# 1NC

### 1nc---topicality

#### a. Interpretation and violation---the affirmative should defend the desirability of topical government action

#### Most predictable—the agent and verb indicate a debate about hypothetical government action

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

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

#### A general subject isn’t enough—debate requires a specific point of difference

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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.

#### b. Vote neg

#### 1. Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

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 dialogue that 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, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet 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.

#### 2. Substantive constraints on the debate are key to actualize effective pluralism and agonistic democracy

John Dryzek 6, Professor of Social and Political Theory, The Australian National University, Reconciling Pluralism and Consensus as Political Ideals, American Journal of Political Science,Vol. 50, No. 3, July 2006, Pp. 634–649

A more radical contemporary pluralism is suspicious of liberal and communitarian devices for reconciling difference. Such a critical pluralism is associated with agonists such as Connolly (1991), Honig (1993), and Mouffe (2000), and difference democrats such as Young (2000). As Honig puts it, “Difference is just another word for what used to be called pluralism” (1996, 60). Critical pluralists resemble liberals in that they begin from the variety of ways it is possible to experience the world, but stress that the experiences and perspectives of marginalized and oppressed groups are likely to be very different from dominant groups. They also have a strong suspicion ofliberal theory that looks neutral but in practice supports and serves the powerful.

Difference democrats are hostile to consensus, partly because consensus decisionmaking (of the sort popular in 1970s radical groups) conceals informal oppression under the guise of concern for all by disallowing dissent (Zablocki 1980). But the real target is political theory that deploys consensus, especially deliberative and liberal theory. Young (1996, 125–26) argues that the appeals to unity and the common good that deliberative theorists under sway of the consensus ideal stress as the proper forms of political communication can often be oppressive. For deliberation so oriented all too easily equates the common good with the interests of the more powerful, thus sidelining legitimate concerns of the marginalized. Asking the underprivileged to set aside their particularistic concerns also means marginalizing their favored forms of expression, especially the telling of personal stories (Young 1996, 126).3 Speaking for an agonistic conception of democracy (to which Young also subscribes; 2000, 49–51), Mouffe states:

To negate the ineradicable character of antagonism and aim at a universal rational consensus— that is the real threat to democracy. Indeed, this can lead to violence being unrecognized and hidden behind appeals to “rationality,” as is often the case in liberal thinking. (1996, 248)

Mouffe is a radical pluralist: “By pluralism I mean the end of a substantive idea of the good life” (1996, 246). But neither Mouffe nor Young want to abolish communication in the name of pluralism and difference; much of their work advocates sustained attention to communication. Mouffe also cautions against uncritical celebration of difference, for some differences imply “subordination and should therefore be challenged by a radical democratic politics” (1996, 247). Mouffe raises the question of the terms in which engagement across difference might proceed. Participants should ideally accept that the positions of others are legitimate, though not as a result of being persuaded in argument. Instead, it is a matter of being open to conversion due to adoption of a particular kind of democratic attitude that converts antagonism into agonism, fighting into critical engagement, enemies into adversaries who are treated with respect. Respect here is notjust (liberal) toleration, but positive validation of the position of others. For Young, a communicative democracy would be composed of people showing “equal respect,” under “procedural rules of fair discussion and decisionmaking” (1996, 126). Schlosberg speaks of “agonistic respect” as “a critical pluralist ethos” (1999, 70).

Mouffe and Young both want pluralism to be regulated by a particular kind of attitude, be it respectful, agonistic, or even in Young’s (2000, 16–51) case reasonable.Thus neither proposes unregulated pluralism as an alternative to (deliberative) consensus. This regulation cannot be just procedural, for that would imply “anything goes” in terms of the substance of positions. Recall thatMouffe rejects differences that imply subordination. Agonistic ideals demand judgments about what is worthy of respect and what is not. Connolly (1991, 211) worriesabout dogmatic assertions and denials of identity that fuel existential resentments that would have to be changed to make agonism possible. Young seeks “transformation of private, self-regarding desires into public appeals to justice” (2000, 51). Thus for Mouffe, Connolly, and Young alike, regulative principles for democratic communication are not just attitudinal or procedural; they also refer to the substance of the kinds of claims that are worthy of respect. These authors would not want to legislate substance and are suspicious of the content of any alleged consensus. But in retreating from “anything goes” relativism, they need principles to regulate the substance of what rightfully belongs in democratic debate.

#### Constraints on deliberation are necessary to re-found the political---an untamed agon eviscerates political action and judgment skills

Dana Villa 96—prof of political science, Amherst, Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action, Political Theory, Vol. 20, No. 2 (May, 1992), pp. 274-308

The representative thinking made possible by disinterested judgment is Arendt‘s Kantian version of Nietzsche's perspectival objectivity, the objectivity born of using “more" and “differ-em" eyes to judge/interpret a thing.” There is, however, an obvious and crucial difference between perspectives represented through the free play of imagination and the “perspective seeing" that Nietzsche describes. For Nietzsche, the ability to view the world aesthetically presupposes liberation from any residual sense that the link between signifier and signified is in any way nonarbitrary. Having “more” and “different” eyes simply means the ability to relativize all accepted meanings, to dissolve their apparent solidity in the free play of signifiers.135 In Kant and Arendt, on the other hand, the free play of the imagination, the capacity for representative thought, has the effect of focusing the judging agent's attention on the publicly available aspects of the representation.'‘‘‘’ The representative nature of judgment enables the transcendence of "individual limitations" and “subjective private conditions,” thereby freeing us for the purely public aspect of the phenomenon.

The difference between genealogical "objectivity" and representative judgment, between the kind of aesthetic distance endorsed by Nietzsche and [hat endorsed by Kant and Arcndt, is summed up by the contrast between Nietzsche’s trope of “seeing things from another planet" and the Kantian] Arendtian appeal to “common sense,” the sensus communis.m Nietzschean aestheticism, in the form of perspectivism, has the effect of either placing one beyond any community of interpretation (the genealogical standpoint) or denying that a viable “background consensus" exists, thereby robbing the public realm of its fundamental epistemological precondition. There can be no arena of common discourse, no genuinely public space, whcn the “death of God” leads to the advent of Weber's “waning gods."Us Lyotard expresses a similar thought when he links the discovery of an irreducible plurality of incommensurable language games to the decline of the legitimizing metanarratives of modernity . in such a situation, judgment and interpretation are inevitably aestheticized: we are left, in Nietzsche's phrase, with the "yay and nay of the palate.""°

For Kant, the significance and implications of aesthetic distance are quite opposite. As noted previously, he is struck by the public character of the beautiful, despite the nonobjective quality of aesthetic t’ntpel'ience.“I The impartiality of detached aesthetic judgment, while not pretending to truth, guarantees that the object or ground of aesthetic satisfaction will be communicable. This in turn reveals a quality of taste as judgment, which is obscured by Nietzsche, and our own subjectivist notion of taste. Taste judgments of the disinterested sort are characterized by a peculiar claim: the pure judgment of taste "requires the agreement of everyone, and he who describes anything as beautiful claims that everyone ought to give approval to the object in question and describe it as beautiful?” The communicability of taste judgments leads Kant to posit the existence of a common sense, a common “feeling for the world." Indeed, Kant describes taste itself as “a kind of sensus communism“

The aesthetic distance achieved by representative thought thus points to the “grounding” of judging insight in common sense, a point that Arendt emphasizes. "Common sense,” she writes, “discloses to us the nature of the world insofar as it is a common world; we owe to it the fact that our strictly private and "subjective" five senses and their sensory data can adjust themselves to a nonsubjective and “objective” world which we have in common and share with others.“'“ The significance of Kanl’s theory oftaslejudgmcm for politics is that it shows how a nonfoundationalist theory of judgment can in fact serve to strengthen rather than undermine our sense of a shared world of appearances. Kant's analysis of taste judgment reveals how, in Arendt's words, “judging is one, if not the most, important activity in which this sharing-the-world-with-others comes to pass?"5 It does so by highlighting the public-directed claim implicit in all pure judgments of taste, by showing how the expression of approval or disapproval, satisfaction or dissatisfaction appeals to the common sense of one‘s judging peers. In matters of taste, one “expects agreement from everybody else.”"" Oriented toward agreement, relying on common sense, taste judgment emerges, contra Nietmhe, as the activity through which the public world presences itself as appearance, as the activity through which a community “decides how this world, independently of its utility and all our vital interests in it, is to look and sound, what we will see and what men will hear in

