# 1NC

## 1NC Framework

#### 1. Interpretation: the affirmative must defend a statuatory or legal restriction in the president’s war power authority

#### 2. Violation: the affirmative only advocates restrictions by academics but lacks a clear political strategy for accessing either statuatory or judicial restrictions which is disconnected from the active agents of the topic

#### 3. Vote Negative:

#### A) Decisionmaking - a limited topic of discussion that provides for equitable ground is key to decision-making and advocacy skills

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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.

#### Discussion of specific policy-questions is crucial for skills development – it overcomes preconceived ideological notions and breaks out of traditional pedagogical frameworks by positing students as agents of decision-making

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These government or quasi-government think tank simulations often provide very similar lessons for high-level players as are learned by students in educational simulations. Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and coordinate with other governments in negotiations and crises. During the Cold War, political scientist Robert Mandel noted how crisis exercises and war games forced government officials to overcome ‘‘bureaucratic myopia,’’ moving beyond their normal organizational roles and thinking more creatively about how others might react in a crisis or conflict.6 The skills of imagination and the subsequent ability to predict foreign interests and reactions remain critical for real-world foreign policy makers. For example, simulations of the Iranian nuclear crisis\*held in 2009 and 2010 at the Brookings Institution’s Saban Center and at Harvard University’s Belfer Center, and involving former US senior officials and regional experts\*highlighted the dangers of misunderstanding foreign governments’ preferences and misinterpreting their subsequent behavior. In both simulations, the primary criticism of the US negotiating team lay in a failure to predict accurately how other states, both allies and adversaries, would behave in response to US policy initiatives. By university age, students often have a pre-defined view of international affairs, and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave and how their own government works.8 Since simulations became more common as a teaching tool in the late 1950s, educational literature has expounded on their benefits, from encouraging engagement by breaking from the typical lecture format, to improving communication skills, to promoting teamwork.9 More broadly, simulations can deepen understanding by asking students to link fact and theory, providing a context for facts while bringing theory into the realm of practice.10 These exercises are particularly valuable in teaching international affairs for many of the same reasons they are useful for policy makers: they force participants to ‘‘grapple with the issues arising from a world in flux.’’11 Simulations have been used successfully to teach students about such disparate topics as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12 Role-playing exercises certainly encourage students to learn political and technical facts\* but they learn them in a more active style. Rather than sitting in a classroom and merely receiving knowledge, students actively research ‘‘their’’ government’s positions and actively argue, brief, and negotiate with others.13 Facts can change quickly; simulations teach students how to contextualize and act on information.14

#### Switch-side is key - effective deliberation is crucial to the activation of personal agency and is only possible in a switch-side debate format where debaters divorce themselves from ideology to engage in political contestation – the impact is mass violence

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Totalitarianism and the Competitive Space of Agonism¶ Arendt is probably most famous for her analysis of totalitarianism (especially her The Origins of Totalitarianism andEichmann in Jerusa¬lem), but the recent attention has been on her criticism of mass culture (The Human Condition). Arendt's main criticism of the current human condition is that the common world of deliberate and joint action is fragmented into solipsistic and unreflective behavior. In an especially lovely passage, she says that in mass society people are all imprisoned in the subjectivity of their own singular experience, which does not cease to be singular if the same experience is multiplied innumerable times. The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective. (Human 58)¶ What Arendt so beautifully describes is that isolation and individualism are not corollaries, and may even be antithetical because obsession with one's own self and the particularities of one's life prevents one from engaging in conscious, deliberate, collective action. Individuality, unlike isolation, depends upon a collective with whom one argues in order to direct the common life. Self-obsession, even (especially?) when coupled with isolation from one' s community is far from apolitical; it has political consequences. Perhaps a better way to put it is that it is political precisely because it aspires to be apolitical. This fragmented world in which many people live simultaneously and even similarly but not exactly together is what Arendt calls the "social."¶ Arendt does not mean that group behavior is impossible in the realm of the social, but that social behavior consists "in some way of isolated individuals, incapable of solidarity or mutuality, who abdicate their human capacities and responsibilities to a projected 'they' or 'it,' with disastrous consequences, both for other people and eventually for themselves" (Pitkin 79). One can behave, butnot act. For someone like Arendt, a German-assimilated Jew, one of the most frightening aspects of the Holocaust was the ease with which a people who had not been extraordinarily anti-Semitic could be put to work industriously and efficiently on the genocide of the Jews. And what was striking about the perpetrators of the genocide, ranging from minor functionaries who facilitated the murder transports up to major figures on trial at Nuremberg, was their constant and apparently sincere insistence that they were not responsible. For Arendt, this was not a peculiarity of the German people, but of the current human and heavily bureaucratic condition of twentieth-century culture: we do not consciously choose to engage in life's activities; we drift into them, or we do them out of a desire to conform. Even while we do them, we do not acknowledge an active, willed choice to do them; instead, we attribute our behavior to necessity, and we perceive ourselves as determined—determined by circumstance, by accident, by what "they" tell us to do. We do something from within the anonymity of a mob that we would never do as an individual; we do things for which we will not take responsibility. Yet, whether or not people acknowledge responsibil¬ity for the consequences of their actions, those consequences exist. Refusing to accept responsibility can even make those consequences worse, in that the people who enact the actions in question, because they do not admit their own agency, cannot be persuaded to stop those actions. They are simply doing their jobs. In a totalitarian system, however, everyone is simply doing his or her job; there never seems to be anyone who can explain, defend, and change the policies. Thus, it is, as Arendt says, rule by nobody.¶ It is illustrative to contrast Arendt's attitude toward discourse to Habermas'. While both are critical of modern bureaucratic and totalitar¬ian systems, Arendt's solution is the playful and competitive space of agonism; it is not the rational-critical public sphere. The "actual content of political life" is "the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new" ("Truth" 263). According to Seyla Benhabib, Arendt's public realm emphasizes the assumption of competition, and it "represents that space of appearances in which moral and political greatness, heroism, and preeminence are revealed, displayed, shared with others. This is a competitive space in which one competes for recognition, precedence, and acclaim" (78). These qualities are displayed, but not entirely for purposes of acclamation; they are not displays of one's self, but of ideas and arguments, of one's thought. When Arendt discusses Socrates' thinking in public, she emphasizes his performance: "He performed in the marketplace the way the flute-player performed at a banquet. It is sheer performance, sheer activity"; nevertheless, it was thinking: "What he actually did was to make public, in discourse, the thinking process" {Lectures 37). Pitkin summarizes this point: "Arendt says that the heroism associated with politics is not the mythical machismo of ancient Greece but something more like the existential leap into action and public exposure" (175-76). Just as it is not machismo, although it does have considerable ego involved, so it is not instrumental rationality; Arendt's discussion of the kinds of discourse involved in public action include myths, stories, and personal narratives.¶ Furthermore, the competition is not ruthless; it does not imply a willingness to triumph at all costs. Instead, it involves something like having such a passion for ideas and politics that one is willing to take risks. One tries to articulate the best argument, propose the best policy, design the best laws, make the best response. This is a risk in that one might lose; advancing an argument means that one must be open to the criticisms others will make of it. The situation is agonistic not because the participants manufacture or seek conflict, but because conflict is a necessary consequence of difference. This attitude is reminiscent of Kenneth Burke, who did not try to find a language free of domination but who instead theorized a way that the very tendency toward hierarchy in language might be used against itself (for more on this argument, see Kastely). Similarly, Arendt does not propose a public realm of neutral, rational beings who escape differences to live in the discourse of universals; she envisions one of different people who argue with passion, vehemence, and integrity.¶ Continued…¶ Eichmann perfectly exemplified what Arendt famously called the "banal¬ity of evil" but that might be better thought of as the bureaucratization of evil (or, as a friend once aptly put it, the evil of banality). That is, he was able to engage in mass murder because he was able not to think about it, especially not from the perspective of the victims, and he was able to exempt himself from personal responsibility by telling himself (and anyone else who would listen) that he was just following orders. It was the bureaucratic system that enabled him to do both. He was not exactly passive; he was, on the contrary, very aggressive in trying to do his duty. He behaved with the "ruthless, competitive exploitation" and "inauthen-tic, self-disparaging conformism" that characterizes those who people totalitarian systems (Pitkin 87).¶ Arendt's theorizing of totalitarianism has been justly noted as one of her strongest contributions to philosophy. She saw that a situation like Nazi Germany is different from the conventional understanding of a tyranny. Pitkin writes,¶ Totalitarianism cannot be understood, like earlier forms of domination, as the ruthless exploitation of some people by others, whether the motive be selfish calculation, irrational passion, or devotion to some cause. Understanding totalitarianism's essential nature requires solving the central mystery of the holocaust—the objectively useless and indeed dysfunctional, fanatical pursuit of a purely ideological policy, a pointless process to which the people enacting it have fallen captive. (87)¶ Totalitarianism is closely connected to bureaucracy; it is oppression by rules, rather than by people who have willfully chosen to establish certain rules. It is the triumph of the social.¶ Critics (both friendly and hostile) have paid considerable attention to Arendt's category of the "social," largely because, despite spending so much time on the notion, Arendt remains vague on certain aspects of it. Pitkin appropriately compares Arendt's concept of the social to the Blob, the type of monster that figured in so many post-war horror movies. That Blob was "an evil monster from outer space, entirely external to and separate from us [that] had fallen upon us intent on debilitating, absorb¬ing, and ultimately destroying us, gobbling up our distinct individuality and turning us into robots that mechanically serve its purposes" (4).¶ Pitkin is critical of this version of the "social" and suggests that Arendt meant (or perhaps should have meant) something much more complicated. The simplistic version of the social-as-Blob can itself be an instance of Blob thinking; Pitkin's criticism is that Arendt talks at times as though the social comes from outside of us and has fallen upon us, turning us into robots. Yet, Arendt's major criticism of the social is that it involves seeing ourselves as victimized by something that comes from outside our own behavior. I agree with Pitkin that Arendt's most powerful descriptions of the social (and the other concepts similar to it, such as her discussion of totalitarianism, imperialism, Eichmann, and parvenus) emphasize that these processes are not entirely out of our control but that they happen to us when, and because, we keep refusing to make active choices. We create the social through negligence. It is not the sort of force in a Sorcerer's Apprentice, which once let loose cannot be stopped; on the contrary, it continues to exist because we structure our world to reward social behavior. Pitkin writes, "From childhood on, in virtually all our institutions, we reward euphemism, salesmanship, slo¬gans, and we punish and suppress truth-telling, originality, thoughtful-ness. So we continually cultivate ways of (not) thinking that induce the social" (274). I want to emphasize this point, as it is important for thinking about criticisms of some forms of the social construction of knowledge: denying our own agency is what enables the social to thrive. To put it another way, theories of powerlessness are self-fulfilling prophecies.¶ Arendt grants that there are people who willed the Holocaust, but she insists that totalitarian systems result not so much from the Hitlers or Stalins as from the bureaucrats who may or may not agree with the established ideology but who enforce the rules for no stronger motive than a desire to avoid trouble with their superiors (see Eichmann and Life). They do not think about what they do. One might prevent such occurrences—or, at least, resist the modern tendency toward totalitarian¬ism—by thought: "critical thought is in principle anti-authoritarian" (Lectures 38).¶ By "thought" Arendt does not mean eremitic contemplation; in fact, she has great contempt for what she calls "professional thinkers," refusing herself to become a philosopher or to call her work philosophy. Young-Bruehl, Benhabib, and Pitkin have each said that Heidegger represented just such a professional thinker for Arendt, and his embrace of Nazism epitomized the genuine dangers such "thinking" can pose (see Arendt's "Heidegger"). "Thinking" is not typified by the isolated con¬templation of philosophers; it requires the arguments of others and close attention to the truth. It is easy to overstate either part of that harmony. One must consider carefully the arguments and viewpoints of others:¶ Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while I am ponder¬ing a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for represen¬tative thinking and the more valid my final conclusions, my opinion. ("Truth" 241)¶ There are two points to emphasize in this wonderful passage. First, one does not get these standpoints in one's mind through imagining them, but through listening to them; thus, good thinking requires that one hear the arguments of other people. Hence, as Arendt says, "critical thinking, while still a solitary business, does not cut itself off from' all others.'" Thinking is, in this view, necessarily public discourse: critical thinking is possible "only where the standpoints of all others are open to inspection" (Lectures 43). Yet, it is not a discourse in which one simply announces one's stance; participants are interlocutors and not just speakers; they must listen. Unlike many current versions of public discourse, this view presumes that speech matters. It is not asymmetric manipulation of others, nor merely an economic exchange; it must be a world into which one enters and by which one might be changed.¶ Second, passages like the above make some readers think that Arendt puts too much faith in discourse and too little in truth (see Habermas). But Arendt is no crude relativist; she believes in truth, and she believes that there are facts that can be more or less distorted. She does not believe that reality is constructed by discourse, or that truth is indistinguishable from falsehood. She insists tha^ the truth has a different pull on us and, consequently, that it has a difficult place in the world of the political. Facts are different from falsehood because, while they can be distorted or denied, especially when they are inconvenient for the powerful, they also have a certain positive force that falsehood lacks: "Truth, though powerless and always defe ated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it" ("Truth" 259).¶ Facts have a strangely resilient quality partially because a lie "tears, as it were, a hole in the fabric of factuality. As every historian knows, one can spot a lie by noticing incongruities, holes, or the j unctures of patched-up places" ("Truth" 253). While she is sometimes discouraging about our ability to see the tears in the fabric, citing the capacity of totalitarian governments to create the whole cloth (see "Truth" 252-54), she is also sometimes optimistic. InEichmann in Jerusalem, she repeats the story of Anton Schmidt—a man who saved the lives of Jews—and concludes that such stories cannot be silenced (230-32). For facts to exert power in the common world, however, these stories must be told. Rational truth (such as principles of mathematics) might be perceptible and demonstrable through individual contemplation, but "factual truth, on the contrary, is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy. It is political by nature" (23 8). Arendt is neither a positivist who posits an autonomous individual who can correctly perceive truth, nor a relativist who positively asserts the inherent relativism of all perception. Her description of how truth functions does not fall anywhere in the three-part expeditio so prevalent in bothrhetoric and philosophy: it is not expressivist, positivist, or social constructivist. Good thinking depends upon good public argument, and good public argument depends upon access to facts: "Freedom of opinion is a farce unless factual information is guaranteed" (238).¶ The sort of thinking that Arendt propounds takes the form of action only when it is public argument, and, as such, it is particularly precious: "For if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the vita activa, it might well be that thinking as such would surpass them all" (Human 325). Arendt insists that it is "the same general rule— Do not contradict yourself (not your self but your thinking ego)—that determines both thinking and acting" (Lectures 3 7). In place of the mildly resentful conformism that fuels totalitarianism, Arendt proposes what Pitkin calls "a tough-minded, open-eyed readiness to perceive and judge reality for oneself, in terms of concrete experience and independent, critical theorizing" (274). The paradoxical nature of agonism (that it must involve both individuality and commonality) makes it difficult to maintain, as the temptation is great either to think one's own thoughts without reference to anyone else or to let others do one's thinking.¶ Arendt's Polemical Agonism¶ As I said, agonism does have its advocates within rhetoric—Burke, Ong, Sloane, Gage, and Jarratt, for instance—but while each of these theorists proposes a form of conflictual argument, not one of these is as adversarial as Arendt's. Agonism can emphasize persuasion, as does John Gage's textbook The Shape of Reason or William Brandt et al.'s The Craft of Writing. That is, the goal of the argument is to identify the disagreement and then construct a text that gains the assent of the audience. This is not the same as what Gage (citing Thomas Conley) calls "asymmetrical theories of rhetoric": theories that "presuppose an active speaker and a passive audience, a speaker whose rhetorical task is therefore to do something to that audience" ("Reasoned" 6). Asymmetric rhetoric is not and cannot be agonistic. Persuasive agonism still values conflict, disagreement, and equality among interlocutors, but it has the goal of reaching agreement, as when Gage says that the process of argument should enable one's reasons to be "understood and believed" by others (Shape 5; emphasis added).¶ Arendt's version is what one might call polemical agonism: it puts less emphasis on gaining assent, and it is exemplified both in Arendt's own writing and in Donald Lazere's "Ground Rules for Polemicists" and "Teaching the Political Conflicts." Both forms of agonism (persuasive and polemical) require substantive debate at two points in a long and recursive process. First, one engages in debate in order to invent one's argument; even silent thinking is a "dialogue of myself with myself (Lectures 40). The difference between the two approaches to agonism is clearest when one presents an argument to an audience assumed to be an opposition. In persuasive agonism, one plays down conflict and moves through reasons to try to persuade one's audience. In polemical agonism, however, one's intention is not necessarily to prove one's case, but to make public one' s thought in order to test it. In this way, communicability serves the same function in philosophy that replicability serves in the sciences; it is how one tests the validity of one's thought. In persuasive agonism, success is achieved through persuasion; in polemical agonism, success may be marked through the quality of subsequent controversy.¶ Arendt quotes from a letter Kant wrote on this point:¶ You know that I do not approach reasonable objections with the intention merely of refuting them, but that in thinking them over I always weave them into my judgments, and afford them the opportunity of overturning all my most cherished beliefs. I entertain the hope that by thus viewing my judgments impartially from the standpoint of others some third view that will improve upon my previous insight may be obtainable. {Lectures 42)¶ Kant's use of "impartial" here is interesting: he is not describing a stance that is free of all perspective; it is impartial only in the sense that it is not his own view. This is the same way that Arendt uses the term; she does not advocate any kind of positivistic rationality, but instead a "universal interdependence" ("Truth" 242). She does not place the origin of the "disinterested pursuit of truth" in science, but at "the moment when Homer chose to sing the deeds of the Trojans no less than those of the Achaeans, and to praise the glory of Hector, the foe and the defeated man, no less than the glory of Achilles, the hero of his kinfolk" ("Truth" 262¬63). It is useful to note that Arendt tends not to use the term "universal," opting more often for "common," by which she means both what is shared and what is ordinary, a usage that evades many of the problems associated with universalism while preserving its virtues (for a brief butprovocative application of Arendt's notion of common, see Hauser 100-03).¶ In polemical agonism, there is a sense in which one' s main goal is not to persuade one's readers; persuading one's readers, if this means that they fail to see errors and flaws in one' s argument, might actually be a sort of failure. It means that one wishes to put forward an argument that makes clear what one's stance is and why one holds it, but with the intention of provoking critique and counterargument. Arendt describes Kant's "hope" for his writings not that the number of people who agree with him would increase but "that the circle of his examiners would gradually be en¬larged" {Lectures 39); he wanted interlocutors, not acolytes.¶ This is not consensus-based argument, nor is it what is sometimes called "consociational argument," nor is this argument as mediation or conflict resolution. Arendt (and her commentators) use the term "fight," and they mean it. When Arendt describes the values that are necessary in our world, she says, "They are a sense of honor, desire for fame and glory, the spirit of fighting without hatred and 'without the spirit of revenge,' and indifference to material advantages" {Crises 167). Pitkin summarizes Arendt's argument: "Free citizenship presupposes the ability to fight— openly, seriously, with commitment, and about things that really mat¬ter—without fanaticism, without seeking to exterminate one's oppo¬nents" (266). My point here is two-fold: first, there is not a simple binary opposition between persuasive discourse and eristic discourse, the conflictual versus the collaborative, or argument as opposed to debate.¶ Second, while polemical agonismrequires diversity among interlocutors, and thus seems an extraordinarily appropriate notion, and while it may be a useful corrective to too much emphasis on persuasion, it seems to me that polemical agonism could easily slide into the kind of wrangling that is simply frustrating. Arendt does not describe just how one is to keep the conflict useful. Although she rejects the notion that politics is "no more than a battlefield of partial, conflicting interests, where nothing countfs] but pleasure and profit, partisanship, and the lust for dominion," she does not say exactly how we are to know when we are engaging in the existential leap of argument versus when we are lusting for dominion ("Truth" 263).¶ Like other proponents of agonism, Arendt argues that rhetoric does not lead individuals or communities to ultimate Truth; it leads to decisions that will necessarily have to be reconsidered. Even Arendt, who tends to express a greater faith than many agonists (such as Burke, Sloane, or Kastely) in the ability of individuals to perceive truth, insists that self-deception is always a danger, so public discourse is necessary as a form of testing (see especially Lectures and "Truth"). She remarks that it is difficult to think beyond one's self-interest and that "nothing, indeed, is more common, even among highly sophisticated people, than the blind obstinacy that becomes manifest in lack of imagination and failure to judge" ("Truth" 242).¶ Agonism demands that one simultaneously trust and doubt one' s own perceptions, rely on one's own judgment and consider the judgments of others, think for oneself and imagine how others think. The question remains whether this is a kind of thought in which everyone can engage. Is the agonistic public sphere (whether political, academic, or scientific) only available to the few? Benhabib puts this criticism in the form of a question: "That is, is the 'recovery of the public space' under conditions of modernity necessarily an elitist and antidemocratic project that can hardly be reconciled with the demand for universal political emancipa¬tion and the universal extension of citizenship rights that have accompa¬nied modernity since the American and French Revolutions?" (75). This is an especially troubling question not only because Arendt's examples of agonistic rhetoric are from elitist cultures, but also because of com¬ments she makes, such as this one from The Human Condition: "As a living experience, thought has always been assumed, perhaps wrongly, to be known only to the few. It may not be presumptuous to believe that these few have not become fewer in our time" {Human 324).¶ Yet, there are important positive political consequences of agonism.¶ Arendt' s own promotion of the agonistic sphere helps to explain how the system could be actively moral. It is not an overstatement to say that a central theme in Arendt's work is the evil of conformity—the fact that the modern bureaucratic state makes possible extraordinary evil carried out by people who do not even have any ill will toward their victims. It does so by "imposing innumerable and various rules, all of which tend to 'normalize' its members, to make them behave, to exclude spontaneous action or outstanding achievement" (Human 40). It keeps people from thinking, and it keeps them behaving. The agonistic model's celebration of achievement and verbal skill undermines the political force of conformity, so it is a force against the bureaucratizing of evil. If people think for themselves, they will resist dogma; if people think of themselves as one of many, they will empathize; if people can do both, they will resist totalitarianism. And if they talk about what they see, tell their stories, argue about their perceptions, and listen to one another—that is, engage in rhetoric—then they are engaging in antitotalitarian action.¶ In post-Ramistic rhetoric, it is a convention to have a thesis, and one might well wonder just what mine is—whether I am arguing for or against Arendt's agonism. Arendt does not lay out a pedagogy for us to follow (although one might argue that, if she had, it would lookmuch like the one Lazere describes in "Teaching"), so I am not claiming that greater attention to Arendt would untangle various pedagogical problems that teachers of writing face. Nor am I claiming that applying Arendt's views will resolve theoretical arguments that occupy scholarly journals. I am saying, on the one hand, that Arendt's connection of argument and thinking, as well as her perception that both serve to thwart totalitarian¬ism, suggest that agonal rhetoric (despite the current preference for collaborative rhetoric) is the best discourse for a diverse and inclusive public sphere. On the other hand, Arendt's advocacy of agonal rhetoric is troubling (and, given her own admiration for Kant, this may be intentional), especially in regard to its potential elitism, masculinism, failure to describe just how to keep argument from collapsing into wrangling, and apparently cheerful acceptance of hierarchy. Even with these flaws, Arendt describes something we would do well to consider thoughtfully: a fact-based but not positivist, communally grounded but not relativist, adversarial but not violent, independent but not expressivist rhetoric.

