### Off

#### A. Interpretation—the aff has to defend USFG action energy production—‘resolved’ means to enact a policy by law.

Words and Phrases 64 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### B. Our interpretation is best ---

#### 1. Predictability—ignoring the resolution opens up an infinite number of topics—this undermines our ability to have in-depth research on their arguments destroying the value of debate.

#### 2. Ground—the resolution exists to create fair division of aff and neg ground—any alternative framework allows the aff to pick a moral high ground that destroys neg offense.

#### 3. Education—academics must learn to engage the public’s line of thinking—abstract moralism without addressing how to get our policies passed is useless.

Isaac 2—Jeffrey Isaac, Professor of Political Science at Indiana University [Spring 2002, “Ends, Means, and Politics,” *Dissent*, http://www.dissentmagazine.org/article/?article=601]

What is striking about much of the political discussion on the left today is its failure to engage this earlier tradition of argument. The left, particularly the campus left—by which I mean “progressive” faculty and student groups, often centered around labor solidarity organizations and campus Green affiliates—has become moralistic rather than politically serious. Some of its moralizing—about Chiapas, Palestine, and Iraq—continues the third worldism that plagued the New Left in its waning years. Some of it—about globalization and sweatshops— is new and in some ways promising (see my “Thinking About the Antisweatshop Movement,” Dissent, Fall 2001). But what characterizes much campus left discourse is a substitution of moral rhetoric about evil policies or institutions for a sober consideration of what might improve or replace them, how the improvement might be achieved, and what the likely costs, as well as the benefits, are of any reasonable strategy. One consequence of this tendency is a failure to worry about methods of securing political support through democratic means or to recognize the distinctive value of democracy itself. It is not that conspiratorial or antidemocratic means are promoted. On the contrary, the means employed tend to be preeminently democratic—petitions, demonstrations, marches, boycotts, corporate campaigns, vigorous public criticism. And it is not that political democracy is derided. Projects such as the Green Party engage with electoral politics, locally and nationally, in order to win public office and achieve political objectives. But what is absent is a sober reckoning with the preoccupations and opinions of the vast majority of Americans, who are not drawn to vocal denunciations of the International Monetary Fund and World Trade Organization and who do not believe that the discourse of “anti-imperialism” speaks to their lives. Equally absent is critical thinking about why citizens of liberal democratic states—including most workers and the poor—value liberal democracy and subscribe to what Jürgen Habermas has called “constitutional patriotism”: a patriotic identification with the democratic state because of the civil, political, and social rights it defends. Vicarious identifications with Subcommandante Marcos or starving Iraqi children allow left activists to express a genuine solidarity with the oppressed elsewhere that is surely legitimate in a globalizing age. But these symbolic avowals are not an effective way of contending for political influence or power in the society in which these activists live. The ease with which the campus left responded to September 11 by rehearsing an all too-familiar narrative of American militarism and imperialism is not simply disturbing. Itis a sign of this left’s alienation from the society in which it operates (the worst examples of this are statements of the Student Peace Action Coalition Network, which declare that “the United States Government is the world’s greatest terror organization,” and suggest that “homicidal psychopaths of the United States Government” engineered the World Trade Center attacks as a pretext for imperialist aggression. See http://www.gospan.org). Many left activists seem more able to identify with (idealized versions of) Iraqi or Afghan civilians than with American citizens, whether these are the people who perished in the Twin Towers or the rest of us who legitimately fear that we might be next. This is not because of any “disloyalty.” Charges like that lack intellectual or political merit. It is because of a debilitating moralism; because it is easier to denounce wrong than to take real responsibility for correcting it, easier to locate and to oppose a remote evil than to address a proximate difficulty. The campus left says what it thinks. But it exhibits little interest in how and why so many Americans think differently. The “peace” demonstrations organized across the country within a few days of the September 11 attacks—in which local Green Party activists often played a crucial role—were, whatever else they were, a sign of their organizers’ lack of judgment and common sense. Although they often expressed genuine horror about the terrorism, they focused their energy not on the legitimate fear and outrage of American citizens but rather on the evils of the American government and its widely supported response to the terror. Hardly anyone was paying attention, but they alienated anyone who was. This was utterly predictable. And that is my point. The predictable consequences did not matter. What mattered was simply the expression of righteous indignation about what is wrong with the United States, as if September 11 hadn’t really happened. Whatever one thinks about America’s deficiencies, it must be acknowledged that a political praxis preoccupation with this is foolish and self-defeating. The other, more serious consequence of this moralizing tendency is the failure to think seriously about global politics. The campus left is rightly interested in the ills of global capitalism. But politically it seems limited to two options: expressions of “solidarity” with certain oppressed groups—Palestinians but not Syrians, Afghan civilians (though not those who welcome liberation from the Taliban), but not Bosnians or Kosovars or Rwandans—and automatic opposition to American foreign policy in the name of anti-imperialism. The economic discourse of the campus left is a universalist discourse of human needs and workers rights; but it is accompanied by a refusal to think in political terms about the realities of states, international institutions, violence, and power. This refusal is linked to a peculiar strain of pacifism, according to which any use of military force by the United States is viewed as aggression or militarism. case in point is a petition circulated on the campus of Indiana University within days of September 11. Drafted by the Bloomington Peace Coalition, it opposed what was then an imminent war in Afghanistan against al-Qaeda, and called for peace. It declared: “Retaliation will not lead to healing; rather it will harm innocent people and further the cycle of violence. Rather than engage in military aggression, those in authority should apprehend and charge those individuals believed to be directly responsible for the attacks and try them in a court of law in accordance with due process of international law.” This declaration was hardly unique. Similar statements were issued on college campuses across the country, by local student or faculty coalitions, the national Campus Greens, 9- 11peace.org, and the National Youth and Student Peace Coalition. As Global Exchange declared in its antiwar statement of September 11: “vengeance offers no relief. . . retaliation can never guarantee healing. . . and to meet violence with violence breeds more rage and more senseless deaths. Only love leads to peace with justice, while hate takes us toward war and injustice.” On this view military action of any kind is figured as “aggression” or “vengeance”; harm to innocents, whether substantial or marginal, intended or unintended, is absolutely proscribed; legality is treated as having its own force, independent of any means of enforcement; and, most revealingly, “healing” is treated as the principal goal of any legitimate response. None of these points withstands serious scrutiny. A military response to terrorist aggression is not in any obvious sense an act of aggression, unless any military response—or at least any U.S. military response—is simply defined as aggression. While any justifiable military response should certainly be governed by just-war principles, the criterion of absolute harm avoidance would rule out the possibility of any military response. It is virtually impossible either to “apprehend” and prosecute terrorists or to put an end to terrorist networks without the use of military force, for the “criminals” in question are not law-abiding citizens but mass murderers, and there are no police to “arrest” them. And, finally, while “healing” is surely a legitimate moral goal, it is not clear that it is a political goal. Justice, however, most assuredly is a political goal. The most notable thing about the Bloomington statement is its avoidance of political justice. Like many antiwar texts, it calls for “social justice abroad.” It supports redistributing wealth. But criminal and retributive justice, protection against terrorist violence, or the political enforcement of the minimal conditions of global civility—these are unmentioned. They are unmentioned because to broach them is to enter a terrain that the campus left is unwilling to enter—the terrain of violence, a realm of complex choices and dirty hands. This aversion to violence is understandable and in some ways laudable. America’s use of violence has caused much harm in the world, from Southeast Asia to Central and Latin America to Africa. The so-called “Vietnam Syndrome” was the product of a real learning experience that should not be forgotten. In addition, the destructive capacities of modern warfare— which jeopardize the civilian/combatant distinction, and introduce the possibility of enormous ecological devastation—make war under any circumstances something to be feared. No civilized person should approach the topic of war with anything other than great trepidation. And yet the left’s reflexive hostility toward violence in the international domain is strange. It is inconsistent with avowals of “materialism” and evocations of “struggle,” especially on the part of those many who are not pacifists; it is in tension with a commitment to human emancipation (is there no cause for which it is justifiable to fight?); and it is oblivious to the tradition of left thinking about ends and means. To compare the debates within the left about the two world wars or the Spanish Civil War with the predictable “anti-militarism” of today’s campus left is to compare a discourse that was serious about political power with a discourse that is not. This unpragmatic approach has become a hallmark of post–cold war left commentary, from the Gulf War protests of 1991, to the denunciation of the 1999 U.S.-led NATO intervention in Kosovo, to the current post–September 11 antiwar movement. In each case protesters have raised serious questions about U.S. policy and its likely consequences, but in a strikingly ineffective way. They sound a few key themes: the broader context of grievances that supposedly explains why Saddam Hussein, or Slobodan Milosevic, or Osama bin Laden have done what they have done; the hypocrisy of official U.S. rhetoric, which denounces terrorism even though the U.S. government has often supported terrorism; the harm that will come to ordinary Iraqi or Serbian or Afghan citizens as a result of intervention; and the cycle of violence that is likely to ensue. These are important issues. But they typically are raised by left critics not to promote real debate about practical alternatives, but to avoid such a debate or to trump it. As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of “aggression,” but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime—the Taliban—that rose to power through brutality and repression. This requires us to ask a question that most “peace” activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### C. Voting issue—resolving the topicality is a pre-condition for debate to occur.