Kant‘s theory of judgment thus opens a space between the false objectivism of Plato (political judgment as a kind of episteme, as determinative judgment) and the subjectivism that accompanies Nietzsche’s endorsement of perspectival valuation. Taste judgments are valid, but their “specific validity“ is to be understood precisely in opposition to the "objective universal validity" that marks cognitive or practical judgments in the Kantian sense. As Arendt says, “its claims to validity can never extend further than the others in whose place the judging person has put himself for his considerations?“ Taste judgments are crucially dependent on perspective, the "it appears to me," on “the simple fact that each person occupies a place of his own from which he looks upon and judges the world.”"° Nevertheless, they constantly return us to a world of appearances “common to all its inhabitants. “Kant’s notion of taste judgment provides the perfect model for political judgment, in Arendt’s opinion, because it preserves appearance and perspective without abolishing the world.

We can sum up the achievement of Kant’s theory of judgment by saying that it removes the spectre of the subjectivism of perspectivism of taste, yet without recourse to objective or cognitive grounds of validation. Lacking an objective principle, taste judgments are necessarily difficult, and where their validity is questioned, it can be redeemed only by persuasive means. As Arendt says in “The Crisis in Culture”: taste judgments (unlike demonstrable facts or truths demonstrated by argument) “share with political opinions that they are persuasive; the judging person — as Kant says quite beautifully -can only ‘woo the consent of everyone else’ in the hope of coming to an agreement with him eventually.”"°

Taste judgments are, in a word, redeemed deliberatively. Kant's conception of aesthetic judgment—departing from the exchange of viewpoints necessary for representative thinking and culminating in the persuasive exchange that accompanies the rendering of each judgment—is thus, for Arendt, political through and through.‘51 It requires an ongoing process of exchange and deliberation, one "without criteria," as Lyotard would say)“

This is yet another reason why Kantian taste judgment is the appropriate model for Arendt’s account of political judgment, the “receptive side” of virtuoso action. It reasserts the intersubjective nature of both appearances and judgment while severing the links between the common or public and the universal. Our capacity for judgment rests on our feeling for the world, and this requires neither a transcendental ground for appearances nor universally valid criteria of argumentative rationality. Practical questions emphatically do not admit of truth.‘” Yet political judgment seen as a kind of taste judgment nevertheless helps to tame the agon by reintroducing the connection between plurality and deliberation, by showing how the activity of judgment can, potentially, reveal to an audience what they have in common in the process of articulating their differences. And what they have in common, contra Aristotle and contemporary oommunitarians, are not purposes per se but the world. Debate, not consensus, constitutes the essence of political life, according to Arcndtf" The conception of taste judgment proposed by Kant reopens the space of deliberation threatened by an overly agonistic aestheticization of action but in such a way that consensus and agreement are not the Isles of action and judgment but, at best. a kind of regulative ideal.

The turn to Kant thus enables Arendt to avoid the antipolitical tendencies encountered in the actor-centered version of agonistic action. The meaning creative capacity of nonsovereign action becomes importantly dependent on the audience, conceived as a group of deliberating agents exercising their capacity for judgment. The judgment of appearances or the meaning of action is seen by Arcndt as predicated on a twofold “death of the author”: the actor does not create meaning as the artist does a work1 nor can the audience redeem the meaning of action through judgment unless the individuals who constitute it are able to forget themselves. This is not to say that Arendt’s conception of political action and judgment extinguishes the self; rather, it is to say that self-coherence is achieved through a process of self-disclosure that is importantly decentered for both actor and judge, for the judging spectator is also engaged in the "sharing of words and deeds” in his capacity as a deliberating agent. As Arendt reminds us, “By his manner of judging, the person discloses to an extent also himself, what kind of person he is, and this disclosure, which is involuntary, gains in validity to the degree that it has liberated itself from merely individual idiosyncrasiesm’

The agon is tamed, then, not by retreating from the aestheticization of action but by following its anti-Platonic impulse through to the end. The "completion" of the theory of action by a Kant-inspired theory of judgment retains the focus on action as something heroic or extraordinary, as beyond

good and evil. It does so, however, by shifting the emphasis from world- and self-creation to the world-illuminating power of “great" words and deeds, to [he beauty of such action. As a public phenomenon, the beautiful can only be confirmed in its being by an audience animated by a care for the world. The difference between Arendt’s aesthcticization of politics and Nietzsche's aestheticizatjon of life is nowhere clearer than in the connection that Arendt draws between greatness and beauty in "The Crisis in Culture":

Generally speaking, culture indicates that the public realm, which is rendered politically secure by men ofaction, offers its space of display to those things whose essence it is to appear and to be beautiful. In other words. culture indicates that an and politics. their conflicts and tensions notwithstanding. are interrelated and even mutually dependent. Seen against the blckground of political experiences and of activities which, if left to themselves, come and go without leaving any trace in the world, beauty is the manifestation ofimpcrishability. The fleeting greatness of word and deed can endure to the extent that beauty is bestowed upon it Mthout the beauty, that is, the radiant glory in which potential immortality is made manifest in the human world, all human life would be futile and no greatness could endure.

Arendtian aestheticism, an aestheticism predicated on a love of the world and which admires great action because it possesses a beauty that illuminates the world, is critically different from Nietzschean aestheticism, the aestheticism of the artist. A persistent theme in Arendt's writing, one parallel to her emphasis on the tension between philosophy and politics, concerns the conflict between art and politics.157 This conflict does not emerge out of the phenomenology of art versus that of political action; as we have seen, Arendt thinks both are importantly similar. Rather, the conflict centers on the mentality of the artist versus that of the political actor. The artist is, according to Arendt, a species of homo faber, who characteristically views the world in terms of means and ends. He is unable to conceive praxis independently of poiesis: the work always retains priority over the activity itself. The result is that performance is denigrated, action misconceived.

Nietzsche, of course, has even less use for homo faber than Arendt, who takes pains to voice her criticism not against making as such but against the universalization ol'a particular attitude. Nevertheless, if we take an Arendtian perspective, it is clear that N ictzsche, the artist-philosopher, must be counted among those who “fall into the common error of regarding the state or govemmenl as a work of art,” as an expression of a form-giving will to power)” The Republic stands as the initiator of the state as “collective masterpiece," as artwork, trope. The fact that Plato launched this metaphor in terms of what Lacoue-Labarthe calls a “mimetology,” while Nietzsche

repudiates again and again all metaphors of correspondence or adequation, does not alter their fundamental agreement: both regard action not as essentially performance but as making.I59 Poiesis has a radically different connounion for Nietzsche, to be sure, but the activity of self-fashioning and self-overcoming does not overturn the Platonic paradigm so much as bring it to closure. Nietzsche may explode the notion of telos in its classical sense, but the model of the work retains its significance. Thus despite the importance of his anti-Platonism to the project of dcconstructing the tradition’s model of action, his contribution to the thinking of plurality and difference in apolitical way is subject to a crucial limitation. Thought essentially in terms of an “aesthetics of existence," in terms of a project of self-fashioning freed from any telos, the positively valorized notion of difference proposed by Nietzsche remains poetic. Like the activity of the artist, it “must be isolated from the public, must be sheltered and concealed from it“ if it is to achieve adequate expression.“J The poetic, ultimately anti theatrical framework assumed by Nietzsche prohibits the Arendtian thought that under certain very specific conditions, it is precisely the public realm which is constituted by plurality and which enables the fullest, most articulated expression of difference.

