### 1st Off

#### The aff’s not topical—

#### “Resolved” is governmental

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

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

#### “Should” is obligatory

Judge Henry Nieto 9, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### Substantial means full effect---must be tangible increase in restrictions

**Words & Phrases 64** (40 W&P 759)

The words "outward, open, actual, risible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not bidden; exposed to view; free from concealment dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 111. App. 308, 31R

#### Increase denotes a specific change

**Ripple 87** (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

#### War powers refers to specifically enumerated authority—anything else is vague

**Bradley, 10** - \* Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship>)

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### “Topic relevance” isn't enough—only a precise and limited rez creates deliberation on a point of mutual difference—this is only internal link to limits and ground which are key to competitive equity and topic education—both of which are the most important impacts in debate

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the **broad topic** of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. **Vague understanding** results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

### 2nd Off

#### \*\*TRIGGER WARNING\*\* The following content may be disturbing to survivors of sexual assault.

#### From The Times Union, on February 6th:

[David McCumber, journalist, Military sex assault survivors speak out for Gillibrand reform bill, <http://www.timesunion.com/news/article/Military-sex-assault-survivors-speak-out-for-5212624.php>, uwyo//amp]

They were both Marine Corps lance corporals — one a woman, one a man. Civilians now, it turns out they have much in common from their military careers:

Being drugged and raped by sergeants. Watching their attackers go free. Enduring retaliation after reporting the assaults. And finding the courage to relive their horrors, again and again, in an effort to get Congress to change the system.¶ [Stacey Thompson](http://www.timesunion.com/?controllerName=search&action=search&channel=news&search=1&inlineLink=1&query=%22Stacey+Thompson%22), of Orange County, Calif., and[Jeremiah Arbogast](http://www.timesunion.com/?controllerName=search&action=search&channel=news&search=1&inlineLink=1&query=%22Jeremiah+Arbogast%22), of West Virginia, spoke out at a news conference Thursday in what amounted to a show of strength by Sen. [Kirsten Gillibrand](http://www.timesunion.com/?controllerName=search&action=search&channel=news&search=1&inlineLink=1&query=%22Kirsten+Gillibrand%22), D-N.Y., as her bill to take decisions about prosecuting sexual assault cases out of the chain of command goes to the Senate for debate next week. Her proposal is fiercely opposed by the [Pentagon](http://www.timesunion.com/?controllerName=search&action=search&channel=news&search=1&inlineLink=1&query=%22Pentagon%22). In addition to the survivors of assault, Gillibrand was joined by several veterans' and service members' advocates, and five of the 53 senators who have publicly supported her bill.¶ The senators who spoke in favor of the legislation are Barbara Boxer, D-Calif.; Richard Blumenthal, D-Conn.; Jeanne Shaheen, D-N.H.; Mazie Hirono, D-Hawaii; and Dean Heller, R-Nevada.¶ "Why should our brave men and women in uniform have less access to justice than anyone else in this room?" Gillibrand said. "They have been promised 'zero tolerance,' but what they've gotten for more than two decades is zero accountability."¶ While Gillibrand has lined up public support from a majority of the Senate, proponents of her bill are expected to have to reach the 60-vote threshold to block a filibuster in order to pass the bill, which would then face an uncertain future in the House.¶ "Some say we can't get 60 votes. We disagree," Gillibrand said, flatly predicting that the bill could overcome a filibuster attempt.¶ "We should not have to get to 60," California's Boxer said. "Justice should never be filibustered. But we think we can."¶ Pressed on just how she'd get there, Gillibrand said she's heard from "many" more senators who privately support her bill. "We will get 60 votes," she insisted.¶ Blumenthal, who has advocated for veterans during his entire career in public service, said, "Our veterans are the greatest of America. And we need a military justice system ... worthy of them. Let the facts and the law prevail."¶ Heller, who is the latest senator to announce his support, said he considered for a long time, and consulted with his brother, a retired Navy commander, before coming to the conclusion that backing Gillibrand's bill was the right thing to do. "I was a freshman state senator (in Nevada in 1991) when the Tailhook scandal happened in Las Vegas," he said. "To be here today with a chance to do something about this, for the people of Nevada and for our members of the military, means a great deal."¶ Another speaker at Thursday's event was the whistle-blower who first seared the military's conscience on the issue of sexual assault and turned Tailhook — a gathering of Navy and Marine Corps aviators during which 83 women and seven men were sexually assaulted by more than 140 aviators — into a national scandal. Paula Coughlin, a former Navy pilot, has fought for years for sexual-assault reporting changes and also for women to be given parity in job assignments, including combat roles.¶ "I was a much younger person when I first spoke out after Tailhook 23 years ago," Coughlin said. "Today, victims (of sexual assault in the military) continue to face injustice at every turn."¶ "Calls from military leaders for more time ring hollow," she said.¶ The stories of Arbogast and Thompson brought a hush to the Senate office-building conference room.¶ Arbogast was drugged, bound and raped by a staff sergeant for whom he had previously worked. When he reported the assault, he was told he needed proof. So he wore recording equipment and elicited a full confession on tape from his attacker.¶ Despite overwhelming evidence, his attacker was convicted of only one lesser count. Still facing prison time after the conviction, he was instead allowed to leave the Marine Corps on a bad-conduct discharge. He refused to register as a sex offender and obliterated his fingerprints so he could not be traced. Arbogast, suffering from post-traumatic stress, attempted suicide and now must use a wheelchair.¶ Thompson was 17 when she enlisted in the Marine Corps. At age 19, she was serving in Okinawa when drugs were slipped into her drink. She woke up as she was being raped by a sergeant in her chain of command. She reported it immediately, but her commander did not report it until Thompson insisted. "The sergeant who assaulted me was able to separate from the Marine Corps during an open investigation of the crime of rape," she said.¶ Like Arbogast, Thompson was the subject of a retaliatory investigation.¶ "By passing this bill, you will be looking into the eyes of every parent whose child chooses to protect and defend this country, stating that you vow to honor and protect them in return for their service," Thompson told the senators.

#### Thus, our counter-advocacy statement.

#### In this round, we should welcome military veterans except those who have committed sexual assault and/or rape.

#### The Net Benefit:

#### Having to confront your attacker causes trauma that turns the aff

Kat, 2009

[Pandora’s Project, Having to See Your Abuser:For Rape & Sexual Abuse Survivors, http://www.pandys.org/articles/seeingyourabuser.html] /Wyo-MB

¶ Survivors of childhood sexual abuse, rape, or sexual assault often have to see their abusers after their attacks. Sexual violence is frequently committed by people we know—within our family, school, work, church, or any other community environment. However we know our abusers, we cannot always avoid interacting with them.¶ ¶ These interactions are painful and create additional struggles. Our world becomes more difficult as we struggle to cope with the aftermath of sexual violence and how to assimilate back into our lives. Seeing your abuser can be an intense and frustrating experience.¶ ¶ Here are some of the some of the emotional responses seeing your abuser may create:¶ ¶ Panic¶ Anxiety¶ Stress¶ Shame¶ Embarrassment¶ Self-blame¶ Injustice¶ Frustration¶ Numbness, disbelief¶ These emotions can easily make us feel out of control. Very often we have to pretend everything is happy and fine when we are around others and wearing this “mask” can feel nearly impossible when we are around our abusers.

### 3rd 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. n200

Certainly, 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

**resistance/empowerment via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce structural violence**

**Brown 95**—prof at UC Berkely (Wendy, States of Injury, 21-3)

**For some**, fueled by opprobrium toward regulatory norms or other mo- dalities of domination, **the language of "resistance" has taken up** the **ground** vacated by a more expansive practice of freedom. **For others, it is the discourse of “empowerment”** that carries the ghost of freedom's valence ¶ 22¶. **Yet** as many have noted, **insofar as resistance is an effect of the regime it opposes** on the one hand, **and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes** on the other, **it is at best** politically **rebellious; at worst, politically amorphous**. **Resistance stands against**, **not for; it is re- action** to domination, rarely willing to admit to a desire for it, **and** it is **neutral with regard to possible political direction**. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this **resistance is never in a position of exteriority to power**. . . . (**T]he strictly relational character of power relationships** . . . **depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations**.\*39 This appreciation of the extent to which **resistance is by no means inherently subversive of power** also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. **The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime**; “**empowerment**,” **in contrast, registers the possibility of generating one’s capacities**, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. **But in so doing**, contemporary **discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth** and capacity **in the register of individual feelings**, **a register** implicitly **located on** some- thing of **an otherworldly plane vis-a-vis social and political power**. In this regard, **despite its apparent locution of resistance to subjection**, contem- porary **discourses of empowerment partake strongly of liberal solipsism**—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, **in its almost exclusive focus on subjects’ emotionalbearing** and self-regard, **empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime**.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, **contemporary deployments** of that notion also **draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.**

**Our alternative is to reject the affirmative’s focus on subjectivirty to recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---their focus abdicates the flux of politics and debate for the incontestable truth of identity**