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

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

#### They’ll say that our argument is exclusionary, but they have excluded us from the debate—basic fairness is a reason to vote negative.

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

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

#### And fairness comes first—absent fairness, debate as an activity would cease to exist.

Speice and Lyle 3 — Patrick Speice, Debater at Wake Forest University, and Jim Lyle, Director of Debate at Clarion University, 2003 (“Traditional Policy Debate: Now More Than Ever,” *Debater’s Research Guide*, Available Online at http://groups.wfu.edu/debate/ MiscSites/DRGArticles/SpeiceLyle2003htm.htm, Accessed 09-11-2005)

As with any game or sport, creating a level playing field that affords each competitor a fair chance of victory is integral to the continued existence of debate as an activity. If the game is slanted toward one particular competitor, the other participants are likely to pack up their tubs and go home, as they don’t have a realistic shot of winning such a “rigged game.” Debate simply wouldn’t be fun if the outcome was pre-determined and certain teams knew that they would always win or lose. The incentive to work hard to develop new and innovative arguments would be non-existent because wins and losses would not relate to how much research a particular team did. TPD, as defined above, offers the best hope for a level playing field that makes the game of debate fun and educational for all participants.

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

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

Resource constraints can also fuel innovative team performance directly. In the spirit of the proverb "necessity is the mother of invention," [end page 15] teams may produce better results because of resource constraints. Cognitive psychology provides experimental support for the "less is more" hypothesis. For example, scholars in creative cognition find in laboratory tests that subjects are most innovative when given fewer rather than more resources for solving a problem.¶ The reason seems to be that the human mind is most productive when restricted. Limited—or better focused—by specific rules and constraints, we are more likely to recognize an unexpected idea. Suppose, for example, that we need to put dinner on the table for unexpected guests arriving later that day. The main constraints here are the ingredients available and how much time is left. One way to solve this problem is to think of a familiar recipe and then head off to the supermarket for the extra ingredients. Alternatively, we may start by looking in the refrigerator and cupboard to see what is already there, then allowing ourselves to devise innovative ways of combining subsets of these ingredients. Many cooks attest that the latter option, while riskier, often leads to more creative and better appreciated dinners. In fact, it is the option invariably preferred by professional chefs.¶ The heightened innovativeness of such "constraints-driven" solutions comes from team members' tendencies, under the circumstances, to look for alternatives beyond "how things are normally done," write C. Page Moreau and Darren W. Dahl in a 2005 Journal of Consumer Research article. Would-be innovators facing constraints are more likely to find creative analogies and combinations that would otherwise be hidden under a glut of resources.

#### A limited topic of discussion is key to equitable ground—even if their position is contestable that’s distinct from it being valuably debatable—this still provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact

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

#### You as a judge are responsible for intervening with your ballot—rules create the conditions of possibility for a game to exist—your ballot should go to whatever interpretation makes the game best.

Carter 8 [Leif A, Professor, The Colorado College, “Law and Politics as play,” Chicago-Kent Law Review, Vol 83:3, http://www.cklawreview.com/wp-content/uploads/vol83no3/Carter.pdf]

#### Precision of rules and unquestioned authority of judges: Substantive legal rules can seem notoriously ambiguous when compared to the codified rules of organized sports, but this is misleading.144 By the principle that “you can’t play the game without agreeing on the rules,” Roberts’ Rules of Order and the sometimes arcane accumulation of rules of procedure in legislative chambers precisely structure legislative tactics and debate just as The Bluebook: A Uniform System of Citation structures formal written legal advocacy and the rules of evidence and procedure govern formal litigation. More significantly, political and social play, like organized sports, requires regulatory and judicial independence from the “democratic game” itself. Fareed Zakaria recently reviewed for a general audience the horror sto-ries—the election of Hitler, for example—produced by popular democracy and suggests that other dynamics, and particularly “the rule of law,” con-tribute more to progressive government than does popular democracy it-self.145 Just as umpires, referees, and rules committees act outside competitive play, so a good political game depends on popular trust in the impartiality of judicial and regulatory decision making. The Federal Re-serve Board, the independent regulatory commissions, and ideally the judi-ciary itself, play the critical role of political and economic rules committees effectively only if they do not operate democratically but rather off the playing field altogether. Indeed, given the indeterminacy of substantive principles of morality and justice, rules committees—a category that in- cludes courts of law in common law legal systems—can only be said to act sensibly when they rule (using the good-game criteria noted above) so as to make the game a better game, and not by “seeking justice.” Good political games, hence, require something like the wrongly ma-ligned practice of “judicial activism,” where judges, like calls of umpires and referees, make the rules of the game clear in the moment of play. South Dakotan voters presumably sensed the importance of independent judicial authority when they rejected, by a ratio of nearly nine to one, the proposal on their 2006 ballots to allow a person to sue judges for rendering decisions that he or she didn’t like.146 When the United States Supreme Court issued its deeply flawed result in Bush v. Gore,147 the loser, Gore, and most Americans, accepted the result and moved on.148 The Bush administra-tion’s attempt to justify a “unitary executive” power to operate independent of legal checks from the other political branches is the equivalent of a bat-ter insisting that he, having the power to define the strike zone and dis-agreeing with the umpire’s called third strike on a 3–2 count, trots to first base. The administration’s unitary executive claim, and its patterned disre-gard of legality more generally, ignores an unbroken line of precedents balancing Article I’s legislative powers with those of the executive in Arti-cle II going back to 1804.149 Independence and impartiality of judges: In 2007, Pakistan’s Pervez Musharraf ousted Pakistani Supreme Court Chief Justice Iftikhar Muham-mad Chaudhry because he opposed Musharraf’s unconstitutional attempt to retain his position both as president and supreme military commander. Musharraf subsequently suspended the entire constitution and declared martial law across Pakistan. The public outcry against this violation of the principle of judicial independence forced Musharraf to resign his military command.150 Musharraf erred by ignoring the proven peacemaking tech- nique known as “triadic dispute resolution.” People routinely turn to trusted and independent third parties—mediators, arbitrators, and judges—to re-solve disputes. The dynamic keeps the peace, but only if the third party in the triad avoids appearing to favor one side. “To the extent that the triadic figure appears to intervene in favour of one of the two disputants and against the other, the perception of the situation will shift from the fairest to the most unfair of configurations: two against one.”151 Again, the incoher-ence of criticisms of “judicial activism” becomes clear when viewed in terms of games. Faced with ambiguous law, the judge should ask, “What ruling will make the game better?” There is ample evidence from the auto-biographies of umpires that they routinely think of their rulings in just this way.152 Most developed legal systems train their judges. Indeed, sports umpires and referees compete with each other to rise in their fields through training and experience.153 It makes no more sense to elect judges, as many U.S. jurisdictions do, than it would to have leagues and teams vote on the kind of game officials they want. In American football, imagine the “Pass-ing Party” putting up its slate of referees to run against the candidates slated by “Running Party.”

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#### Focus on improving governmental policy is a productive reaction to pollution of negative energy in communities of color – retreat enables future negative pollution in communities of color.