CONCLUSION

Arendt resists the Habermasian temptation to seek quasi-transcendental standards of agreement in a “polytheistic" disillusioned age However, it is important to realize that her appeal to a Kantian notion of taste and the sensus communis is not tantamount to an endorsement of the Aristotelian view of political community and judgment (her comments linking tastejudgments to phroncsis notwithstanding).'°‘ Arendt’s Kantian, aeslheticizing turn has, unsurprisingly, confused commentators, who note the highly attenuated character of community and the depoliticizcd notion of judgment in Kant.‘M Arendt chooses Kantian formalism over Aristotelian concretencss because, while she wants to focus on the shared world of appearance that is the public realm, she has no desire whatever to frame “what we have in common” in terms of purposes or ends. In this regard, the problem with the Aristotelian notion of koinoru'a, as defined in book 3 of the Politics, is that it creates not a stage fot action but a vehicle for teleological fulfillment."u Arendt’s appeal to the sensus oommunis self-consciously avoids the overly substantive, local character of koinonia or Sittlichlteit. At the same time, it denies the false universalism of moralitat. Arendt‘s theory of judgment points not to the determinancy of phronesis, with its emphasis on context and local practices, but to "the free reflexive discovery of rules in light of indeterminate, transcendent ideas of community”

The critique of Aristotelian/oommunitarian thinking is also applicable to the kind of postmodern relativism that we find in a thinker like Lyotard. Like Arendt, Lyotard's conception of judgment is a curious mixture of Nietzschean, Aristotelian, and Kantian elements)” However, the postmodern "incredulity towards metanarratives” serves not only to deny the possibility of any overarching metadiscourse that might render diverse language games commensurable but to deny the possibility of a public space of discourse, at least insofar as this space claims, implicitly, to synthesize perspectives and distance interests. For Lyotard, discourse is essentially fragmented: “All we can do is gaze in wonderment at the diversity of discursive species, just as we do at the diversity of plant or animal speities."166 It is also incducibly interested: “to speak is to fight, in the general sense of playing, and speech acts fall within the domain of a general agonistic:s."'67 Given these assumptions, it is not surprising that Lyotard feels that Kant has left our ability to judge "hanging,” as it were, and turns to the will to power as an explanation of this faculty.“8 What we find in Lyotard is the false Nietzschean dichotomy between a universal, metaphysically grounded metadiscourse and a fragmented, postmetaphysical discursive realm in which “public” discourse/judgment reflects either local habit or the agonistic ability to create new moves, impose new interpretations, generate new criteria— all in the name of the will to power.“ Arendt's appeal to taste judgment and a shared feeling for the world may be immensely problematic, but it does serve to underline the falseness of this dichotomy.

One may grant that Arendl's aesthcticism avoids the trope of the fiction du polin'que, universalism, and postmodern pluralism. yet still feel that her “solution" is of dubious relevance to our situation. True, there is a distance and alienation built into the Kantian idea of a community of taste that may make the Arendtian response to Enlightenment universalism more palatable to a postmodern sensibility than the oven Aristotelianism of a Maclntyre or a Gadamer. Nevertheless, the “withering away of common sense" in the modern and postmodern ages would appear to relegate Arendt's modification of Nietzschean aestheticism t0 the status of a rearguard action. The fragmentation of contemporary life renders the idea of a “common fooling for the world" more paradoxical, and possibly less viable, than a recovery of ethos or the legislation of a proceduralist rationality.

"Hie simple answer to this objection is mat Arendt completely agrees. Her work stands not only as a comprehensive rethinking of the nature and meaning of political action but as an extended mediation on how the energies

of modernity have worked to dissipate our feeling for the world, to alienate us from the worlti The last part of The Human Condition equates modernity with world alienation: the reduction of Being to process, the subjeclification of the real, and finally, the triumph of a laboring mentality all work to alienate man not from himself but from the world."’° “Worldliness,” presupposed by the sensus communis, is not a distinguishing characteristic of the animal laboranst Similarly, Arendt would entirely agree with the postmodernist who questions the possibility of circumscribing a particular realm of phenomena in a world where boundaries are increasingly blurred. in her analysis of "the rise of the social” in the modern age, Arcndt identifies this blurring as the central movement of modernity."l Her work departs from the strongest possible conviction that our reality is one in which stable boundaries and distinctions have been dissolved and rendered virtually impossible.

The postmodernist will object that Arendtian aestheticism. unlike Nietzsche's, mourns the loss of the world as an articulated, bounded whole. Nietzschean aestheticism is an affirmation of the Dionysian capacity to destroy fixed identities, to dissolve Apollonian slampings into flux. Postmodern theory affirms this aestheticism, exaggerating the immanent tendencies of postmodern reality in the pursuit of an active (i.e., creative) nihilism: it has no time for guilty nostalgia. Arendtian aestheticism, in contrast, stakes its hopes entirely on the rethematization of certain ontological dimensions of human experience (action, the public world, and self), which this blurring obscures, denatures, and makes increasingly difficult to articulate. The fetishistic quality of her distinction making, her Kantian finickincss in delimiting the political: these attest to a deeply rooted desire to preserve the possibility of meaning created by political action and redeemed by political judgment.

#### The impact outweighs—deliberative debate models impart skills vital to respond to existential threats

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediated information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

### 1nc---disad

#### Political deliberation about war powers promotes agency and decision-making---reciprocity and public debate facilitates mutual respect that lays the groundwork for cooperation on other issues