#### B. The magnitude of unlimiting is infinite – they allow any aff that can draw a metaphorical link to the topic. Police in the inner city can be considered armed forces, cyber bullying can be a metaphor for offensive cyber operations, targeted killing is a metaphor for racism, poverty, sexism, ableism, etc. This form of unlimiting shifts debate too far in the affs favor and overloads and already stretched negative research burden.

#### There is a topical version of the aff to advocate for restrictions as academics

#### c. Ground - We don’t think they have to pretend to be the USFG, but they do have to defend a statuatory or judicial restriction on the legal war powers of the president is good. We should always be able to say an unrestricted president is good, it’s the only core predictable ground derived from the wording of the topic.

## 1NC Community PIC

#### We affirm the entire 1AC except for its demarcation of a so-called “community” that (quote) “has contributed to the creation of the Predator Empire”

#### The demarcation of community is an act of setting boundaries for exclusion—the maintenance of communities requires defense of borders keeping outsiders out while fascistically manipulating the identities of those within.

Calderwood, ’00 [ Patricia E. Calderwood, Assistant professor in the Department of Curriculum and Instruction at Fairfield University. “When Community Fails to Transform: Raveling and Unraveling a “Community of Writers”” The Urban Review, Vol. 32, No. 3, 2000]

The root of the term community (Williams, 1976) is the Latin word communis and, in its earliest and most enduring sense, links under obligation with together. The social transactions that mark the process of community are conducted among differentiated individuals within a social group that itself is differentiated from all other groups (Hillary, 1955, 1986). Some accounting must be made of these individuals in order that those within community can know how to transact effectively with each other and with outsiders. The work of community, then, from the earliest use of the term, has always incorporated the mutual processes of inclusion and exclusion, marked by the construction and defense of borders or boundaries and internal transactions of talk and other social relations among differentiated individuals (Erickson, personal communication, 1996; Glare, 1990; Lauber, personal communication, 1996). Additionally, community is often seen as localized and personal in comparison to society, in which laws, contracts, and institutions monitor social relations (Gusfield, 1975; Samples, 1988; T¨onnies, 1887⁄1988). Such oppositions tend to imply that community relations are more authentic, pure, and desirable than societal relations, which are seen as contrived, artificial, and alienating. A sense of community indicates a conscious belief that one is a member of a community and may be demonstrated by feelings and practices that indicate interconnectedness, interdependency, and a commitment to the group and to all its members. Although an outsider can observe that insiders feel a sense of community with each other, this sense of community does not transcend the borders of the group. Outsiders do not experience a sense of community. Communitarians use the idea of community as a therapeutic antidote to and necessary correction of perceived present-day societal ills by creating a paradigm that places personal rights and entitlements in opposition to “the greater good” served by a nationwide sense of communal responsibility (Bellah et al., 1985; Etzioni, 1993). But there is an inherent tension between individual freedom and mutually supportive coexistence, and there is an ambivalence about how much we really want to live in community, given this uneasy relationship (Frazer and Lacey, 1993; Knight Abowitz, 1997; Moon, 1993; Phillips, 1993; Tinder, 1980; Young, 1990). The balancing of personal rights and entitlements with the “common good” is an inherent, irreducible tension within social groups striving to achieve community. The most basic task of community is to differentiate, that is, to account for the differentiation of insiders from outsiders and of insiders from each other. For community to become resilient and to flourish, the members need to attend to the vulnerabilities that go along with the accommodation of these differences. This work can be accomplished if the group operates under the following conditions (following from Blot and Calderwood, 1995; Calderwood, 1997): • For a social group to be in community there must be a belief that they in fact share identity, beliefs, values, norms, practices, history, and goals specific and unique to the group and distinguishable from those of other social groups. • Existing or potential tensions and differences between competing values, beliefs, and practices within the group must be recognized, reconciled, or tolerated. • There need to be actual times and events which celebrate a sense of being in community, including celebrations marking entering or exiting community membership or changing status within the community. • Competent membership within community must be learned.

#### The symbolic construction of community requires for the elimination of difference—Moves toward assimilations are inherent in labels of community

Calderwood, ’00 [ Patricia E. Calderwood, Assistant professor in the Department of Curriculum and Instruction at Fairfield University. “When Community Fails to Transform: Raveling and Unraveling a “Community of Writers”” The Urban Review, Vol. 32, No. 3, 2000]

Because individuals within community are not perfectly alike in every aspect of their beings, accommodations necessarily arise that account for the diversity and differences among community members. The symbolic nature of community, according to Cohen (1985), is what reconciles individuality and commonality. Because symbols gloss any number of differentiated meanings, the imprecision makes it possible for people to believe that they share common meanings conveyed by a symbol, such as the notion of community. Communities that proclaim the equality of all, claims Cohen, may mute expressions of difference yet still institutionalize ways of conferring differential status. These distinctions will be clear to the insiders, although they may not be apparent to the ethnographer. Some of this distinctiveness will demarcate center and periphery as well. What Minow calls the “dilemma of difference” hinges on the response to the related questions of whether to highlight or ignore differences in the service of social justice and equality (Minow, 1990). Within community there are centers and peripheries, internal divisions that mark, among other things, more-or-less expert status (Lave and Wenger, 1991), social desirability (Goffman, 1963), competition among subgroups, and so on. Such internal distinctions exist in close relation with those that separate those within community from those outside its embrace. As homogeneous as a group may appear to be (from either an insider or outsider position), there will be distinctions that matter (Cohen, 1994; Wolin, 1996). Some types of individual distinctiveness are valued within a particular group, while other manifestations of distinctiveness are abhorred by the group. When individual or subgroup distinctiveness is labeled as difference, it is often stigmatized (Young, 1990). It may be seen as needing adjustment, enhancement, or alteration in order to be assimilated into community, for example, by substitution of oral language for signed language (Robertson, 1995). What is perceived to be too strange or dangerous may be met with systematic attempts at eradication. Distinctiveness that becomes labeled as diversity within community is generally more positively thought of as enriching, interesting, or rejuvenating. Although theoretically, differences and diversity within community can be politically neutral, they can also cause or reveal tensions (Frazer and Lacy, 1993; Young, 1990). As with difference, too much diversity within a group may create complications— especially regarding individual rights and communal responsibilities. The tension between the common good and individual rights can become more obvious or troublesome. At times, these complications may be met with displeasure or hostility, while at other times such complications may be seen as welcome opportunities for change. Although they can be disruptive and disorienting, internal difference and diversity seem to be necessary to distinguish one insider from another within social groups and will be invented if they are not discovered.

#### Use of the term community implies inhospitality

Arrigo & Williams, ’00 [Bruce A. Arrigo & Christopher R. Williams, California School of Professional Psychology The (Im)Possibility of Democratic Justice and the “Gift” of the Majority, Journal of Contemporary Criminal Justice, Vol. 16 No. 3, August 2000, 321-343] ST

The conceptual underpinnings of hospitality and community were deliberately juxtaposed. If the notion of community is constructed around a common defense that we (the majority) fashion against them (the minority), then it is designed around the notion of inhospitality or hostil-pitality. Community and hospitality are similarly and equally subject to self-limitations. These intrinsic liabilities are largely unconscious. Notwithstanding the mythical, spectral foundations (Derrida, 1994) on which American society’s thoughts and actions are grounded, the detrimental consequence of our economy of narcissism is revealed. In offering hospitality to the other, the community must welcome and make the other feel at home (as if the home belongs equally to all) while retaining its identity (that of power, control, and mastery). As Caputo (1997) notes, “If a community is too unwelcoming, it loses its identity; if it keeps its identity, it becomes unwelcoming” (p. 113). Thus, the aporia, the paralysis, the impossibility of democratic justice through hospitality and the gift is our community.