Jason David Rivera and DeMond Shondell Miller, Rowan University Journal of Black Studies 2007 37: 502 Continually Neglected: Situating Natural Disasters in the African American Experience DOI: 10.1177/0021934706296190

CONTINUALLY NEGLECTED

Zones of sacrifice. Although unique to the place and time, these natural disasters are significant in that they illustrate the clear divisions that exist when you have a large group of the population that paradoxically assumes to be under the care of their own government, despite the fact that their displacement [lack of food, shelter, community education, and other resources] is often caused by the same state authorities [they turn to seek assistance] . . . thus relegating them to being [d]isconnected from the enjoyment of the rights normally associated with the dignity of being a citizen, their marginality become tantamount to statelessness. (Deng, 2006, pp. 218-219) This adds up to what Bullard (1990a, 1990b, 2000) describes as the sacrificial zones, in that “the plantation system exploited not only humans but the land, the south has always been thought of as a sacrifice zone, a sort of dump for the rest of the nation’s toxic waste” (as cited in Pastor et al., 2006, p. 3). In essence, history continues to repeat itself: The Vanport Flood parallels the more recent Hurricane Katrina disaster in New Orleans. In both cases, public officials led the population to believe that the damage would be slight, and in both cases the government response to the disaster was harshly criticized. Racism toward the destruction of heavily-black areas was attributed to the poor response in both cases. (Wikipedia, 2006b) All the cases represent zones of sacrifice, leaving the African American community in great disarray and fending for themselves, while suffering the brunt of catastrophe. As a result of public policy decisions, many people became internally displaced, some without the option of returning home. Policy: Reactionary, ill-crafted public policy. As illustrated through discussion of the social situations faced by African Americans in the midst of natural disasters, the same situations that were faced in the beginning of the 20th century are continuing to manifest themselves in the beginning of the 21st. The behaviors of the state and federal government during the Mississippi and Vanport floods are perfect examples of government policy in the second historical stage of U.S. disaster policy.6 The governmental units responsible for disaster mitigation and relief took an exclusively reactionary approach to dealing with the disasters, increasing the likelihood of destruction during the flooding. During the Mississippi Flood, governmental bodies had only the Flood Control Act of 1917 (PL 64-367) in place to deal with the flood, which placed primary disaster response in the hands of local governments and the American Red Cross (Rivera & Miller, 2006) as opposed to federal authorities. It was not until after the Mississippi Flood that the federal government took a more “active” role in local government mitigation: Due to the wide-scale damage caused in the 1927 flood, President Coolidge signed a new Flood Control Act in 1928 (PL 70-391), which ended the use of “levees only” policy; moreover, the Flood Control Act of 1928 placed [responsibility] . . . in the hands of the federal government, which “even in the narrowest sense . . . set a precedent of direct, comprehensive, and vastly expanded federal involvement in local affairs.” (Barry, 1997, p. 407) Additionally, the Act of 1928 was in place during the Vanport flood. Although there was increased federal involvement, local officials were still mainly responsible for policy implementation, including where and to whom relief would be given. Legislative reaction to the Vanport flood was slow, alluding that the federal government did not feel the situation significantly important; however, policy was passed in 1950 to alter existing relief programs. The Disaster Relief Act of 1950 (PL 81-875) allowed state governments to petition the federal government for assistance, but assistance was not necessarily automatic or guaranteed (Rivera & Miller, 2006). Additionally, the federal government passed the Civil Defense Act of 1950, which, together with the Disaster Relief Act of 1950, allowed the federal government to contribute to the replacement and repair of local damaged infrastructure but not to private citizens (Comerio, 1998; Rivera & Miller, 2006). The passage of these acts did little to aid African Americans in the aftermath of the Mississippi and Vanport floods because they left relief and federal funding placement in the hands of local governmental units that held racial sentiments. These changes continued to place African American communities at a disadvantage to White counterparts, thus perpetuating social vulnerability among the respective Black communities. The legislation that was used to deal with Hurricane Katrina also left all mitigation efforts to the local governmental units for implementation and development (Rivera & Miller, 2006).7 Furthermore, through Rivera and Miller’s (2006) analysis of past mitigation and relief policy, the federal government’s tendency to let local governments be responsible left the people of New Orleans and the Gulf Coast at the political benevolence of governmental authorities, which viewed socially vulnerable communities of the region not significant enough to warrant mitigation and relief plans. Federal reaction to Hurricane Katrina has pushed disaster relief policy into a third historical stage8 that places mitigation in the hands of the Department of Homeland Security. This change hopes to centralize relief and mitigation authority, making relief coordination more efficient (Bush, 2005). With the centralization of authority, the issue of social vulnerability among the African American community will be in direct correlation to federal policy; if African Americans or any other ethnic group are left vulnerable to disaster, not only are local governmental authorities responsible for their disadvantages, but the federal government also becomes responsible for allowing this vulnerability to take place. CONCLUSION: NATURAL DISASTERS AND CATALYSTS FOR CHANGE All of the disasters that have been discussed in this article have had the ability to teach both the local and federal governments about disaster policy deficiencies in addition to exposing the social situation of African Americans. In all three examples, the African American community has felt as though it was deliberately allowed to suffer in the aftermath of destruction because of neglect on the behalf of government units. This lack of civic trust on the behalf of the African American community has not been ungrounded in policy application throughout the history of disaster relief; however, as in the past, trust can be fostered among the African American community but only through active measures: Breaking the hardened cycle of poverty and despair is a major challenge in the postdisaster recovery effort. The real work of healing after Katrina and Rita [in addition to all other disasters] must be done by residents, public officials, and businesspeople who must plan for the rebirth of their communities. To a large degree, the future confidence and trust in government will depend on local people with the help of supportive national and state governments. (Berke & Campanella, 2006, p. 201) Additionally, participation by local residents, especially socially disadvantaged groups, can improve the consistency of policy solutions and aid in avoiding potential variances in plan implementation among different segments of the population (see Berke & Campanella, 2006; Miller & Rivera, 2006). As depicted in the examples of the Mississippi Flood of 1927, the Vanport Flood of 1948,9 and Hurricane Katrina, the social situation faced by African Americans, and now other ethnic groups, has changed little. Again, Hurricane Katrina brings the nation to a time when social vulnerability and disadvantage can be improved, especially in reference to natural disasters. Natural disasters have had a profound and direct influence on the migration patterns of African Americans because of their inability to be given sufficient attention in the advent of emergency situations. Although this directly affects the viability of the African American communities within disaster affected regions, it has a significant effect on the social structure of locations where they immigrate to, creating social imbalances that have created racial animosity expressed through policy implementation, or lack thereof in the past.

#### CP: Individual should seek to counter negative pollution in communities of color by financial incentives for non-oil energy production through a common law legal strategy shielded from federal pre-emption by California’s Clean Air Act exemption, and should petition governmental parties to support the strategy.

#### The CP is philosophically competitive with the affirmative which frames its activism in contrast to governmental strategies – philosophical competition is sufficient when the affirmative is itself a philosophical orientation. Its impacts illustrate the benefit of policy focus in the debate space inviting familiarity with legislative and court reasoning processes – conversely, retreat from this strategy is complicit with new zones of sacrifice.

#### The strategy has the potential to be effective:

NAME: ANGELA LIPANOVICH \* \* J.D., Candidate, 2006, Golden Gate University School of Law Golden Gate University Law Review Spring, 2005 35 Golden Gate U.L. Rev. 429 LENGTH: 28993 words COMMENT: SMOKE BEFORE OIL: MODELING A SUIT AGAINST THE AUTO AND OIL INDUSTRY ON THE TOBACCO TORT LITIGATION IS FEASIBLE <http://www.law.berkeley.edu/files/Lipanovich_Smoke_Before_Oil_35_Golden_Gate_U-1.L._Rev._429.pdf>

II. DISCUSSION -- DAMAGES CAUSED BY THE USE OF PETRO PRODUCTS

Significant evidence exists that petro products are causing substantial health costs, public costs, and environmental costs. n53 Actual details concerning the practices and knowledge of petro defendants regarding these harms would likely require corporate research and discovery. However, the following summary indicates that the kinds and breadth of damages petro plaintiffs can claim may exceed those of tobacco tort plaintiffs.

1. Public Health Harms

The health of American citizens is significantly harmed by the major constituents of automobile exhaust, which have been identified since 1922. n54 In 1957, some members of Congress were so concerned about the health effects of vehicle pollution that a bill was introduced (although ultimately not passed) to prohibit from U.S. roadways any motor vehicle that discharged pollution in excess of levels found dangerous by the U.S. Surgeon General. n55 Today, it is common knowledge that human exposure to petroleum emissions trapped in a garage causes death. Less known is that exposure to these emissions trapped within the earth's atmospheric layers is causing not only early death, n56 but also cancer, n57 respiratory illness, n58 heart [\*12] and blood problems, n59 reproduction and fetal problems, n60 and nervous system toxicity. n61 In 1990, the United States Environmental Protection Agency declared "over half the cancer [\*13] incidence is caused by air pollution coming from cars." n62 Babies and children are most at risk due to physiological vulnerabilities, such as greater relative exposure, less developed metabolism, and higher rates of cell production, growth, and change. n63 Furthermore, there are social vulnerabilities such as poverty, malnutrition, and environmental injustice. n64

American auto manufacturers and oil industries have historically favored profits over protecting public and environmental health. The Big Three automobile manufacturers once claimed that the auto industry would be ruined by the added expense if required to install seatbelts and air bags. n65 Beginning in the 1930s, National City Lines, a company backed by General Motors, Standard Oil, Philips Petroleum, Firestone Tires and Rubber, Mack Truck, and other inter-ests, systematically bought up and closed down more than 100 electric trolley lines in 45 cities across the country. n66 In 1949, a federal grand jury indicted GM and the other [\*14] companies of conspiring to replace electric transporta-tion systems with buses and to monopolize the sale of buses. n67 In 1969, the Justice Department charged the Automo-bile Manufacturers Association, along with American Motors, Chrysler, Ford and General Motors, with conspiring to prevent and delay the manufacture and use of pollution-control devices for automobiles. n68

