contemporary life we need not neglect the importance of addressing the specific qualities of direct, large-scale, declared military conflicts. But the dramatic nature of declared, large-scale conflicts should not obfuscate the ways in which military violence pervades most societies in increasingly technologically sophisticated ways and the significance of military institutions and everyday **practices in shaping reality.** Philosophical discussions that focus only on the ethics of declaring and fighting wars miss these connections, and also miss the ways in which even declared military conflicts are often experienced as omnipresent horrors. These approaches also leave unquestioned tendencies to **suspend or distort moral judgement** in the face of what appears to be the inevitability of war and militarism.

#### This raises the fundamental question of who is a veteran. This leads to the continuum of veteran-hood where those who don’t fit the exact definition of the 1ac is marked as irrelevant

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Nearly 20 years after the end of Mozambique’s civil war, debate about ex-combatant pensions and benefits are still heated in the capital Maputo. The discussion has centred on defining who counts as a ‘veteran’, which in a country that faced two devastating wars over the course of 30 years is a far from easy task. The Statute of Veterans, passed in May 2011, is the latest attempt by the government to solve this dilemma and provide benefits to those who deserve them. What has developed is not a dichotomy of ex-combatant versus civilian, but instead a continuum of veteran-hood. Entitlement to benefits depends on which war a combatant participated in, for how long, and with which armed group. Under the statute, veterans of Mozambique’s FRELIMO-led liberation war against Portugal (1964-75) are to receive a new “participation bonus” on top of their already existing minimum wage pensions. Veterans of Mozambique’s 16-year civil war (1977-92), however, are only offered a “social re-insertion bonus”, as long as they served for three years or more. This bonus is offered to both veterans from FRELIMO – the country’s ruling socialist party since independence in 1975 – or RENAMO – the country’s political opposition party, but what was initially a militant rebel group funded by Rhodesia (now Zimbabwe) then apartheid South Africa. Missing links? While providing unprecedented benefits to combatants of both wars, the statute has been opposed strongly by RENAMO representatives who claim it discriminates against their ex-combatants by providing higher benefits to FRELIMO fighters who fought in Mozambique’s liberation war. More controversially, RENAMO has opposed the statute provision that means only years of fighting after an ex-combatant’s 14th birthday count. This suggests that, contrary to RENAMO’s previous assertions, the group recruited fighters younger than 14. RENAMO’s cries of exclusion, however, have not been the only or even the loudest within the debate. After the statute was passed, much of the discourse has been pushed by Herminio dos Santos, president of the National Forum of Demobilised Soldiers (Fórum dos Desmobilizados de Guerra de Moçambique), who has campaigned for higher pensions and a broader definition of those entitled to veteran benefits. Dos Santos has led several protests in Maputo and has been detained by police just as often. One of his main points of contention with the benefit scheme is the exclusion of peasant militia fighters, known as Naparamas, who fought alongside the government army against RENAMO. While they were never officially accounted for, activists claim there are nearly 22,000 of these ex-combatants being ignored by the government. Fruitless negotiations On March 12, Herminio dos Santos and his supporters were finally able to meet with Mateus Kida, Minister for Veteran Affairs, to discuss potential improvements to the veteran benefit system. In addition to the recognition of Naparamas as veterans, Dos Santos pushed for an overall increase in pensions to all ex-combatants to around 12,000 meticals a month ($440), nearly 6 times the national minimum wage set for agricultural workers. These and other requests were dismissed by Minister Kida, who claimed he would not have agreed to the meeting were he previously aware of them. 14 other demobilised associations also distanced themselves from the proposals and have backed away from Dos Santos’ attempts to engender a redefinition of veterans through demonstrations. Successful reintegration? The fervent debate around ex-combatant benefits over the past few years questions the success of Mozambique’s reintegration process twenty years ago, which had heavy international involvement and was widely regarded as exemplary. While it may seem farfetched to link the current debate on veteran benefits to reintegration programmes that started two decades ago, their impact has undoubtedly shaped today’s discourse. Like the recent statute, for example, the reintegration programmes excluded the thousands of militia fighters Herminio Dos Santos is now representing. Widely funded and composed of varying initiatives and methods of reintegration, Mozambique’s security reform was widely declared a success in that it prevented a large-scale return to violence after the 1992 peace agreement. However, in doing so, it arguably retained more of a ‘negative peace’ in which wide-scale violence was absent, as opposed to ‘positive peace’ with reconciliation and prosperity.