## 1NC Fetish K

#### THEIR USE OF THE TERM FETISH IS INHERENTLY RACIST AND SHOULD BE REJECTED

Dr. Wexler 1  
[Anna, PhD., Harvard, Research in African Literatures 32.1 (2001) 83-97]

Unable, by virtue of experience, to contain the power of these objects exclusively within psychological, socioeconomic, semantic, or other explanatory models of Western social science, I was also aware of their resonance as fetish within the colonial discourse that legitimated conquest and slavery. As Suzanne Blier explains in "Truth and Seeing," the term only recently abandoned, was used especially for the more potent, anxiety producing, less socioaesthetically refined African forms, such as Kongo minkisi and the bociô arts of Dahomê. Linking the irrational and the antiaesthetic, the fetish served as a quintessential designator of otherness in the service of colonial conquest and enslavement of the peoples of West and Central Africa. Haitian cloth-covered figures are said by Blier ("Vodun") to be possibly bociô-related forms. By granting them spirit-driven efficacy, I feared them. In my fear was not only respect but also the polluting legacy of the fetish and the debasing of their maker. The long shadow of the fetish extends from depictions of "Guinea," or the coast of West Africa, in sixteenth- and seventeenth-century travelogues written by European traders into the evolutionary theory of eighteenth-century Enlightenment philosophers and beyond to the more familiar usages in psychoanalytic, Marxist, and modernist aesthetic theory. As William Pietz explains in a brilliant series of essays ("The Problem of the Fetish I," 1985; "The Problem of the Fetish II," 1987; and "The Problem Fetish IIIa," 1988), the pidgin term fetisso developed from the Portuguese feitiço, meaning objects or practices relating to witchcraft. In the fifteenth century, the Portuguese, who controlled West African maritime trade, distinguished between idolo and feitiço. The former referred to a statue representing a deity, the latter to an object often worn on the body and spiritually empowered by combining ritually prescribed materials. The emphasis was on the concrete efficacy of the feitiço as opposed to the idolo, viewed as a medium of worship. African religion was classified as feitiçaria as opposed to idolatria. As Pietz remarks, "The use of a term meaning 'witchcraft' to characterize the religion, and thus the principle of social order, of an entire people was unprecedented" ("Fetish II": 37). The pidgin term fetisso became popular as other Europeans and African middlemen and mulatto communities entered the trade in the sixteenth and seventeenth centuries. African priests were referred to as fetisseros, and the phrase "to make or take the fetiche" developed. From this set of terms Pietz traces the origin of the concept of the fetish ("Fetish IIIa"). Inanimate objects such as wooden figures, amulets, stones, and bones were considered the quintessential fetisso. This complex of terms was used by European merchants to signify the otherness of African cultures and obstacles they presented to so-called rational commercial relations (or European trading interests) by giving religious value and power to certain objects that consequently transgressed strictly economic terms of assessment and blocked the "natural" development of market forces. Enlightenment thinkers were introduced to the concept of "fetish religion" through a book written in 1702 by the Dutch merchant Willem Bosman, A New and Accurate Account of the Coast of Guinea. Copies of the French edition, for example, were found in the libraries of Newton and Locke. Fundamental to the new conceptual baggage of the term fetish as it developed into the eighteenth century was the idea of the African's false notion of causality crystallized in belief in the power of inanimate material objects to transform human situations and promoted by manipulative priests seeking to exploit popular fears attached to these forms. [End Page 84] "Fétichisme," a word coined by the French philosopher Charles de Brosse in 1757, came to be associated with the intentionality of material objects as the "religious delusion that blocks recognition of rational self-interest and social order" (Pietz, "Fetish IIIa" 121), a paradigm of antirationality. In the ensuing discourse, the African mind was theorized as the benighted foil to the European enlightened by the scientific understanding of the mechanistic impersonality of nature. The impact of this construct on slaves and free blacks in the French colony of Saint-Domingue, by the latter half of the eighteenth century the most valuable colony in the West and the largest market for the slave trade (see James; Trouillot), as well as on the young republic of Haiti born in revolutionary struggle from its ashes, was tragic and palpable. As the Haitian scholar Laënnec Hurbon points out in Le barbare imaginaire, the definitive work on anti-Vodou discourse, by the early eighteenth century those who used gad-kò (spiritually charged, protective figures), and other objects termed fetishes, for therapeutic purposes in the French colony were ruthlessly tortured as both sorcerers and charlatans who achieved power over others through deception. Fears and prohibitions of such practices and associated "charms" and "amulets" were further fueled by the effective use of poisons against the colonists by the revolutionary maroon, ritual leader, and prophet Makandal and his followers. Shortly after his execution in 1758, the Upper Council of Le Cap (a principal city and commercial center) declared illegal the making of "makandals," or packets containing Christian artifacts as well as bones, nails, roots, and additional materials used for protection against sadistic masters, attracting lovers, luck in games, harming enemies, and other purposes (see Dayan; Fick). The use of poisons, which were referred to as wanga during that period, was closely associated with these packets as the next step up on the ladder of aggressive magic (see Pluchon). Those slaves and free blacks accused of poisoning by the planters and colonial authorities were often burned alive (see Fick).

#### THEIR DESIRE TO LINK FETISHES TO DRONE STRIKES SERVES AS A MODE OF REPRESSING OTHERNESS ON THE OBSERVER WHICH TURNS CASE

WINOKUR 2K4  
[mark, technologies of race: special effects, fetish, film, and the 15th century, “genders”: 40]

12] I use Ian’s account of the correlation between Marxian and Freudian fetishes to demonstrate the fact that the poststructuralist fetish is typically engaged with only two of the three principal sources of contemporary political praxis: with gender and class, but not (perhaps understandably) with race.  This omission reproduces the often-remarked American feminist tendency in the 1970s and early 1980s to struggle for gender equality in various economic and psychical disciplines, while often forgetting about the importance of race in the political dialectic.  In response, I would like to suggest a general definition of the fetish that might encompass class, psychoanalysis, and racial dimensions, and that combines Pietz’s observations about the Portuguese discovery of the fetish with Marx and Freud. As I’ve argued, the fetish was originally an attempt to orientalize the visible material culture of the unknowable other in such a way that the other’s culture can exist only in monstrous form.  In the same way, modern disciplines define the fetish as monstrous or pathological deformations of the visibly material.  In anthropology, Marxism, and psychoanalysis, the fetish signifies for its believer a material object whose secret belies its materiality.  To its believer, the fetish signifies potency; to the Western observer, impotence.  At a different level of signification, however, the fetish serves a fetish function for the observer as well—for the psychoanalyst as for the proto-anthropologist.  Identifying the fetish as fetish serves to repress the observer’s fear of cultural otherness.

Rejecting the term fetish is critical to combating the history of coloinialism surrounding the term.

Hauser-Renner, University of Zürich, 2008  
(HEINZ, History in Africa, Volume 35 “Examining Text Sediments–Commending a Pioneer Historian as an “African Herodotus”: On the Making of the New Annotated Edition of C.C. Reindorf’s History of the Gold Coast and Asante”)

Following the suggestions and arguments of Fage in the 1950s, Grey in the 1960s, and Verdier and Cissoko in the mid-1980s, I have attempted to avoid the use of such terms like “chief,” “tribe,” “feudalism,” “kingdom,” “fetish” etc. in the introduction and translations.[244](http://muse.jhu.edu.ezproxy.baylor.edu/journals/history_in_africa/v035/35.hauser-renner.html" \l "f244) Although they were used **[End Page 292]** by Reindorf himself, and in spite of their usage in modern Ghana and by many African scholars, I advocate that either more neutral English terms and/or the original term in the Gã (or other African languages in other contexts) be used.[245](http://muse.jhu.edu.ezproxy.baylor.edu/journals/history_in_africa/v035/35.hauser-renner.html" \l "f245) The terms “fetish” and “tribe” clearly have a negative connotation on the one hand and they are imprecise and often blur the view of the researcher on the historical reality on the other. A term such as “chief” occurring in the English *History* is contrasted with at least five corresponding expressions in the Gã text. The use of unsuitable Western vocabulary falsifies the African situation and tends to identify it with other cultures, thus robbing it of its inmost character, its authenticity, and its vital force.[246](http://muse.jhu.edu.ezproxy.baylor.edu/journals/history_in_africa/v035/35.hauser-renner.html" \l "f246) Yankah noted that the confusion caused by mistranslating the Akan okyeame as “linguist” would not have arisen if the cultural uniqueness of this office had been recognized and truly acknowledged.[247](http://muse.jhu.edu.ezproxy.baylor.edu/journals/history_in_africa/v035/35.hauser-renner.html" \l "f247)People engaged in African research have a duty to re-examine the tools they use to establish the nature of institutions and concepts, to define African terms and use them in their studies just as Wilks, McCaskie and others have done in the context of Asante history and culture. In 1952 Fage has already argued that there is the very great difficulty of knowing deeply enough about the background on either side of the colonial relationship to avoid dangerously superficial judgements. It is all too easy, even for Englishmen to talk loosely and glibly about “the British government,” or “the Colonial Office,” or “British colonial policy” . . . without realising that each of these is a short-hand term for something immeasurably complex.[248](http://muse.jhu.edu.ezproxy.baylor.edu/journals/history_in_africa/v035/35.hauser-renner.html" \l "f248) African scholars are compelled to query the terminology and concepts they use and by writing more “Ideengeschichte” gain a clearer understanding of African thought.[249](http://muse.jhu.edu.ezproxy.baylor.edu/journals/history_in_africa/v035/35.hauser-renner.html" \l "f249) Reindorf’s Gã text is at times ambiguous, even **[End Page 293]** obscure, and a proper translation cannot be guaranteed at every point. In a considerable number of cases the translation has perforce been influenced by informed guesses based on my increasing knowledge of Gã philosophy of language, familiarity with Reindorf’s way of thinking and use of language, and on research on Gã history and culture in general. However, difficult passages and terminology are referred to, commented on, and discussed in the annotations. Matters of style have been the most problematic and challenging aspect of the translation work. Gã style of the nineteenth century (both in writing and speaking) is obviously not the same as today because attitudes toward language and its use cannot be divorced from specific cultural beliefs and practices over time. In the absence of any systematic linguistic diachronic study on style—apart from Yankah’s work on Akan in 1995—one might guess (relying on personal obvervation anyway) that certain features of style are not strictly adhered to in modern speech, while compliance to the same or other features of style used in the nineteenth century is enjoined, depending on the contexts.

## 1NC Flexibility DA

#### Aff kills presidential flexibility

Vermeule 6

Adrian Vermeule, Professor of Law, Harvard Law School, 2006,¶ “THE EMERGENCY CONSTITUTION IN THE POST-SEPTEMBER 11 WORLD ORDER: SELF-DEFEATING¶ PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law Review, Nov., pp. LN.

The reason for the failure of statutory frameworks is plain. When an emergency or war or

crisis arises, the executive needs flexibility; because statutory limitations determined in¶ advance can only reduce flexibility, and do so in a way that does not anticipate the particular¶ requirements of a new emergency, no one has any ex post interest in insisting that these limitations be respected.¶ Ackerman acknowledges the grim historical record but provides no valid reason for thinking that his framework statute - which is far¶ more ambitious than the other ones - might fare differently.

#### Congressional restrictions on Executive War Powers spill over to other areas and to future Presidents--- causes extinction

Yoo 11

[John, Reagan at 100, National Review Online, <http://www.nationalreview.com/node/259034/print>, mg]

In the most recent scientific poll of political scientists, historians, and legal scholars, Ronald Reagan ranked as the sixth-greatest president in American history. Sixth! While in office, Reagan received little respect from scholars and pundits, who had always dismissed him as little more than an actor. When he left office, Reagan was ranked below average.¶ ¶ Now Reagan falls just behind Washington, Lincoln, FDR, Jefferson, and T.R. on our list of greatest leaders. The passage of time has given scholars a newfound appreciation. Reagan came to office when the United States seemed to be in retreat on the world stage, and left it with the Soviet Union on its way to collapse under the weight of its economic inefficiencies and military spending. Critics have suggested that Reagan turned out to be lucky, as he had been all his life, and just happened to be in the Oval Office when internal problems caused the Soviet Union to crumble.¶ ¶ Yet the United States was back on its heels when he took office in 1981. The Soviets had achieved superiority in nuclear as well as conventional arms, and the aftermath of Vietnam and the Iranian hostage crisis had given rise to the idea that America was an over-muscled Gulliver. No one would have predicted that the Soviet Union would disappear, and the Warsaw Pact along with it, eight years later. Reagan adopted a national-security strategy that would place high demands on the economy for resources and a large buildup of the military. But unlike his predecessors, Reagan did not aim to react in the same manner and place to block the Soviets. He built up forces in order to challenge the Soviets to a competitive arms race that would bankrupt their economy, while pursuing rollback in the Third World. **Millions live in freedom today because of** Reagan.¶ ¶ All of this could not have happened without **Reagan’s restoration of the presidency’s constitutional prerogatives. Watergate had led to** congressional restrictions on executive power in foreign affairs**. Congress had enacted a** W**ar** P**owers** R**esolution to** hamstring **the presidency’s control of the military,** created independent counsels to investigate executive-branch officials, and sought to render the administrative state free from White House direction. **Reagan pursued a constitutional agenda that brushed aside congressional attempts to limit the use of force abroad, attacked in the courts Congress’s legislative vetoes** and independent counsels (with mixed success), **and** required that the massive administrative state obey the laws of cost and benefit and supply and demand. He **appointed judges to the Supreme Court and the lower courts who attempted to restore the original Constitution’s clean, three-branch separation of power** against the New Deal–era bastardization that had created an overgrown and unwieldy bureaucracy and an irresponsible Congress.¶ ¶ **Reagan’s constitutional agenda** not only enabled his own foreign and domestic programs to succeed but **also bequeathed to his successors the tools that they too would need to exercise the command to bring the United States through the crises of the next decades. Without Reagan’s independent, energetic executive** — the very one described by Alexander Hamilton in the Federalist Papers — **the United States will not confront successfully today’s challenges of** overseas wars, terrorist threats, and domestic economic paralysis**.** Presidents today and tomorrow are fortunate that we still live in the Age of Reagan.

#### A strong executive is key to protecting civil liberties

**Mansfield 7,** Harvey C. Mansfield, professor of government at Harvard University, senior fellow at the Hoover Institution, and a member of its task force on virtue and liberty, The Claremont Institute, “The Case for the Strong Executive,” 4/27/2007, http://www.claremont.org/publications/crb/id.1335/article\_detail.asp

The case for a strong executive begins from urgent necessity and extends to necessity in the sense of efficacy and even greatness. It is necessary not merely to respond to circumstances but also in a comprehensive way to seek to anticipate and form them. "Necessary to" the survival of a society expands to become "necessary for" the good life there, and indeed we look for signs in the way a government acts in emergencies for what it thinks to be good after the emergency has passed. A free government should show its respect for freedom even when it has to take it away. Yet despite the expansion inherent in necessity, the distinction between urgent crises and quiet times remains. Machiavelli called the latter tempi pacifici, and he thought that governments could not take them for granted. What works for quiet times is not appropriate in stormy times. John Locke and the American Founders showed a similar understanding to Machiavelli's when they argued for and fashioned a strong executive. The lesson for us should be that circumstances are much more important for free government than we often believe. Civil liberties are for majorities as well as minorities, and no one should be considered to have rights against society whose exercise would bring society to ruin. The usual danger in a republic is tyranny of the majority, because the majority is the only legitimate dominant force. But in time of war the greater danger may be to the majority from a minority, and the government will be a greater friend than enemy to liberty. Vigilant citizens must be able to adjust their view of the source of danger, and change front if necessary. "Civil liberties" belong to all, not only to the less powerful or less esteemed, and the true balance of liberty and security cannot be taken as given without regard to the threat. Nor is it true that free societies should be judged solely by what they do in quiet times; they should also be judged by the efficacy, and the honorableness, of what they do in war in order to return to peace.

## 1NC Case F/L

**Oversight of targeting killings causes a shift to signature strikes.**

Jens David **Ohlin 13**, Professor at Cornell Law School, http://www.liebercode.org/2013/02/would-federal-district-court-for-drones.html

**One of the more interesting recent proposals for curing the "due process" deficit in the Administration's targeted killings program is for Congress to create a federal court to approve drone strikes**. Senator Dianne Feinstein, among others, is championing this strategy. I don't think it will work. Here's why. First, the court would be modeled after the super-secret FISA court for approving government requests for surveillance in terrorism cases. Such courts impose a form of judicial review, yes, but there is little transparency and no adversarial process. But there are bigger problems. As some of my colleagues have already explained**, it is unlikely and improbable that such a court could authorize specific operational strikes**. **That would be difficult to implement in real time, and might even be unconstitutional for infringing on the Executive Branch's commander-in-chief power**. Rather, **such a court would approve the administration's decision to place an individual's name on an approved target list**. A court would review the legitimacy of this decision with the power to remove the name if the individual does not meet the standard for being a functional member of al-Qaeda. Although this is more plausible, I still don't think it will work. In the end, I think **it would just push the administration to avoid targeted killings and would have the opposite effect.** **It would increase, not decrease, collateral damage**. Let me explain. **Suppose the government has previously used the kill list to govern the selection procedure for targeted killings.** The list serves as a clearinghouse for debates and ultimately conclusions about who is a high-value target. If the administration decides that the individual should be pursued, he is placed on the list. If the administration decides that the individual is of marginal or no value, he is removed from the list or never placed on it to begin with. Now imagine that a court is requiring that the list be approved by a judicial process. **Why would the administration have any incentive at all to keep adding names to the list? Why not stop using it entirely? It could then rely exclusively on signature strikes** -- an important legal development well documented by Kevin Heller in his forthcoming JICJ article on the subject. **Such strikes would not be banned by the court because the US would not know exactly who it is bombing**. (I'm assuming for the sake of argument that the US is still engaged in an armed conflict with al-Qaeda and that the AUMF or some other statutory authorization for the President's pursuit of the conflict would still be in place.) Essentially, **this would be a case of willful blindness** -- a concept well known to criminal law scholars. **The real benefit of targeted killings is that the administration knows the exact threat and only targets one individual. That has changed warfare tremendously**. **But the court system would push the military back towards the old system**: **target groups of individuals who are known terrorists or enemy combatants** -- but you don't know exactly who they are. You just know they are the enemy. **That's the system that reigned in all previous conflicts**. **And there would be a disincentive to ever acquire more specific information**. Why have a drone hover over an area with known terrorists in order to determine, through surveillance, the exact identity of the individual's there? That would only trigger the jurisdiction of the drone court. So ignorance would maintain the legality of the strike. I don't think that is what Congressional staffers have in mind.