The concentration of petroleum fuel by-products from automotive combustion is responsible for as much as fifty percent of ozone in urban areas and is one of the country's largest sources of greenhouse gases that cause global warm-ing. n69 Claiming that global warming is unproven, the petro industry has engaged in a disinformation campaign similar to the tobacco industry's. n70 It spent millions of dollars funding the Global Climate Coalition ("GCC") to convince the public global warming is not a threat and to lobby Congress against participation in the Kyoto Protocol. n71 This mimics the deceptive claims made for years by the tobacco industry. n72 Further, all the major automobile manufacturers have developed more fuel-efficient vehicles, and the oil industry -- more so than any other industry -- is in the position to take the lead in hydrogen fuel production when oil runs out. Yet both industries, automobile and oil, have decided to make less harmful products available only to an extremely limited, if not practically [\*15] unavailable, mar-ket. n73 For example, a waiting list for the Toyota Prius (a hybrid vehicle that gets about 60 miles to the gallon) currently exists, and only recently was the vehicle even placed on the market. n74

The majority of Americans are dependent on petroleum fuel and inefficient automobiles, and while some have at-tempted to reduce their use, petroleum-driven engines are far more available, socially accepted, and highly promoted than nonpolluting engines. The petro industry has failed to warn the public of health harms and opposed all efforts to lowering fuel economy. n75 Yet, the petro industry is costing California billions not only in Medicare expenses, but also in environmental cleanup costs. n76 The far-reaching and pernicious impacts of the oil industry necessitate a legal effort similar to the tobacco tort litigation to control or reduce the industry's adverse impacts. 2. Public Costs

It is estimated that reducing oil consumption could conceivably result in tens of billions of dollars per year to the U.S. economy and increased leverage on the climate-change problem, "whose potential costs are huge but incalculable." n77 Public costs that could be estimated and recovered for harm caused by using petroleum products include health costs, air-and water-pollution [\*16] costs, environmental cleanup costs, and crop productivity losses. n78 In 1997 Americans paid $ 4 billion, or $ .05 per gallon of gasoline, in additional cost due to ozone-related respiratory health problems, and up to tens of billions of dollars, or $ .59 per gallon of diesel, in additional costs due to increased morbid-ity and premature mortality caused by particulates and acidic aerosols. n79 This estimate is based on multiple studies in different years, and it provides one indication of the amount of California's Medicare expenses that could be recoverable for petro-related harms. n80

Environmental, health, and social costs represent the largest portion of the externalized price Americans pay for their gasoline reliance, totaling $ 231.7 to $ 942.9 billion every year. n81 An estimated $ 29.3 to $ 542.4 billion of this is just for uncompensated health costs associated with automobile emissions. n82 A 1999 estimate placed the national external costs of air pollution from motor vehicles between $ 24.3 billion and $ 450 billion, and the total national direct costs of adverse health effects due to air pollution at $ 54.7 billion to $ 672.3 billion a year. n83 These figures represent costs for everything from headaches to hospitalization, asthma attacks to [\*17] respiratory illness, and chronic illness to mortality. n84 Particulate matter (PM-10) accounted for the vast majority of these costs ($ 16.7 billion to $ 432 bil-lion). n85

In the Los Angeles area, health-related air pollution damages can run between $ 7.8 billion to $ 88.6 billion a year. n86 It is projected that in 1992, the annual economic value of avoiding air pollution health effects in the South Coast Air Basin of California, in which Los Angeles is located, was nearly $ 10 billion. n87 Attaining commensurate air pol-lution standards would have saved 1,600 lives. n88 Lost productivity due to illness caused by auto-related air pollution is also a major cost to society and the economy. n89

Other estimates of external public costs, such as tax subsidization of the oil industry, government program subsi-dies, protection costs in oil shipment and motor vehicle services, environmental, health, and social costs of gasoline usage, and other externalities of motor vehicle use, total $ 558.7 billion to $ 1.69 trillion per year. n90 When added to the retail price of gasoline, this makes the real per gallon price of gas between $ 5.60 and $ 15.14. n91

3. Environmental Costs

[\*18] Environmental costs that petro plaintiffs may be able to recover based on expense totals kept in the state's public records are abatement, regulatory, and remediation costs not recovered from the responsible parties. n92 Esti-mates of annual values for significant environmental externalities include global warming ($ 3 to $ 27.5 billion) and water pollution ($ 8.4 to $ 36.8 billion). n93 A more conservative estimate finds water pollution associated with motor vehicle use (such as leaking tanks, oil spills, and polluted runoff) results in environmental, economic, and health costs of $ 0.4 to 1.5 billion annually. n94 Other costs associated with localized air pollution attributable to gasoline-powered automobiles include decreased agricultural yields ($ 2.1 to $ 4.2 billion), reduced visibility ($ 6.1 to $ 44.5 billion), and damage to buildings and materials ($ 1.2 to $ 9.6 billion). n95

The petro industry "indirectly" causes the growth of urban sprawl. n96 Even the impact of urban sprawl adds to the economic consequences wrought by the petro industry. n97 These include "additional environmental degradation (up to $ 58.4 billion), aesthetic degradation of cultural sites (up to $ 11.7 billion), social deterioration (up to $ 58.4 billion), additional municipal costs including costs of regulatory agencies (up to $ 53.8 billion), and additional transportation costs [\*19] (up to $ 145 billion)." n98 Researchers in the field of transportation cost analysis reduce their totals by twenty-five to fifty percent to account for any error in the cost analysis. n99 Still they "arrive at a total of $ 163.7 to $ 245.5 billion per year." n100

III. PROPOSAL

A. PETRO TORT LITIGATION MADE FEASIBLE BY TOBACCO LITIGATION

The fruits of asbestos litigation supported tobacco litigation and now the fruits of tobacco litigation may support petroleum litigation. n101 In tobacco and asbestos litigation, alliances between state and "private" attorneys general created sufficient resources to withstand tobacco industry defenses. n102 This alliance may once again be necessary and the same legal tactics and tort theories -- such as products liability and nuisance -- may possess an even greater likeli-hood of success against the petro industry. n103 Products liability and nuisance claims against petroleum fuel and ICE manufacturers may both face preemption de-fenses based on the CAA. Petroleum fuel defendants, however, may [\*25] have a weak defense. The CAA includes an express preemption provision that prohibits the states from imposing any control or prohibition of motor vehicle fuels and fuel additives "for purposes of motor vehicle emission control." n130 One of the exceptions to this provision, however, is that the CAA permits California, as a state that regulated automotive emissions before Congress entered the field, to "at any time prescribe and enforce for the purpose of motor vehicle emission control, a control or prohibition respecting any fuel or fuel additive." n131 In holding that California could enact a ban on the gasoline additive MTBE, for the purpose of preventing contamination to private wells, the Ninth Circuit rejected express and implied preemption arguments based on the CAA. n132 It held California's waiver from federal fuel regulations is broad and unqualified and gives California a "freer hand than the EPA." n133 The court found Congress's "clear and manifest purpose" was not "to preempt the field where California is concerned." n134 It even held California may act to ban fuel for other purposes besides emission control. n135 While petro defendants will likely argue that allowing a common-law action for petroleum fuel would destabilize the national economy and fuel supply, the Ninth Circuit's response to a similar argument regarding the ban of MTBE was that the CAA does not require California to consider the national price and supply of gasoline. n136 A federal goal of ensuring an adequate supply of a product was too speculative to support preemption. n137

[\*26] California common-law claims against ICE manufacturers have a less-certain outcome. n138 California's exemption from federal preemption of state regulation of fuel standards has yet to be applied to vehicle or engine-part requirements. n139 Currently, California may assert this waiver in defense of a state law requiring reduction of carbon dioxide from automobiles. n140 But this case may take years to unfold. Favorable precedent exists for plaintiffs suing under common-law theories against stationary air polluters to overcome CAA preemption defenses, but no case speaks directly to the issue regarding mobile sources. n141 Section 209 of the CAA makes the direct application of stationary precedent difficult. Section 209(a) provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines. . . . No State shall re-quire certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment. (emphasis added). 42 U.S.C. § 209(a) (2004).