#### This is a form of linguistic violence. Even if the 1ac is a nonviolent discourse, it has the possibility of being positive or negative. Claiming “war” as an isolated event and not evaluating how “war” happens every day is a choice. It is through this that we can prioritize “war” over everyday events and allow ruptures in our social space where we say that “non-veterans don’t matter.”

**Gay 98** William C Gay. Ph.D. in Philosophy from Boston College, Prof. UNC, Peace Review, Dec 1998.Vol.10, Iss. 4; pg. 545-8

Many times the first step in reducing linguistic violence is to simply refrain from the use of offensive and oppressive terms. However, just because linguistic violence is not being used**, a genuinely pacific discourse** is not necessarily present. Nonviolent discourse, like the condition of peace, can be negative or positive. "Negative peace" refers to the temporary absence of actual war or the lull between wars, while "positive peace" refers to the negation of war and the presence of justice. The pacific discourse that is analogous to negative peace can actually perpetuate injustice. Broadcasters in local and national news may altogether avoid using terms like "dyke" or "fag" or even "homosexual," but they and their audiences can remain homophobic even when the language of lesbian and gay pride is used. A government may cease referring to a particular nation as "a rogue state," but public and private attitudes may continue to foster prejudice toward this nation and its inhabitants. When prejudices remain unspoken, at least in public forums, **their detection and eradication are made even more difficult.** Of course, we need to find ways to restrain hate speech in order to at least stop linguistic attacks in the public arena. Likewise, we need to find ways to restrain armed conflicts and hostile name calling directed against an adversary of the state. However, even if avoidance of linguistic violence is necessary, it is not sufficient. Those who bite their tongues to comply with the demands of political correctness **are often ready to lash out vitriolic epithets when these constraints are removed**.