#### Aff meets the definition of targeted killings

**Alston 2011**

[Philip, John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “ARTICLE: The CIA and Targeted Killings Beyond Borders” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, Nexis]

C. **Defining "Targeted Killings"** As with many terms that have entered the popular consciousness as though they had a clear and defined meaning, **there is no established or formally agreed upon legal definition of the term "targeted killings" and scholarly definitions vary widely. Some** commentators **have sought to "call a spade a spade" and used terms such as** "leadership decapitation," n30 which clearly captures only some of the practices at stake, **assassinations**, n31 or "extrajudicial executions," **which has the downside of building per se illegality into the description of the process**, or "targeted pre-emptive actions," which is designed to characterize a killing as a legal exercise of the right of self-defense. n32 **But these usages have not caught on and do not seem especially helpful in light of the range of practices generally sought to be covered by the use of the term-targeted killing.** The term was brought into common usage after 2000 to describe Israel's self-declared policy of "targeted killings" of alleged terrorists in the Occupied Palestinian Territories. n33 But influential commentators also sought to promote more positive terminology. The present head of the [\*296] Israeli Military Intelligence Directorate, for example, argued that they should be termed "preventive killing," which was consistent with the fact that they were "acts of self-defense and justified on moral, ethical and legal grounds." n34 Others followed suit and adopted definitions designed to reflect Israeli practice. n35 Kremnitzer, for example, defined a "preventative (targeted) killing" as "the intended and precise assassination of an individual; in many cases of an activist who holds a command position in a military organization or is a political leader." n36 For Kober, it is the "selective execution of terror activists by states." n37 But **such definitions reflect little,** if any, **recognition of the constraints imposed by international law, a dimension to which subsequent definitions have**, at least in theory**, been more attuned**. Most recently, Michael Gross has defined such killing as "an unavoidable, last resort measure to prevent an immediate and grave threat to human life." Although this too remains rather open-ended, Gross relies on international standards to defend it when he suggests that it tracks "exactly the same rules that guide law enforcement officials." n38 He cites as authority for that proposition the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, n39 but these principles contain no such provisions. The quotation he uses is, in fact, a rough summary of the text of Article 2(2) of the European Convention on Human Rights, a standard that was adopted in 1950 and has since been interpreted in a much more restrictive manner than he suggests. n40 Gross then goes on to suggest that the approach he proposes is "like that of the Israeli courts," when in fact the key judgment of the Israeli Supreme Court on the question [\*297] of targeted killings does not apply international human rights law at all, but instead uses the customary law applicable to international armed conflicts. n41 At the other end of the definitional spectrum is a five-part definition proposed by Gary Solis. For there to be a targeted killing: (i) there must be an armed conflict, either international or non-international in character; (ii) the victim must be specifically targeted; (iii) he must be "beyond a reasonable possibility of arrest"; (iv) the killing must be authorized by a senior military commander or the head of government; (v) and the target must be either a combatant or someone directly participating in the hostilities. n42 But whereas Gross seeks to use a human rights-based definition, Solis proposes one which is unsuitable outside of international humanitarian law. **A more flexible approach is needed in order to reflect the fact that "targeted killing" has been used to describe a wide range of situations**. They include, for example: the killing of a "rebel warlord" by Russian armed forces, the killing of an alleged al Qaeda leader and five other men in Yemen by a CIA-operated Predator drone using a Hellfire missile; killings by both the Sri Lankan government and the Liberation Tigers of Tamil Eelam of individuals accused by each side of collaborating with the other; and the killing in Dubai of a Hamas leader in January 2010, allegedly carried out by a team of Israeli Mossad intelligence agents. **Targeted killings therefore take place in a variety of contexts and may be committed by governments and their agents in times of peace as well as armed conflict**, or by organized armed groups in armed conflict. **The means and methods of killing vary, and include shooting at close range, sniper fire, firing missiles from helicopters or gunships, firing from UAVs, the use of car bombs, and poison.** **There are thus three central requirements for a workable definition. The first is that it be able to embrace the different bodies of international law that apply** and is not derived solely from either IHRL or IHL. **The second is that it should not prejudge the question of the legality** or illegality [\*298] **of the practice in question. And the third is that it must be sufficiently flexible to be able to encompass a broad range of situations in relation to which it has regularly been applied.** The common element in each of the very different contexts noted earlier is that **lethal force is intentionally and deliberately used**, with a degree of pre-meditation, against an individual or individuals specifically identified in advance by the perpetrator. n43 **In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from** unintentional, **accidental**, or reckless **killings**, or killings made without conscious choice. **It also distinguishes them from law enforcement operations**, e.g., against a suspected suicide bomber. Under such circumstances, it may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill. **Although in most circumstances targeted killings violate the right to life**, in the exceptional circumstance of armed conflict, **they may be legal. This is in contrast to other terms with which "targeted killing" has sometimes been interchangeably used, such as "extrajudicial execution,**" "summary execution**," and "assassination," all of which are, by definition, illegal**. n44 Consistent with the detailed analysis developed by Nils Melzer, n45 **this Article adopts the following definition: a targeted killing is the intentional, premeditated, and deliberate use of lethal force, by States or their agents acting under color of law,** or by an organized armed group in armed conflict, **against a specific individual who is not in the physical custody of the perpetrator**. n46

**3. Util inevitable in determining which moral rules to follow**

**Ratner 84** – Professor of Law, USC (Leonard, 12 Hofstra L. Rev. 723, AG)

All systems of morality, however transcendental, rest ultimately on utilitarian self interest (i.e., on personal need/want fulfillment), because those who fashion such systems, like those who accept or reject them, cannot escape their own humanness. The physically controllable acts of each individual 221 are the choice of that individual, though all of the consequences may not be foreseen or desired. 222 Behavior choices are necessarily determined by the experience, feelings, habits, and attitudes; the concerns and beliefs; the needs and wants -- in short, by the ultimate self interest -- of the individual. 223

**4. Deontology framework assumes individuals**

**Harries 94 –** Fellow, Lowy Institute for International Policy, Senior Fellow, Centre for Independent Studies(Owen, Power and civilization, http://www.encyclopedia.com/doc/1G1-15353301.html, AG)

Performance is the test. Asked directly by a Western interviewer, "In principle, do you believe in one standard of human rights and free expression?", Lee immediately answers, "Look, it is not a matter of principle but of practice." This might appear to represent a simple and rather crude pragmatism. But in its context it might also be interpreted as an appreciation of the fundamental point made by Max Weber that, in politics, it is "the ethic of responsibility" rather than "the ethic of absolute ends" that is appropriate. While an individual is free to treat human rights as absolute, to be observed whatever the cost, governments must always weigh consequences and the competing claims of other ends. So once they enter the realm of politics, human rights have to take their place in a hierarchy of interests, including such basic things as national security and the promotion of prosperity. Their place in that hierarchy will vary with circumstances, but no responsible government will ever be able to put them always at the top and treat them as inviolable and over-riding. The cost of implementing and promoting them will always have to be considered.

**5. Extinction justifies sacrificing the lesser number**

**Kateb 92** – Prof Politics, Princeton(George, The Inner Ocean, p 12)

The state (or some other agent) may kill some (or allow them to be killed), if the only alternative is letting every-one die. It is the right to life which most prominently figures in thinking about desperate situations. I cannot see any resolution but to heed the precept that "numbers count." Just as one may prefer saving one's own life to saving that of another when both cannot be saved, so a third parry—let us say, the state—can (perhaps must) choose to save the greater number of lives and at the cost of the lesser number, when there is otherwise no hope for either group.

**6. Upholding life is the ultimate moral standard.**

**Uyl and Rasmussen,** profs. of philosophy at Bellarmine College and St. John’s University, 19**81** (Douglas Den and Douglas, “Reading Nozick”, p. 244)

Rand has spoken of the ultimate end as the standard by which all other ends are evaluated. When the ends to be evaluated are chosen ones the ultimate end is the standard for moral evaluation. Life as the sort of thing a living entity is, then, is the ultimate standard of value; and since only human beings are capable of choosing their ends, it is the life as a human being-man's life qua man-that is the standard for moral evaluation.

#### Drones don’t desensitize humanity – pilots agree

Blackhurst 12

(ROB BLACKHURST, THE TELEGRAPH, “Drone Pilots Say Their Job Is Not Like A Video Game” SEP. 24, 2012, <http://www.businessinsider.com/drone-pilots-say-their-job-is-not-like-playing-a-video-game-2012-9>, KB)

These pilots talk up the similarities with manned aircraft. Although they don’t suffer the exhausting effects of g-force and can’t look out of the window, they admit to flinching when they see something coming towards the aircraft.¶ 'It’s irrelevant where you are physically sitting,’ Oz says. 'You’re attached to the airframe, you’re attached to the view that you see, and you’re attached to the laws of armed conflict.’¶ He reacts with cool anger to suggestions that this mode of war reduces victims to the status of players in a video game. 'It’s a bugbear of mine because I’ve had the accusation levelled that it’s a Star Wars game. It’s anything but. If we act like it’s Star Wars, there are people in the command centre watching us and listening to what we do. The taking of human life is not something to be considered lightly. OK, they are bad guys we are killing, but they are still human beings.’¶ He also bridles at the suggestion that UAVs leave moral judgments to machines. 'The plane cannot start, cannot fly and cannot release a weapon without us doing it. Human beings are in the cockpit – exactly the same as when I was flying a Tornado. We just happen to be 8,000 miles away from the plane.’

#### No video game mentality – pilots agree

Blackhurst 12

(ROB BLACKHURST, THE TELEGRAPH, “Drone Pilots Say Their Job Is Not Like A Video Game” SEP. 24, 2012, <http://www.businessinsider.com/drone-pilots-say-their-job-is-not-like-playing-a-video-game-2012-9>, KB)

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**Video game phenomenon is flawed - drones don’t desensitize operators – they work the same as manned platforms, and operators make no firing decisions**

Anderson 13

(Kenneth, is professor of law at Washington College of Law, American University; a visiting fellow of the Hoover Institution and member of its Task Force on National Security and Law; and a non-resident senior fellow of the Brookings Institution. He writes on international law, the laws of war, and national security, ”The case for drones,” 05/24/13, http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548.html) RC

The most offensively foolish (though endlessly repeated) objection raised against drones was the one made by Jane Mayer in her influential 2009 New Yorker article, “The Predator War”: that drone pilots are so distant from their targets that they encourage a “push-button,” video-game mentality toward killing. The professional military find the claim bizarre, and it fails to take into account the other kinds of weapons and platforms in use. Note, the pilot of a manned craft is often thousands of feet away and a mile above a target looking at a tiny coordinates screen. And what of the sailor, deep in the below-decks of a ship, or a submarine, firing a cruise missile with no awareness of any kind about the target hundreds of miles away?¶ For that matter, the common perception of drones as a sci-fi combination of total surveillance and complete discretion in where and when to strike is simply wrong. The drone pilot might sit in Nevada, but the drone itself has a limited range, requires an airstrip, fuel, repairs, and 200 or so personnel to keep it in the air. All this physical infrastructure must be close to the theater of operations. Stress rates among drone pilots are at least as high as those of manned aircraft pilots; they are far from having a desensitized attitude toward killing. This appears to be partially because these are not mere combat operations but fundamentally and primarily intelligence operations. Drone pilots engaged in targeted killing operations watch their targets from a very personal distance via sensor technology, through which they track intimate, daily patterns of life to gather information and, perhaps, to determine precisely the best moment to strike, when collateral damage might be least.¶ As one drone operator told me, it is not as if one sees the terrible things the target is engaged in doing that made him a target in the first place; instead, it feels, after a few weeks of observation, as though you are killing your neighbor. ¶ In any case, the mentality of drone pilots in targeted-killing ops is irrelevant to firing decisions; they do not make decisions to fire weapons. The very existence of a remote platform, one with long loiter times and maximum tactical surveillance, enables decisions to fire by committee. And deliberately so, notes Gregory McNeal, a professor of law at Pepperdine University, who has put together the most complete study of the still largely secret decision-making process—the so-called disposition lists and kill matrix the New York Times has described in front page stories. It starts from the assessment of intelligence through meetings in which determinations, including layers of legal review, are made about whether a potential target has sufficient value and, finally, whether and when to fire the weapon in real time. The drone pilot is just a pilot.

**Drone warfare isn’t unethical and doesn’t create a video-game-playing mentality**

**Dunlap ‘13**

[Charles J. Dunlap, Jr. Major General, USAF (Ret.), Executive Director, Center on Law, Ethics, and National Security, Duke University School of Law. The Intersection of Law and Ethics in Cyberwar: Some Reflections. ETB]

The reality is that not only is **there nothing unethical about waging war from ¶ afar, there is** actually **nothing** especially **unusual about it.** **Since** practically **the ¶ beginning of time, warriors have sought to engage their adversaries in ways ¶ that denied their opponents the opportunity to bring their weapons to bear.** ¶ For example, as this writer has said elsewhere:¶ **David slew Goliath with a missile weapon** before the giant could ¶ bring his weapons to bear; **the** sixteen-foot **pikes of Alexander the** ¶ **Great‘s phalanxes reached their targets well ahead of** the twelve ¶ foot **pikes wielded by their** **opponents**; **English longbowmen** ¶ **destroyed** the flower of **French knighthood at Agincourt** from afar ¶ when they rained arrows down upon the horsemen; and, more ¶ recently, **U.S. and British tanks destroyed the heart of Saddam‘s** ¶ **armor force**s during 1991‘s Battle of 73 Easting much **because** ¶ **their guns outranged those of Iraq‘**s T-72 tanks. **There is nothing** ¶ **new about killing from a distance.**40¶ Still, **there is something about computerized warfare that draws special scorn** ¶ from some, **however wrongly and unfairly.** For example, Phillip **Altson**, a New¶ York University law professor was commissioned by the United Nations as a ¶ “Special Rapporteur” to write a report on targeted killings. The document he ¶ produced also included his opinions about drone operators.41 In it he **charged** ¶ **that** because drone operations can be conducted “entirely through computer ¶ screens and remote audio feed, **there is a risk,** “ he says, “**of developing a** ¶ **‘PlayStation’ mentality to killing.”**42¶ ‘PlayStation’ mentality to killing? That even the suggestion of such an ¶ insulting lack of professionalism would find itself into an official UN report is, ¶ itself, disquieting. **The principle evidence** for Professor Alston’s finding **appears** ¶ **to be** his own **speculation**s **about the mindset of those doing a task he has** ¶ **never himself performed**. The **actual evidence**, however, **points in a very** ¶ **different direction** than the one Alston suggests, **and one that reinforces the** ¶ **idea that these officers hardly consider their duties a game.** Indeed, **Dr.** Peter ¶ **Singer** of the Brookings Institution said in 2010 that in his studies he **found ¶ “higher levels of combat stress among [some drone] units than among some** ¶ **units in Afghanistan**.”43 He concluded that **operators suffered “significantly** ¶ **increased fatigue, emotional exhaustion and burnout.”**44 **These maladies are** ¶ **hardly indicative of “game” players.**¶ More recently, the Air Force Times quoted **an Air Force official** who **countered** ¶ **the** “**video game” accusation** directly by **pointing out that the responsibilities of** ¶ **drone operators were extremely stressful, and that the operations were “a** ¶ **deeply, deeply emotional event. It’s not detached. It’s not a video game.”**45¶ While debate still roils,46 it demonstrates how quickly some critics deride the ¶ professionalism of principled people doing what their nation asks them to do. ¶ Quite obviously, the comparison with the cyber operations is not quite the ¶ same, but – regardless – cyber operators are in the very serious business of ¶ defending their country and, in doing so, may be called upon to wreak havoc ¶ via cyber methodologies upon an adversary. Though the means of doing so ¶ may be different, the professionalism the operations demand is very high, and ¶ the psychological burdens those who conduct them are likely very great.