**Brown 95**—prof at UC Berkely (Wendy, States of Injury, 47-51)

The postmodern exposure of the imposed and created rather than dis- covered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: **white women who cannot locate themselves in** Nancy **Hartsock’s account of women’s experience** or women s desires, **African American women who do not identify with** Patricia **Hill Collinss account of black women’s ways of knowing**, **are once again excluded from the Party of Humanism—this time in its feminist variant**. ¶**Our alternative** to reliance upon such normative claims **would seem to be engagement in political struggles in which there are no trump cards such as “morality” or “truth."Our alternative**, in other words, **is to struggle within an amoral political habitat for temporally bound and** **fully contestable visions of** who we are and **how we ought to live.** Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and nor- mativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they arc protesting, inter' aha, a Nictzschcan analysis of truth and morality as fully implicated in and by power, and thereby dplegiti- mated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. **The question is whether** fnninist **politics can prosper without a moral apparatus**, whether feminist theorists and activists will give up **substituting Truth and Morality for politics**. **Are we willing to engage in struggle rather than recrimination**, **to develop our faculties rather than avenge our subordination with moral and epistemological gestures**, **to fight for a world rather than conduct process on the existing one**? Nictzschc insisted that extraordinary strengths of character and mind would be necessary to operate in thce domain of epistemological and religious nakedness he heralded. But in **this** heexcessively individualized a challenge that more importantly **requires the deliberate development of postmoral** and antirelativist **political spaces, practices of deliberation, and modes of adjudication**.¶49¶The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"¶Precisely because of its incessant revelation of settled practices and identi- ties as contingent, its acceleration of the tendency to melt all that is solid into air. **what is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.”Our capacity to exploit this opportunity positively will be hinged to our success in developing new** modes and **criteria for political judgment**. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections betwreen a com- prehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of oneResistance, the practice most widely associated with postmodern polit- ical discourse, responds to without fully meeting the normativity chal- lenge of postmodernity. A vital tactic in much political w’ork as wrcll as for mere survival, resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts to enact either. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our wrariness about totalizing an- alyses and visions. **Insofar as it eschew’s rather than revises**these **problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms.** In this respect, like identity politics, and indeed **sharing with identity politics an excessively local viewpoint and tendency toward positioning without mapping**, the contemporary vogue of **resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it.Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision**; as Foucault makes clear, **resistance is an effect of and reaction to power, not an arrogation of it**.¶**What** postmodernity disperses and postmodern feminist **politics requires are cultivated political spaces for posing and questioning** feminist **political norms**, for discussing the nature of “the good” for women. Democratic political space is quite undcrtheonzed in contemporary femi- nist thinking, as it is everywhere in latc-twentieth-ccntury political the- ory, primarily bccausc it is so little in evidence. Dissipated by the increasing tcchnologizing of would-be political conversations and pro- cesses, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disori- entation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is su- premely important.¶Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Repub- lic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. jnd given contemporary spin in Jurgen Habermas's theories of ideal speech situations and com- municative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist politi- cal spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, wc can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but wc recognize as a permanent political condition par- tiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 **Our spaces, while requiring some definition and protection**, cannot be clean, sharply bounded, disembodied, or permanent: **to engage postmodern modes of power** and honor specifically feminist knowledges, **they must be heterogenous, roving, relatively noninstitutionalized, and democratic to the point of exhaustion.¶**Such spaces **are crucial for developing the skills and practices of** post- modern **judgment**, addressing the problem of “how to produce a discourse on justicc . . . when one no longer relies on ontology or epistemology.”43 **Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶**51¶**unless we seize the opportunity this erosion also creates to develop democratic processes for formulating** postepistemelogical and postontological **judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”),and from explicitly postulated norms and potential common values rather than false essentialism or unreconstructed private interest.**44 **Paradoxically, such public and comparatively impersonal arguments carry potential for greater accountability than arguments from identity or interest. While the former may be interrogated to the ground by others**, **the latter are insulated from such inquiry with the mantle of truth worn by identity-based speech**. Moreover, **postidentitypolitical positions** and conversations **potentially replace a politics of difference with a politics of diversity**—**differences grasped from a perspective larger than simply one point in an ensemble.Postidentity public positioning requires an outlook that discerns structures of dominance within diffused** and disorienting **orders of power,** thereby **stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate**. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that **political conversation oriented toward** diversity and the common, **toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom,offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.**¶Feminists have learned well to identify and articulate our "subject positions —**we have become experts at politicizing the “I”that is produced through multiple sites ofpower and subordination. But the very practice so crucial to making these elements of power visible and subjectivity political may be** partly **at odds with the requisites for developing political conversation among a complex and diverse “we.” We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness**, **but in order to assume responsibility for our situations and to mobilize a collective discourse that will expand them**. For the political making of a feminist future that does not reproach the history on which it is borne, **we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.**

### 4th Off

#### Al Qaeda and affiliates are weak—continuing the war is key to stopping attacks

Liepman and Mudd 1-6 [Andrew Liepman, a former principal deputy director of the National Counterterrorism Center and a senior policy analyst at the nonprofit, nonpartisan RAND Corporation, and Philip Mudd, former Senior Intelligence Advisor at the FBI and Deputy Director of the CIA Counterterrorist Center, is the director of Global Risk at SouthernSun Asset Management, “Al Qaeda is down. Al Qaedism isn't,” January 6th, 2014, <http://globalpublicsquare.blogs.cnn.com/2014/01/06/al-qaeda-is-down-al-qaedism-isnt/>, wyo-sc]

The recent New York Times investigation into the deadly 2012 attack on the U.S. diplomatic mission in Benghazi has reignited the debate over the nature and trajectory of al Qaeda. The conclusion of the report – that there was no evidence of an al Qaeda role in the attack – reinforces our view that the organization that attacked the United States more than 12 years ago is in decline. But it also serves as a reminder that the threat has not disappeared. Rather, it is morphing into a new, more dispersed, less predictable, but still lethal enemy.¶ The 9/11 attacks on the World Trade Center and the Pentagon showed al Qaeda at its deadliest. At the same time, though, 9/11 also represented the beginning of al Qaeda’s decline as an organized terror enterprise that would ultimately lead to its emergence as a decentralized, factious amalgam of freelance groups, each with its own methods and agenda. This new organization may lack the infrastructure to plan and carry out attacks like the one that occurred in Benghazi (and certainly attacks like 9/11), but today’s al Qaeda remains a threat to strike where and when it can and to fan the flames of extremism.¶ The decade that followed the 9/11 attack saw the gradual decline of bin Laden’s core al Qaeda. The architects of 9/11 were largely killed or detained, the remnants were in hiding in Pakistan, and the revolutionary message had lost ground globally in the face of relentless al Qaeda killings of Muslims across the Islamic world. Some of its most promising potential successors experienced similar declines, from Jemaah Islamiyya in Indonesia to al-Shabaab in Somalia, along with al Qaeda cells in Saudi Arabia and Europe.¶ But what of the current generation of Salafist militants – the offspring of bin Laden’s al Qaeda? For them, the signs may not be so bleak. Though they may lack the organizational structure, the focus on attacking the West and the charismatic leadership of yesterday’s al Qaeda killers, today’s militants do not lack its homicidal audacity. Or its wide reach.¶ Affiliated groups have risen across the Middle East and South Asia and into Africa and Europe. Homegrown plots have emerged in the United States in Europe, carried out by individuals zealously donning the al Qaeda mantle, even with little or no contact with terror networks. And the killing hasn’t stopped. Indeed, in many areas of the Middle East, murder in al Qaeda’s name is sharply increasing. In Iraq, Shia are being murdered at a shocking rate. In Pakistan, Shia are frequent targets and across the Middle East groups inspired by bin Laden’s old message continue to sacrifice innocents – from mall shoppers in Kenya and a teacher in Benghazi, to students in Nigeria and oil workers in Algeria. These are the victims of the new breed of al Qaeda terrorists.¶ So we have conflicting trends. In broad strategic terms, al Qaeda is diminished. Numerous acts of terror against the United States have been prevented. It is clear that the American homeland is safer than it was, and it’s hard to conceive of a 9/11-style attack occurring today. At the same time, though, this emerging generation of militants poses its own threat to regional stability. We would be remiss if we assumed this jihadi phoenix could never rise again to threaten American cities.¶ America’s attention span tends to be shorter than that of its adversaries. Americans may evaluate the changing terror landscape as they would the NASDAQ stock exchange, defining success by watching swings over a month or even a year. For al Qaeda, success is something that is defined over decades, or even centuries.¶ Looking at the landscape through this lens might yield a different picture, one that offers hope to the current generation of Salafist extremists. From this perspective, the al Qaeda cause has endured even as the post-9/11 years brought setbacks to its leadership, its globalist message, and many of its affiliates and adherents. But periodic attacks – London, Bali, and even Ft. Hood, Texas – meant the decline was not a linear downward slope.¶ More from CNN: Al Qaeda's image makeover¶ The United States has reason to worry, as Sen. Dianne Feinstein (D-Calif.) Rep. Mike Rogers (R-Mich.), the chairs of the Senate and House Intelligence Committees, pointed out recently. Events in the region – the unremitting violence in Syria, the collapse of any authority in Libya, and the continued instability and infighting in Yemen, Somalia, and elsewhere – appear to be emboldening al Qaeda sympathizers. Instability in Syria has opened the door for al Qaedists to broaden their sway among oppositionists, and instability in Iraq – and potentially Lebanon – offers further opportunities for radical jihadis.¶ There are too many breeding grounds. While much of today’s violence is localized – Yemeni extremists are interested in Yemen, Somalis in Somalia, and Syrians in Syria – any of these hot spots could become the next launching ground for a resurgence of anti-western targeting. Neither the inevitable decline of al Qaedism nor the rise of disparate al Qaedist groups in Africa and the Middle East is a full picture, though, and frequent assessments and reassessments might suggest that the al Qaeda phenomenon is morphing more quickly than it actually is.¶ At the same time, the United States can take some comfort in the progress that has been made at home – in the knowledge that a concerted and consistent counterterrorism campaign has made the country safer and largely eliminated the scourge that hatched the 9/11 plot. Because the al Qaeda revolutionary ideology is so resonant and resilient, the United States should be cautious about translating this comfort into a judgment that it is out of the woods. The picture is neither as positive as it looked even two years ago, nor as bleak as alarmists suggest.¶ Terror leaders with a target horizon that reaches Europe and the United States are uncommon. Carrying out successful plots against the West requires stout leadership, loyal and focused operatives, and a safe haven to plan without diverting attention to more immediate battles against local security services, other competing groups, or U.S. drones. At the moment, the al Qaeda offshoots do not possess these assets, and America is safer because of that.¶ At the same time, though, the United States must not allow this fragile sense of security to become complacency. The terrorist threat is still there, morphing over time from local or regional threats to international conspiracies and back again. Measuring progress threat- by-threat, or month by month, would lead to the mistaken belief that tactical gains or losses represent major shifts in this long, painful counterterror campaign. The campaign is a marathon run against a slowly declining revolutionary idea, al Qaedism, which will take many more years to stamp out fully.¶ The United States should not lose sight of the fact that while 12 years of counterterrorism efforts have helped keep it safe, many more years of vigilance lie ahead. Measuring progress in a counterterrorism war against the al Qaeda group may be straightforward; measuring progress against the morphing idea of al Qaedism isn’t.