 Thus, the practice of linguistic nonviolence is more like negative peace when the absence of hurtful or harmful terminology merely marks a lull in reliance on linguistic violence or a shift of its use from the public to the private sphere. The merely public or merely formal repression of language and behavior that expresses these attitudes **builds up pressure that can erupt in subsequent outbursts of linguistic** violence **and physical violence**. Pacific discourse that is analogous to positive peace facilitates and reflects the move from a lull in the occurrence of violence to its negation. The establishment of a genuinely pacific discourse that is analogous to positive peace requires a transformation of cultures oriented to violence and war. It also requires a commitment to the active pursuit of domestic and global justice. **Efforts to establish a practice of linguistic nonviolence analogous to positive peace are part of a larger struggle to reduce cultural violence**. They advance the quest for societies in which human emancipation, dignity, and respect are not restricted on the basis of irrelevant factors like race, gender, class, or sexual orientation. Correlative to the distinction between negative and positive peace is the distinction between coercive and nonviolent methods of advancing pacific discourse. Just as I advocate pacifism as the proper response to the physical violence of war, so I advocate pacific discourse as the proper response to linguistic violence. Some people do not think war can be eliminated. The term "warism" refers to taking war for granted, and ample evidence exists for challenging this assumption. Others think that insofar as national security is to be defended, the use of military force cannot be avoided. I am among those who maintain that a nonviolent model of national security is feasible. Likewise, some people do not think that language as currently structured can be changed. This view is termed "linguistic institutionalism" or "linguistic determinism," and ample evidence is also available for challenging this assumption. Others think that insofar as the violence of language is to be countered, force will have to be exercised. I am also among those who maintain that holding fast to linguistic nonviolence as a means is as important as aiming for linguistic nonviolence as a goal. Hate speech can be prevented through legal or physical coercion. Likewise, politically correct discourse can be achieved through legal or even physical coercion. The use of legal or physical coercion to end hate speech or establish politically correct discourse entails the abandonment of nonviolence. When people are silenced by the threat posed in the words of law or by the constraint imposed through the deeds of authorities, verbally or physically violent means have been employed. By contrast, individuals can intentionally choose to eschew hate speech and to use politically correct discourse. They also can use linguistically nonviolent tactics to persuade others to do so as well. From a pacifist perspective or, even more generally, from a nonviolent perspective, much discourse that calls for an end to violence and war or that calls for the establishment of peace and social justice actually places a primacy on ends over means. When the end is primary, nonviolence may be practiced only so long as it is effective. For the pacifist and the practitioner of nonviolence, the primary commitment is to the means. The commitment to nonviolence requires that the achievement of political goals is secondary. Political goals must be foregone or at least postponed when they cannot be achieved nonviolently. Various activities promote the pursuit of the respect, cooperation and understanding needed for positive peace and social justice and for the genuinely pacific discourse that is an integral part of them. Linguistically, these activities go beyond the mere removal from discourse of terms that convey biases based on race, gender, class, and sexual orientation. Open dialogue, especially face-to-face conversation, is one of the most effective ways of experiencing that the other is not so alien or alienating. Beyond having political leaders of various nations meet, we need cultural and educational exchanges, as well as trade agreements among businesses and foreign travel by citizens. We can come to regard cultural diversity in the expression of race, gender, class, and sexual orientation as making up the harmonies and melodies that together create the song of humanity. Just as creative and appreciated cooks use a wide variety of herbs and spices to keep their dishes from being bland, so too can we move from an image of a culture with diverse components as in a melting pot to one of a stew that is well seasoned with a variety of herbs and spices. A pacific discourse that expresses such an affirmation of diversity needs to be an understood language of inclusion. While linguistic violence often relies on authoritarian, monological, aggressive and calculative methods, a positively nonviolent discourse is democratic, dialogical, receptive, and mediative. A positively nonviolent discourse is not passive in the sense of avoiding engagement; it is pacific in the sense of seeking to actively build, from domestic to international levels, lasting peace and justice. A positively nonviolent discourse provides a way of perceiving and communicating that frees us to the diversity and open-endedness of life rather than the sameness and senselessness of violence. A positively nonviolent discourse can provide the communicative means to overcome linguistic violence that does not contradict or compromise its goal at any point during its pursuit. The first step is breaking our silence concerning the many forms of violence. **We need to recognize that often silence is violence**; frequently, **unless we break the silence, we are being complicitous to the violence of the situation**. However, in breaking the silence, our aim should be to avoid counter-violence, in its physical forms and in its verbal forms. Efforts to advance peace and justice should occupy the space between silence and violence. Linguistic violence can be overcome, but the care and vigilance of the positive practice of physical and linguistic nonviolence is needed if the gains are to be substantive, rather than merely formal, and if the goals of nonviolence are to be equally operative in the means whereby we overcome linguistic violence and social injustice.

#### The alternative is to reject the 1AC in favor of a pacifistic solution to problems.

#### The only way to solve is by adopting a pacifistic mindset—the shift away from militarism is key

Demenchonok 9

[Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49]

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the ~~paralyzing~~ fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons

and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

# 2nc

## Fw

### 2NC- Topical Version of the Aff Solves

#### A limited topic over war powers authority is key to solving the harms of the 1AC – it allows for an engaged public that can expose the hypocrisy of the federal government – only focus on specific policy questions can actualize change by making it relevant to policy-makers – the aff is more likely to cause disengagement and moral quietude than actual change