#### Drones make us accept the harsh realities of war and conflict escalation – it makes us more cautious when using force

Carpenter and Shaikhouni 11

Charli Carpenter (associate professor of international relations at the University of Massachusetts, Amherst) and Lina Shaikhouni June 7, 2011 “Don't Fear the Reaper” http://www.foreignpolicy.com/articles/2011/06/07/dont\_fear\_the\_reaper?page=0,1

Misconception No. 2: Drones Make War Easy and Game-Like, and Therefore Likelier. **Remote-controlled violence even with a human in the loop also has people concerned:** Nearly 40 percent of the op-eds we studied say that remote-control killing makes war too much like a video game. **Many argue this increases the likelihood of armed conflict**. **It's a variation on an old argument: Other revolutions in military technology** -- the longbow, gunpowder, the airplane -- **have also progressively removed the weapons-bearer from hand-to-hand combat with his foe**. Many of these advances, too, were initially criticized for degrading the professional art of war or taking it away from military elites. For example, European aristocrats originally considered the longbow and firearms unchivalrous for a combination of these reasons. It's true that all killing requires emotional distancing, and militaries throughout time have worked hard to devise ways to ease the psychological impact on soldiers of killing for the state in the national interest. Yet it's not so clear whether the so-called Nintendo effect of drones increases social distance or makes killing easier. Some anecdotal evidence suggests the opposite: Drone pilots say they suffer mental stress precisely because they have detailed, real-time images of their targets, and because they go home to their families afterward rather than debriefing with their units in the field. Studies haven't yet confirmed which view is accurate or whether it's somehow both. Even if some variant of the Nintendo effect turns out to be real, there is little evidence that distancing soldiers from the battlefield or the act of killing makes war itself more likely rather than less. If that were true, the world would be awash in conflict. ¶ As former Lt. Col. Dave Grossman has documented, at no time in history has the combination of technology and military training strategies made killing so easy -- a trend that began after World War I. Yet as political scientist Joshua Goldstein demonstrates in a forthcoming book, the incidence of international war -- wars between two or more states -- has been declining for 70 years. The political debate over drones should move away from the fear that military advancements mean war is inevitable and instead focus on whether certain weapons and platforms are more or less useful for preventing conflict at a greater or lesser cost to innocent civilian lives. Activists should keep pressure on elected officials, military personnel, and other public institutions to make armed conflict, where it occurs, as bloodless as possible. For example, some human rights groups say the Nintendo effect itself could be harnessed to serve humanitarian outcomes -- by embedding war law programming into game designs.

**Drones are the best option- keep military personnel safe and advantages outweigh consequences**

**Zenko 13**

(Micah, Center for Preventive Action, Conflict prevention; U.S. national security policy; military planning and operations; nuclear weapons policy, ”Reforming US Drone Strike Policies,” 01/13, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=16&ved=0CFEQFjAFOAo&url=http%3A%2F%2Fi.cfr.org%2Fcontent%2Fpublications%2Fattachments%2FDrones\_CSR65.pdf&ei=uX22Udb\_CpO68wS-yYDoDA&usg=AFQjCNF06mGaJTJQ6D8IQtVMZuQlc95xgA&sig2=p80HrZ9ASqZu8tXwoONfrQ&bvm=bv.47534661,d.eWU&cad=rja) RC

**The combination of persistence and responsiveness, high-quality¶ intelligence infrastructures, and tacit host-state support have made¶ drones the preeminent tool for U.S. lethal operations against** suspected¶ **terrorists and militants where states are unable to single handedly¶ deal with the threat they pose.** As a result, **drones** are not just another¶ 8 Reforming U.S. Drone Strike Policies¶ weapons platform. Instead, they **provide the United States with a distinct¶ capability that significantly reduces many of the inherent political,¶ diplomatic, and military risks of targeted killings**.¶ Compared to other military tools, the advantages of using **drones**—¶ particularly, that they **avoid direct risks to U.S. service members**—¶ **vastly outweigh the limited costs and consequences**. Decision-makers¶ are now much more likely to use lethal force against a range of perceived¶ threats than in the past. **Since 9/11, over 95 percent of all nonbattlefield¶ targeted killings have been conducted by drones—the remaining attacks¶ were JSOC raids and AC-130 gunships and offshore sea- or air-launched¶ cruise missiles**. And the frequency of drone strikes is only increasing¶ over time. George W. Bush authorized more nonbattlefield targeted¶ killing strikes than any of his predecessors (50), and Barack Obama¶ has more than septupled that number since he entered office (350). Yet¶ without any meaningful checks—imposed by domestic or international¶ political pressure—or sustained oversight from other branches of government,¶ **U.S. drone strikes create a moral hazard because of the negligible¶ risks from such strikes and the unprecedented disconnect between¶ American officials and personnel and the actual effects on the ground**.14¶ However, **targeted killings by other platforms would almost certainly¶ inflict greater collateral damage, and the effectiveness of drones makes¶ targeted killings the more likely policy option compared to capturing¶ suspected militants or other nonmilitary options.**

#### Drones are humane compared to alternatives- improved tech

Cohen 13

(Michael, s author of Live from the Campaign Trail: The Greatest Presidential Campaign Speeches of the 20th Century and How They Shaped Modern America. A regular columnist for the Guardian and Observer on US politics, he is also a fellow of the Century Foundation, “Give President Obama a chance: there is a role for drones,” 05/23/2013, <http://www.guardian.co.uk/commentisfree/2013/may/23/obama-drone-speech-use-justified>) RC

Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.¶ So how does one explain this rather important shift in the US drone war? ¶ The reasons appear to be three-fold. First, as technology has improved so too have the capabilities of drone operators to be more precise. Second, there appears to be shift in targeting, particularly away from so-called "signature strikes" that rely more on behavior than specific intelligence to justify kills. Considering the criticism of the program – from both inside and outside the US – it's difficult to imagine this hasn't given impetus for Obama administration officials to take even greater caution in how drones are utilized. Or to put it more directly, drone critics are having a constructive impact.¶ But there's a third reason: as the war in Afghanistan has begun to wind down the use of drones against militants across the border from Pakistan has declined as well.

#### Alternative air power methods and terrorist attacks absent drones risk higher civilian casualties

Hayden et al 5/23

(White House Office of Press Secretary, “Background Briefing by Senior Administration Officials on the President's Speech on Counterterrorism,” 5/23/2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/background-briefing-senior-administration-officials-presidents-speech-co>) RC

SENIOR ADMINISTRATION OFFICIAL: Sure, I’ll just say a couple of things. First of all, as was made clear in the letter yesterday, Anwar Awlaki was the one U.S. citizen who was targeted for direct lethal action by the United States. And the purpose of that decision was rooted in the fact that Anwar Awlaki posed a continuing and imminent threat to the United States as a chief of external operations for AQAP, as somebody who had played a role in plots like the Christmas Day attack, like the effort to blow up cargo planes headed for the United States, and in ongoing plotting against the United States.¶ In those other instances, I don’t want to get into the details of each of those instances. What I will say generally is that there are times when there are individuals who are present at al Qaeda and associated forces facilities, and in that regard they are subject to the lethal action that we take. There are other instances when there are tragic cases of civilian casualties and people that the United States does not in any way intend to target -- because, again, as in any war, there are tragic consequences that come with the decision to use force, including civilian casualties.¶ What the President will discuss in the speech is the tradeoffs involved, and the fact that, frankly, we believe that there would be far greater civilian casualties if the United States were to use its military abroad in a way in which we did in Iraq or even Afghanistan to go after terrorists. There would be greater civilian casualties where we would use more indiscriminate air power that is not as able to be precise like some of our drone strikes are.¶ And at the same time, there are greater civilian casualties that would result from a failure to prevent terrorist attacks not just in the United States, but in places like Yemen, where you’ve seen far more Yemenis killed by AQAP than you have seen Americans.

#### Drones outweigh alternatives- lowest risk of civilian deaths

Anderson 13

(Kenneth, is professor of law at Washington College of Law, American University; a visiting fellow of the Hoover Institution and member of its Task Force on National Security and Law; and a non-resident senior fellow of the Brookings Institution. He writes on international law, the laws of war, and national security, “The case for drones,” 05/24/13, <http://www.realclearpolitics.com/articles/2013/05/24/the_case_for_drones_118548.html>) RC

The strategy has worked far better than anyone expected. It is effective, and has rightfully assumed an indispensable place on the list of strategic elements of U.S. counterterrorism-on-offense.¶ But it is not only a strategy of effectiveness, convenience, and necessity. Drone warfare offers ethical advantages as well, allowing for increased discrimination in time, manner, and targeting not available via any other comparable weapon platform. As such, it lends civilians in the path of hostilities vastly greater protection than does any other fighting tool. Drone warfare is an honorable attempt to seek out terrorists and insurgents who hide among civilians.¶ The expansion into automated and robotic military equipment owes much to the ethical impulse to create new technologies of discrimination when fighting enemies for whom unwitting civilian shields were their main materiel of war. Moreover, these are weapons that gain much of their discrimination in use from the fact that U.S. forces are not directly at personal risk and are thus able to take time to choose a moment to attack when civilians might be least at risk. Remoteness—the fact that the drone user is nowhere near the target, as the pilot is probably sitting in an air-conditioned room in Nevada—actually enables precision.

# 2NC

## Case

### 2NC Case --- Targeted Killings Turn

#### No reason why drone fiction solevs – there’s no articulation of what that means or why it would prevent signature strikes

**Oversight of targeting killings causes a shift to signature strikes.**

Jens David **Ohlin 13**, Professor at Cornell Law School, http://www.liebercode.org/2013/02/would-federal-district-court-for-drones.html

**One of the more interesting recent proposals for curing the "due process" deficit in the Administration's targeted killings program is for Congress to create a federal court to approve drone strikes**. Senator Dianne Feinstein, among others, is championing this strategy. I don't think it will work. Here's why. First, the court would be modeled after the super-secret FISA court for approving government requests for surveillance in terrorism cases. Such courts impose a form of judicial review, yes, but there is little transparency and no adversarial process. But there are bigger problems. As some of my colleagues have already explained**, it is unlikely and improbable that such a court could authorize specific operational strikes**. **That would be difficult to implement in real time, and might even be unconstitutional for infringing on the Executive Branch's commander-in-chief power**. Rather, **such a court would approve the administration's decision to place an individual's name on an approved target list**. A court would review the legitimacy of this decision with the power to remove the name if the individual does not meet the standard for being a functional member of al-Qaeda. Although this is more plausible, I still don't think it will work. In the end, I think **it would just push the administration to avoid targeted killings and would have the opposite effect.** **It would increase, not decrease, collateral damage**. Let me explain. **Suppose the government has previously used the kill list to govern the selection procedure for targeted killings.** The list serves as a clearinghouse for debates and ultimately conclusions about who is a high-value target. If the administration decides that the individual should be pursued, he is placed on the list. If the administration decides that the individual is of marginal or no value, he is removed from the list or never placed on it to begin with. Now imagine that a court is requiring that the list be approved by a judicial process. **Why would the administration have any incentive at all to keep adding names to the list? Why not stop using it entirely? It could then rely exclusively on signature strikes** -- an important legal development well documented by Kevin Heller in his forthcoming JICJ article on the subject. **Such strikes would not be banned by the court because the US would not know exactly who it is bombing**. (I'm assuming for the sake of argument that the US is still engaged in an armed conflict with al-Qaeda and that the AUMF or some other statutory authorization for the President's pursuit of the conflict would still be in place.) Essentially, **this would be a case of willful blindness** -- a concept well known to criminal law scholars. **The real benefit of targeted killings is that the administration knows the exact threat and only targets one individual. That has changed warfare tremendously**. **But the court system would push the military back towards the old system**: **target groups of individuals who are known terrorists or enemy combatants** -- but you don't know exactly who they are. You just know they are the enemy. **That's the system that reigned in all previous conflicts**. **And there would be a disincentive to ever acquire more specific information**. Why have a drone hover over an area with known terrorists in order to determine, through surveillance, the exact identity of the individual's there? That would only trigger the jurisdiction of the drone court. So ignorance would maintain the legality of the strike. I don't think that is what Congressional staffers have in mind.

#### Aff meets the definition of targeted killings

**Alston 2011**

[Philip, John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “ARTICLE: The CIA and Targeted Killings Beyond Borders” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, Nexis]

C. **Defining "Targeted Killings"** As with many terms that have entered the popular consciousness as though they had a clear and defined meaning, **there is no established or formally agreed upon legal definition of the term "targeted killings" and scholarly definitions vary widely. Some** commentators **have sought to "call a spade a spade" and used terms such as** "leadership decapitation," n30 which clearly captures only some of the practices at stake, **assassinations**, n31 or "extrajudicial executions," **which has the downside of building per se illegality into the description of the process**, or "targeted pre-emptive actions," which is designed to characterize a killing as a legal exercise of the right of self-defense. n32 **But these usages have not caught on and do not seem especially helpful in light of the range of practices generally sought to be covered by the use of the term-targeted killing.** The term was brought into common usage after 2000 to describe Israel's self-declared policy of "targeted killings" of alleged terrorists in the Occupied Palestinian Territories. n33 But influential commentators also sought to promote more positive terminology. The present head of the [\*296] Israeli Military Intelligence Directorate, for example, argued that they should be termed "preventive killing," which was consistent with the fact that they were "acts of self-defense and justified on moral, ethical and legal grounds." n34 Others followed suit and adopted definitions designed to reflect Israeli practice. n35 Kremnitzer, for example, defined a "preventative (targeted) killing" as "the intended and precise assassination of an individual; in many cases of an activist who holds a command position in a military organization or is a political leader." n36 For Kober, it is the "selective execution of terror activists by states." n37 But **such definitions reflect little,** if any, **recognition of the constraints imposed by international law, a dimension to which subsequent definitions have**, at least in theory**, been more attuned**. Most recently, Michael Gross has defined such killing as "an unavoidable, last resort measure to prevent an immediate and grave threat to human life." Although this too remains rather open-ended, Gross relies on international standards to defend it when he suggests that it tracks "exactly the same rules that guide law enforcement officials." n38 He cites as authority for that proposition the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, n39 but these principles contain no such provisions. The quotation he uses is, in fact, a rough summary of the text of Article 2(2) of the European Convention on Human Rights, a standard that was adopted in 1950 and has since been interpreted in a much more restrictive manner than he suggests. n40 Gross then goes on to suggest that the approach he proposes is "like that of the Israeli courts," when in fact the key judgment of the Israeli Supreme Court on the question [\*297] of targeted killings does not apply international human rights law at all, but instead uses the customary law applicable to international armed conflicts. n41 At the other end of the definitional spectrum is a five-part definition proposed by Gary Solis. For there to be a targeted killing: (i) there must be an armed conflict, either international or non-international in character; (ii) the victim must be specifically targeted; (iii) he must be "beyond a reasonable possibility of arrest"; (iv) the killing must be authorized by a senior military commander or the head of government; (v) and the target must be either a combatant or someone directly participating in the hostilities. n42 But whereas Gross seeks to use a human rights-based definition, Solis proposes one which is unsuitable outside of international humanitarian law. **A more flexible approach is needed in order to reflect the fact that "targeted killing" has been used to describe a wide range of situations**. They include, for example: the killing of a "rebel warlord" by Russian armed forces, the killing of an alleged al Qaeda leader and five other men in Yemen by a CIA-operated Predator drone using a Hellfire missile; killings by both the Sri Lankan government and the Liberation Tigers of Tamil Eelam of individuals accused by each side of collaborating with the other; and the killing in Dubai of a Hamas leader in January 2010, allegedly carried out by a team of Israeli Mossad intelligence agents. **Targeted killings therefore take place in a variety of contexts and may be committed by governments and their agents in times of peace as well as armed conflict**, or by organized armed groups in armed conflict. **The means and methods of killing vary, and include shooting at close range, sniper fire, firing missiles from helicopters or gunships, firing from UAVs, the use of car bombs, and poison.** **There are thus three central requirements for a workable definition. The first is that it be able to embrace the different bodies of international law that apply** and is not derived solely from either IHRL or IHL. **The second is that it should not prejudge the question of the legality** or illegality [\*298] **of the practice in question. And the third is that it must be sufficiently flexible to be able to encompass a broad range of situations in relation to which it has regularly been applied.** The common element in each of the very different contexts noted earlier is that **lethal force is intentionally and deliberately used**, with a degree of pre-meditation, against an individual or individuals specifically identified in advance by the perpetrator. n43 **In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from** unintentional, **accidental**, or reckless **killings**, or killings made without conscious choice. **It also distinguishes them from law enforcement operations**, e.g., against a suspected suicide bomber. Under such circumstances, it may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill. **Although in most circumstances targeted killings violate the right to life**, in the exceptional circumstance of armed conflict, **they may be legal. This is in contrast to other terms with which "targeted killing" has sometimes been interchangeably used, such as "extrajudicial execution,**" "summary execution**," and "assassination," all of which are, by definition, illegal**. n44 Consistent with the detailed analysis developed by Nils Melzer, n45 **this Article adopts the following definition: a targeted killing is the intentional, premeditated, and deliberate use of lethal force, by States or their agents acting under color of law,** or by an organized armed group in armed conflict, **against a specific individual who is not in the physical custody of the perpetrator**. n46