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WHAT DELIBERATIVE DEMOCRACY MEANS¶ To go to war is the most consequential decision a nation can make. Yet most nations, even most democracies, have ceded much of the power to make that decision to their chief executives--to their presidents and prime ministers. Legislators are rarely asked or permitted to issue declarations of war. The decision to go to war, it would seem, is unfriendly territory for pursuing the kind of reasoned argument that characterizes political deliberation.¶ Yet when President George W. Bush announced that the United States would soon take military action against Saddam Hussein, he and his advisors recognized the need to justify the decision not only to the American people but also to the world community. Beginning in October 2002, the administration found itself engaged in argument with the U.S. Congress and, later, with the United Nations. During the months of preparation for the war, Bush and his colleagues, in many different forums and at many different times, sought to make the case for a preventive war against Iraq.1 Saddam Hussein, they said, was a threat to the United States because he had or could soon have weapons of mass destruction, and had supported terrorists who might have struck again against the United States. Further, he had tyrannized his own people and destabilized the Middle East.¶ In Congress and in the United Nations, critics responded, concurring with the judgment that Hussein was a terrible tyrant but challenging the administration on all its arguments in favor of going to war before exhausting the nonmilitary actions that might have controlled the threat. As the debate proceeded, it became clear that almost no one disagreed with the view that the world would be better off if Saddam Hussein no longer ruled in Iraq, but many doubted that he posed an imminent threat, and many questioned whether he actually supported the terrorists who had attacked or were likely to attack the United States.¶ This debate did not represent the kind of discussion that deliberative democrats hope for, and the deliberation was cut short once U.S. troops began their invasion in March 2003. Defenders and critics of the war seriously questioned one another's motives and deeply suspected that the reasons offered were really rationalizations for partisan politics. The administration, for its part, declined to wait until nonmilitary options had been exhausted, when a greater moral consensus might have been reached. But the remarkable fact is that even under the circumstances of war, and in the face of an alleged imminent threat, the government persisted in attempting to justify its decision, and opponents persevered in responding with reasoned critiques of a preventive war.¶ The critics are probably right that no amount of deliberation would have prevented the war, and the supporters are probably right that some critics would never have defended going to war even if other nonmilitary sanctions had ultimately failed. Yet the deliberation that did occur laid the foundation for a more sustained and more informative debate after the U.S. military victory than would otherwise have taken place**. Because the administration had given reasons** (such as the threat of the weapons of mass destruction) for taking action, **critics had more basis to continue to dispute the original decision, and to challenge the administration's judgment. The imperfect deliberation that preceded the war** prepared the ground for the less imperfect deliberation that followed.¶ Thus even in a less than friendly environment, deliberative democracy makes an appearance, and with some effect. Both the advocates and the foes of the war acted as if they recognized an obligation to justify their views to their fellow citizens. (**That their motives were political or partisan is less important than that their actions were responsive to this obligation.**) This problematic episode can help us discern the defining characteristics of deliberative democracy if we attend to both the presence and the absence of those characteristics in the debate about the war.¶ What Is Deliberative Democracy?¶ Most fundamentally, deliberative democracy affirms the need to justify decisions made by citizens and their representatives. Both are expected to justify the laws they would impose on one another. In a democracy, leaders should therefore give reasons for their decisions, and respond to the reasons that citizens give in return. But not all issues, all the time, require deliberation. Deliberative democracy makes room for many other forms of decision-making (including bargaining among groups, and secret operations ordered by executives), as long as the use of these forms themselves is justified at some point in a deliberative process. Its first and most important characteristic, then, is its reason-giving requirement.¶ The reasons that deliberative democracy asks citizens and their representatives to give should appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject. The reasons are neither merely procedural ("because the majority favors the war") nor purely substantive ("because the war promotes the national interest or world peace"). They are reasons that should be accepted by free and equal persons seeking fair terms of cooperation.¶ The moral basis for this reason-giving process is common to many conceptions of democracy**. Persons should be treated not merely as objects of legislation, as passive subjects to be ruled, but as** autonomous agents **who take part in the governance of their own society, directly or through their representatives.** In deliberative democracy an important way these agents take part is by presenting and responding to reasons, or by demanding that their representatives do so, with the aim of justifying the laws under which they must live together. The reasons are meant both to produce a justifiable decision and to express the value of mutual respect. It is not enough that citizens assert their power through interest-group bargaining, or by voting in elections. No one seriously suggested that the decision to go to war should be determined by logrolling, or that it should be subject to a referendum. Assertions of power and expressions of will, though obviously a key part of democratic politics, still need to be justified by reason. When a primary reason offered by the government for going to war turns out to be false, or worse still deceptive, then not only is the government's justification for the war called into question, so also is its respect for citizens.¶ A second characteristic of deliberative democracy is that the reasons given in this process should be accessible to all the citizens to whom they are addressed. To justify imposing their will on you, your fellow citizens must give reasons that are comprehensible to you. If you seek to impose your will on them, you owe them no less. This form of reciprocity means that the reasons must be public in two senses. First, the deliberation itself must take place in public**, not merely in the privacy of one's mind.** In this respect deliberative democracy stands in contrast to Rousseau's conception of democracy, in which individuals reflect on their own on what is right for the society as a whole, and then come to the assembly and vote in accordance with the general will.2¶ The other sense in which the reasons must be public concerns their content. A deliberative justification does not even get started if those to whom it is addressed cannot understand its essential content. It would not be acceptable, for example, to appeal only to the authority of revelation, whether divine or secular in nature. Most of the arguments for going to war against Iraq appealed to evidence and beliefs that almost anyone could assess. Although President Bush implied that he thought God was on his side, he did not rest his argument on any special instructions from his heavenly ally (who may or may not have joined the coalition of the willing).¶ **Admittedly, some of the evidence on both sides of the debate was technical** (for example, the reports of the U.N. inspectors). But this is a common occurrence in modern government. Citizens often have to rely on experts. This does not mean that the reasons**, or the bases of the reasons,** are inaccessible. Citizens are justified in relying on experts if they describe the basis for their conclusions in ways that citizens can understand; and if the citizens have some independent basis for believing the experts to be trustworthy (such as a past record of reliable judgments, or a **decision-making structure that contains checks and balances by experts who have reason to exercise critical scrutiny over one another**).¶ To be sure, the Bush administration relied to some extent on secret intelligence to defend its decision. Citizens were not able at the time to assess the validity of this intelligence, and therefore its role in the administration's justification for the decision. In principle, using this kind of evidence does not necessarily violate the requirement of accessibility if good reasons can be given for the secrecy, and if opportunities for challenging the evidence later are provided. As it turned out in this case, the reasons were indeed challenged later, and found to be wanting. Deliberative democracy would of course have been better served if the reasons could have been challenged earlier.¶ **The third characteristic of deliberative democracy is that its process** aims at producing a decision that is binding **for some period of time**. **In this respect the deliberative process is not like a talk show or an academic seminar. The participants do not argue for argument's sake; they do not argue even for truth's own sake** (although the truthfulness of their arguments is a deliberative virtue because it is a necessary aim in justifying their decision). They intend their discussion to influence a decision the government will make, or a process that will affect how future decisions are made. At some point, the deliberation temporarily ceases, and the leaders make a decision. The president orders troops into battle, the legislature passes the law, or citizens vote for their representatives. Deliberation about the decision to go to war in Iraq went on for a long period of time, longer than most preparations for war. Some believed that it should have gone on longer (to give the U.N. inspectors time to complete their task). But at some point the president had to decide whether to proceed or not. Once he decided, deliberation about the question of whether to go to war ceased.¶ Yet deliberation about a seemingly similar but significantly different question continued: was the original decision justified? Those who challenged the justification for the war of course did not think they could undo the original decision. They were trying to cast doubt on the competence or judgment of the current administration. They were also trying to influence future decisions--to press for involving the United Nations and other nations in the reconstruction effort, or simply to weaken Bush's prospects for reelection.¶ This continuation of debate illustrates the fourth characteristic of deliberative democracy--its process is dynamic. Although deliberation aims at a justifiable decision, it does not presuppose that the decision at hand will in fact be justified, let alone that a justification today will suffice for the indefinite future. **It keeps open the** possibility of a continuing dialogue**, one in which citizens can criticize previous decisions and move ahead on the basis of that criticism**. Although a decision must stand for some period of time, it is provisional in the sense that it must be open to challenge at some point in the future. This characteristic of deliberative democracy is neglected even by most of its proponents. (We discuss it further below in examining the concept of provisionality.)¶ Deliberative democrats care as much about what happens after a decision is made as about what happens before. Keeping the decision-making process open in this way--recognizing that its results are provisional--is important for two reasons. First, **in politics as in much of practical life, decision-making processes and the human understanding upon which they depend are imperfect.** We therefore cannot be sure that the decisions we make today will be correct tomorrow, and even the decisions that appear most sound at the time may appear less justifiable in light of later evidence. Even in the case of those that are irreversible, like the decision to attack Iraq, reappraisals can lead to different choices later than were planned initially. Second, **in politics most decisions are not consensual. Those citizens and representatives who disagreed with the original decision are more likely to accept it if they believe they have a chance to reverse or modify it in the future. And they are more likely to be able to do so if they have a chance to keep making arguments**.¶ One important implication of this dynamic feature of deliberative democracy is that the continuing debate it requires should observe what we call the principle of the economy of moral disagreement**. In giving reasons for their decisions, citizens and their representatives should try to find justifications that** minimize their differences with their opponents. Deliberative democrats do not expect deliberation always or even usually to yield agreement. How citizens deal with the disagreement that is endemic in political life should therefore be a central question in any democracy. Practicing the economy of moral disagreement promotes the value of mutual respect (which is at the core of deliberative democracy). By economizing on their disagreements, citizens and their representatives can continue to work together to find common ground, if not on the policies that produced the disagreement, then on related policies about which they stand a greater chance of finding agreement. Cooperation on the reconstruction of Iraq does not require that the parties at home and abroad agree about the correctness of the original decision to go to war. Questioning the patriotism of critics of the war, or opposing the defense expenditures that are necessary to support the troops, does not promote an economy of moral disagreement.¶ Combining these four characteristics, we can define deliberative democracy as a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future.3 This definition obviously leaves open a number of questions. We can further refine its meaning and defend its claims by considering to what extent deliberative democracy is democratic; what purposes it serves; why it is better than the alternatives; what kinds of deliberative democracy are justifiable; and how its critics can be answered.