**Mellor 13**

The Australian National University, ANU College of Asia and the Pacific, Department Of International Relations,
“Why policy relevance is a moral necessity: Just war theory, impact, and UAVs,” European University Institute, Paper Prepared for BISA Conference 2013, DOA: 8-14-13

**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 This paper has discussed the empirics of the policies of drone strikes in the ongoing conflict with those associate with al Qaeda. It has demonstrated that there are significant moral questions raised by the just war tradition regarding some aspects of these policies and it has argued that, thus far, just **war scholars have not paid sufficient attention or engaged in sufficient detail with the policy implications of drone use.** **As such it has been argued that it is necessary for just war theorists to engage more directly with these issues and to ensure that their work is policy relevant**, **not in a utilitarian sense of abdicating from speaking the truth in the face of power**, **but by forcing policy makers to justify** their **actions according to the principles of the just war tradition, principles which they invoke themselves in formulating policy.** **By highlighting hypocrisy and providing the tools and language** **for the interpretation of action**, **the just war tradition provides the basis for the public engagement and political activism that are necessary for democratic politics.52**

#### A topical version of the aff would solve most of their offense—it’s capable of radical change

Orly **Lobel**, University of San Diego Assistant Professor of Law, 200**7**, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

V. RESTORING CRITICAL OPTIMISM IN THE LEGAL FIELD

“La critique est aisée; l’art difficile.”

A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. **Despite its weaknesses, however, law is an optimistic discipline**. It operates both in the present and in the future. **Order without law is often the privilege of the strong**. Marginalized groups have used legal reform precisely because they lacked power. **Despite limitations**, these groups have often successfully secured their interests through legislative and judicial victories. **Rather than experiencing a disabling disenchantment with the legal system, we can learn from both the successes and failures of past models, with the aim of constantly redefining the boundaries of legal reform and making visible law’s broad reach**.

### Trade off

#### Trading autobiographical narrative for the ballot commodifies one’s identity and has limited impact on the culture that one attempt’s to reform – when autobiographical narrative “wins,” it subverts its own most radical intentions by becoming an exemplar of the very culture under indictment

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

Although Williams is quick to detect insensitivity and bigotry in remarks made by strangers, colleagues, and friends, her taste for irony fails her when it comes to reflection on her relationship with her readers and the material benefits that her autobiographical performances have earned for her. n196 Perhaps Williams should be more inclined to thank, rather than reprimand, her editors for behaving as readers of autobiography invariably do. When we examine this literary faux pas - the incongruity between Williams's condemnation of her editors and the professional benefits their publication secured her - we detect yet another contradiction between the outsiders' use of autobiography and their desire to transform culture radically. Lejeune's characterization of autobiography as a "contract" reminds us that autobiography is a lucrative commodity. In our culture, members of the reading public avidly consume personal stories, n197 which surely explains why first-rate law journals and academic presses have been eager to market outsider narratives. No matter how unruly the self that it records, an autobiographical performance transforms that self into a form of "property in a moneyed economy" n198 and into a valuable intellectual [\*1283] asset in an academy that requires its members to publish. n199 Accordingly, we must be skeptical of the assertion that the outsiders' splendid publication record is itself sufficient evidence of the success of their endeavor. n200Certainly, publication of a best seller may transform its author's life, with the resulting commercial success and academic renown. n201 As one critic of autobiography puts it, "failures do not get published." n202 While writing a successful autobiography may be momentous for the individual author, this success has a limited impact on culture. Indeed, the transformation of outsider authors into "success stories" subverts outsiders' radical intentions by constituting them as exemplary participants within contemporary culture, willing to market even themselves to literary and academic consumers. n203 What good does this transformation do for outsiders who are less fortunate and less articulate than middle-class law professors? n204 Although they style themselves cultural critics, the [\*1284] storytellers generally do not reflect on the meaning of their own commercial success, nor ponder its entanglement with the cultural values they claim to resist. Rather, for the most part, they seem content simply to take advantage of the peculiarly American license, identified by Professor Sacvan Bercovitch, "to have your dissent and make it too." n205