Unless California's waiver is held to apply to ICEs, the petro industry's defenses here would be similar to the tobacco industry's preemption defenses in Cipollone. n142 Namely, that a federal law specifically relates to the applicable common-law claims but does not directly address the issue. Cipollone held the central inquiry in such a case is "whether the legal duty that is the predicate of the common law . . . action" satisfies the act's express terms, giving those terms "a fair but [\*27] narrow reading." n143 Accordingly, petro plaintiffs' ICE tort claims would appear to be preempted if they rely on a state law that requires any "approval" relating to the control of emissions or attempts to create "any stan-dard" relating to the control of emissions on new ICEs. n144

The predicate duty of petro plaintiffs' products-liability claim is arguably a state-law duty not to place defective products on the market that cause injury to human beings. n145 The predicate duty of their nuisance claims is a duty

not to create anything that is injurious or offensive to the public health or comfort. n146 Proving these theories would not be based on a determination of whether manufacturers complied with emissions standards or a demonstration that the engines do not comply with federal law. In Cipollone, the Court applied this analysis to decide that fraudulent-misrepresentation claims based on concealment of a material fact arising with respect to advertising and promotions are not preempted by the Federal Cigarette Labeling Act. n147 The court decided such claims are not predicated "on a duty based on smoking and health' but rather on a more general duty not to deceive." n148 Petro plaintiffs could similarly assert their claims are not based on a duty to comply with Federal emissions standards, but rather on a more general obligation -- the duty not to injure human beings and natural places. Preempting such claims would be effectively allow-ing zones of sacrifice.

The CAA's savings provision, absent in the act analyzed in Cipollone, increases petro plaintiffs' chances of defeating a preemption defense based on the CAA. n149 The CAA's savings [\*28] provision retains substantial retention of state authority. n150 It states that, except in limited circumstances, "nothing in [the] Act shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution . . ." n151 From this the Ninth Circuit observed that the CAA envisions, without specifically authorizing, other remedial actions where such are grounded in statute or common law. n152 The Supreme Court has held savings clauses allow for a narrow reading of a statute that preserves common-law claims. n153

### OFF

#### The affirmative is a frontal attack on whiteness, seeking to raise consciousness of whiteness, white privilege, and the concept of white supremacy in a competitive collegiate forum with time pressures and wins at stake. Their methodology begins with individual experience and subjectivity, priming us to view the debate round through that lens. There are broader academic disputes about the best methodologies to confront whiteness, and framing the debate through the lens of corrective methodology is a coherent challenge to push the affirmative into a deeper defense of the 1ac assumptions.

#### The persistence of hegemonic whiteness, despite awareness, validates claims that the adaptive unconscious – the AU - is the dominant processing system for survival speed decision making – this suggests frontal approaches won’t solve

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p50-1) The theory of the adaptive unconscious they set out suggested a new way to think about making the power and privilege of whiteness visible. The central idea of the theory is that we have two non-redundant information processing systems that are relatively independent of one another. These two systems have evolved in different ways and serve different functions. One of these, the adaptive unconscious, operates almost entirely out of conscious view. The adaptive unconscious is far more sophisticated, efficient, and adult-like than the unconscious portrayed by psychoanalytic theory. It can set goals, interpret and evaluate evidence, and influence judgments, conscious feelings, and behavior. People can think in quite sophisticated ways and yet be thinking "non-consciously." In fact, the mind relegates a good deal of high-level thinking to the adaptive unconscious. Wilson calls it the adaptive unconscious because it has evolved to enable human survival. It permits us to notice danger and respond to it quickly. Gladwell compares the adaptive unconscious to a giant computer that crunches all the data from all the experiences we have had. These efficient, sophisticated, unconscious information-processing systems that select, interpret, and evaluate incoming information, direct our attention, and filter our experience influence almost all our second-by-second responses. Thus, the adaptive unconscious is more influential in our day-by-day living than most of us think, and we exert less control over our actions than we imagine. Attitudes toward concepts such as race or gender, for example, operate at two levels—at a conscious level our stated values direct our behavior deliberately, and at an unconscious level we respond in terms of immediate but quite complex automatic associations that tumble out before we have even had time to think. The adaptive unconscious is unintentional, effortless, and responsive to the here and now. It is also rigid; that is, it is slow to respond to new and contradictory information. Conscious thought takes a longer view; it is controlled, slow, and effortful. The idea is that we have two personality systems: the adaptive unconscious and the conscious self. As exemplified by Katie, each has characteristic and sometimes diametrically opposed ways of interpreting the environment and its own feelings and motives that guide behavior. Many studies have documented that the disconnect between the conscious intentions of people like Katie and the unconscious views that motivate their behavior is ubiquitous (e.g. Ferguson, 2000; Lewis, 2004). So independent are the two systems that Gladwell characterizes the snap judgments or rapid cognitions characteristic of the adaptive unconscious as taking place behind a locked door. Thus, individuals can honestly claim they are aware of the diverse set of racist practices that hold in place the hegemony of whiteness and yet be completely unaware of them at an implicit automatic level. People may act on their conscious views when they are behaving deliberately but act on the more unconscious dispositions of their adaptive unconscious when they are not monitoring their actions.

#### The AU operates by priming effects, so foregrounding can have inverse effects – research on priming effects in standardized testing formats validate our turn

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p54) Each of us has a variety of automatic category systems we might use to screen the data we encounter. Which system will be operative at any particular moment— which one will be, in Wilson's terms, chronically accessible—depends on several factors. One factor is whether and how often the category system has been used in the past. As the examples of Katie and Sue suggest, a semester of concerted use of a lens that brings racism and white supremacy into focus may be no match for the multitude of times they have looked at racial hierarchy through meritocratic frames. A second factor is how recently a particular frame has been called into play. Data from priming studies show that presenting subjects with verbal or visual cues can evoke entire frames of reference that influence how subjects will perceive an experience that occurs immediately after the cues, without the subjects having any awareness that they have been primed (Gladwell, 2004, 53). One relevant study was carried out by Claude Steele and Joshua Aronson (1995). Using black college students and 20 questions drawn from the Graduate Record Examination (GRE), they asked half the students to identify their race on a pretest questionnaire immediately before taking the test. The simple act of self-identification was sufficient to prime the students with the negative stereotypes associated with African Americans and academic achievement; this group got half as many correct as those who were not explicitly asked to think about their race (Gladwell, 2004, 56). None of the participants had any idea about what had affected their performance. A third factor that affects which frames we use to screen information is self relevance: we call into play frames that exclude information that will challenge our sense of well-being. The "psychological immune system" that protects us from threats to our psychological well-being is a central function of the adaptive unconscious (Wilson, 2002, 39). It is here that the theory of the adaptive unconscious incorporates the psychoanalytic concepts of denial and repression (ibid. 12-14).

#### Their misdiagnosis is destructive – AU reactions access the worst forms of racial abuse – this represents the danger of confrontation under time pressure

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p53) Acting in response to the adaptive unconscious can of course be dangerous and damaging both to oneself and to others; the adaptive unconscious can betray us as it did Katie. It can countermand conscious rational processes of thinking, jump to conclusions, and fail to change in the face of contrary evidence. It is responsible for some of society's most troubling problems. Much research in cognitive psychology has been concerned with the implications of non-conscious processing for racial prejudice and white racism. Some of these studies show that, particularly when under time pressure or facing anxiety-provoking situations, people do not rely on the evidence of their senses and fall back on the rigid, unyielding categorical stereotypes that inhabit their adaptive unconscious. That four police officers, "thinking" he was about to shoot them, decimated the dark-skinned Amadou Diallo with a total of 41 bullets as he reached into his pocket to locate identification papers one winter night in the South Bronx is evidence of the potential destructiveness of the racial lenses of the adaptive unconscious.

#### The alternative to vote aff to reject the neg’s foregrounding of consciousness – strategies which prioritize AU processing models have productive effects on racial valence

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p60) An anecdote Gladwell tells in Blink suggests the importance of presenting alternative images when attempting to construct lenses that position people of color as capable and powerful. The story revolves around the race IAT (Implicit Association Test). The race IAT is a computer-generated test that measures our implicit racial valences (http://www.implicit.harvard.edu ). More than 80% of all those who take this test end up having pro-white associations (Gladwell, 2004, 84). This includes about half of the 50,000 African Americans who have taken the test. Gladwell reports that after months of taking the test daily and scoring with the majority every time, one day an IAT researcher was stunned to discover that he got a positive association with images of black people. He was deeply puzzled by this turn of events. Finally, he realized that he'd spent the morning watching the Olympics on TV. From this, he and other researchers surmised that repetitive and recent exposure to positive images of black people had affected the racist features of his adaptive unconscious and thus his response to the IAT. They extrapolated that altering our exposure to the images we come into contact with regularly is one way to alter the adaptive unconscious. The implication is that just because something is out of awareness doesn't mean that it is out of control; once we identify aspects of our adaptive unconscious that we hope to change, we can take active steps to manage and control the images and experiences with which we interact (ibid. 2004, 97-98). What this suggests for curriculum is that both teacher educators and classroom teachers must carefully consider what images we are offering our students.