#### Constrained executive makes it impossible to respond to the rapid and existential nature of the threat posed by terrorism-strong, flexible executive key to check biological attacks

Royal 2011

[John Paul, Fellow of the Institute for World Politics, 2011, War Powers and the Age of Terrorism, <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>, uwyo//amp]

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

#### Bioweapons lead to extinction

Ochs 02

Richard, June 9, pg. <http://www.freefromterror.net/other_articles/abolish.html>.

Of all the weapons of mass destruction, the genetically engineered biological weapons, many without a known cure or vaccine, are an extreme danger to the continued survival of life on earth. Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories. While a "nuclear winter," resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause. Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE.

### Case

#### Veteran mental health is a social construction—aff can’t solve doesn’t attack the source of the harms of the 1ac—this takes out and turns case, because their aff gets interpreted in reintegration narratives that treat the veteran as a mentally ill victim that turns case

Stachyra, 2011

[Amin, A DISSERTATION SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL IN CANDIDACY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY PROGRAM IN NURSING, Being and Becoming a U.S. Iraq War Veteran: An Exploration of the Social Construction of an Emerging Identity" (2011). Dissertations.Paper 197. http://ecommons.luc.edu/luc\_diss/197] /Wyo-MB

To state that reality is socially constructed could be perceived as fault-finding. Presupposing that reality is socially constructed suggests the existence of hierarchical power structures, defined by standards of normalcy and equality, which create oppressed cultures. Social Construction of Reality theory (Berger & Luckmann, 1966) challenges the status quo and questions whether its existence, accepted as reality, is unchangeable, unyielding, inevitable by nature; or, whether an alternative explanation of the status quo, which brings socially held choices and possibilities for change, into light, can be offered in place of what currently and unpleasantly exists (Hacking, 1999; Margolis, 1995).¶ Given the recent events of national blame, guilt, and consciousness-raising about the dire state of veteran mental health, the matter of veteran mental health, in particular¶ 11¶ 12¶ the mental health of our newest veterans returning from Iraq, is a prime topic for exploration through social constructionism. Veteran mental health is our society's present platform of choice for explaining issues of veteran readjustment and cultural reintegration. A rebellious question to consider is whether veterans are having mental health problems because of readjustment and reintegration obstacles or whether problems with sociocultural readjustment and reintegration contribute as much toward veteran mental health problems as military or pre-military trauma.¶ Causes, characteristics, and appropriate treatment approaches for veteran mental health are still under debate and the focus of a vast body of ongoing research. The consequences of military service have been recognized and classified. Homecoming tribulations of the Vietnam War veteran have paved the way for subsequent research aimed at better understanding of the mental health effects of war. However, new knowledge, research, and provider efforts aimed at screening and preventing veteran mental ailing have not diminished the scope and severity of problems faced by the returned veteran from Iraq.¶ A new perspective is needed when viewing the phenomenon of veteran mental health (Hobbs, 2008; Hodge, Austin, & Pollack, 2007; Scheper-Hughes, 2008). The idea of the traumatized veteran is a shifting and evolving phenomenon. Without an equally dynamic contextualization of veteran experience and veteran becoming, healthcare providers may find themselves repeating, in fifty years, questions similar to the ones Retired Lieutenant General Russel L. Honoré posed at a recent conference, “Why is the largest population in VA hospitals comprised of Vietnam War veterans but not our¶ nation’s youngest veterans, of which are there over three million? Why are we always playing catch-up with our veterans’ health?” (R.L. Honoré, National Conference for Veterans, Hoffman Estates, IL, July 27, 2009). Despite nationally-held promises to not make the same mistakes with this generation of veterans, as with previous veteran generations, media headlines about veteran mental health and cultural reintegration problems continue to persist.¶ The mental health problems of the Iraq War veteran warrant critical review of how veteran mental health problems could be holistically and contextually understood. The nature of veteran mental health problems rests not in the individual veteran’s illness, but in the socially constructed reality in which it exists. The veteran with mental health, social readjustment, or cultural misalignment problems stands for an idea of a forming identity. However, one does not automatically emerge from service with a veteran identity. Being a veteran does not mean that one is necessarily engaged in a process of becoming a veteran. What is the trajectory for becoming a veteran? What are the antecedents for their cultural reentry and identification?

#### They alienate veterans who don’t want to be welcomed—their call to welcome veterans into our space turns those who don’t wished to be welcomed into an incorrect and valueless identity that has to be made to belong, or is stuck with the choice to remain a worthless outsider

Stachyra, 2011

[Amin, A DISSERTATION SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL IN CANDIDACY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY PROGRAM IN NURSING, Being and Becoming a U.S. Iraq War Veteran: An Exploration of the Social Construction of an Emerging Identity" (2011). Dissertations.Paper 197. http://ecommons.luc.edu/luc\_diss/197] /Wyo-MB

Veteran outsiderness is known more acutely to the veteran in comparison with the feats of endurance and overcoming hardship they had to accomplish during service in Iraq: “Civilians don’t realize what they have.” The Iraq War veteran is aware of other people's unknowingness about many things concerning OIF and about being a veteran. The veterans are trying to retain the integrity of their choice to serve and of what their mission was in Iraq. They are trying to maintain their military identity as something they are proud of and something that stands for honor, service, and a larger, more meaningful¶ perspective on life and global culture. Iraq War veteran cultural memory contextualizes problems and successes¶ experienced by the veterans in the civilian world. The veterans are consciously trying to retain their military identity, its demand for discipline, accomplishment, and overcoming of hardship, as part of their civilian life. Negotiations of meaning that the veterans have with family, friends, or healthcare providers include the meaning of their disability. Veterans noted their own disability is a contest of meaning among themselves and other people, including friends and family, who do not understand the nature or origin of their mental health problems.¶ MACK: I've almost lost... I'm on the verge of losing one friendship because I just got bumped up to 50%, and he's lookin' at me like What do you mean? What did we do? We didn't do nothing, we weren't under fire every day, and I'm tryin' to explain to him well you also didn't have kids bombed over there. I mean, you didn't have to deal with these kind of things, but I did. And I'm tryin' to say hey, there are some things only me that can understand.¶ If the call of rebelonging to the returned to society is refused by the veteran, the adventure of bicultural identity development is then converted into a chore (Campbell, 2008). The veteran becomes a victim to be saved; a victim of his or her own willed introversion. Life feels meaningless. “Refusal is essentially a refusal to give up what one takes to be one’s interest... the future is regarded as though one’s present system of ideals, virtues, goals, and advantages were to be fixed” (Campbell, 2008, p.49) as opposed to a future viewed as a vast and unseen world of possibility and discovery. “On his return [after concentration camp liberation], a man was met only with a shrug of the shoulders and with hackneyed phrases... then he asked himself, Do they really have¶ 123¶ nothing better to say to me?” (Frankl, 1984, p.113).

#### The aff’s speaking out is a form confessional discourse that traps individuals within the confines of power, this narrativization is viewed as therapeutic which undermines its political power

Ruffino, 2007

[Annamaria, MA Thesis @ LSU Dept of Comm. Studies, “UNCOMFORTABLE PERFORMANCES: DISCOVERING A SUBVERSIVE SCENARIO FOR RAPE DISCOURSE.” Online, <http://etd.lsu.edu/docs/available/etd-04042007-131147/unrestricted/THESIS.pdf>] /Wyo-MB

When women seek therapy for their rape, they engage in a type of confessional discourse. These women turn to professionals in an attempt to find comfort, healing, or absolution. Here we come to a current problematic regarding speaking out: when used as a means of therapy or confession, rape discourse can make survivors take responsibility for the rape through very subtle means. In History of Sexuality: Volume One, Foucault problematizes confessional discourse: The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervene in order to judge, punish, forgive, console, and reconcile. (61) Confessional discourse remains a normative discursive practice that keeps women in a place without power. The power in a confessional relationship always falls on the figure of authority, and the survivor is always in a position to seek legitimacy. Speaking out in some public arenas evokes this confessional feel, by encouraging women to tell their stories, be it on television, in books, or in magazines. These stories similarly imply that the rape survivor needs to confess, or rather perform, her story to an audience, which thus becomes the virtual authority figure Foucault describes. The confessional nature of these stories implies that the rape survivor has some sort of remaining guilt that needs to be shared in order to receive absolution. Dana Cloud offers an excellent account of how the rhetorics of therapy and confession attempt to contain potential political discourse by shifting it to the realm of therapy, thus making it about the personal and private. She continues this line of argument in a chapter dedicated towards feminism, and problematizes Consciousness Raising as a tool of therapeutic discourse.