## Peace

### Rhetorical Criticism solves Power Relations

#### We are at a critical point to utilize rhetorical criticism as a method for analyzing power relations in narratives. Voting neg is a key starting point to true social change

Kirkscey 08 (modified for ableist language)

(Thomas Russell Kirkscey, Bachelor of Arts degree in History and English, Masters in Communication Studies) (Finding Opportunities: A Reevaluation of Narrative Theory and Praxis in Communication Studies, Communication Studies, Department of Theses and Dissertations-Communication Studies Texas State University Year 2008)

In re-evaluating and extending Fisher’s narrative paradigm, we must look to the meaning of paradigm itself to assist in describing this contribution to the field of communication studies. Kuhn’s (1996) discussion of epistemological advances in science guides my approach to situating both Fisher’s and my endeavors. According to Kuhn (1996) a time of crisis ensues after a period of relative stagnation in advancing knowledge. This critical point, and the research and application it causes, assists in promoting a “revolution” that leads to a paradigmatic shift—a development that removes the fundamental inertia within an academic field. Kuhn (1996) suggests two distinct uses of the term paradigm. The first is the “exemplar,” a specific theoretical discovery such as Newton’s gravitational theory or Franklin’s theory of the movement of electricity. The second use of paradigm is what Kuhn calls the “disciplinary matrix” wherein the academic community uses the theoretical base of the first definition of paradigm as a foundation for furthering both the theory and the application of the paradigm. Fisher’s contribution is the first description of paradigm, the “exemplar” that occurs in the time of crisis caused by communications scholars adhering to neo- Aristotelian rhetorical criticism for a half-century.20 Fisher’s work calls for a fundamental change—a revolution—in our \*perception\* of rhetoric and rhetorical criticism. Its position that supports the essentialism of narrativity is the radical change that Fisher gave rhetorical theorists and rhetorical critics. Yet, as I point out in Chapter Two, Fisher’s applications of his theory reveals that narrative praxis had not caught up with narrative presumption. My work in this thesis falls into Kuhn’s second definition of paradigm. In discussing the “disciplinary matrix,” Kuhn (1996) is quick to point out that “the fact that [scholars] accept [the exemplar] without question and use it as a point at which to introduce logical…manipulation does not of itself imply that they agree at all about such matters as meaning and application” (p. 188). I accept Fisher’s exemplar; however, I do not unquestioningly concur with Fisher’s entire position. Instead, I hope I have moved narrative rhetorical theory closer to Campbell’s (1974) “factors that constitute critical excellence” (p. 11) and that other scholars of rhetorical criticism will continue to advance the narrative paradigm.

### 2NC Impact

#### Rhetorical criticism has a vital social and intellectual role in politics—changing rhetoric is key to solving their impacts

King 6

Andrew King 06 (Andrew King is Professor of Speech Communication at Louisiana State University. The State of Rhetorical Criticism, Interdisciplinary Perspectives on Rhetorical Criticism, Rhetoric Review, Volume 25, Issue 4 October 2006)

The twenty-first century in rhetorical criticism is full of surprises. Longdead projects have been called to a second life. The explosion of interest in metaphor in the social sciences has returned it to an axial position in rhetoric. Further, there is a recrudescence of interest in ethics. Out of the relativistic furnace of the 1990s there has been a surprising rehabilitation of the idea of the universal. Even the ferocious club spirit of the schools has dissipated, and methodology is clearly less important than before. Globalism seems to have spurred a quest for community. There is a wonderful eclecticism of method and a kind of healing of the breech between effective discourse and beautiful discourse that acted as a Berlin Wall between critics in English and those in communication. Finally, one does not like to use the standards of commerce and industry to appraise an intellectual enterprise, but not since the sixteenth century have there been so many scholars engaged in rhetorical criticism. And rhetorical critics have a mission. Cries for the restoration of the civic/rhetorical infrastructure have given them a vital social and intellectual role. Such brilliant rhetorical critics as Michael Hogan at Penn State and Bernard Duffy at Cal Poly San Luis Obispo are leading the way as scholarly critics who are engaged in promoting the ideal of the citizen orator in their own communities. Criticism has a bright future. And once again we have a sense of a useable past.