#### Public deliberation facilitates an informed citizenry based on mutual respect and leads to better policies---shutting down switch-side debate is arrogant and ethically bankrupt

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What Purposes Does Deliberative Democracy Serve?¶ The general aim of deliberative democracy is to provide the most justifiable conception for dealing with moral disagreement in politics. In pursuing this aim, deliberative democracy serves four related purposes. The first is to promote the legitimacy of collective decisions. This aim is a response to one of the sources of moral disagreement--scarcity of resources. Citizens would not have to argue about how best to distribute health care or who should receive organ transplants if these goods and services were unlimited. In the face of scarcity, deliberation can help those who do not get what they want, or even what they need, to come to accept the legitimacy of a collective decision.¶ The hard choices that public officials have to make should be more acceptable, even to those who receive less than they deserve, if everyone's claims have been considered on the merits, rather than on the basis of the party's bargaining power. Even with regard to decisions with which many disagree, most of us take one attitude toward those that are adopted after careful consideration of the relevant conflicting moral claims, and quite a different attitude toward those that are adopted merely by virtue of the relative strength of competing political interests.¶ The second purpose of deliberation is to encourage public-spirited perspectives on public issues. This aim responds to another source of moral disagreement--limited generosity. Few people are inclined to be wholly altruistic when they are arguing about contentious issues of public policy, such as defense spending or health-care priorities. **Deliberation in well-constituted forums responds to this limited generosity by encouraging participants to take a broader perspective on questions of common interest.**¶ To be sure, politicians are not automatically transformed from representatives of special interests into trustees of the public interest as a result of talking to one another. The background conditions in which the deliberation takes place are critical. **Deliberation is more likely to succeed to the extent that the deliberators are well informed, have relatively equal resources, and take seriously their opponents' views**. But even when the background conditions are unfavorable (as they often are), citizens are more likely to take a broader view of issues in a process in which moral reasons are traded than in a process in which political power is the only currency.¶ The third purpose of deliberation is to promote mutually respectful processes of decision-making. It responds to an often neglected source of moral disagreement--incompatible moral values. Even fully altruistic individuals trying to decide on the morally best standards for governing a society of abundance would not be able to reconcile some moral conflicts beyond a reasonable doubt. They would still confront, for example, the problem of abortion, which pits the value of life against the value of liberty. Even issues of national security can pose questions about which people can reasonably disagree--under what conditions is a nation justified in starting a war, on its own, against another nation?¶ Deliberation cannot make incompatible values compatible, but it can help participants recognize the moral merit in their opponents' claims when those claims have merit. It can also help deliberators distinguish those disagreements that arise from genuinely incompatible values from those that can be more resolvable than they first appear. And it can support other practices of mutual respect, such as the economy of moral disagreement described earlier.¶ Inevitably, citizens and officials make some mistakes when they take collective actions. The fourth purpose of deliberation is to help correct these mistakes. This aim is a response to the fourth source of disagreement, incomplete understanding. A well-constituted deliberative forum provides an opportunity for advancing both individual and collective understanding. Through the give-and-take of argument, participants can learn from each other, come to recognize their individual and collective misapprehensions, and develop new views and policies that can more successfully withstand critical scrutiny. When citizens bargain and negotiate, they may learn how better to get what they want. But when they deliberate, they can expand their knowledge, including both their self-understanding and their collective understanding of what will best serve their fellow citizens.¶ It is all too easy to assume that we already know what constitutes the best resolution of a moral conflict, and do not need to deliberate with our fellow citizens. To presume that we know what the right resolution is before we hear from others who will also be affected by our decisions is not only arrogant but also unjustified in light of the complexity of the issues and interests that are so often at stake. **If we refuse to give deliberation a chance, not only do we forsake the possibility of arriving at a genuine moral compromise but we also give up the most defensible ground we could have for maintaining an uncompromising position: that we have fairly tested our views against those of others.**¶ Tugging on the coattails of Thomas Jefferson, a little boy (in a New Yorker cartoon) once asked: "If you take those truths to be self-evident, then why do you keep on harping on them so much?" The answer from a deliberative perspective is that such claims deserve their status as self-evident truths for the purposes of collective action only if they can withstand challenge in a public forum. Jefferson himself argued for open deliberative forums, indeed even periodic constitutional conventions, in which citizens could contest conventional wisdom.11 An implication of taking the problem of incomplete understanding seriously is that the results of the deliberative process should be regarded as provisional. Some results are rightly regarded as more settled than others. We do not have to reargue the question of slavery every generation. But the justification for regarding such results as settled is that they have met the deliberative challenge in the past, and there is no reason to believe that they could not do so today.¶ Why Is Deliberative Democracy Better Than Aggregative Democracy?¶ **To appreciate the value of deliberative democracy, we need to consider the alternatives**. Obviously, there are many conceptions of democracy, and many moral theories that support these conceptions. To begin, we should distinguish first- and second-order theories.12 First-order theories seek to resolve moral disagreement by demonstrating that alternative theories and principles should be rejected. The aim of each is to be the lone theory capable of resolving moral disagreement. The most familiar theories of justice--utilitarianism, libertarianism, liberal egalitarianism, communitarianism--are first-order theories in this sense. Each theory claims to resolve moral conflict, but does so in ways that require rejecting the principles of its rivals. In contrast, deliberative democracy is best understood as a second-order theory. Second-order theories are about other theories in the sense that they provide ways of dealing with the claims of conflicting first-order theories. They make room for continuing moral conflict that first-order theories purport to eliminate. They can be held consistently without rejecting a wide range of moral principles expressed by first-order theories. Deliberative democracy's leading rivals among second-order theories are what are known as aggregative conceptions of democracy.13¶ The deliberative conception, as we have indicated, considers the reasons that citizens and their representatives give for their expressed preferences. It asks for justifications. The aggregative conception, by contrast, takes the preferences as given (though some versions would correct preferences based on misinformation). It requires no justification for the preferences themselves, but seeks only to combine them in various ways that are efficient and fair. Some preferences may be discounted or even rejected, but only because they do not produce an optimal result, not because they are not justified by reasons.