**There are two types of drone strikes – First, targeted killings which kill an identified high value target and second, signature strikes which kill unidentified individuals that fit a certain signature. Aff only affects the first category.**

**Barela 2013**

[Steven J., Postdoctoral Research Fellow, Faculty of Law, University of Geneva, “Book Reviews: Targeted Killings: Law and Morality in an Asymmetrical World” Journal of International Criminal Justice, J Int Criminal Justice (2013) 11 (1): 277, Nexis]

The concluding point here is not a critique of this book specifically, but rather to draw attention to the fact that **the legal and moral contours of targeted killing continue to shift in important ways.** Since this book went to press, the administration has indicated a legal focus upon the question of ′imminence′, n18 put forward the outlines of its own definition, n19 and formally admitted to drone strikes in countries where the United States is not at war. n20 Additionally, there have been significant revelations about the programme in the media. **Most pointedly, there have been reports that the drone strikes in Pakistan are of two different types**: **(1) ′personality′ strikes where the target is a known terrorist leader; and (2) ′signature′ strikes which target groups of men believed to be militants associated with terrorist groups**. n21 **Since the latter action is said to constitute the bulk of the strikes carried out in that country, this suggests that much of the drone programme might be more accurately termed targeting on suspicion, rather than applying the more conventional term of ′targeted killing**′.

#### Absolute solvency take out – Signature strikes account for 92% of drone strikes.

Jan **Vacula 13,** Grad Student, http://foreignaffairsreview.co.uk/2013/03/ethics-drones/

**This was one of the first examples of what has come to be known as ‘signature strikes’** **– a drone attack that targets ‘groups of men who bear certain defining characteristics associated with terrorist activity, but who’s identities are not known.’** The 2010 Reuters report (1) shows that between 2008 and 2010, **92% of all targets** **were chosen as a result of a ‘suspicious pattern of activities’ without prior identification**. Multiple media reports suggest that the U.S. considers all military-aged men in areas of terrorist activity as combatants who can be targeted by a drone.

**Aff only affects a small fraction of drone strikes – most are signature strikes.**

Rosa **Brooks 13**, Georgetown University Law Center, http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2266&context=facpub

**When you have a tool that allows you to target potential bad guys with very little risk, why wouldn’t a government use it ever more frequently?** Thus, **we have seen drone strikes evolve in the last decade from a technology with limited deployment used to target specifically identified high-ranking al Qaeda officials to a tool used in an increasing number of countries to attack an apparently endlessly lengthening list of putative bad guys, some identified by name, others targeted on the basis of suspicious behavior patterns,** with an increasingly tenuous link to grave or imminent threats to the United States. **As their use has grown, drones strikes have targeted militants who are lower and lower down the terrorist food chain**,26 rather than terrorist masterminds. 27 **Although drone strikes are believed to have killed more than 3,300 people** since 2004,28 **by most accounts only a small fraction of those successfully targeted have been so-called “high-value targets**.” 29 In addition, **drone strikes have spread ever further away from “hot” battlefields** such as Afghanistan and northern Pakistan to Yemen to Somalia (and perhaps to Mali30 and the Philippines31 as well)

**Majority of drones strikes are signature – takes out the whole aff.**

Anthony **Dworkin 13,** ECFR, http://www.scribd.com/doc/151683326/Drones-and-targeted-killing-defining-a-European-position

However, **the details that have emerged about US targeting practices in the past few years raise questions about how closely this approach has been followed in practice**. **An analysis** published by McClatchy Newspapers in April, **based on classified intelligence reports**, **claimed that 265 out of 482 individuals killed in Pakistan in a 12-month period** up to September 2011 **were not senior al-Qaeda operatives** **but instead were assessed as Afghan, Pakistani, and unknown extremists**.28 **It has been widely reported that in both Pakistan and Yemen the US has at times carried out “signature strikes” or “Terrorist Attack Disruption Strikes” in which groups are targeted based not on knowledge of their identity but on a pattern of behaviour that complies with a set of indicators for militant activity**. It is widely thought that these attacks have accounted for many of the civilian casualties caused by drone strikes. In both Pakistan and Yemen, there may have been times when some drone strikes – including signature strikes – could perhaps best be understood as counterinsurgency actions in support of government forces in an internal armed conflict or civil war, and in this way lawful under the laws of armed conflict. Some attacks in Pakistan may also have been directly aimed at preventing attacks across the border on US forces in Afghanistan. However, by presenting its drone programme overall as part of a global armed conflict. the Obama administration continues to set an expansive precedent that is damaging to the international rule of law

**Turns your case– High value drones strikes, ie targeted killings, not unpopular globally and are key to counter-terror – signature strikes are the drone strikes that truly trigger your advantages.**

**Boyle 13**,Michael J., “The costs and consequences of drone warfare”, Chatham House, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

In his second term, President **Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them.** A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. **One step might be to limit the use of drones to HVTs**, such as leading political and operational figures for terrorist networks, **while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda.** **This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the U**nited **S**tates. **Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs**. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.1

### 2NC Case --- AT: Community Change

The debate space is particularly unusable as a point for revolution because of structures inherent to debate.

Atchison and Panetta 2009 (Jarrod Atchison, PhD. In Speech Communication. Edward Panetta, Ph.D. in Communication. “Intercollegiate Debate Speech Communication: Historical Developments and Issues for the Future”; The SAGE Handbook of Rhetorical Studies, Pg. 27)

The first problem that we isolate is the difficulty of any individual debate to generate community change. Although any debate has the potential to create problems for the community (videotapes of objectionable behavior, etc.), rarely does any one debate have the power to create communitywide change. We attribute this ineffectiveness to the structural problems inherent in individual debates and the collective forgetfulness of the debate community. The structural problems stem from the current tournament format that has remained relatively consistent for the past 30 years. Debaters engage in preliminary debates in rooms that are rarely populated by anyone other than the judge. Judges are instructed to vote for the team that does the best debating, but the ballot is rarely seen by anyone outside the tabulation room. Given the limited number of debates in which a judge actually writes meaningful comments, there is little documentation of what actually transpired during the debate round. During the period when judges interact with the debaters, there are often external pressures (filing evidence, preparing for the next debate, etc.) that restrict the ability of anyone outside the debate to pay attention to the judges' justification for their decision. Elimination debates do not provide for a much better audience because debates still occur simul­taneously, and travel schedules dictate that most of the participants have left by the later elimination rounds. It is difficult for anyone to substantiate the claim that asking a judge to vote to solve a community problem in an individual debate with so few participants is the best strategy for addressing important problems. In addition to the structural problems, the collective forgetfulness of the debate community reduces the impact that individual debates have on the community. The debate community is largely made up of participants who debate and then move on to successful careers. The coaches and directors that make up the backbone of the community are the people with the longest cultural memory, but they are also a small minority of the community when considering the number of debaters involved in the activity. This is not meant to suggest that the activity is reinvented every year—certainly there are conventions that are passed down from coaches to debaters and from debaters to debaters. However, the basic fact remains that there are virtually no transcriptions available for the community to read, and, therefore, it is difficult to substantiate the claim that the debate community can remember any one individual debate over the course of several generations of debaters. Additionally, given the focus on competition and individual skill, the community is more likely to remember the accomplishments and talents of debaters rather than a specific winning argument. The debate community does not have the necessary components in place for a strong collec­tive memory of individual debates. The combination of the structures of debate and the collective forgetfulness means that any strategy for creating community change that is premised on winning individual debates is less effective than seeking a larger community dialogue that is recorded and/or transcribed.

The implication: attempting to create change via debate rounds fractures coalitions in favor of change, turns the case.

Atchison and Panetta 2009 (Jarrod Atchison, PhD. In Speech Communication. Edward Panetta, Ph.D. in Communication. “Intercollegiate Debate Speech Communication: Historical Developments and Issues for the Future”; The SAGE Handbook of Rhetorical Studies, Pg. 28)

The final problem with an individual debate round focus is the role of competition. Creating community change through individual debate rounds sacrifices the "community" portion of the change. Many teams that promote activist strategies in debates profess that they are more interested in creating change than winning debates. What is clear, however, is that the vast majority of teams that are not promoting community change are very interested in winning debates. The tension that is generated from the clash of these opposing forces is tremendous. Unfortunately, this is rarely a productive tension. Forcing teams to consider their purpose in debating, their style in debates, and their approach to evidence are all critical aspects of being participants in the community. However, the dismissal of the proposed resolution that the debaters have spent countless hours preparing for, in the name of a community problem that the debaters often have little control over, does little to engender coalitions of the willing. Should a debate team lose because its director or coach has been ineffective at recruiting minority participants? Should a debate team lose because its coach or director holds political positions that are in opposition to the activist program? Competition has been a critical component of the interest in intercollegiate debate from the beginning, and it does not help further the goals of the debate community to dismiss competition in the name of community change.

#### Also trades off with other methods of change

Atchison and Panetta 2009 (Jarrod Atchison, PhD. In Speech Communication. Edward Panetta, Ph.D. in Communication. “Intercollegiate Debate Speech Communication: Historical Developments and Issues for the Future”; The SAGE Handbook of Rhetorical Studies, Pg. 27-8)

A second problem with attempting to create community change in individual debates is that the debate community is comprised of more individuals than the four debaters and one judge that are present in every round. Coaches and directors have very little space for engaging in a discussion about community issues. This is especially true for coaches and directors who are not preferred judges and, therefore, do not have access to many debates Coaches and directors should have a public forum to engage in a community conversation with debaters instead of attempting to take of their opponents through the wins and losses of their own debaters. In addition to coaches and debaters, there are many people who might want to contribute to community conversation, but are not directly involved in competition. For instance, most debate tournaments take place at an academic institution that plays host to the rest of the community. For that institution to host everyone, they must make tremendous sacrifices. It would be beneficial to the debate community to have some of the administrators who make decisions about supporting debate come to a public forum and discuss what types of information they need when they make decisions about program funding. Directors and coaches would benefit from having administrators explain to the community how they evaluate the educational benefits of debate. Additionally, every institution has unique scholars who work in some area and who could be of benefit to the debate community. The input of scholars who study argument, communication, race, gender, sexuality, economics, and the various other academic interests could provide valuable advice to the debate community. For example, a business professor could suggest how to set up a collective bargaining agreement to reduce the costs associated with travel. Attempting to create an insulated community that has all the answers ignores the potential to create very powerful allies within academic institutions that could help the debate community. After all, debate is not the first community to have problems associated with finances, diversity, and competition. These resources, however, are not available for individual debates. The debate community is broader than the individual participants and can achieve better reform through public dialogue than individual debates.

## Fetish K

### 2NC AT: PIKs Bad

#### 4. Make them defend their discourse before you evaluate the case - this is key to policymaking

FI, Framework Institute 5

(The frame works perspective: strategic frame analysis | http://www.frameworksinstitute.org/perspective.html)

Strategic frame analysis is an approach to communications research and practice that pays attention to the public's deeply held worldviews and widely held assumptions. This approach was developed at the FrameWorks Institute by a multi-disciplinary team of people capable of studying those assumptions and testing them to determine their impact on social policies. Recognizing that there is more than one way to tell a story, strategic frame analysis taps into decades of research on how people think and communicate. The result is an empirically-driven communications process that makes academic research understandable, interesting, and usable to help people solve social problems. This interdisciplinary work is made possible by the fact that the concept of framing is found in the literatures of numerous academic disciplines across the social, behavioral and cognitive sciences. Put simply, framing refers to the construct of a communication — its language, visuals and messengers — and the way it signals to the listener or observer how to interpret and classify new information. By framing, we mean how messages are encoded with meaning so that they can be efficiently interpreted in relationship to existing beliefs or ideas. Frames trigger meaning. The questions we ask, in applying the concept of frames to the arena of social policy, are as follows: \* How does the public think about a particular social or political issue? \* What is the public discourse on the issue? And how is this discourse influenced by the way media frames that issue? \* How do these public and private frames affect public choices? \* How can an issue be reframed to evoke a different way of thinking, one that illuminates a broader range of alternative policy choices? This approach is strategic in that it not only deconstructs the dominant frames of reference that drive reasoning on public issues, but it also identifies those alternative frames most likely to stimulate public reconsideration and enumerates their elements (reframing). We use the term reframe to mean changing "the context of the message exchange" so that different interpretations and probable outcomes become visible to the public (Dearing & Rogers, 1994: 98). Strategic frame analysis offers policy advocates a way to work systematically through the challenges that are likely to confront the introduction of new legislation or social policies, to anticipate attitudinal barriers to support, and to develop research-based strategies to overcome public misunderstanding.

**6. Discursive analysis is key to challenge perspectives assumed to be true that are simply entrenched in discourse. Means they NEVER access agency.**

**Bleiker 0**

(Ph.D. visiting research and teaching affiliations at Harvard, Cambridge, Humboldt, Tampere, Yonsei and Pusan National University as well as the Swiss Federal Institute of Technology and the Institute of Social Studies in The Hague,(Roland, Popular Dissent, Human Agency and Global Politics, Cambridge University Press)

To recognise that language is politics is to acknowledge that form and substance cannot be separated. The manner in which a text is written, a speech is uttered, a thought is thought, is integral to its content. There is no neutral form of representing the world, a form that is somehow detached from the linguistic and social practices in which the speaker or writer is embedded. Science and philosophy, empirical analyses and literature, mathematics and poetry, are all bound by the form through which they convey their ideas. Being built on specific grammatical and rhetorical structures, all of these stories and accounts, Michael Shapiro points out, implicitly advance political arguments. All of them, 'no matter how much their style might protest innocence, contain a mythical level — that is they have a job to do, a perspective to promote, a kind of world to affirm or deny'. 6 This is not to say that every account of social dynamics is equally insightful or valid. But it is to accept that linguistic practices are metaphorical. Some tropes, however, have been so extensively rehearsed and are so deeply entrenched in linguistic and cultural traditions that they appear as authentic representations of the real. Dissent in global politics is the process that interferes with such objectifications.