# 1nr

### Link

#### EXPERIENCES MEAN NOTHING WITHOUT HISTORICAL CONTEXT OF CAPITAL

Ebert 09

[Teresa L. Ebert, Proessor of Cultural Theory @ Univerisyt of Albany State University of New York, “The Task of Cultural Critique”, 2009, pg 82-84, \\wyo-bb]

Another popular version of affective pedagogy that sees teaching as a scene for the acting out of desires is one in which desire is not so much erotic as maternal. This is a nurturing pedagogy that seeks to create a safe space, a compassionate place for the pursuit of feelings and pleasures. Jane Tompkins's essay the "Pedagogy of the Distressed" is an exemplar of the logic of affect in this pedagogy. In it Tompkins develops what she calls "teaching as a maternal or coaching activity" (660). Like other forms of the ludic pedagogy of desire, it is a mode of teaching that tries "never to lose sight of the fleshly, desiring selves who were engaged in discussing hegemony or ideology or whatever" (658). She brings to the classroom Grosz's lessons in corporeality, discussed above. Argument, mode of inquiry, logic of interpretation, and concepts are irrelevant in such a classroom. What matters is the corporeal: how the teacher and students feel. This model of teaching attempts to "democratize the classroom," according to Tompkins, by "breaking] down the barrier between public discourse and private feeling, between knowledge and experience" (658). Tompkins's essay, which begins by invoking Paulo Freire's Pedagogy of the Oppressed, is symptomatic of the metropolitan appropriations of the periphery's revolutionary struggles for the pleasure and desires of first-world bourgeois academics. Tompkins erases the relationship in the international division of labor between Freire's oppressed—the impoverished peasants and workers in South America—and First-World university professors and students. This is not an uncommon move among academic uses of Freire, but Tompkins goes considerably further: she turns a pedagogy aimed at emancipating students from economic oppression into a pedagogy designed primarily to free teachers from emotional distress. Thus not only is the aim of this pedagogy no longer revolutionary, but it is not even aimed at students. Instead it gives priority to the emotional wants of the teacher as the basis for "democratizing the classroom." According to Tompkins, "the politics of the classroom begins with the teacher's treatment of and regard for him or her self. A kinder more sensitive attitude toward one's own needs as a human being . . . can bring greater sensitivity to the needs of students and a more sympathetic understanding of their positions, both as workers in the academy and as people in the wider world" ("Pedagogy of the Distressed" 660). But as Michael Carroll, points out, "her advice has almost no relevance to those of us who teach heavy course-loads" because "what goes on in the average college English classroom and its attendant conditions-of-labor has been excluded" ("Comment" 600). The problem—one that informs all pedagogies of desire, not only Tompkins's—is that the basic concepts in the pedagogy of desire—the personal, feelings, pleasure, the erotic, liberation, support, congeniality— are all highly restrictive, ahistorical notions. Desire, feelings, and pleasure are all understood as the fundamental, immanent, essential, and defining attributes of an identity as a person, and the person is understood as a singularity. Although singularity is meant to stand for autonomous individuality, it is actually a symptom of an isolated, alienated bourgeois subject, a monad who is assumed to be free from economic necessity and historical determinacy but, in her everyday life, is trapped in the economic. Grounding pedagogy on the free expression of desiring selves, however, does not result in a very productive classroom, even in its own terms. As Tompkins admits, "The course was in some respects a nightmare. There were days when people went at each other so destructively that students cried after class or got migraine headaches" (658). She passes over this quickly without any critical analysis, seeming to accept it as a natural part of the expression of feelings. But, in fact, nurturing pedagogy raises a number of problems for an effective feminism. It so reifies an anti-intellectual and transsocial individualism that it supplants any conceptual social and collective knowledge with an acting-out, a performing of emotions. The reason the students' emotional outpourings are so destructive in ludic classrooms is that they have not been provided with the concepts and historical frames for understanding and explaining their seemingly private, unique, individual feelings and desires. This is what the socialist thinker Dorothy Healey calls asking "substantive questions about the meaning of our own experience" (Dorothy Healy Remembers 58). Instead each student's feelings are considered both unique and equal to those of everyone else, regardless of their class conditions. To critique anyone's experience, to unpack it and point to its material conditions, is seen as an unleashing of violence or as a direct attack on the student's identity. The nurturing pedagogical situation provides no means for a critical understanding of the student's emotions and desires or an analysis of the ways in which seemingly unique feelings participate in and reproduce unequal and unjust social relations. At best such a method can describe how the student feels, but it is unable to explain the way the student's feelings are not spontaneous but are constructed from existing socioeconomic power relations. As Sue Clegg has argued, "Oppression is experienced in terms of being black, or being a woman, or being Irish, or being gay, but it cannot be explained by virtue of this experience. For that we need an analysis that goes beyond experience. These oppressions . . . are connected to the central dynamics of capitalist exploitation" ("Theories of Racism" 112). Such knowledge, however, requires critique, which is largely dismissed as attack in pedagogies of nurturing and as repressive in erotic pedagogy. Critique, in short, is considered antithetical to pleasure and even to feminism itself, in whose discourses it is often represented as "trashing" (Gallop, Hirsch, and Miller, "Criticizing Feminist Criticism," 349-69).