#### Public deliberation unites citizens and politicians to lead to better decision-making and policies

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**In the face of disagreement, deliberative democracy tells citizens and their representatives to continue to reason together.** If the disagreement is resolvable on reciprocal terms, deliberation is more likely than aggregation to produce agreement. If it is not so resolvable, deliberation is more likely than aggregation to produce justifiable agreement in the future, and to promote mutual respect when no agreement is possible. By engaging in deliberation, citizens acknowledge the possibility that they may change their preferences. The preferences that they assert now may not be the preferences they find they wish to express later. The very nature of the deliberative process of justification sends a signal that its participants are willing to enter into a dialogue in which the reasons given, and the reasons responded to, have the capacity to change minds.¶ On many disagreements, especially reasonable ones, people will not change their minds, no matter how respectfully they deliberate with their opponents. If citizens persist in defending the position with which they began, what difference does it make if they come to regard their opponents' positions as morally reasonable? This thicker kind of respect encourages citizens to consider their opponents' positions on the merits, rather than to try to explain them as products of unfavorable conditions, such as impaired judgment, misguided motives, or cultural influences. Such an attitude is more conducive to appreciating that even benevolent and intelligent but fallible people are likely to disagree on morally difficult matters such as military intervention and heath-care policy--as well as abortion, capital punishment, affirmative action, and many other overtly moral issues. Moreover, considering positions on their merits generally builds a stronger basis for respect for persons than explaining positions as a product of unfavorable conditions. Certainly, some disagreements are the result of such conditions, and when a position can be shown to be justifiable mainly from a perspective that depends on such conditions, mutual respect (of both persons and positions) does not prevent, and may require, that the critics of the position point out its defective origins. But in the absence of a specific showing of this kind, the presumption of respectful deliberation is that positions should be challenged on their merits.¶ What Kind of Deliberative Democracy?¶ Deliberative democrats have to deal with another kind of disagreement--not among citizens but among themselves. They disagree about the value, status, aims, and scope of deliberation, and their disagreements yield different versions of the theory of deliberative democracy. Some of these differences, we suggest, can be reconciled, and some cannot. In either case, recognizing the differences can help clarify the nature of both the theory and the practice of deliberative democracy.¶ Instrumental or Expressive?¶ Deliberative democrats disagree about whether deliberation has only instrumental value, as a means of arriving at good policies, or whether it also has expressive value, as a manifestation of mutual respect among citizens. On the instrumental view (sometimes called the epistemic view), deliberating about political issues has no value in itself. It is valuable only to the extent that it enables citizens to make the most justifiable political decisions.20 On the expressive view of deliberation, significant value resides in the act of justifying laws and public policies to the people who are bound by them.21 By deliberating with one another, decision-makers manifest mutual respect toward their fellow citizens.¶ When the Oregon Commission consulted with community members about alternative proposals for funding health-care services, citizens could reasonably expect that Commission members would arrive at better outcomes than when they decided, without public deliberation, to rank capping teeth above treating acute appendicitis. The same citizens could also reasonably believe that the Commission's deliberation promoted a value basic to any democratic government--the expression of mutual respect between decision-makers and their fellow citizens. By their willingness to exchange views before rendering a binding decision, the commission members treated their fellow Oregonians as subjects, not merely objects, of decision-making. Had the Commission acted without deliberation, the value of this expression of mutual respect would have been lost, however correct or just the policy might have been.¶ These two views of the values that deliberative democracy is supposed to promote are not incompatible. Indeed, any adequate theory must recognize both. If deliberation tended to produce worse decisions than other processes in the long run, then it would not serve the expressive purpose. A process that generally produced bad outcomes would hardly express mutual respect. Citizens might participate on equal terms, but with results that few would see as worthy. The value would at best be like the faint satisfaction that players feel on a team that constantly loses its games. The instrumental view reminds us that because the stakes of political decision-making are high, and deliberation is a time-consuming activity, a deliberative process should contribute to fulfilling the central political function of making good decisions and laws.¶ But if we were to regard deliberation as only instrumental, we would fail to recognize the moral significance of the political fact that the decisions of government bind people other than the decision-makers themselves. Political officials cannot rightly decide an issue simply by claiming that they know that their preferred policies are right for their fellow citizens. They need to seek the views of those citizens who have to live with the results of the policies. When binding decisions are routinely made without deliberation, the government not only conveys disrespect for citizens, but also exposes its lack of adequate justification for imposing the decision on them. Furthermore, there is a practical reason for officials to recognize the **expressive value of deliberation**: they can thereby increase the likelihood not only of discovering but also of implementing good public policy**. If citizens perceive that their views are not being respected, they may seek to block otherwise good policies.**¶ If **political deliberation tends to produce better decisions in the long run**, and if political decision-makers in a democracy owe justifications to those who are bound by their decisions, then the instrumental and expressive rationales for deliberation can be mutually supportive. By deliberating with their fellow citizens, decision-makers can arrive at better, more adequately justified decisions and, in the process, express mutual respect among free and equal citizens.¶ The instrumental and expressive values cannot of course be reconciled in practice in every particular case. A deliberative process that otherwise expresses mutual respect can nonetheless produce an unjust outcome. And a nondeliberative process can produce a more nearly just result in some cases. **Yet deliberative democracy, as we shall see, has the capacity both to criticize unjust outcomes and to recognize its own limits.** In this way it tends, over time, to reconcile its own instrumental and expressive values.

### 1nc---case

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

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Although Williams is quick to detect insensitivity and bigotry in remarks made by strangers, colleagues, and friends, her taste for irony fails her when it comes to reflection on her relationship with her readers and the material benefits that her autobiographical performances have earned for her. n196 Perhaps Williams should be more inclined to thank, rather than reprimand, her editors for behaving as readers of autobiography invariably do. When we examine this literary faux pas - the incongruity between Williams's condemnation of her editors and the professional benefits their publication secured her - we detect yet another contradiction between the outsiders' use of autobiography and their desire to transform culture radically. Lejeune's characterization of autobiography as a "contract" reminds us that autobiography is a lucrative commodity. In our culture, members of the reading public avidly consume personal stories, n197 which surely explains why first-rate law journals and academic presses have been eager to market outsider narratives. No matter how unruly the self that it records, an autobiographical performance transforms that self into a form of "property in a moneyed economy" n198 and into a valuable intellectual [\*1283] asset in an academy that requires its members to publish. n199 Accordingly, we must be skeptical of the assertion that the outsiders' splendid publication record is itself sufficient evidence of the success of their endeavor. n200

Certainly, publication of a best seller may transform its author's life, with the resulting commercial success and academic renown. n201 As one critic of autobiography puts it, "failures do not get published." n202 While writing a successful autobiography may be momentous for the individual author, this success has a limited impact on culture. Indeed, the transformation of outsider authors into "success stories" subverts outsiders' radical intentions by constituting them as exemplary participants within contemporary culture, willing to market even themselves to literary and academic consumers. n203 What good does this transformation do for outsiders who are less fortunate and less articulate than middle-class law professors? n204 Although they style themselves cultural critics, the [\*1284] storytellers generally do not reflect on the meaning of their own commercial success, nor ponder its entanglement with the cultural values they claim to resist. Rather, for the most part, they seem content simply to take advantage of the peculiarly American license, identified by Professor Sacvan Bercovitch, "to have your dissent and make it too." n205

# 2NC

#### Debate as activism gets co-opted by those on the right

**Talisse 2005** – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

My call for a more detailed articulation of the second activist challenge may be met with the radical claim that I have begged the question. It may be said that my analysis of the activist’s challenge and my request for a more rigorous argument presume what the activist denies, namely, that arguments and reasons operate independently of ideology. Here the activist might begin to think that he made a mistake in agreeing to engage in a discussion with a deliberativist – his position throughout the debate being that one should decline to engage in argument with one’s opponents! He may say that of course activism seems lacking to a deliberativist, for the deliberativist measures the strength of a view according to her own standards. But the activist rejects those standards, claiming that they are appropriate only for seminar rooms and faculty meetings, not for real-world politics. Consequently the activist may say that by agreeing to enter into a discussion with the deliberativist, he had unwittingly abandoned a crucial element of his position. He may conclude that the consistent activist avoids arguing altogether, and communicates only with his comrades. Here the discussion ends.

However, the deliberativist has a further consideration to raise as his discursive partner departs for the next rally or street demonstration. The foregoing debate had presumed that there is but one kind of activist and but one set of policy objectives that activists may endorse. Yet Young’s activist is opposed not only by deliberative democrats, but also by persons who also call themselves ‘activists’ and who are committed to a set of policy objectives quite different from those endorsed by this one activist. Once these opponents are introduced into the mix, the stance of Young’s activist becomes more evidently problematic, even by his own standards.

To explain: although Young’s discussion associates the activist always with politically progressive causes, such as the abolition of the World Trade Organization (109), the expansion of healthcare and welfare programs (113), and certain forms of environmentalism (117), not all activists are progressive in this sense. Activists on the extreme and racist Right claim also to be fighting for justice, fairness, and liberation. They contend that existing processes and institutions are ideologically hegemonic and distorting. Accordingly, they reject the deliberative ideal on the same grounds as Young’s activist. They advocate a program of political action that operates outside of prevailing structures, disrupting their operations and challenging their legitimacy. They claim that such action aims to enlighten, inform, provoke, and excite persons they see as complacent, naïve, excluded, and ignorant. Of course, these activists vehemently oppose the policies endorsed by Young’s activist; they argue that justice requires activism that promotes objectives such as national purity, the disenfranchisement of Jews, racial segregation, and white supremacy. More importantly, they see Young’s activist’s vocabulary of ‘inclusion’, ‘structural inequality’, ‘institutionalized power’, as fully in line with what they claim is a hegemonic ideology that currently dominates and systematically distorts our political discourses.21

The point here is not to imply that Young’s activist is no better than the racist activist. The point rather is that Young’s activist’s arguments are, in fact, adopted by activists of different stripes and put in the service of a wide range of policy objectives, each claiming to be just, liberatory, and properly inclusive.22 In light of this, there is a question the activist must confront. How should he deal with those who share his views about the proper means for bringing about a more just society, but promote a set of ends that he opposes?