### Case

#### Foregrounding of whiteness reinforces US exceptional, undermining solvency – their localization to intra-debate community issues is an exclamation mark

Jane **Carey** (Postcolonialism Researcher, Monach U), Leigh Boucher (School of Modern History & PLS, Marquarie U), and Katherine Ellinghaus (School of Hist Studies, Monach U), Re-Orienting Whiteness (B) 200**9**

(p3-4) Arneson was not alone, as the flurry of similarly dissatisfied reviews indicated." Although not as scathing, Peter Kolchin, for example, also expressed uneasiness at the "elusive, undefined nature of whiteness," the lack of "historical grounding" of many contemporary studies, and the "over-reliance on whiteness in explaining the American past." 2° In assigning such overarching explanatory power to whiteness, he suggested, the field is prone to overstatement and overgeneralization, coming close to "portraying race as a ubiquitous and unchanging transhistorical force rather than a shifting and contingent 'construction.'" 21 Kolchin also briefly observed that one of the "most striking features" of whiteness studies is the "assumption—sometimes asserted and sometimes unspoken—that the racism they describe is uniquely American and that American whiteness can be understood in isolation." 22 The most influential U.S. scholarship, particularly that by labor historians, locates the creation of white identity entirely within historical circumstances quite specific to the United States, namely black chattel slavery and, later, mass immigration. 23 While this narrow national focus has not emerged as a prominent concern within existing critiques of the field, we argue that it is in fact of central importance. Much historical work on whiteness is even more narrowly positioned. As John Munro has outlined, it largely represents another in the series of U.S. labor history projects that have sought to answer the question Werner Sombart posed in 1906, "Why is there no socialism in the United States?," and is primarily concerned with finding "a usable past upon which an anti-capitalist and antiracist future can be envisioned." 24 This in part explains why it has largely ignored wider scholarship that does not share these, very particular, interests, and why many objections to whiteness studies have simply joined the long history of attempts to assert the primacy of class over race. 25 Despite pretensions to an almost universal applicability, distinct U.S. academic debates, as well as specific political projects and disavowals (particularly of the settler-colonial underpinnings of the United States), silently orient the field. In many ways, debates about whiteness have primarily reflected a turf war over leadership in the field of labor history in the United States. The issues at stake are far too important to allow them to be subsumed within such parochial concerns.

#### Whiteness studies fail – US model focus – they aggravate the problem by trying to sidestep our literature bases

Jane **Carey** (Postcolonialism Researcher, Monach U), Leigh Boucher (School of Modern History & PLS, Marquarie U), and Katherine Ellinghaus (School of Hist Studies, Monach U), Re-Orienting Whiteness (B) 20**09**

(p2) This is not to say that this collection is united by an unfaltering commitment to whiteness studies. It is equally shaped by a uneasiness with the field tendencies toward ahistoricity, reification, and universalization; its ill-defined analytic vocabulary; and especially its potential simply to reinscribe white people at the center of historical narratives. And we are acutely aware that, since its emergence, the field has proven "a lightning rod for critics.' I licked, alongside its rapid growth, the apparently deserved death of the field has been simultaneously announced as the latest headstone in a graveyard of academic fads. 7 A key development that argues these dismissive predictions, however, is the degree to which the terms "white" and "whiteness" have already been adopted by historians, particularly those writing about European colonialism. These categories have recently been inserted alongside class, gender, and various "others."' This book functions in some ways simply to highlight the significance of this quite startling analytic uptake. But it also registers a profound discomfort with the ways that whiteness has snuck through the backdoor into the historian's toolkit, often with little definition or explanation. Its meanings are often taken for granted, as if they were self-evident. The nuanced, historically grounded, and theoretically broad-ranging approaches in this collection suggest a number of ways forward for scholars. As Matt Wray has recently observed, "whiteness studies has left childhood and is now enduring adolescence. It's having its identity crisis right on time." 9 The time is ripe for a major reassessment of the field. In approaching this task, we wish to foreground the limitations that have resulted from the U.S.-centered nature of most whiteness scholarship. This is clearly problematic for a field that makes broad, even universal, claims to explaining the operations of "race." Whiteness, obviously, has had far wider geographic purchase. We seek to decenter the United States in the area of whiteness studies, and in some ways to recognize that it was never central to begin with. So too, the isolationist tendencies of U.S. whiteness scholarship have produced its lack of engagement with work on race in other contexts, particularly the analytic frames that have emerged through attempts to theorize European colonialism. We contend that this nationally and theoretically limited approach represents in fact the major weakness of the field." In other words, whiteness needs to be reconciled with the major intellectual currents that have shaped research on race outside the United States.

#### Using “white supremacy” as a framing concept for all relations is counterproductive—it creates a black-white dichotomy that erases other oppressed people, it oversimplifies the complex nature of power, and it is deployed as a unitary concept that self-answers all of its own failings—their movement assures political failure and trades off with a focus a more productive focus on structural inequality

**Darder & Torres 1999** Critical Ethnicity: Countering the Waves of Identity Politics By Robert H. Tai, Mary L. Kenyatta

In efforts to sort out the complexities of “race” problems in America, many prominent intellectuals have placed an overwhelming emphasis on the notion of White supremacy. The writings of bell hooks well illustrate this particular predilection and insistence on using White supremacy as the term of choice when addressing the racialized inequalities suffered by African Americans. In Talking Back, she specifically notes this shift in her use of language. I try to remember when the word racism ceased to be the term which best expressed for me the exploitation of black people and people of color in this society and when I began to understand that the most useful term was white supremacy. . . the ideology that most determines how white people in this society perceive and relate to black people and other people of color.31 What seems apparent in hooks’s explanation is both her belief in the existence of a White ideology that has Black people as its primary object (albeit her mention of “people of color”) and the reification of skin color as the most active determinant of social relations between Black and White populations. Consequently, the persistence of such notions of racialized exploitation and domination mistakenly privileges one particular form of racism, while it ignores the historical and contemporary oppression of populations who have been treated as distinct and inferior “races” without the necessary reference to skin color. Moreover, “White supremacy” arguments analytically essentialize Black/White relations by inferring that the inevitability of skin color ensures the reproduction of racism in the post-colonial world, where White people predominantly associate Black people with inferiority. Inherent in this perspective is the failure to recognize the precolonial origins of racism which were structured within the interior of Europe by the development of nation-states and capitalist relations of production. “The dichotomous categories of Blacks as victims, and Whites as perpetrators of racism, tend to homogenize the objects of racism, without paying attention to the different experience of men and women, of different social classes and ethnicities.”32 As such there is little room to link, with equal legitimacy, the continuing struggles against racism of Jews, Gypsies, the Irish, immigrant workers, refugees, and other racialized populations of the world (including Africans racialized by Africans) to the struggle of African Americans in the United States. Hence, theories of racism that are founded upon the racialized idea of White supremacy adhere rigidly to a “race relations paradigm.” As such, these theories anchor racialized inequality to the alleged “nature” of White people and the psychological influence of White ideology on both Whites and Blacks, rather than to the complex nature of historically constituted social relations of power and their material consequences. In light of this, hooks’s preference for White supremacy represents a perspective that, despite its oppositional intent and popularity among many activists and scholars in the field, still fails to critically advance our understanding of the debilitating structures of capitalism and the nature of class formations within a racialized world. More specifically, what we argue here is that the struggle against racism and class inequality cannot be founded on either academic or popularized notions of “race” or White supremacy, notions that ultimately reify and “project a ‘phantom objectivity,’ an autonomy that seems so strictly rational and all-embracing as to conceal every trace of its fundamental nature.”33 Rather than working to invert racist notions of racialized inferiority, anti-racist scholars and activists should seek to develop a critical theory of racism to confront the fundamental nature and consequences of structural inequalities as reproduced by the historical processes of racializatlon in U.S. society and around the globe.