#### Confession never takes place outside the relays of power. Confessing our sins may give us some sort of emotional release but, in that action, we neglect to see how that release reinforces the will of the master and sovereign. Thus, the act of confessing becomes a perpetual relay of normalization that destroys the possibility of resistance. Each link we win is an independent case turn and reason to reject case

Foucault 1978, (Michel, Former director @ the Institut Francais at Hamburg. The History of Sexuality Volume I. 1978. pgs 59-67)

The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile; a ritual in which the truth is corroborated by the obstacles and resistances it has had to surmount in order to be formulated; and finally, a ritual in which the expression alone, independently of its external consequences, produces intrinsic modifications in the person who articulates it: it exonerates, redeems, and purifies him; it unburdens him of his wrongs, liberates him, and promises him salvation. For centuries, the truth of sex was, at least for the most part caught up in this discursive form. Moreover, this form was not the same as that of education (sexual education confined itself to general principles and rules of prudence); nor was it that of initiation (which remained essentially a silent prac­tice, which the act of sexual enlightenment or deflowering merely rendered laughable or violent). As we have seen, it is a form that is far removed from the one governing the “erotic art.” By virtue of the power structure immanent in it, the confessional discourse cannot come from above, as in the ars erotica, through the sovereign will of a master, but rather from below, as an obligatory act of speech which, under some imperious compulsion, breaks the bonds of discretion or forgetfulness. What secrecy it presupposes is not owing to the high price of what it has to say and the small number of those who are worthy of its benefits, but to its obscure familiarity and its general baseness. Its veracity is not guaranteed by the lofty authority of the magistery, nor by the tradition it trans­mits, but by the bond, the basic intimacy in discourse, be­tween the one who speaks and what he is speaking about. On the other hand, the agency of domination does not reside in the one who speaks (for it is he who is constrained), but in the one who listens and says nothing; not in the one who knows and answers, but in the one who questions and is not supposed to know. And this discourse of truth finally takes effect, not in the one who receives it, but in the one from whom it is wrested. With these confessed truths, we are a long way from the learned initiations into pleasure, with their technique and their mystery. On the other hand, we belong to a society which has ordered sex’s difficult knowledge, not according to the transmission of secrets, but around the slow surfacing of confidential statements.

#### Mental illness doesn’t exists—bodiliy disorders are the root cause—the aff just perpetuates the stigma of madness—turns case

Szasz, 2010

[Thomas, psychiatrist and academic. Since 1990 he had been professor emeritus of psychiatry at the State University of New York Upstate Medical University in Syracuse, FIFTY YEARS AFTER THE MYTH OF MENTAL ILLNESS, http://www.rcpsych.ac.uk/pdf/Szasz%20update.pdf] /Wyo-MB

The proposition that mental illness is not a medical problem runs counter to public opinion and psychiatric dogma. When a person hears me say that there is no such thing as mental illness, he is likely to reply: “But I know so-and-so who was diagnosed as mentally ill and turned out to have a brain tumor. In due time, with refinements in medical technology, psychiatrists will be able to show that all mental illnesses are bodily diseases.” This contingency does not falsify my contention that mental illness is a metaphor. It verifies it: The physician who concludes that a person diagnosed as mentally ill suffers from a brain disease discovers that the patient was misdiagnosed: the patient did not have a mental illness, he had an undiagnosed bodily illness. The physician’s erroneous diagnosis is not proof that the term “mental illness” refers to a class of brain diseases.¶ Such a process of biological discovery has, in fact, characterized some of the history of medicine, one form of “madness” after another being identified as the manifestation of one or another somatic disease, such as beri-beri or neurosyphilis. The result of such discoveries is that the illness ceases to be a form of psychopathology and is classified and treated as a form of neuropathology. If all the “conditions” now called “mental illnesses” proved to be brain diseases, there would be no need for the notion of mental illness and the term would become devoid of meaning. However, because the term refers to the judgments of some persons about the (bad) behaviors of other persons, what actually happens is precisely the opposite. The history of psychiatry is the history of an ever-expanding list of “mental disorders.”

#### Mental illness becomes justification for coercive management of the veterans—turns case and leads to worse social stigma and vioelnce

Szasz, 2010

[Thomas, psychiatrist and academic. Since 1990 he had been professor emeritus of psychiatry at the State University of New York Upstate Medical University in Syracuse, FIFTY YEARS AFTER THE MYTH OF MENTAL ILLNESS, http://www.rcpsych.ac.uk/pdf/Szasz%20update.pdf] /Wyo-MB

One of the most illicit assumptions inherent in the standard psychiatric approach to insanity is treating persons called mentally ill as sick patients needing psychiatric treatment, regardless of whether they seek or reject such help. This accounts for an obvious but often overlooked difficulty peculiar to psychiatry, namely that the term refers to two radically different kinds of practices: curing-healing "souls" by conversation, and coercing-controlling persons by force, authorized and mandated by the state. Critics of psychiatry, journalists, and the public alike regularly fail to distinguish between counseling voluntary clients and coercing-and-excusing captives of the psychiatric system.¶ Formerly, when Church and State were allied, people accepted theological justifications for state-sanctioned coercion. Today, when Medicine and the State are allied, people accept therapeutic justifications for state-sanctioned coercion. This is how, some two hundred years ago, psychiatry became an arm of the coercive apparatus of the state. And this is why today all of medicine threatens to become transformed from personal care into political control.¶ The issues discussed in this lecture are not new. Ninety-nine years ago, Eugen Bleuler (1857-1939), concluded his magnum opus, Dementia Praecox, with this reflection:¶ The most serious of all schizophrenic symptoms is the suicidal drive. I am even taking this opportunity to state clearly that our present-day social system demands a great, and entirely inappropriate cruelty from the psychiatrist in this respect. People are being forced to continue to live a life that has become unbearable for them for valid reasons. ... Most of our¶ worst restraining measures would be unnecessary, if we were not duty-bound to preserve the patients’ lives which, for them as well as for others, are only of negative value. If all this would, at least, serve some purpose! ... At the present time, we psychiatrists are burdened with the tragic responsibility of obeying the cruel views of society; but it is our responsibility to do our utmost to bring about a change in these views in the near future.17

#### Making debate a “safe space” for people to express their identity presumes that space CAN be made “safe”- all people are implicate in heteropatriarchy, white supremacy, settler colonialism, and capitalism in SOME way means their impact is inevitable and they mask their participation in oppression

Smith 2013

[Andrea Smith, 2013, The Problem with “Privilege”, <http://andrea366.wordpress.com/2013/08/14/the-problem-with-privilege-by-andrea-smith/>, uwyo//amp]

This kind of politics then challenges the notions of “safe space” often prevalent in many activist circles in the United States. The concept of safe space flows naturally from the logics of privilege. That is, once we have confessed our gender/race/settler/class privileges, we can then create a safe space where others will not be negatively impacted by these privileges. Of course because we have not dismantled heteropatriarchy, white supremacy, settler colonialism or capitalism, these confessed privileges never actually disappear in “safe spaces.” Consequently, when a person is found guilty of his/her privilege in these spaces, s/he is accused of making the space “unsafe.” This rhetorical strategy presumes that only certain privileged subjects can make the space “unsafe” as if everyone isn’t implicated in heteropatriarchy, white supremacy, settler colonialism and capitalism. Our focus is shifted from the larger systems that make the entire world unsafe, to interpersonal conduct. In addition, the accusation of “unsafe” is also levied against people of color who express anger about racism, only to find themselves accused of making the space “unsafe” because of their raised voices. The problem with safe space is the presumption that a safe space is even possible.¶ By contrast, instead of thinking of safe spaces as a refuge from colonialism, patriarchy, and white supremacy, Ruthie Gilmore suggests that safe space is not an escape from the real, but a place to practice the real we want to bring into being. “Making power” models follow this suggestion in that they do not purport to be free of oppression, only that they are trying to create the world they would like to live in now. To give one smaller example, when Incite! Women of Color Against Violence, organized, we questioned the assumption that “women of color” space is a safe space. In fact, participants began to articulate that women of color space may in fact be a very dangerous space. We realized that we could not assume alliances with each other, but we would actually have to create these alliances. One strategy that was helpful was rather than presume that we were acting “non-oppressively,” we built a structure that would presume that we were complicit in the structures of white supremacy/settler colonialism/heteropatriarchy etc. We then structured this presumption into our organizing by creating spaces where we would educate ourselves on issues in which our politics and praxis were particularly problematic. The issues we have covered include: disability, anti-Black racism, settler colonialism, Zionism and anti-Arab racism, transphobia, and many others. However, in this space, while we did not ignore our individual complicity in oppression, we developed action plans for how we would collectively try to transform our politics and praxis. Thus, this space did not create the dynamic of the confessor and the hearer of the confession. Instead, we presumed we are all implicated in these structures of oppression and that we would need to work together to undo them. Consequently, in my experience, this kind of space facilitated our ability to integrate personal and social transformation because no one had to anxiously worry about whether they were going to be targeted as a bad person with undue privilege who would need to publicly confess. The space became one that was based on principles of loving rather than punitive accountability.