It seems that Young’s activist has no way to deal with opposing activist programs except to fight them or, if fighting is strategically unsound or otherwise problematic, to accept a Hobbesian truce. This might not seem an unacceptable response in the case of racists; however, the question can be raised in the case of any less extreme but nonetheless opposed activist program, including different styles of politically progressive activism. Hence the deliberativist raises her earlier suspicions that, in practice, activism entails a politics based upon interestbased power struggles amongst adversarial factions.

#### Deliberation is better than activism for debate---their framework presumes too much about the irredeemable nature of institutions which erodes nuance

Talisse 5 Robert, Prof of Phil @ Vanderbilt, “Deliberativist responses to activist challenges” Philosophy & Social Criticism, 31.4 \*gender modified

The activist implicitly holds that there could be no reasoned objection to his views concerning justice, and no good reason to endorse those institutions (s)he deems unjust. The activist presumes to know that no deliberative encounter could lead him (them) to reconsider his position or adopt a different method of social action; he ‘declines’ to ‘engage persons he disagrees with’ (107) in discourse because he has judged on a priori grounds that all opponents are either pathetically benighted or balefully corrupt. When one holds one’s view as the only responsible or just option, there is no need for reasoning with those who disagree, and hence no need to be reasonable.

According to the deliberativist, this is the respect in which the activist is unreasonable. The deliberativist recognizes that questions of justice are difficult and complex. This is the case not only because justice is a notoriously tricky philosophical concept, but also because, even supposing we had a philosophically sound theory of justice, questions of implementation are especially thorny. Accordingly, political philosophers, social scientists, economists, and legal theorists continue to work on these questions. In light of much of this literature, it is difficult to maintain the level of epistemic confidence in one’s own views that the activist seems to muster; thus the deliberativist sees the activist’s confidence as evidence of a lack of honest engagement with the issues. A possible outcome of the kind of encounter the activist ‘declines’ (107) is the realization that the activist’s image of himself as a ‘David to the Goliath of power wielded by the state and corporate actors’ (106) is naïve. That is, the deliberativist comes to see,through processes of public deliberation, that there are often good arguments to be found on all sides of an important social issue; reasonableness hence demands that one must especially engage the reasons of those with whom one most vehemently disagrees and be ready to revise one’s own views if necessary. Insofar as the activist holds a view of justice that he is unwilling to put to the test of public criticism, he is unreasonable. Furthermore, insofar as the activist’s conception commits him to the view that there could be no rational opposition to his views, he is literally unable to be reasonable. Hence the deliberative democrat concludes that activism, as presented by Young’s activist, is an unreasonable model of political engagement.

#### Avoiding engaging the topic because the state is irredeemably racist over-essentializes modern black-life---switching sides on Afro-Pessimism crucial

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The answer common in such departments is that the principal mission is to teach students about the eternal power of racism past and present. Certainly it should be part of a liberal arts education to learn that racism is more than face-to-face abuse, and that social inequality is endemic to American society. However, too often the curriculum of African-American Studies departments gives the impression that racism and disadvantage are the most important things to note and study about being black.

The question is whether this, for all of its moral urgency in the local sense, qualifies as education under any serious definition.

Typical is the curriculum of one African-American Studies department in a solid, selective state school west of the Mississippi. In this department, racism is, essentially, everything.

One course teaches that "Housing discrimination systematically skews opportunities and life chances," another that "racism, sexism, and heterosexism shape black life chances in a 21st century context," while yet another zeroes in on "the effects of institutional racism on social policy, desegregation, integration, and affirmative action programs."

Then there is "Blacks in the Media" - or, rather, one slice of that subject: "Studying literature, comic books, comic strips, cartoons, music, theater, cinema, broadcasting, and television, students will analyze the mythical imageries which have created stereotypes." This is a common trope in writings on black performance, in which any performer can be jammed into a category such as "Mammy" or "Tragic Mulatto," sidestepping the nevertheless brilliant performances of people like Ethel Waters and Fredi Washington in the old days, or Queen Latifah and Halle Berry today.

Following from this glum desperation is a fetishization of radical politics as blacks' only constructive allegiance. One would never know the marginal import of radicalism to most black lives from its centrality to so many African-American Studies department syllabi. One course analyzes "the tradition of radical thought and the relevance of this thought to the needs and interests of the black community" - but what does the "relevance" consist of except intellectually? Yet the same department also offers a course on, more specifically, black Marxism.

According to this curriculum, being black has been so horrific that we are even challenged by the mere physicality of existence. One courses teaches that black women's bodies have to be "important spaces of resistance," while another is based on the idea that black people have been done in by various permutations of "urban spatial relations."

Because racism and inequality will always exist in some forms, this all qualifies as a bone-deep, almost willful pessimism about black potential. One would expect the thinking class of a troubled race to at least pay more lip service to looking forward. The set-jawed obsession with tabulating obstacles becomes almost peculiar, as if based on an assumption that in some way, black Americans are uniquely exempt from treating challenges as surmountable. There is even a course on black psychology whose description would get a white-run department picketed out of existence in a week, examining "manifestations of various psychological characteristics of people of African decent [sic], their cultual [sic] and behavioral norms, including the way that issues of race, class, gender and sexuality affect their cognitive, social, and emotional development."

One senses that the people teaching in African-American Studies departments feel that blackness is indeed something very different, likely because African slaves were unwilling immigrants. However, Ralph Ellison once asked "Can a people live and develop for over three hundred years simply by reacting?"

To those who would consider themselves representing black people by answering in the affirmative, there are legions of black people of all walks who would heartily disagree. There is no self-standing metric of unassailable truth that justifies intellectuals treating that disagreement - that is, the life-spirit of a people millions strong making the best of the worst for four hundred years -- as unworthy of serious address.

As to the possible objection that course descriptions do not engage these departments closely enough, a look at a few actual course syllabi is useful.

At the University of Pennsylvania, the syllabus for "Racial and Sexual Conflict" openly states that "The term paper for this course should be concerned with the structure, causes, and policies that attempt to alleviate or perpetuate racial and/or sexual discrimination in the United States." Technically, this stipulation could allow an exploration of what people have done to get past obstacles rather than merely describe them. However, the material covered in this course gives precious little support to such an endeavor.

One week, the discussion concerns the questions as to "What role does educational opportunity play in economic opportunity? How has government policy affected educational opportunity by race?" However, the readings include none of the academic literature by scholars such as Joleen Kirschenman, Kathryn Neckerman, Jomills Braddock, James McPartland and Alford Young on how attitudinal factors affect the hireability of many uneducated black men, none of the literature on solid job opportunities for people without college degrees, and nothing on organizations nationwide assisting people in taking advantage of such opportunities. In a course purporting to teach America's brightest and most ambitious students about urgent realities, how are sources such as these irrelevant?

At the University of Massachusetts at Amherst, one course exemplifies the focus on radicalism. "Race, Radicalism and African American Culture" seeks to "track the genealogy of the movement that came to be called 'Black Power,' and to situate black radical artists and intellectuals in the broader history of twentieth-century American thought, culture, and politics."

And the course covers a noble procession of figures: Marcus Garvey, W.E.B. Du Bois, Richard Wright, Paul Robeson, the Black Panthers, Amiri Baraka, Cornel West, Bell Hooks. Not to mention James Baldwin. And Malcolm X. And Stokely Carmichael. Upon which the simple question is: despite their resonance, what effect did any of these people have upon the fact that there are today more middle-class black people than poor ones? Which was more central to making whites comfortable enough with blackness to elect a black President, the legacy of Malcolm X or the legacy of Dr. King?