#### Reject their movement target of “White Supremacy” – it’s a political dead end and trades off with understanding racialization in plural terms

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In order to address these structural inequalities, an analytical shift is required, from “race” to a plural conceptualization of “racisms” and their historical articulations with other ideologies. This plural notion of “racisms” more accurately captures the historically specific nature of racism and the variety of meanings attributed to evaluations of difference and assessments of superiority and inferiority of people. Conversely, to continue our engagement of racism as a singular ideological phenomenon fails to draw on the multiplicity of historical and social processes irtherent in the heterogeneity of racialized relations. This is to say, for example, that the notion of “White supremacy” can only have any real meaning within populations whose exploitation and domination is essentialized based on skin color. As such, this view severs the experience of African Americans, for instance, from meaningful comparative analysis with those racialized populations whose subordination is predicated on other social characteristics. Consequently, “White supremacy” arguments cannot be employed to analyze, for example, the racialization of Jews in Germany during the 1930s, or Gypsy populations in Eastern Europe, or the Tutsi population in the Congo. More close to home, the concept of “White supremacy” sheds little light on what is happening in Watts and South Central Los Angeles between the Korean petite-bourgeoisie and the African American and Latino underclass or reserve army (to use a more traditional concept!). Instead, what we are arguing for is a plural concept of racism that can free us from the “Black/White” dichotomy and, in its place, assert the historically shifting and politically complex nature of racialization. More specifically, it is a pluralized concept of racism that has relevance and analytical utility in comprehending the political economy of racialized relations in South Central Los Angeles, as well as the larger sociocultural landscape that can, beyond this analysis, link the economic structures of oppression in this local context to the global context of racialized capitalism. Most importantly, we argue that the problems in racialized communities are not about “race” but rather about the intricate interplay between a variety of racisms and class. It is for this reason that we do not believe that scholars should not be trying to advance a “critical theory of race.”35 A persistance in attributing the idea of “race” with analytical status can only lead us further down a theoretical and political dead end. Instead, the task at hand is to deconstruct “race” and detach it from the concept of racism. This is to say, what is essential for activists and social science scholars is to understand that the construction of the idea of “race” is embodied in racist ideology that supports the practice of racism. It is racism as an ideology that produces the notion of “race,” not the existence of “races” that produces racisms.36 Hence, what is needed is a clear understanding of the plurality of racisms and the exclusionary social processes that function to perpetuate the racialization of members from culturally and economically marginalized communities. Robert Miles convincingly argues that these processes can be analyzed within the framework of Marxist theory without retaining the idea of race as an analytical concept. Using the concept of racialization, racism, and exclusionary practices to identify specific means of effecting the reproduction of the capitalist mode of production, one is able to stress consistently and rigorously the role of human agency, albeit always constrained by particular historical and material circumstances, in these processes, as well as to recognize the specificity of particular forms of oppression.37 Miles’s work also supports the notion that efforts to construct a new language for examining the nature of differing racisms requires an understanding of how complex relationships of exploitation and resistance, grounded in differences of class, ethnicity, and gender, give rise to a multiplicity of ideological constructions of the racialized Other. This knowledge again challenges the traditional notion of racism as predominantly a Black/White phenomenon and directs us toward a more accurately constructed and, hence, more politically and analytically useful way to identify a multiplicity of historically specific racisms.

#### Focus on values and beliefs is ineffective

Ann **Berlak**, Elementary Ed Program, SFSU 20**09** “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p48) I recall the moment when I first noticed the contradiction between a student's claim to repudiate teachers' perpetuation of white privilege and power and her classroom behavior. It was Katie, another white student who some years ago made an A in the Foundations of Education course I teach, who made that moment possible. The A signified, among other things, that I thought Katie had explored the issue of racism and white supremacy thoughtfully, had unlearned most aspects of her blindness to white racism, and was well on her way to becoming an antiracist teacher and an ally to people of color. The semester after Katie's participation in my course, I supervised her student teaching. Within the first half hour of my first observation of her teaching, I watched this intelligent and committed young woman put the names of three misbehaving black boys on the board while ignoring the fact that several white boys were engaging in identical behavior. It was at this moment that the gap between students' espoused beliefs and values on the one hand and behaviors on the other came clearly into focus and I began to think systematically about how I could address this gap through my teaching. Such observations also prompted me to think about the gap between my own espoused commitments and my teaching practice.

### 2nc

### Retreat CP Extension

#### Although some debates have been won on appalling strategies, policy debate does not have to be that way, and countering critical impacts encourages a race to control access to every impact, which means that non-policy strategies are part of the impact race that perhaps is limiting debate’s potential to empower students to impact positive social changes.

Truthwatch '08: Hulshof Targets Nixon, Trial Lawyers & Tobacco Monday, October 06, 2008

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=29&cad=rja&ved=0CP4BEBYwHA&url=http%3A%2F%2Fwww.senate.mo.gov%2Fnewsroom%2FNewsClips%2F2008%2F10%2520-%2520October%2F100708.doc&ei=-zZeULmnO4ivqAHDyoHQAw&usg=AFQjCNF98N2owdA6Ul7rs3dDPpPxEjgkmg>

Republican candidate for Governor Kenny Hulshof is targeting Attorney General Jay Nixon in a political ad for his handling of the state's historic lawsuit against the tobacco industry. But in dissecting Hulshof's ad, it's less about inaccuracies and more about perspective. BLOGXTRA Truths: • In a September 2000 editorial, the St. Louis Post-Dispatch did take Jay Nixon to task for the fee arrangement to pay attorneys for their work on the settlement case. Peter Kinder maintained the legislature should decide how much money goes to private lawyers. Nixon said the legislature shouldn't be involved. Nixon's team argued that the attorneys needed to be "brave and smart enough to go after someone who had never been beaten." The P-D called that "rubbish," asking, "How much courage does it take for a lawyer to agree to become a millionaire?" • The KY3 Political Notebook contacted several attorneys with different political affiliations for their take on whether Nixon handled the fees for the settlement appropriately. Was the payout grossly excessive? Was it appropriate to pick Tom Strong? One Republican-leaning attorney, who agreed to be quoted if his name was withheld said this: "Look, I'm no fan of Jay Nixon, but that litigation was very sophisticated. I probably would've picked Tom Strong too. I'm not sure he wouldn't have been the best to do it. It's easy to look back on that now and say it wasn't a risk, but firms have to be willing to put up money against the best funded corporate lawyers in the world. Only a handful in the country can do that." Steve Garner of The Strong Law Firm said that the fees were ultimately determined by an arbitration board. "Had the private lawyers had wanted to enforce the contract with the state, they would've paid a hell of a lot more, if it wasn't through arbitration," Garner said. "Jay Nixon was one of the last Attorney Generals to hire counsel because he hoped there would be a settlement. And he demanded that the attorneys weren't paid with taxpayer money. The state did not pay out a penny and Jay Nixon demanded it be that way," he added. Attorney Robert Palmer, who was interviewed for my television piece, said the real question is one of quid pro quo. Palmer said there's no evidence that Strong had an undo or inappropriate influence on Nixon's action.

## 2NC Fairness Outweighs Education

#### A. Most logical—the significance of one-of-many issues is minimal. Constraints inherently increase meaning.

#### B. It’s a precursor—education is inevitable, unfocused education isn’t productive. Limits determine the direction and productivity of learning.

#### C. Studies prove—depth is better than breadth.

Arrington 09 (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic.

#### D. Small schools—small topics minimize resource disparities. A narrow research base allows a more level playing field.

## 2NC Ground

#### 4. The Affirmative’s Politics abandons deliberative argument resulting in the tyranny of structurelessness which inevitably results in annihilation of the marginalized other

Mari Boor Tonn**,** Associate Professor of Communication at the University of Maryland, 2005

(“Taking Conversation, Dialogue, and Therapy Public” Rhetoric & Public Affairs Vol. 8, No. 3)