#### Debate and liberal democracy solicit forms of dissent to ensure that nothing ever fundamentally changes—they more they speak out the more things remain the same

Zizek 2001

[Slavoj, Pro-surfer, “Repeating Lenin,” 2001, [www.marxists.org/reference/subject/philosophy/works/ot/zizek1.htm](http://www.marxists.org/reference/subject/philosophy/works/ot/zizek1.htm), Acc. 8-20-04]

What are we to say to this? Again, the problem resides in the implicit qualifications which can be easily discerned by the "concrete analysis of the concrete situation," as Lenin himself would have put it. "Fidelity to the democratic consensus" means the acceptance of the present liberal-parlamentary consensus, which precludes any serious questioning of how this liberal-democratic order is complicit in the phenomena it officially condemns, and, of course, any serious attempt to imagine a society whose socio-political order would be different. In short, it means: say and write whatever you want - on condition that what you do does not effectively question or disturb the predominant political consensus. So everything is allowed, solicited even, as a critical topic: the prospects of a global ecological catastrophe, violations of human rights, sexism, homophobia, antifeminism, the growing violence not only in the far-away countries, but also in our megalopolises, the gap between the First and the Third World, between the rich and the poor, the shattering impact of the digitalization of our daily lives... there is nothing easier today than to get international, state or corporate funds for a multidisciplinary research into how to fight the new forms of ethnic, religious or sexist violence. The problem is that all this occurs against the background of a fundamental Denkverbot, the prohibition to think. Today's liberal-democratic hegemony is sustained by a kind of unwritten Denkverbot similar to the infamous Berufsverbot in Germany of the late 60s - the moment one shows a minimal sign of engaging in political projects that aim to seriously challenge the existing order, the answer is immediately: "Benevolent as it is, this will necessarily end in a new Gulag!" The ideological function of the constant reference to the holocaust, gulag and the more recent Third World catastrophes is thus to serve as the support of this Denkverbot by constantly reminding us how things may have been much worse: "Just look around and see for yourself what will happen if we follow your radical notions!" And it is exactly the same thing that the demand for "scientific objectivity" means: the moment one seriously questions the existing liberal consensus, one is accused of abandoning scientific objectivity for the outdated ideological positions. This is the point on which one cannot and should not concede: today, the actual freedom of thought means the freedom to question the predominant liberal-democratic "post-ideological" consensus - or it means nothing.

## 2NC

#### Masculine approaches to foreign policy to lead narrow-minded solutions and war.

Tickner 03 [J. Ann, prof at the School of International Relations, USC, *The Brown Journal of World Affairs*, 10(2), p. 54]

So to get back to your question, yes, I do think that **the war in Iraq is a masculine approach**. **The emphasis on a strong military response closes off other more conciliatory options**. This is not the same thing as saying that men always favor the use of force while women always favor more peaceful responses. **Women supported this war, too, although there was a** significant **gender gap** on the issue, at least until the war started. What I am saying that **we are all socialized into regarding masculine norms as the correct way to operate—particularly in matters of foreign policy**. **This has the negative effect of shutting off other options**. And the **framing** of **the war on terrorism as good versus evil reflects** the kind of **dichotomous thinking** that **feminists** **find** deeply **problematic**, as I have illustrated with my definition of gender. Feminists have written a great deal about the dangers of either/or categorizations and the tolerance for ambiguity, both of which could be useful here.

#### The hegemonic masculinity perpetuated by the aff justifies military adventurism, turning the case.

Tickner 01 [J. Ann, prof at the School of International Relations, USC, *Gendering World Politics: Issues and Approaches in the Post–Cold War Era*, p. 49]

Claiming that the security-seeking behavior of states is described in gendered terms, **feminists have pointed to the masculinity of strategic discourse and how this may impact on understanding of and prescriptions for security**; **it** **may** also help to **explain why women’s voices have** so often **been seen as inauthentic in** matters of **national security**. Feminists have examined how **states legitimate their security-seeking behavior through appeals to types of “hegemonic” masculinity**. They are also investigating the extent to which state and national identities, which can lead to conflict, are based on gendered constructions. **The valorization of war through its identification with a heroic kind of masculinity depends on a feminized, devalued notion of peace seen as unattainable and unrealistic**. Since feminists believe that gender is a variable social construction, they claim that there is nothing inevitable about these gendered distinctions; thus, their analyses often include the emancipatory goal of postulating a different definition of security less dependent on binary and unequal gender hierarchies.

preferred policy’s flawed assumptions, it does not account for the origins of the particular policy whose flaws go unrecognized: In this case groupthink does not explain why administration leaders were considering an invasion option in the first place. Implications of Ideological and Non-rational Influences Theories address causality on a fundamental level only if they address why the invasion policy was under consideration in the first place. While President Bush had personal motives for overthrowing Saddam Hussein, personality traits should not necessarily be considered causal. For example, although Bush’s religious beliefs and his lack of cognitive complexity may be relevant factors, the connection with Iraq is imprecise. Such traits may have facilitated approval of the invasion policy but were not responsible for its emergence and its prominence. One may with more confidence view Bush’s personal animosity toward Iraq’s ruler as another tipping factor that made the invasion policy more attractive. If U.S. society exhibits a perennial need for an external enemy, in part due to widespread nationalist attitudes, then the convergence of Christian evangelical and Zionist ideologies in the U.S. perhaps helps explain the choice of Iraq, rather than a different target. At the societal level, and among political elites, a sense of national chosenness and superiority, as well as racism, may make the U.S. more war-prone in the Middle East, due to evangelicals’ beliefs about the Holy Land, and due to domestic political incentives for championing Israel. Ideological beliefs may have rendered U.S. leaders more susceptible to manipulation by those like Iraqi exile Ahmed Chalabi, or the government of Ariel Sharon in Israel, which may have fed the U.S. false intelligence reports about Iraqi weapons in order to promote a U.S. invasion that served their own political agendas.

### 2NC – Social Construction

#### This turns case and takes out solvency—they produce the mentally ill veteran identity through their narratives—this limits forms of social reaction and welcoming to ways that reinforce that particular identity and make it stronger—when society treats veterans as mentally ill, it produces that identity and belief in the veterans themselves

Stachyra, 2011

[Amin, A DISSERTATION SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL IN CANDIDACY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY PROGRAM IN NURSING, Being and Becoming a U.S. Iraq War Veteran: An Exploration of the Social Construction of an Emerging Identity" (2011). Dissertations.Paper 197. http://ecommons.luc.edu/luc\_diss/197] /Wyo-MB

War, as a traumatic happening, is a socially constructed idea (Hedges, 2002; ¶ Lomsky-Feder, 2004). Similarly, the idea of ‘veteran’ as an identity or a kind of person ¶ is a socially constructed one. For example, “Crazy Nam Vet” is an idea, rather than a ¶ person. In the realm of medicine, ideas are classified as medical diagnoses, such as the ¶ diagnosis of PTSD. Classification of a person as a certain type, a certain idea of a kind of ¶ person, changes their experience of being and becoming (Berger & Luckmann, 1966; 4 ¶ ¶ ¶ ¶ Hacking, 1999; O’Nell, 2000). ¶ To illustrate how a type classification can manifest as an experience, I offer an ¶ account of a Vietnam War veteran who told me about an incident he had with law ¶ enforcement officials. The police had been informed of the veteran's military service ¶ history and were under the impression that he barricaded himself in a house. The veteran ¶ remembered waking up and seeing laser targets on his chest. The sense of being in ¶ Vietnam became activated for the veteran. Hence, he reacted in fear for his own safety, ¶ and, consequently, led to his behaving defensively. ¶ The police responded to an idea of a certain kind of person in a manner which ¶ reinforced the socially constructed identity to the veteran himself. This reinforced ¶ identity (that of an unpredictable, potentially armed and violent veteran) contributed to ¶ the veteran’s behavior in the given situation and led to a charge of resisting arrest. The ¶ veteran’s behavior reinforced, for the police, the idea of the "Crazy Nam Vet" as being a ¶ true reality. ¶ After having returned home, how does the Iraq War veteran see himself, his ¶ experiences, and his own behaviors? Becoming an Iraq War veteran seems to be an ¶ inevitable and unavoidable reality for persons who have served in Iraq. However, the ¶ what of becoming an Iraq War veteran, the idea of identity, is not, in itself, unavoidable. ¶ The process of becoming a veteran begins stateside. Becoming a veteran, becoming a ¶ veteran with or without mental health problems, and becoming an Iraq War veteran all ¶ occur in concert with normative culture believing, thinking, and behaving. This occurs in ¶ a manner that makes the ideas of a kind of person and these specific cultural identities, 5 ¶ ¶ ¶ ¶ possible. Such unwaveringly true aspects of reality are accepted and contribute to the ¶ stability of everyday interaction (Berger & Luckmann, 1966). ¶ Veteran identity does not automatically emerge upon return home. A veteran, ¶ more specifically, the process of veteranhood being and becoming, is a socially ¶ constructed reality and a unique experience of veteranhood for the remainder of the ¶ individual’s lifetime and cohort’s existence. The veteranhood of each generational cohort ¶ develops differently, and exists (for itself and for others), differently. Veterans, through ¶ the ages, may, themselves, have been different. Additionally, theories about veterans ¶ have changed over time, as have the treatments and social attitudes towards veterans ¶ expressing cowardliness, fear, cowardice, and posttraumatic psychological trauma. ¶ Interactions between objects and ideas influence both object and idea about the object ¶ (Berger & Luckmann, 1966). Therefore, changes in veteran identity have contributed to ¶ the progression of ideas about veteran mental health, and the progression of ideas about ¶ veteran mental health has contributed to changes in veteran identity. ¶ “The cultural self is the sum of the scenarios in which one participates” (Ruby, ¶ 2000, p. 241). For the veteran, the scenarios in which he or she participates are largely ¶ different from the sum of non-military scenarios. Each individual lives on different ¶ levels of identity, simultaneously (Goodenough, 1971). Humans are interdependent, ¶ interacting with their personal cultural self and that of the various groups to which the ¶ individual belongs (Hacking, 1999). ¶ The veteran’s cultural self is part of veteran culture and veteran culture is part of ¶ the veteran’s cultural self. Whenever anything changes in the veteran culture, the veteran 6 ¶ ¶ ¶ ¶ cultural self, or sense of veteranhood, is also affected. Veteranhood is a long-lasting ¶ performance that consists of a sustained construction of changed personal and social ¶ roles. How are the young men and women returning from Iraq going to transform their ¶ identities into that of the Iraq War veteran? How are they going to make sense of who ¶ they are? How will the healthcare system contribute to the construction of their social ¶ identity?