### 2NC Turns Case

#### YOUR FOCUS ON SACRIFICE AND INDIVIDUAL PRACTICAL ETHICS TRADES OFF WITH A POLITICAL PHILOSOPHY THAT FOCUSES ON GLOBAL ECONOMICS WHICH IS KEY TO IMPROVE THE CONDITIONS OF THE OPPRESSED.

Kuper 02

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I have repeatedly asked what difference philosophical theories make to the project of global poverty relief. It should by now be clear that an analysis from the broader perspective of political philosophy--as opposed to the simple individualist lens of a purportedly "practical ethics"--enables us to begin to distinguish peremptory directives from considered, politically aware, and sustainable strategies. But there remains the deep disjunct between the perspective of a system of global justice and the sedimented power structures of the current global order. Part of what a clearly articulated theory reveals is that some individuals' giving away income may do little to remedy this schism. While charity may produce improvements, it may at worst cause harm, or at least the relevant resources might be better used in another way. No doubt there are good reasons to support organizations that produce sustainable changes in the background framework of social institutions. But a systemic and long-term approach involves far more than targeting donations better. It requires a nuanced awareness that politics is ineradicably about scale and connectedness, and thus the coordinated action of multiple interdependent roles. We must play those roles not with an eye to making us, the relatively wealthy or developed country citizens, feel better, but with a view to which complexes of agencies and actions will generate the most sustainable positive momentum. This means that the language of sacrifice must generally give way to a deeper and better language: the language of social and economic cooperation conditioned by the interests of the globally disadvantaged. For all their deficiencies, both Rawls and Marx have in place large parts of a political philosophy. Singer does not. It is badly needed if he wishes to provide guidance for engendering lasting improvements to the lives of the needy. Singer and political philosophy might benefit significantly from his turning his mind and formidable pen to this range of difficult questions. As Wittgenstein put it, with characteristically wry acuity: "If someone tells me he has bought the outfit of a tightrope walker I am not impressed until I see what he has done with it." (41)