Perhaps the most conspicuous effort at replacing public debate with therapeutic dialogue was President Clinton's Conversation on Race, launched in mid-1997. Controversial from its inception for its ideological bent, the initiative met further widespread criticism for its encounter-group approaches to racial stratification and strife, critiques echoing previously articulated concerns- my own among them6-that **certain dangers lurk in employing** private or **social communication modes for public problem-solving**.7 Since then, others have joined in contesting the **treating of public problems with narrative** and psychological **approaches**, which-**in the name of promoting** civility, **cooperation**, personal empowerment, and socially constructed or idiosyncratic truths-**actually work to contain dissent, locate systemic social problems solely within individual neurosis, and otherwise fortify hegemony**.8 Particularly noteworthy is Michael Schudson's challenge to the utopian equating of "conversation" with the "soul of democracy." Schudson points to pivotal differences in the goals and architecture of conversational and democratic deliberative processes. To him, political (or democratic) conversation is a contradiction in terms. Political deliberation entails a clear instrumental purpose, ideally remaining ever mindful of its implications beyond an individual case. **Marked by disagreement**-even pain-**democratic deliberation contains transparent prescribed procedures governing** participation and **decision making** so as **to protect the timid or** otherwise **weak**. In such processes, written records chronicle the interactional journey toward resolution, and in the case of writing law especially, provide accessible justification for decisions rendered. **In sharp contrast, conversation is** often "**small talk**" exchanged among family, friends, or candidates for intimacy, unbridled by set agendas, and **prone to egocentric rather than altruistic goals**. **Subject only to unstated "rules"** such as turn-taking and politeness, **conversation tends to advantage the gregarious** or articulate **over the shy** or slight of tongue.9 **The events of 9/11,** the onset of **war with Afghanistan and Iraq, and** the subsequent **failure to locate** Iraqi **w**eapons of **m**ass **d**estruction **have resuscitated some faith in debate,** argument, warrant, and facts **as crucial to the public sphere**. Still, the romance with public conversation persists. As examples among communication scholars, Karlyn Kohrs Campbell's 2001 Carroll C. Arnold Distinguished Lecture treated what she termed "the rhetoric of conversation" as a means to "manage controversy" and empower non-dominant voices10; multiple essays in a 2002 special issue of Rhetoric & Public Affairs on deliberative democracy couch a deliberative democratic ideal in dialogic terms11; and the 2005 Southern States Communication Convention featured family therapist Sallyann Roth, founding member and trainer of the Public Conversations Project, as keynote speaker.12 Representative of the dialogic turn in deliberative democracy scholarship is Gerard A. Hauser and Chantal Benoit-Barne's critique of the traditional procedural, reasoning model of public problem solving: "A deliberative model of democracy . . . constru[es] democracy in terms of participation in the ongoing conversation about how we shall act and interact-our political relations" and "Civil society redirects our attention to the language of social dialogue on which our understanding of political interests and possibility rests."13 And on the political front, British Prime Minister Tony Blair-facing declining poll numbers and mounting criticism of his indifference to public opinion on issues ranging from the Iraq war to steep tuition hike proposals-launched The Big Conversation on November 28, 2003. Trumpeted as "as way of enriching the Labour Party's policy making process by listening to the British public about their priorities," the initiative includes an interactive government website and community meetings ostensibly designed to solicit citizens' voices on public issues.14 In their own way, each treatment of public conversation positions it as a democratic good, a mode that heals divisions and carves out spaces wherein ordinary voices can be heard. In certain ways, Schudson's initial reluctance to dismiss public conversation echoes my own early reservations, given the ideals of egalitarianism, empowerment, and mutual respect conversational advocates champion. Still, in the spirit of the dialectic ostensibly underlying dialogic premises, this essay argues that **various negative consequences can result from transporting conversational** and therapeutic **paradigms into public problem solving**. In what follows, I extend Schudson's critique of a conversational model for democracy in two ways: **First**, whereas Schudson primarily offers a theoretical analysis, I interrogate public conversation as a praxis in a variety of venues, illustrating how **public** "conversation" and "**dialogue" have been coopted to silence rather than empower marginalized** or dissenting **voices**. **In practice, public conversation easily can emulate** what feminist political scientist Jo Freeman termed "**the tyranny of structurelessness**" in her classic 1970 critique of consciousness- raising groups in the women's liberation movement,15 as well as the key traits Irving L. Janis ascribes to "groupthink."16 **Thus, contrary to its promotion as a means to neutralize hierarchy and exclusion** in the public sphere, **public conversation** can and **has accomplished the reverse.** When such moves are rendered transparent, **public** conversation and **dialogue**, I contend, **risk increasing rather than diminishing political cynicism and alienation**. **[Continues…]** This widespread recognition that access to public deliberative processes and the ballot is a baseline of any genuine democracy points to the most curious irony of the conversation movement: portions of its constituency. Numbering among the most fervid dialogic loyalists have been some feminists and multiculturalists who represent groups historically denied both the right to speak in public and the ballot. Oddly, some feminists who championed the slogan "The Personal Is Political" to emphasize ways relational power can oppress tend to ignore similar dangers lurking in the appropriation of conversation and dialogue in public deliberation. Yet the conversational model's emphasis on empowerment through intimacy can duplicate the power networks that traditionally excluded females and nonwhites and gave rise to numerous, sometimes necessarily uncivil, demands for democratic inclusion. **Formalized participation structures in deliberative processes** obviously **cannot ensure the elimination of** relational **power blocs, but**, as Freeman pointed out, **the absence of formal rules leaves relational power unchecked and** potentially **capricious**. Moreover, the privileging of the self, personal experiences, and individual perspectives of reality intrinsic in the conversational paradigm mirrors justifications once used by dominant groups who used their own lives, beliefs, and interests as templates for hegemonic social premises to oppress women, the lower class, and people of color. Paradigms infused with the therapeutic language of emotional healing and coping likewise flirt with the type of psychological diagnoses once ascribed to disaffected women. But as Betty Friedan's landmark 1963 The Feminist Mystique argued, the cure for female alienation was neither tranquilizers nor attitude adjustments fostered through psychotherapy but, rather, unrestricted opportunities.102

## 1NR

#### interventions are ineffective – only suspension of judging resistance can create pathways for productive encounters with the adaptive unconscious

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p59) Looking at challenging the hegemony of whiteness in terms of the adaptive unconscious sheds light on the disproportionate time I spend addressing racism— in contrast to classism and sexism and Euro-centrism, for example, although I think each of these issues is of equal and crucial importance. However, particularly because so few of my students have examined any of these issues before entering the class, I think I have understood intuitively that affecting even one deep and fundamental structure of the mind, such as the hegemony of whiteness, within a 45-hour course is hard—often impossible—to do. Spending equal time on each issue is likely to have a significant impact on none. During the past few semesters, as I have begun to look at classroom processes through the lens of the adaptive unconscious, I have become less judgmental of my students. I conceptualize variations in students' adaptive unconscious as normal and inevitable rather than as evidence of pathological resistance. In the past I have been particularly judgmental of "been there, done that" (primarily, but not always, white) students who enter the course thinking they know all there is to know about the racial order and therefore have nothing to learn from this segment of the course. Since I have begun to think about antiracist teaching in terms of the adaptive unconscious I have come to see students' blindness to their own blindness as a consequence of lenses that have been insufficiently built up or reinforced, and not primarily a result of resistance they can with determined effort eject. One result seems to me to be that the resistance that does exist decreases, or, in Wilson's terms, I less frequently call students' psychological immune systems into play.

There are two systems.

The conscious-deliberately effects our actions based on our values

The AU-works behind that at a slower more complex system. That does not respond to new contradictory information. Studies prove that there is a disconnect between the two. WE awareof hegemonic whiteness but not on the automatic level. This proves that their methodology isn’t going to solve. –That’s Berlak 9

#### Thin slicing turn of their methodology – introduction of consciousness can disrupt positive adaptive behaviors

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p51-2) The Interpretive Function of the Adaptive Unconscious. Our conscious mind is often too slow to figure out what is going on and how to respond to it in a timely manner. Though our "gut feelings" are not always what we (consciously) want to guide our action, with so much information out there to analyze, there can be important advantages to these rapid unconscious mental processes. Gladwell calls the process by which the adaptive unconscious culls through experience and finds patterns "thin-slicing" (2004, 34). Thin-slicing is the instantaneous ability of the adaptive unconscious to find patterns in situations and behaviors based on very narrow slices of experience. He gives an example of a police officer who made a split-second decision not to shoot a young African- American boy who appeared to be reaching for a gun. On the basis of many features of the situation and considerable past experience in similar situations that were in that moment inaccessible to his consciousness, the officer "knew" the boy was not dangerous. I was thin-slicing when I recognized the racialized pattern in Katie's behavior. One of the most important judgments we make is about the motives, intentions, and dispositions of other people, and it is often, as in the case of the officer, essential to make them quickly without the help of conscious analysis. Sometimes thin-slicing delivers a better on-the-spot response than more deliberate thinking. In fact, conscious thinking may at times negatively influence the insights of the adaptive unconscious. In Gladwell's words, "insight," the processing of information by the adaptive unconscious, is a flickering candle that can easily be snuffed out (2004, 122).

WE solve better. The only way to actually solve for environmental racism is to change the way we discuss it. We must shift to a system where we stop perpetuating the negative images that the aff presents like (slavery, oppression) t positive ones. WE must recognize they exist then chnge our education to positive images. That’s why the alternative solves better-Berlak 9.

#### Their misdiagnosis is destructive – AU reactions access the worst forms of racial abuse – this represents the danger of confrontation under time pressure

Ann Berlak, Elementary Ed Program, SFSU 2009 “Challenging the Hegemony of Whiteness by Addressing the Adaptive Unconscious” in Undoing Whiteness in the Classroom (B)

(p53) Acting in response to the adaptive unconscious can of course be dangerous and damaging both to oneself and to others; the adaptive unconscious can betray us as it did Katie. It can countermand conscious rational processes of thinking, jump to conclusions, and fail to change in the face of contrary evidence. It is responsible for some of society's most troubling problems. Much research in cognitive psychology has been concerned with the implications of non-conscious processing for racial prejudice and white racism. Some of these studies show that, particularly when under time pressure or facing anxiety-provoking situations, people do not rely on the evidence of their senses and fall back on the rigid, unyielding categorical stereotypes that inhabit their adaptive unconscious. That four police officers, "thinking" he was about to shoot them, decimated the dark-skinned Amadou Diallo with a total of 41 bullets as he reached into his pocket to locate identification papers one winter night in the South Bronx is evidence of the potential destructiveness of the racial lenses of the adaptive unconscious.