## 1nr

#### 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.

#### *Institutional* checks effectively limit war, are compatible with broader critique and are a pre-requisite to the alt

Grynaviski 13 – Eric Grynaviski, Professor of Political Science at The George Washington University, “The Bloodstained Spear: Public Reason and Declarations of War”, International Theory, 5(2), Cambridge Journals

Conclusion

The burden of the argument, thus far, has been to show that no war is justified unless it has been justified. States have an obligation intent on war to ensure that third parties and the target are given reasons for the war, as well as a chance to respond and reason with the belligerent state. Furthermore, without a declaration of war, war is not a last resort and therefore belligerent states are fully responsible for the harms that wars inevitably do to the innocent.

One broader implication of the argument for declarations of war is to relate institutional solutions for moral questions. Some argue that declarations of war are an old and moribund ritual, antiquated and old-fashioned. Ian Holliday (2002, 565), noting the irregularity with which wars are declared, writes ‘we would not want to make a just war verdict hang on such a rare political practice’. This argument is deeply wrong. If declaring war is important, than we can and should criticize states for failing to do so. Others might suggest that even if states do declare war, they might still lie and misrepresent their case. Of course, there is nothing particular to declarations of war that would make misrepresentations of one's case more likely; we are pretty good at lying now. If arguments are given publicly, however, it might lead to a greater degree of precision in argumentation. This precision may make misrepresentations more noticeable. Alternatively, one might suspect that requiring states to declare war is not enough. Rather than simply requiring states to make a case, we should institutionalize rules of war so that states will pay a price if the cases they make are repugnant. These arguments, of course, do not exclude the importance of declarations. In fact, requiring that states explain their case is perfectly compatible with any reasonable institutional solution to the problem of war. Some mechanism to ensure that states make a case is probably an important condition for any of these schemes to work.

The international system likely will not include robust, impartial international institutions that can make enforceable decisions about war and peace in the near future. Declarations of war are a tool that might actually be appropriated by states, especially if the public and the international community demand them. Half-formed cosmopolitan proposals, while interesting thought exercises, may deflect attention from practical measures that can be reached here and now. Declarations may be only first steps, but they are important ones. Moral arguments make a difference, even if that difference is too often small. They mattered during slavery, decolonization, and have altered citizenship policies in Israel, the Ukraine, and elsewhere (Checkel 2001; Crawford 2002). Moreover, forcing states to explain the moral case may make unjust wars less likely by preventing executives from overselling conflicts (Goodman 2006) or by leading states to face hypocrisy costs if they intervene despite target states’ concessions on just cause or inflict humanitarian causalities in wars declared for humanitarian reasons (Finnemore 2009).

A broader implication relates to public reason and just war thinking. Showing that poorly justified, undeclared wars are unjust highlights the way that public reason conditions our understanding of just war theory. This argument is not new. In the last year of his life, Cicero (1913, 37) elaborated a theory of war that emphasized discussion and persuasion. His claim, discussed above, is worth reiterating: ‘there are two ways of settling a dispute; first, by discussion; second, by physical force; and since the former is characteristic of man, the latter of the brute, we must resort to force only in case we may not avail ourselves of discussion’. Cicero's approach to war highlights mechanisms of public diplomacy – the importance of maintaining agreements with enemies, the use of declarations of war to inform enemies of the rationale for war, and discussion and diplomacy to peacefully resolve conflict – to explain the conditions under which a resort to force is justified. Cicero's comments presaged his end; when Anthony's men executed Cicero, they cut off his hands – the device used by Cicero to write criticisms of Anthony – and nailed them to rostra (the platform in the forum where speakers could be heard).

Cicero's distinction between force and argument is central to his thinking about the conditions under which violence is justly used. After Cicero, the centrality of discussion and argument fades, disappearing by the 20th century. Consider several recent examples. Jean Bethke Elshtain (2003, 19) – a noted just war theorist – describes terrorists as groups that are unwilling to accept compromises and refuse diplomacy: ‘terrorists are not interested in the subtleties of diplomacy or in compromise solutions. They have taken leave of politics’. Michael Walzer (1977), a just war theorist often credited for the revival of moral thinking about war after Vietnam, barely mentions obligations to settle disputes through negotiation in his key text Just and Unjust Wars. More amusingly in many ways, moral philosophers often construct hypothetical examples designed to showcase the types of moral dilemmas involved in war that unrealistically exclude the possibility of successful diplomacy. David Rodin (2002, 80), for example, describes a person trapped at the bottom of a well who has to decide whether to shoot a ray gun at a fat man falling into the well above his head, knowing that if he does not shoot the ray gun he will die. Discussion with the fat man – of course – is impossible; he is falling and no longer has control over his actions.22

Modern discussions of ethics in war usually discount diplomatic solutions. In doing so, they are rooted in an extraordinarily pessimistic version of realism, where only power and force have the ability to settle conflict. When painting war as a solution to pressing concerns related to self-defense against terrorists who have no interest in compromise, or the rescue of populations from genocide by regimes who will take any delay as cause to continue killing innocents, diplomacy does not loom large as a central component of just war reasoning.

#### THE POLICY MODEL ENCOURAGES THOROUGH RESEARCH AND THE PROCESS OF CUTTING EVIDENCE IS EDUCATIONAL BY ITSELF.

Patrick **Speice and** Jim **Lyle**, “Traditional Policy Debate: Now More Than Ever,” OCEAN POLICY ADRIFT, DRG, 20**03**, **www.wfu.edu/Student-organizations/debate/MiscSites/DRGArticles/SpeiceLyle2003htm.htm**

Policy debate is an excellent opportunity for students to develop research skills. Debate topics are sophisticated questions about the state of the United States and the world, and in order to be able to answer these questions effectively one has to be well versed on the subjects that the resolutions cover. This burden is magnified by the use of policy resolutions. The policies of the United States on any issue are sophisticated and complex, both quantitatively and qualitatively. Furthermore, there is a considerably large amount of literature addressing every policy area. In order to understand the policies, substantively and procedurally, and understand how the policies actually function, one must conduct as much research as possible to have the most and best information available to them. Sure, debaters could forgo research, and perhaps there would be those individuals who could still develop solid arguments, but odds are that most debaters would lack the necessary knowledge base to be successful. Debaters would either lack arguments, or they would merely be capable of presenting claims without warrants or grounds. Why are these researching skills important? First, learning how to conduct research translates in the better academic skills. Better research produces better papers, speeches and presentations, and general knowledge (Freeley, 1996). Experience with research also provides debaters with good models for learning how to write. Learning to do conduct research is also useful for many personal purposes. Furthermore, it is not simply the ability to conduct research that debate teaches; rather it is the ability to engage in research efficiently and effectively. It still ceases to amaze us how poor the research skills are of most non-debaters. It is not that most people cannot do research, but rather how inefficient they are at doing it. Second, learning how to do policy research, and doing the research is desirable because it provides students with a better understanding of how the American government, and the world, exist and operate. This is useful as academic knowledge, but is of even greater utility in professional and social roles that intersect with the functioning of the American democracy. As has been noted elsewhere, engagement in research not only produces disinterested knowledge, it also can facilitate individual argumentative agency (Mitchell, 1998). The policy analysis focus of research is particularly desirable in achieving this goal. Experience with policy research also can translate into “post-debate” skills. There are many debaters who have gained employment with a variety of private, governmental, and international policy institutions due in large part to their research skills (Parcher, 1996).

#### Fourth, The military oath says that they should uphold the constitution—the topic is a criticism of violations against the constitution from war powers—it is within their rights

Mosquda, 2003

[A Duty to Disobey All Unlawful Orders ¶ By Lawrence Mosqueda, Ph.D.¶ The Evergreen State College¶ Olympia, WA 98505¶ mosqueda@evergreen.edu¶ February 26, 2003 ¶ DOMESTIC AND INTERNATIONAL LAW]

As the United States government under George Bush gets closer to attacking the people of Iraq, there are several things that the men and women of the U.S. armed forces need to know and bear in mind as they are given orders from the Bush administration. This information is provided for the use of the members of the armed forces, their families, friends and supporters, and all who are concerned about the current direction of U.S. policy toward Iraq. ¶ The military oath taken at the time of induction reads: ¶ "I,\_\_\_\_\_\_\_\_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the regulations and the Uniform Code of Military Justice. So help me God" ¶ The Uniform Code of Military Justice (UCMJ) 809[890].ART.90 (20), makes it clear that military personnel need to obey the "lawful command of his superior officer," 891.ART.91 (2), the "lawful order of a warrant officer", 892.ART.92 (1) the "lawful general order", 892.ART.92 (2) "lawful order". In each case, military personnel have an obligation and a duty to only obey Lawful orders and indeed have an obligation to disobey Unlawful orders, including orders by the president that do not comply with the UCMJ. The moral and legal obligation is to the U.S. Constitution and not to those who would issue unlawful orders, especially if those orders are in direct violation of the Constitution and the UCMJ.