### 2NC AT: Perm - Do Both

3.) Doesn’t solve- only a radical and complete cut from bad representations solves

Athansiou, 2003 (Athena, Social Anthropologist at U of Thessaly,"Technologies of Humanness"; MUSE)

In this struggle over political representation and its discursive practices, claims, imagery, desires, and counterdesires, the task is to perform a radical gesture toward an alternative vision of representation, for want of a better term. The task is to move toward the anarchic difference that cuts loose from and exceeds the carceral logic of referential representation, in other words, the inappropriable and unforeseeable other of presence, presentation, and re-presentation: the language of the Other. No guarantee of normative intelligibility can be evoked here. Does this imply the possibility of novel representational spaces beyond the presentist premises of the ontopological logic of representation? 5 The question, a question of the possibility of interrupting the force of representation, or the representation’s being in force, must be left in suspense.

#### the notion of a fetish is used in popular representations to propegate cultural racism. even reappropraition of the term “fetish” gets co-opted and mystifies and devalues otherness to justify the violent correction of its pathological connotations.

WINOKUR 2K4  
[mark, technologies of race: special effects, fetish, film, and the 15th century, “genders”: 40]

33] FXing, then, serves the meta-fetishistic function of closing the chain of associations that began with the defining of the ritual other as a fetish.  The notion of the aboriginal or tribal fetish emerges at about the moment at which early modern Europe wished to slough off similar notions in its own ideology as archaisms.  (For Protestants, for example, that archaism was an iconophilic Catholicism.) Whatever it is now, anthropology began as a Western notion whose raison d’être was not to explain cultural otherness but to mystify it in ideas like the fetish, an idea that became so necessary that it was appropriated for at least two other disciplines before becoming a metaphor in several more. [34] In the twentieth century, the West imposed on its orient the idea of an object that signifies tribalism, superstition, lack. The evolving classical Hollywood style displaced an overtly racist discourse with the mechanism of the fetish—the unconscious raising and allaying of the spectre of race and gender otherness. As I have tried to demonstrate, American film practice accomplished this displacement through a particular set of techniques—FXing. (However, one might further demonstrate the degree to which American film technology more generally construed configures filmmaking itself as a racially fetishistic practice, in a manner analogous to Mulvey’s demonstration of film as simply a gender fetish.) By returning the chain of significations back to the ethnic, FXing reveals the way in which the notion of the fetish was always compromised. The fetish was always a term for a nexus of phenomena in other cultures utterly misunderstood, always a placeholder for a referent incomprehensible not so much because of its magical qualities as because of the power relation between the colonizing Europeans and the colonized New Guineans, Brazilians, and Africans. In essence, we have been misapplying a trope in psychoanalysis for about seventy years, and in Marxist economics for 120 years, that has always had the linguistic effect of further demeaning the groups whose cultures it was originally intended to describe, reinventing those cultures as pathologies in need of curing.

#### The entire 1AC is designed to persuade you that the harmful effects of weapons are so clear that any rational person would move away from weapons so our debate community must be irrational to continue to obsess over these silly objects of affection. This is exactly how European slave traders treated African religions and it is how we as a society continue to treat African religions today. Vote Negative to reject this 1AC persuasion strategy that relies on this racist term

Anna Wexler, PhD. Harvard, 2001

(Research in African Literatures 32.1 (2001) 83-97)

Unable, by virtue of experience, to contain the power of these objects exclusively within psychological, socioeconomic, semantic, or other explanatory models of Western social science, I was also aware of their resonance as fetish within the colonial discourse that legitimated conquest and slavery. As Suzanne Blier explains in "Truth and Seeing," the term, [End Page 83] only recently abandoned, was used especially for the more potent, anxiety producing, less socioaesthetically refined African forms, such as Kongo minkisi and the bociô arts of Dahomê. Linking the irrational and the antiaesthetic, the fetish served as a quintessential designator of otherness in the service of colonial conquest and enslavement of the peoples of West and Central Africa. Haitian cloth-covered figures are said by Blier ("Vodun") to be possibly bociô-related forms. By granting them spirit-driven efficacy, I feared them. In my fear was not only respect but also the polluting legacy of the fetish and the debasing of their maker. The long shadow of the fetish extends from depictions of "Guinea," or the coast of West Africa, in sixteenth- and seventeenth-century travelogues written by European traders into the evolutionary theory of eighteenth-century Enlightenment philosophers and beyond to the more familiar usages in psychoanalytic, Marxist, and modernist aesthetic theory. As William Pietz explains in a brilliant series of essays ("The Problem of the Fetish I," 1985; "The Problem of the Fetish II," 1987; and "The Problem Fetish IIIa," 1988), the pidgin term fetisso developed from the Portuguese feitiço, meaning objects or practices relating to witchcraft. In the fifteenth century, the Portuguese, who controlled West African maritime trade, distinguished between idolo and feitiço. The former referred to a statue representing a deity, the latter to an object often worn on the body and spiritually empowered by combining ritually prescribed materials. The emphasis was on the concrete efficacy of the feitiço as opposed to the idolo, viewed as a medium of worship. African religion was classified as feitiçaria as opposed to idolatria. As Pietz remarks, "The use of a term meaning 'witchcraft' to characterize the religion, and thus the principle of social order, of an entire people was unprecedented" ("Fetish II": 37). The pidgin term fetisso became popular as other Europeans and African middlemen and mulatto communities entered the trade in the sixteenth and seventeenth centuries. African priests were referred to as fetisseros, and the phrase "to make or take the fetiche" developed. From this set of terms Pietz traces the origin of the concept of the fetish ("Fetish IIIa"). Inanimate objects such as wooden figures, amulets, stones, and bones were considered the quintessential fetisso. This complex of terms was used by European merchants to signify the otherness of African cultures and obstacles they presented to so-called rational commercial relations (or European trading interests) by giving religious value and power to certain objects that consequently transgressed strictly economic terms of assessment and blocked the "natural" development of market forces. Enlightenment thinkers were introduced to the concept of "fetish religion" through a book written in 1702 by the Dutch merchant Willem Bosman, A New and Accurate Account of the Coast of Guinea. Copies of the French edition, for example, were found in the libraries of Newton and Locke. Fundamental to the new conceptual baggage of the term fetish as it developed into the eighteenth century was the idea of the African's false notion of causality crystallized in belief in the power of inanimate material objects to transform human situations and promoted by manipulative priests seeking to exploit popular fears attached to these forms. [End Page 84] "Fétichisme," a word coined by the French philosopher Charles de Brosse in 1757, came to be associated with the intentionality of material objects as the "religious delusion that blocks recognition of rational self-interest and social order" (Pietz, "Fetish IIIa" 121), a paradigm of antirationality. In the ensuing discourse, the African mind was theorized as the benighted foil to the European enlightened by the scientific understanding of the mechanistic impersonality of nature. The impact of this construct on slaves and free blacks in the French colony of Saint-Domingue, by the latter half of the eighteenth century the most valuable colony in the West and the largest market for the slave trade (see James; Trouillot), as well as on the young republic of Haiti born in revolutionary struggle from its ashes, was tragic and palpable. As the Haitian scholar Laënnec Hurbon points out in Le barbare imaginaire, the definitive work on anti-Vodou discourse, by the early eighteenth century those who used gad-kò (spiritually charged, protective figures), and other objects termed fetishes, for therapeutic purposes in the French colony were ruthlessly tortured as both sorcerers and charlatans who achieved power over others through deception. Fears and prohibitions of such practices and associated "charms" and "amulets" were further fueled by the effective use of poisons against the colonists by the revolutionary maroon, ritual leader, and prophet Makandal and his followers. Shortly after his execution in 1758, the Upper Council of Le Cap (a principal city and commercial center) declared illegal the making of "makandals," or packets containing Christian artifacts as well as bones, nails, roots, and additional materials used for protection against sadistic masters, attracting lovers, luck in games, harming enemies, and other purposes (see Dayan; Fick). The use of poisons, which were referred to as wanga during that period, was closely associated with these packets as the next step up on the ladder of aggressive magic (see Pluchon). Those slaves and free blacks accused of poisoning by the planters and colonial authorities were often burned alive (see Fick).

2. Rejecting the term fetish outright is critical to combating the history of colonialism surrounding the term.

Heinz Hauser-Renner, University of Zürich, 2008

(History in Africa, Volume 35 “Examining Text Sediments–Commending a Pioneer Historian as an “African Herodotus”: On the Making of the New Annotated Edition of C.C. Reindorf’s History of the Gold Coast and Asante”)

Following the suggestions and arguments of Fage in the 1950s, Grey in the 1960s, and Verdier and Cissoko in the mid-1980s, I have attempted to avoid the use of such terms like “chief,” “tribe,” “feudalism,” “kingdom,” “fetish” etc. in the introduction and translations.244 Although they were used [End Page 292] by Reindorf himself, and in spite of their usage in modern Ghana and by many African scholars, I advocate that either more neutral English terms and/or the original term in the Gã (or other African languages in other contexts) be used.245 The terms “fetish” and “tribe” clearly have a negative connotation on the one hand and they are imprecise and often blur the view of the researcher on the historical reality on the other. A term such as “chief” occurring in the English History is contrasted with at least five corresponding expressions in the Gã text. The use of unsuitable Western vocabulary falsifies the African situation and tends to identify it with other cultures, thus robbing it of its inmost character, its authenticity, and its vital force.246 Yankah noted that the confusion caused by mistranslating the Akan okyeame as “linguist” would not have arisen if the cultural uniqueness of this office had been recognized and truly acknowledged.247 People engaged in African research have a duty to re-examine the tools they use to establish the nature of institutions and concepts, to define African terms and use them in their studies just as Wilks, McCaskie and others have done in the context of Asante history and culture. In 1952 Fage has already argued that there is the very great difficulty of knowing deeply enough about the background on either side of the colonial relationship to avoid dangerously superficial judgements. It is all too easy, even for Englishmen to talk loosely and glibly about “the British government,” or “the Colonial Office,” or “British colonial policy” . . . without realising that each of these is a short-hand term for something immeasurably complex.248 African scholars are compelled to query the terminology and concepts they use and by writing more “Ideengeschichte” gain a clearer understanding of African thought.249 Reindorf’s Gã text is at times ambiguous, even [End Page 293] obscure, and a proper translation cannot be guaranteed at every point. In a considerable number of cases the translation has perforce been influenced by informed guesses based on my increasing knowledge of Gã philosophy of language, familiarity with Reindorf’s way of thinking and use of language, and on research on Gã history and culture in general. However, difficult passages and terminology are referred to, commented on, and discussed in the annotations. Matters of style have been the most problematic and challenging aspect of the translation work. Gã style of the nineteenth century (both in writing and speaking) is obviously not the same as today because attitudes toward language and its use cannot be divorced from specific cultural beliefs and practices over time. In the absence of any systematic linguistic diachronic study on style—apart from Yankah’s work on Akan in 1995—one might guess (relying on personal obvervation anyway) that certain features of style are not strictly adhered to in modern speech, while compliance to the same or other features of style used in the nineteenth century is enjoined, depending on the contexts.250

**5.** Redeployment fails – effective communication requires recognizing that the framing of an issue requires recognition of previous social understandings

Bales, President of the FrameWorks Institute, 2001

(Susan Nall, “A conversation with Susan Nall Bales,” [The Evaluation Exchange](http://gseweb.harvard.edu/%7Ehfrp/eval.html) Volume VII, No. 1, Winter, http://gseweb.harvard.edu/~hfrp/eval/issue16/bales.html)

I think doing communication strategically means recognizing that you come into an environment where people already have ways of understanding an issue, whether as a result of the way media framed it, from personal communication, or from cultural models that developed over time. You don't just walk out the door one day and say, “I have an issue that I want people to consider.” It's important to understand that the way people already perceive an issue is part of what you may be up against. And so, step number one is to identify what people already bring to the conversation that you want to have with them; and secondly, to consider the implications of the way they understand an issue for their policy preferences. The other important part of strategic communications is to bring a little bit more social science into the art of communications. And that means understanding that strategic communications is about three principles: agenda-setting, framing and priming. It's about whether your issue is on the public agenda and how the media participates in putting it on or off the public agenda; how the nature of the way the issue is framed by the media either contributes to or impedes your getting it on the public agenda; and finally, whether your issue becomes a lens through which people evaluate candidates for public office or how other issues can serve as a useful lens on your issue. I think that those three principles—agenda-setting, framing and priming—that come out of the social science literature are absolutely pivotal for advocates to understand as they approach communication. We teach them in our trainings so that advocates have a vocabulary for, and a sensibility to, the processes of communication.

6. Even though there is no intent to your language, it still creates conceptual frames which affect policy outcomes and understandings of the world

Lakoff, UC Berkeley linguistics professor, co-founder and Senior Fellow of the Rockridge Institute, 1999

(George, “Metaphorical Thought in Foreign Policy,” December, http://www.frameworksinstitute.org/products/metaphoricalthought.pdf)

Cognitive linguistics is the field that studies this crucial part of what GII needs. It is a systematic, scientific approach within the cognitive sciences to the study of how we understand. How we act in a situation depends on how we understand it. Our mechanisms of understanding are mostly unconscious; we have no direct conscious access to how we understand. Cognitive science, the interdisciplinary study of the mind, has made some deep and important discoveries about the mechanisms of understanding. One is that we have systems of conceptual structures (called "frames" and "scripts") that we use to understand situations in the world. Another is that our understanding is, to a large extent, not straightforward or ”literal,” but rather makes use of a system of conceptual metaphors — ways to understand concepts in terms of other concepts, as when we understand affection in terms of warmth or purposes in terms of reaching destinations. Another important finding is that language is directly connected to such unconscious conceptual systems and metaphors. How we talk matters; one can learn a lot about how people frame situations from how they talk. Conversely, having effective language to express ideas is extremely powerful. Merely hearing the language again and again plants in the mind a mode of understanding. And if you can affect how others understand situations, you can affect what they do in those situations. In short, there is a link from language to conceptual framing to action. And in many cases, the link is from metaphorical language to metaphorical framing to action.

### 2NC Alternative

#### Rejecting the term fetish outright is critical to combating the history of colonialism surrounding the term.

Heinz Hauser-Renner, University of Zürich, 2008

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# 1NR

## Framework

### 1NR Echo Chamber DA

#### 2) Makes the debate into an echo-chamber – destroys fairness, education, and turns the aff

Talisse 5

Professor of Philosophy @Vandy¶ Robert, Philosophy & Social Criticism, Deliberativist responses to activist challenges, 31(4) p. 429-431

The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. **The deliberativist view** I have sketched hold that reasonableness **involved some degree of** what we may call **epistemic modesty. On this** view, **the reasonable citizen seeks to have her beliefs reflect the best available reasons,** and so she enters into public discourse **as a way of testing her views against the objections** and questions of those who disagree; hence she implicitly hold that **her present view is open to reasonable critique** and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of **politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable**. The activist sees no reason to accept this. Reasonableness **for the activist** consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; **discussion with those who disagree need not be involved**. **According to the activist,** there are certain cases in which he does in fact know the truth about what justice requires and in which **there is no room for reasoned objection.** Under such conditions, **the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational**. It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001A; ch. 3; 2001b: ch. 1). To explain: consider that political **activists cannot eschew deliberation altogether; they often engage in rallies,** demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movement must be organized, hence those involved must decide upon targets, methods, and tact’s; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. **Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists**. **Group polarization** is a well-documented phenomenon that **has ‘been found all over the world** and is many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by’ predeliberation tendencies’ (Sunstein, 2003: 81-2). Importantly, **in group that ‘engage in repeated discussions’** over time, **the polarization is even more pronounced** (2003: 86). Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of an individual member before the series of deliberations began’ (ibid.).17 The fact of group polarization is relevant to our discussion because the activist has proposed that **he may reasonably decline to engage in discussion with those with whom he disagrees** in cases in which the requirement of justice are so clear that he can be confidents that has the truth .Group polarization suggest that even deliberatively confronting those with whom we disagree is essential even we have the truth. **For even if we have the truth, if we do not engage opposing views,** but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth ,In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggest that a engagement with those with whom one disagrees is essential to the proper pursuitof justice. Insofar as the activist denies this, he is unreasonable.

### 1NR Switch Side DA

#### Switch-side debate develops a unique educational flexibility --- arguing both sides allows students to see the interconnection between varied subjects

Muir ‘93

(Star, Professor of Communication – George Mason U., “A Defense of the Ethics of Contemporary Debate”, *Philosophy & Rhetoric*, Vol. 26, No. 4, p. 282-5)

The debate over moral education and values clarification parallels in many ways the controversy over switch-side debate. Where values clarification recognizes no one set of values, debate forces a questioning and exploration of both sides of an issue. Where cognitive-development emphasizes the use of role playing in the inception of moral judgment, debate requires an empathy for alternative points of view. Where discussion provides an opportunity for expressions of personal feelings, debate fosters an analytic and explicit approach to value assessment. Freelev describes the activity this way: Educational debate provides an opportunity for students to consider the significant problems in the context of a multivalued orientation. They learn to look at a problem from many points of view. As debaters analyze the potential affirmative cases and the potential negative cases, including the possibility of negative counterplans, thev being to realize the complexity of most contemporary problems and to appreciate the worth of a multivalucd orientation; as they debate both sides of a proposition under consideration, they learn not only that most problems of contemporary affairs have more than one side but also that even one side of a proposition embodies a considerable range of values. The comparison between moral education and debate is useful because it contextualizes the process of moral development within an educational setting. Several objections have been raised about the practice of moral education, and these objections have direct relevance to the issue of switch-side debate. A view of debate as a form of moral education can be developed by addressing questions of efficacy, isolation from the real world. and of relativism. The first issue is one of effectiveness: Do clarification activities achieve the espoused goals? Social coercion and peer pressure, for example, still occur in the group setting, leaving the individual choice of values an indoctrination of sorts. Likewise, the focus of clarification exercises is arguably less analytic than expressive, less critical than embroyonic. The expression of individual preferences may be guided by simple reaction rather than by rational criteria. These problems arc minimized in the debate setting, especially where advocacy is not aligned with personal belief. Such advocacy requires explicit analysis of values and the decision criteria for evaluating them. In contemporarv debate, confronted with a case they believe in, debaters assigned to the negative side have several options: present a morass of arguments to see what arguments "stick," concede the problem and offer a "counterplan"a s a better way of solving the problem, or attack the value structure of the affirmative and be more effective in defending a particular hierarchy of values. While the first option is certainly exercised with some frequency, the second and third motivations arc also often used and are of critical importance in the development of cognitive skills associated with moral judgment. For example, in attacking a case that restricts police powers and upholds a personal right to privacy, debaters might question the reasoning of scholars and justices in raising privacy rights to such significant heights (analyzing Griswold v. Connecticut and other landmark cases), offer alternative value structures (social order, drug control), and defend the criteria through which such choices are made (utilitarian vs. deontological premises). Even within the context of a "see what sticks" paradigm, these arguments require debaters to assess and evaluate value structures opposite of their own personal feelings about their right to privacy. Social coercion, or peer pressure lo adopt certain value structures, is minimized in such a context because of competitive pressures. Adopting a value just because everyone else does may be the surest way of losing a debate. A second objection to debate as values clarification, consonant with Ehninger's concerns about gamesmanship, is the separation of the educational process from the real world. A significant concern here is how such learning about morality will be used in the rest of a student's life. Some critics question whether moral school knowledge "may be quite separate from living moral experience in a similar way as proficiency in speaking one's native language generally appears quite separate from the knowledge of formal grammar imparted by school." Edelstein discusses two forms of segmentation: division between realms of school knowledge (e.g., history separated from science) and between school and living experience (institutional learning separate from everyday life). Ehninger's point, that debate becomes a pastime, and that application of these skills to solving real problems is diminished if it is viewed as a game, is largely a reflection on institutional segmentation. The melding of different areas of knowledge, however. is a particular benefit of debate, as it addresses to is considerable importance in a real world setting. Recent college and high school topics include energy policy, prison reform, care for the elderly, trade policy, homelessness. and the right to privacy. These topics are notable because they exceed the knowledge boundaries of particular school subjects, they reach into issues of everyday life, and they are broad enough to force student to address a variety of value appeals. The explosion of "squirrels," or small and specific cases. in the 1960s and 1970s has had the effect of opening up each topic to many different case approaches. National topics are no longer of the one-case variety (as in 1955's "the U.S. should recognize Rcd China"). On the privacy topic, for example, cases include search and seizure issues, abortion, sexual privacy, tradeoffs with the first amendment, birth control, information privacy, pornography, and obscenity. The multiplicitv of issues pavs special dividends for debaters required to defend both sides of many issues because the value criteria change from round to round and evolve over the year. The development of flexibility in coping with the intertwining of' issues is an essential component in the interconnection of knowledge, and is a major rationale for switch-side debate.

### 1NR AT: Sequencing

#### Their vibrant politics is insufficient – it must be supplemented by a political method which allows collective participation and refutation of expected political futures IE discussions oriented around a plan of future action to physically interact with matter. Framework is a prerequisite to evaluating their theory of agency, not the other way around

Wyk 2k12

[review of bennett’s vibrant matter, cosmos and history, 8, no 2, 136-7, alan r.]

Both philosophically and political this is a necessary and inspiring proposition.¶ Bennett is right to recognize that any future that we are to have must begin with a¶ reordering of our politics into a recognition of the ecological implication of humanity¶ and nature, of human and non-human bodies; our future must be materialist in this¶ sense. She also right in recognizing that this political reordering must itself arise with¶ refiguring of our ontological world, one which overcomes the privileged binaries of¶ subject-object, human-non-human. As we have seen, Bennett clearly sides with objects¶ as this overcoming. To this end, one of the founding gestures of her project is announced¶ in the Introduction as an “eliding” of the “rich and diverse literature on subjectivity and¶ its genesis” (ix). There are certainly good reasons for this, but in eliding the discourse on¶ subjectivity Bennett also abandons the rich and diverse analysis of power that has been¶ a part of that discourse. Again, there may be very good reasons for wanting to move¶ beyond power for political analysis, but in moving beyond power politics still requires an¶ analytic of becoming, one that can account for, as Rancière might say, the distribution of¶ what matters, of what comes to matter. The political public must be more than a field of¶ feeling, of becoming, even if that is an expansive feeling and becoming of the world, of¶ the human and non-human alike. A politics of the future which is a sustainable politics¶ must account not only for the force of life, of the vibrancy of matter, but the force of the¶ negative as well, the forces that demarcate the field of becoming into the possible and is a necessary step in developing a political ecology of this sustainable future, it remains¶ to be supplemented by a something that will allow us to intervene in the becoming of¶ what matters.

### 1NR Progressivism DA

#### Switch-side debate is key to progressive politics

English et al 7

(Eric English, Stephen Lano, Gordon Mitchell, University of Pittsburgh communications professor, Catherine Morrison, John Reif, and Carly Woods, Schenley Park Debate Authors Working Group, “Debate as a Weapon of Mass Destruction,” June 2007, Communication and Critical/Cultural Studies, [www.pitt.edu/~gordonm/JPubs/EnglishDAWG.pdf](http://www.pitt.edu/~gordonm/JPubs/EnglishDAWG.pdf%5D), - Kurr)

The problem for Greene and Hicks is that this notion of citizenship becomes tied to a normative conception of American democracy that justifies imperialism. They write, ‘‘The production and management of this field of governance allows liberalism to trade in cultural technologies in the global cosmopolitan marketplace at the same time as it creates a field of intervention to transform and change the world one subject (regime) at a time.’’11 Here, Greene and Hicks argue that this new conception of liberal governance, which epitomizes the ethical citizen as an individual trained in the switch-side technique, serves as a normative tool for judging other polities and justifying forcible regime change. One need look only to the Bush administration’s framing of war as an instrument of democracy promotion to grasp how the switch-side technique can be appropriated as a justification for violence. It is our position, however, that rather than acting as a cultural technology expanding American exceptionalism, switch-side debating originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes. Several prominent voices reshaping the national dialogue on homeland security have come from the academic debate community and draw on its animating spirit of critical inquiry. For example, Georgetown University law professor Neal Katyal served as lead plaintiff’s counsel in Hamdan, which challenged post-9/11 enemy combat definitions.12 The foundation for Katyal’s winning argument in Hamdan was laid some four years before, when he collaborated with former intercollegiate debate champion Laurence Tribe on an influential Yale Law Journal addressing a similar topic.13 Tribe won the National Debate Tournament in 1961 while competing as an undergraduate debater for Harvard University. Thirty years later, Katyal represented Dartmouth College at the same tournament and finished third. The imprint of this debate training is evident in Tribe and Katyal’s contemporary public interventions, which are characterized by meticulous research, sound argumentation, and a staunch commitment to democratic principles. Katyal’s reflection on his early days of debating at Loyola High School in Chicago’s North Shore provides a vivid illustration. ‘‘I came in as a shy freshman with dreams of going to medical school. Then Loyola’s debate team opened my eyes to a different world: one of argumentation and policy.’’ As Katyal recounts, ‘‘the most important preparation for my career came from my experiences as a member of Loyola’s debate team.’’14 The success of former debaters like Katyal, Tribe, and others in challenging the dominant dialogue on homeland security points to the efficacy of academic debate as a training ground for future advocates of progressive change. Moreover, a robust understanding of the switch-side technique and the classical liberalism which underpins it would help prevent misappropriation of the technique to bolster suspect homeland security policies. For buried within an inner-city debater’s files is a secret threat to absolutism: the refusal to be classified as ‘‘with us or against us,’’ the embracing of intellectual experimentation in an age of orthodoxy, and reflexivity in the face of fundamentalism. But by now, the irony of our story should be apparent\*the more effectively academic debating practice can be focused toward these ends, the greater the proclivity of McCarthy’s ideological heirs to brand the activity as a ‘‘weapon of mass destruction.’’

#### Switch-side debating on the topic is uniquely important. It allows debaters to become better advocates and increases critical thinking

Dybvig and Iverson 99

Kristin Chisholm Dybvig, and Joel O. Iverson, Can Cutting Cards Carve into Our Personal Lives: An Analysis of Debate Research on Personal Advocacy, http://www.uvm.edu/~debate/dybvigiverson1000.html

Not all debate research appears to generate personal advocacy and challenge peoples' assumptions. Debaters must switch sides, so they must inevitably debate against various cases. While this may seem to be inconsistent with advocacy, supporting and researching both sides of an argument actually created stronger advocates. Not only did debaters learn both sides of an argument, so that they could defend their positions against attack, they also learned the nuances of each position. Learning and the intricate nature of various policy proposals helps debaters to strengthen their own stance on issues.

### 1NR Deliberation DA

#### deliberation provided by t version of aff solves

Gunderson 2k

Adolf G. Gundersen, Associate Professor of Political Science at Texas A&M, 2k, Political Theory and Partisan Politics p. 106

The argument for countering partisanship at the grass roots by supporting political deliberation there is pretty simple: **If deliberation is a good thing in "deliberative bodies" like congress, isn't a good thing among average citizens, too? To suppose otherwise is to hold either that the average citizen is incapable of deliberation or that the average citizen is less capable of deliberation than the average representative. Both positions collapse upon even the most glancing scrutiny. To hold that the average citizen is incapable of deliberation is both patently antidemocratic and empirically questionable, to say the very least.** To hold that the average citizen is less capable of deliberation than the average representatives is perhaps slightly less antidemocratic and empirically dubious, but achieves this very modest gain in credibility only at the cost of landing in the out-and-out contradiction of valorizing deliberation in one place while denigrating it in another. If deliberation contains moments of both confrontation and engagement, **democratizing deliberation by making it the province of the citizenry rather than leaving it in the hands of representatives has the potential of greatly expanding the degree to which confrontation and engagement become society-wide traits, traits which work on an ongoing basis to blunt the worst effects of partisanship.** At least as important, **such a democratization of deliberation** is likely to enhance the deliberativeness of the polity since it will encourage deliberation at one removed from the locus of decision making—precisely the place it is most likely to succeed.

### 1NR Dialogue DA

#### Fairness is key to effective dialogue---monopolizing strategy makes discussion one-sided and subverts inclusion of the neg--- turns their inclusion arguments

Galloway 7

Samford Comm prof (Ryan, Contemporary Argumentation and Debate, Vol. 28, 2007)

**Debate as a dialogue** sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. **The affirmative side is set by the topic and fairness requirements**. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ **Setting the affirmative reciprocally sets the negative**. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ **When** one side takes more than its share, **competitive equity suffers**. **However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it** fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). **A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a** fundamental condition of a dialoguethat takes the form of a demand for equality of voice. **Far from** being **a banal request for links to a disadvantage, fairness** is a demand for respect**, a demand to be heard, a demand that a voice backed by literally months upon months of preparation, research, and critical thinking** not be silenced.¶ **Affirmative cases that suspend basic fairness norms operate to exclude particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue.** **They are unable to “understand what ‘went on…’” and are left to the whims of time and power** (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ **Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions**. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because **it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions** (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, **a**n affirmative **case** on the 2007-2008 college topic **might defend neither state nor** international **action** in the Middle East, andyet claim to be germane to the topic **in some way. The case essentially denies the arguments that state action is oppressive or that actions** in the international arena **are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative** subverts any meaningful role to the negative team**, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. Germaneness and other substitutes for topical action do not accrue the dialogical benefits of topical advocacy**.

### 1NR Limits DA

#### Limits o/w Independent of governmental politics, the aff’s view of debate destroys limits which spills over into all facets of life which means framework outweighs and turns the aff

Harris 13

(“Scott Harris NDT Final Round Ballot” April 5, 2013 <http://www.cedadebate.org/forum/index.php?topic=4762.msg10255#msg10255>, KB)

I understand that there has been some criticism of Northwestern’s strategy in this debate round. This criticism is premised on the idea that they ran framework instead of engaging Emporia’s argument about home and the Wiz. I think this criticism is unfair. Northwestern’s framework argument did engage Emporia’s argument. Emporia said that you should vote for the team that performatively and methodologically made debate a home. Northwestern’s argument directly clashed with that contention. My problem in this debate was with aspects of the execution of the argument rather than with the strategy itself. It has always made me angry in debates when people have treated topicality as if it were a less important argument than other arguments in debate. Topicality is a real argument. It is a researched strategy. It is an argument that challenges many affirmatives. The fact that other arguments could be run in a debate or are run in a debate does not make topicality somehow a less important argument. In reality, for many of you that go on to law school you will spend much of your life running topicality arguments because you will find that words in the law matter. The rest of us will experience the ways that word choices matter in contracts, in leases, in writing laws and in many aspects of our lives. Kansas ran an affirmative a few years ago about how the location of a comma in a law led a couple of districts to misinterpret the law into allowing individuals to be incarcerated in jail for two days without having any formal charges filed against them. For those individuals the location of the comma in the law had major consequences. Debates about words are not insignificant. Debates about what kinds of arguments we should or should not be making in debates are not insignificant either. The limits debate is an argument that has real pragmatic consequences. I found myself earlier this year judging Harvard’s eco-pedagogy aff and thought to myself—I could stay up tonight and put a strategy together on eco-pedagogy, but then I thought to myself—why should I have to? Yes, I could put together a strategy against any random argument somebody makes employing an energy metaphor but the reality is there are only so many nights to stay up all night researching. I would like to actually spend time playing catch with my children occasionally or maybe even read a book or go to a movie or spend some time with my wife. A world where there are an infinite number of affirmatives is a world where the demand to have a specific strategy and not run framework is a world that says this community doesn’t care whether its participants have a life or do well in school or spend time with their families. I know there is a new call abounding for interpreting this NDT as a mandate for broader more diverse topics. The reality is that will create more work to prepare for the teams that choose to debate the topic but will have little to no effect on the teams that refuse to debate the topic. Broader topics that do not require positive government action or are bidirectional will not make teams that won’t debate the topic choose to debate the topic. I think that is a con job. I am not opposed to broader topics necessarily. I tend to like the way high school topics are written more than the way college topics are written. I just think people who take the meaning of the outcome of this NDT as proof that we need to make it so people get to talk about anything they want to talk about without having to debate against topicality or framework arguments are interested in constructing a world that might make debate an unending nightmare and not a very good home in which to live. Limits, to me, are a real impact because I feel their impact in my everyday existence.

### 1NR AT: Reasonability

#### Reasonability is impossible – it’s arbitrary and undermines research and preparation

Resnick ‘01

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

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