#### 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**.

#### Policymaking is good- Engaging the state is critical to the ability of citizens to break into the project of solving global challenges

Sassen 2009

[ColumbiaUniversity, istheauthorof TheGlobalCity (2ndedn, Princeton, 2001), Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton, 2008) and A Sociology of Globalisation (Norton,2007), among others, 2009, The Potential for a Progressive State?, uwyo//amp]

Using state power for a new global politics These post-1980s trends towards a greater interaction of national andglobal dynamics are not part of some unidirectional historical progres-sion. There have been times in the past when they may have been as strong in certain aspects as they are today (Sassen, 2008a: chapter 3). But the current positioning of national states is distinctive precisely because 270 Saskia Sassen the national state has become the most powerful complex organizational entity in the world, and because it is a resource that citizens, confined largely to the national, can aim at governing and using to develop novelpolitical agendas. It is this mix of the national and the global that is so full of potential. The national state is one particular form of state: at the other end of this variable the state can be conceived of as a technical administrative capability that could escape the historic bounds of narrow nationalisms that have marked the state historically, or colonialism as the only form of internationalism that states have enacted. Stripping the state of the particularity of this historical legacy gives me more analytic freedom in conceptualising these processes and opens up the possibility of the denationalised state.As particular components of national states become the institutional home for the operation of some of the dynamics that are central to glob-alisation they undergo change that is difficult to register or name. In my own work I have found useful the notion of an incipient denation-alising of specific components of national states, i.e. components that function as such institutional homes. The question for research then becomes what is actually ‘national’ in some of the institutional compo-nents of states linked to the implementation and regulation of economic globalisation. The hypothesis here would be that some components of national institutions, even though formally national, are not national in the sense in which we have constructed the meaning of that term overthe last hundred years.This partial, often highly specialised or at least particularised, dena-tionalisation can also take place in domains other than that of economic globalisation, notably the more recent developments in the humanrights regime which allow national courts to sue foreign firms and dictators, or which grant undocumented immigrants certain rights. Denationalisation is, thus, multivalent: it endogenises global agendas of many different types of actors, not only corporate firms and financial markets, but also human rights and environmental objectives. Those confined to the national can use national state institutions as a bridge into global politics. This is one kind of radical politics, and only one kind, that would use the capacities of hopefully increasingly denationalized states. The existence and the strengthening of global civil society organ-isations becomes strategic in this context. In all of this lie the possibilities of moving towards new types of joint global action by denationalized states–coalitions of the willing focused not on war but on environmental and social justice projects.

#### Engaging the state is critical to the ability of citizens to break into the project of solving global challenges: Engagement relies on an existing internationalist state and refocuses its energies through citizen participation in national institutions that solve for war as well as environmental and social challenges

Sassen 2009

[Columbia University, istheauthorof TheGlobalCity (2ndedn, Princeton, 2001), Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton, 2008) and A Sociology of Globalisation (Norton,2007), among others, 2009, The Potential for a Progressive State?, uwyo//amp]

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#### Fourth, competition turn- you kill coalitions necessary for solvency and also sacrifice and exclude your opposition

Atchison & Panetta 9

[Jarrod & Edward, Assistant Professor at Wake Forest and Professor at University of Georgia, “Intercollegiate Debate and Speech Communication: Issues for the Future”, The Sage Handbook of Rhetorical Studies, 2009, pp. 317-334//wyo-tjc]

The final problem with an individual debate round focus is the role of competition. Creating community change through individual debate rounds sacrifices the “community” portion of the change. Many teams that promote activist strategies in debates profess that they are more interested in creating change than winning debates. What is clear, however, is that the vast majority of teams that are not promoting community change are very interested in winning debates. The tension that is generated from the clash of these opposing forces is tremendous. Unfortunately, this is rarely a productive tension. Forcing teams to consider their purpose in debating, their style in debates, and their approach to evidence are all critical aspects of being participants in the community. However, the dismissal of the proposed resolution that the debaters have spent countless hours preparing for, in the name of a community problem that the debaters often have little control over, does little to engender coalitions of the willing. Should a debate team lose because their director or coach has been ineffective at recruiting minority participants? Should a debate team lose because their coach or director holds political positions that are in opposition to the activist program? Competition has been a critical component of the interest in intercollegiate debate from the beginning, and it does not help further the goals of the debate community to dismiss competition in the name of community change. The larger problem with locating the “debate as activism” perspective within the competitive framework is that it overlooks the communal nature of the community problem. If each individual debate is a decision about how the debate community should approach a problem, then the losing debaters become collateral damage in the activist strategy dedicated toward creating community change. One frustrating example of this type of argument might include a judge voting for an activist team in an effort to help them reach elimination rounds to generate a community discussion about the problem. Under this scenario, the losing team serves as a sacrificial lamb on the altar of community change. Downplaying the important role of competition and treating opponents as scapegoats for the failures of the community may increase the profile of the winning team and the community problem, but it does little to generate the critical coalitions necessary to address the community problem, because the competitive focus encourages teams to concentrate on how to beat the strategy with little regard for addressing the community problem. There is no role for competition when a judge decides that it is important to accentuate the publicity of a community problem. An extreme example might include a team arguing that their opponents’ academic institution had a legacy of civil rights abuses and that the judge should not vote for them because that would be a community endorsement of a problematic institution. This scenario is a bit more outlandish but not unreasonable if one assumes that each debate should be about what is best for promoting solutions to diversity problems in the debate community. If the debate community is serious about generating community change, then it is more likely to occur outside a traditional competitive debate. When a team loses a debate because the judge decides that it is better for the community for the other team to win, then they have sacrificed two potential advocates for change within the community. Creating change through wins generates backlash through losses. Some proponents are comfortable with generating backlash and argue that the reaction is evidence that the issue is being discussed. From our perspective, the discussion that results from these hostile situations is not a productive one where participants seek to work together for a common goal. Instead of giving up on hope for change and agitating for wins regardless of who is left behind, it seems more reasonable that the debate community should try the method of public argument that we teach in an effort to generate a discussion of necessary community changes. Simply put, debate competitions do not represent the best environment for community change because it is a competition for a win and only one team can win any given debate, whereas addressing systemic century-long community problems requires a tremendous effort by a great number of people.

#### SWITCH-SIDE DEBATE listening to both sides of an argument is a prerequisite for critical reasoning and interested inquiry, and ontological because it affirms a method of living that is the only antidote to the violence of the affirmative’s universalist dogma, which is root of violence and genocide

Roberts-Miller 3

[Patricia, Associate Professor of Rhetoric at UT Austin, “Fighting Without Hatred: Hannah Arendt ' s Agonistic Rhetoric”, p. asp//wyo-tjc]

Totalitarianism and the Competitive Space of Agonism Arendt is probably most famous for her analysis of totalitarianism (especially her The Origins of Totalitarianism and Eichmann in Jerusalem), but the recent attention has been on her criticism of mass culture (The Human Condition). Arendt's main criticism of the current human condition is that the common world of deliberate and joint action is fragmented into solipsistic and unreflective behavior. In an especially lovely passage, she says that in mass society people are all imprisoned in the subjectivity of their own singular experience, which does not cease to be singular if the same experience is multiplied innumerable times. The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective. (Human 58) What Arendt so beautifully describes is that isolation and individualism are not corollaries, and may even be antithetical because obsession with one's own self and the particularities of one's life prevents one from engaging in conscious, deliberate, collective action. Individuality, unlike isolation, depends upon a collective with whom one argues in order to direct the common life. Self-obsession, even (especially?) when coupled with isolation from one' s community is far from apolitical; it has political consequences. Perhaps a better way to put it is that it is political precisely because it aspires to be apolitical. This fragmented world in which many people live simultaneously and even similarly but not exactly together is what Arendt calls the "social." Arendt does not mean that group behavior is impossible in the realm of the social, but that social behavior consists "in some way of isolated individuals, incapable of solidarity or mutuality, who abdicate their human capacities and responsibilities to a projected 'they' or 'it,' with disastrous consequences, both for other people and eventually for themselves" (Pitkin 79). One can behave, but not act. For someone like Arendt, a German-assimilated Jew, one of the most frightening aspects of the Holocaust was the ease with which a people who had not been extraordinarily anti-Semitic could be put to work industriously and efficiently on the genocide of the Jews. And what was striking about the perpetrators of the genocide, ranging from minor functionaries who facilitated the murder transports up to major figures on trial at Nuremberg, was their constant and apparently sincere insistence that they were not responsible. For Arendt, this was not a peculiarity of the German people, but of the current human and heavily bureaucratic condition of twentieth-century culture: we do not consciously choose to engage in life's activities; we drift into them, or we do them out of a desire to conform. Even while we do them, we do not acknowledge an active, willed choice to do them; instead, we attribute our behavior to necessity, and we perceive ourselves as determined—determined by circumstance, by accident, by what "they" tell us to do. We do something from within the anonymity of a mob that we would never do as an individual; we do things for which we will not take responsibility. Yet, whether or not people acknowledge responsibility for the consequences of their actions, those consequences exist. Refusing to accept responsibility can even make those consequences worse, in that the people who enact the actions in question, because they do not admit their own agency, cannot be persuaded to stop those actions. They are simply doing their jobs. In a totalitarian system, however, everyone is simply doing his or her job; there never seems to be anyone who can explain, defend, and change the policies. Thus, it is, as Arendt says, rule by nobody. It is illustrative to contrast Arendt's attitude toward discourse to Habermas'. While both are critical of modern bureaucratic and totalitarian systems, Arendt's solution is the playful and competitive space of agonism; it is not the rational-critical public sphere. The "actual content of political life" is "the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new" ("Truth" 263). According to Seyla Benhabib, Arendt's public realm emphasizes the assumption of competition, and it "represents that space of appearances in which moral and political greatness, heroism, and preeminence are revealed, displayed, shared with others. This is a competitive space in which one competes for recognition, precedence, and acclaim" (78). These qualities are displayed, but not entirely for purposes of acclamation; they are not displays of one's self, but of ideas and arguments, of one's thought. When Arendt discusses Socrates' thinking in public, she emphasizes his performance: "He performed in the marketplace the way the flute-player performed at a banquet. It is sheer performance, sheer activity"; nevertheless, it was thinking: "What he actually did was to make public, in discourse, the thinking process" {Lectures 37). Pitkin summarizes this point: "Arendt says that the heroism associated with politics is not the mythical machismo of ancient Greece but something more like the existential leap into action and public exposure" (175-76). Just as it is not machismo, although it does have considerable ego involved, so it is not instrumental rationality; Arendt's discussion of the kinds of discourse involved in public action include myths, stories, and personal narratives. Furthermore, the competition is not ruthless; it does not imply a willingness to triumph at all costs. Instead, it involves something like having such a passion for ideas and politics that one is willing to take risks. One tries to articulate the best argument, propose the best policy, design the best laws, make the best response. This is a risk in that one might lose; advancing an argument means that one must be open to the criticisms others will make of it. The situation is agonistic not because the participants manufacture or seek conflict, but because conflict is a necessary consequence of difference This attitude is reminiscent of Kenneth Burke, who did not try to find a language free of domination but who instead theorized a way that the very tendency toward hierarchy in language might be used against itself (for more on this argument, see Kastely). Similarly, Arendt does not propose a public realm of neutral, rational beings who escape differences to live in the discourse of universals; she envisions one of different people who argue with passion, vehemence, and integrity. Eichmann perfectly exemplified what Arendt famously called the "banality of evil" but that might be better thought of as the bureaucratization of evil (or, as a friend once aptly put it, the evil of banality). That is, he was able to engage in mass murder because he was able not to think about it, especially not from the perspective of the victims, and he was able to exempt himself from personal responsibility by telling himself (and anyone else who would listen) that he was just following orders. It was the bureaucratic system that enabled him to do both. He was not exactly passive; he was, on the contrary, very aggressive in trying to do his duty. He behaved with the "ruthless, competitive exploitation" and "inauthen-tic, self-disparaging conformism" that characterizes those who people totalitarian systems (Pitkin 87). Arendt's theorizing of totalitarianism has been justly noted as one of her strongest contributions to philosophy. She saw that a situation like Nazi Germany is different from the conventional understanding of a tyranny. Pitkin writes, Totalitarianism cannot be understood, like earlier forms of domination, as the ruthless exploitation of some people by others, whether the motive be selfish calculation, irrational passion, or devotion to some cause. Understanding totalitarianism's essential nature requires solving the central mystery of the holocaust—the objectively useless and indeed dysfunctional, fanatical pursuit of a purely ideological policy, a pointless process to which the people enacting it have fallen captive. (87) Totalitarianism is closely connected to bureaucracy; it is oppression by rules, rather than by people who have willfully chosen to establish certain rules. It is the triumph of the social. Critics (both friendly and hostile) have paid considerable attention to Arendt's category of the "social," largely because, despite spending so much time on the notion, Arendt remains vague on certain aspects of it. Pitkin appropriately compares Arendt's concept of the social to the Blob, the type of monster that figured in so many post-war horror movies. That Blob was "an evil monster from outer space, entirely external to and separate from us [that] had fallen upon us intent on debilitating, absorb¬ing, and ultimately destroying us, gobbling up our distinct individuality and turning us into robots that mechanically serve its purposes" (4). Pitkin is critical of this version of the "social" and suggests that Arendt meant (or perhaps should have meant) something much more complicated. The simplistic version of the social-as-Blob can itself be an instance of Blob thinking; Pitkin's criticism is that Arendt talks at times as though the social comes from outside of us and has fallen upon us, turning us into robots. Yet, Arendt's major criticism of the social is that it involves seeing ourselves as victimized by something that comes from outside our own behavior. I agree with Pitkin that Arendt's most powerful descriptions of the social (and the other concepts similar to it, such as her discussion of totalitarianism, imperialism, Eichmann, and parvenus) emphasize that these processes are not entirely out of our control but that they happen to us when, and because, we keep refusing to make active choices. We create the social through negligence. It is not the sort of force in a Sorcerer's Apprentice, which once let loose cannot be stopped; on the contrary, it continues to exist because we structure our world to reward social behavior. Pitkin writes, "From childhood on, in virtually all our institutions, we reward euphemism, salesmanship, slo¬gans, and we punish and suppress truth-telling, originality, thoughtful-ness. So we continually cultivate ways of (not) thinking that induce the social" (274). I want to emphasize this point, as it is important for thinking about criticisms of some forms of the social construction of knowledge: denying our own agency is what enables the social to thrive. To put it another way, theories of powerlessness are self-fulfilling prophecies. Arendt grants that there are people who willed the Holocaust, but she insists that totalitarian systems result not so much from the Hitlers or Stalins as from the bureaucrats who may or may not agree with the established ideology but who enforce the rules for no stronger motive than a desire to avoid trouble with their superiors (see Eichmann and Life). They do not think about what they do. One might prevent such occurrences—or, at least, resist the modern tendency toward totalitarian¬ism—by thought: "critical thought is in principle anti-authoritarian" (Lectures 38). By "thought" Arendt does not mean eremitic contemplation; in fact, she has great contempt for what she calls "professional thinkers," refusing herself to become a philosopher or to call her work philosophy. Young-Bruehl, Benhabib, and Pitkin have each said that Heidegger represented just such a professional thinker for Arendt, and his embrace of Nazism epitomized the genuine dangers such "thinking" can pose (see Arendt's "Heidegger"). "Thinking" is not typified by the isolated con¬templation of philosophers; it requires the arguments of others and close attention to the truth. It is easy to overstate either part of that harmony. One must consider carefully the arguments and viewpoints of others: Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while I am pondering a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for represen¬tative thinking and the more valid my final conclusions, my opinion. ("Truth" 241) There are two points to emphasize in this wonderful passage. First, one does not get these standpoints in one's mind through imagining them, but through listening to them; thus, good thinking requires that one hear the arguments of other people. Hence, as Arendt says, "critical thinking, while still a solitary business, does not cut itself off from' all others.'" Thinking is, in this view, necessarily public discourse: critical thinking is possible "only where the standpoints of all others are open to inspection" (Lectures 43). Yet, it is not a discourse in which one simply announces one's stance; participants are interlocutors and not just speakers; they must listen. Unlike many current versions of public discourse, this view presumes that speech matters.

It is not asymmetric manipulation of others, nor merely an economic exchange; it must be a world into which one enters and by which one might be changed. Second, passages like the above make some readers think that Arendt puts too much faith in discourse and too little in truth (see Habermas). But Arendt is no crude relativist; she believes in truth, and she believes that there are facts that can be more or less distorted. She does not believe that reality is constructed by discourse, or that truth is indistinguishable from falsehood. She insists tha^ the truth has a different pull on us and, consequently, that it has a difficult place in the world of the political. Facts are different from falsehood because, while they can be distorted or denied, especially when they are inconvenient for the powerful, they also have a certain positive force that falsehood lacks: "Truth, though powerless and always defe ated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it" ("Truth" 259). Facts have a strangely resilient quality partially because a lie "tears, as it were, a hole in the fabric of factuality. As every historian knows, one can spot a lie by noticing incongruities, holes, or the j unctures of patched-up places" ("Truth" 253). While she is sometimes discouraging about our ability to see the tears in the fabric, citing the capacity of totalitarian governments to create the whole cloth (see "Truth" 252-54), she is also sometimes optimistic. In Eichmann in Jerusalem, she repeats the story of Anton Schmidt—a man who saved the lives of Jews—and concludes that such stories cannot be silenced (230-32). For facts to exert power in the common world, however, these stories must be told. Rational truth (such as principles of mathematics) might be perceptible and demonstrable through individual contemplation, but "factual truth, on the contrary, is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy. It is political by nature" (23 8). Arendt is neither a positivist who posits an autonomous individual who can correctly perceive truth, nor a relativist who positively asserts the inherent relativism of all perception. Her description of how truth functions does not fall anywhere in the three-part expeditio so prevalent in both rhetoric and philosophy: it is not expressivist, positivist, or social constructivist. Good thinking depends upon good public argument, and good public argument depends upon access to facts: "Freedom of opinion is a farce unless factual information is guaranteed" (238). The sort of thinking that Arendt propounds takes the form of action only when it is public argument, and, as such, it is particularly precious: "For if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the vita activa, it might well be that thinking as such would surpass them all" (Human 325). Arendt insists that it is "the same general rule— Do not contradict yourself (not your self but your thinking ego)—that determines both thinking and acting" (Lectures 3 7). In place of the mildly resentful conformism that fuels totalitarianism, Arendt proposes what Pitkin calls "a tough-minded, open-eyed readiness to perceive and judge reality for oneself, in terms of concrete experience and independent, critical theorizing" (274). The paradoxical nature of agonism (that it must involve both individuality and commonality) makes it difficult to maintain, as the temptation is great either to think one's own thoughts without reference to anyone else or to let others do one's thinking.