As to King, the course does address Bayard Rustin, who was central to organizing the March on Washington. But he was at loggerheads with black radicals as the sixties wore on. The main legacy of black radicalism has been mood and fashion. Is its centrality to so many African-American Studies departments' curricula a matter of comprehensive engagement with black political development? Or is it what happens to be a common political orientation among modern academics in the humanities, including black ones?

To the extent that the answer is the latter, students are being underserved. At Columbia, in one African-American Studies course Manning Marable assigns an article by Robin Kelley called "Beyond the 'Real' World, or Why Black Radicals Need to Wake Up and Start Dreaming." But which black radical dreams have borne fruit in a way that would elicit a salute from ordinary black people in 2009? Dr. King had a dream indeed -- but he didn't mean us to stop there.

The issue is not the quality of these courses in themselves. I will gladly assume that these professors are all excellent lecturers, assiduous researchers and dedicated mentors. Yet attention must be paid to their ideological bias nevertheless. An African-American Studies curriculum whose main message is that black Americans' most interesting experience has always been racism, still is, and that this requires radicalism as a politics of choice is not education. It is indoctrination. It proposes a single minority view as sense incarnate. This is not what education is supposed to be.

To the extent that these courses and syllabi are typical, then, there is a problem. And anyone familiar with African-American Studies departments knows that these courses and syllabi are, indeed, typical.

African-American Studies departments have a place in a liberal arts education. However, to deserve that inclusion in anything beyond a symbolic sense, they should revise their curricula in exactly two ways, simple but crucial.

First, there should be full acknowledgment in all courses that the role of racism in black people's lives and fates is receding, and to such a degree that the race's challenges today are vastly different than they were forty years ago.

The aim should not be to downplay the reality of racism, but to present precisely what education consists of: the ambiguities and challenges of real life and how one thinks about it.

Defeatism should be discouraged. Any sense that defeatism is the empirically proper position on black American history in the same way as it would have been for Pompeiians in the face of the eruption of Mount Vesuvius fails -- for the simple reason that progress for black Americans continues on so many fronts.

Most of the people in question would resist being characterized as defeatist, or as not acknowledging change. However, there is acknowledgment and there is genuflection. Plus, a claim that black radicalism is our only real future is, in itself, defeatism. Four centuries of black history give no indication that these politics will significantly affect how most black people thrive.

For example, a course like Yale's on "African-American Politics" should include not only mention of the Bradley Effect (under which whites voters have claimed in polls that they would vote for black candidates but do not at the voting booth) but also that it has been proven to be on the wane repeatedly for twenty years, including in the election of Barack Obama. Otherwise, Yale's teachings will lag behind what even Wikipedia tells us about the reality on the Bradley Effect, as opposed to its recruitment as a strategy of indoctrination.

The course I mentioned on blacks' problems with urban space flags environmental racism - but would ideally mention the important work of Christopher Foreman of the Brookings Institution (black, for the record) showing that claims along these lines have been overblown.

It must also fall out of this that there will be no such thing as a course shoehorning the careers of hundreds of hard-working and excellent black artists and performers as lessons in stereotyping, or as most interesting for how they were hemmed in by racism than for what they accomplished regardless. Just as it is impossible to imagine Jewish Americans submitting themselves to so dispiriting and reductive a historiography of performance as this one, black scholars should step away from this kind of thinking as giving in to, rather than coping with, the ills of our history.

In the same vein, black popular music (including hip hop) should not be treated as most interesting in how it happened to intersect with (leftist and radical) political ideology - anymore than klezmer music, Chinese opera, or Tchaikovsky is. What about how our music is just good?

Second, an African-American Studies department should be considered larval without a course on black conservative thought - upon which courses on black radicalism would then be acceptable as alternative arguments.

Crucially, token assignment of writings of ancient three-named figures like Booker T. Washington, who wrote amidst post-Civil War conditions now ancient history, are a mere beginning. Most departments already slip in Washington, for example - although they should now regularly engage Robert Norrell's new biography that rescues the man from a century of calumny.

However, equally central to honest engagement with "black thought" are modern figures often considered controversial by the campus set, such as Shelby Steele, Thomas Sowell, Walter Williams, Debra Dickerson, and Stanley Crouch. (I will refrain from putting myself on this list, but will mention that my work is not uncommonly assigned to college students and seems not to leave them deaf to America's sociological imperfections.) Also useful, given that African-American Studies syllabi typically include some white writers, would be Stephen and Abigail Thernstrom, Lawrence Mead, Dan Subotnik and Peter Wood.

There is an argument hardly unfamiliar in the halls of ivy that black writers of this ilk are irrelevant to serious discussion because they are traitors to the race. Those charges must be permitted as free speech - but have no place in any brand of academic inquiry. All of the writers I have listed are careful thinkers deeply concerned with the fate of black America. It will not do to tar them as "not scholarly" because they do not all write in academic format or publish in obscure scholarly journals. Writings typically assigned by James Baldwin, Cornel West or even most of the others in this school are not written in this format either.

Thomas Sowell is read by millions in a nationally syndicated column, and this is in part because he is an economics and history scholar of long standing, whose books are often festooned with footnotes and references to academic work. Shelby Steele won the National Book Award, because of rhetorical skill surely the equal of writers like Patricia Williams and Michael Eric Dyson. Stanley Crouch is a polymath whose salty, "down" essence challenges anyone's claim that not being with the black radical program means not being "culturally black."

To be sure, many professors in African-American Studies departments think of themselves as doing their jobs in what they term "contesting" assorted topics. An example is Marable's "Critical Approaches to African-American Studies" at Columbia in which the contesting is the likes of "Remapping the black experience," "Redefining whiteness," and "Race-ing justice." However, this is a rearranging of furniture, very en famille. The confrontational, leftwardly politicized assumptions remain steadfast - while millions of blacks have overcome having never heard of politics of this kind.

These views, nevertheless, have value and should be heard. Yet they are not, on their own, truth. They verge into excess and anti-empiricism as readily as views from the right. There exist as many intelligent "contestings" of these leftist views as there exist "contestings" of the writings of Shelby Steele or myself. In a university department worth the status, contesting from all sides must be heard.

#### Pessimism about the state is debilitating and locks in the sq

Jones 99—Professor of Politicsat Cardiff U (Wyn Security, Strategy, and Critical Theory – 1999. ISBN 1-55587-335-9 Columbia International Affairs Online, September 1999)

An even more troubling feature of Adorno and Horkheimer’s analysis is the downplaying of individual responsibility that is implicit in their argument. If Auschwitz is the inevitable outcome of enlightenment, and if instrumental rationality is too powerful to resist, then can we expect an individual Nazi to act in a different fashion? In the hermetic society the individual is a mere cipher, and if this is the case, can any individual really be blamed for his or her behavior? These questions highlight an ethical lacuna at the heart of Dialectic of Enlightenment. Despite the obvious intentions of the authors, their analysis generates a logic that renders them unable to differentiate meaningfully between different actions in the political realm. If “nothing complicitous with this world can have any truth,” then surely everything that exists in the real world must be judged equally untrue or false. But if this is so, how are we to evaluate efforts at securing change in contemporary society? Let us consider the ending of apartheid in South Africa. Although the citizens of that country cannot be adjudged to be free after the overthrow of the apartheid system, surely they are freer. Although the establishment of liberal democracy there offers no panacea, it is a better system than the totalitarian one that it has replaced. But although Adorno and Horkheimer as individuals would almost certainly have rejoiced in the downfall of the apartheid system, as theoreticians they seem to be unable to provide us with any grounds for favoring one particular set of social institutions over another. Here we have a bizarre inversion of the relativism to which contemporary poststructuralist approaches are prone. By arguing that there are no grounds to choose between different accounts of reality, poststructuralists are inevitably forced to accept that all accounts of a given reality are true. They can make no judgment on these claims that is not arbitrary (Norris 1992; Hunter and Wyn Jones 1995). Similarly, by arguing that everything in the world is equally false, Adorno and Horkheimer can make no judgment as to why we might prefer some forms of behavior and some set of practices over others. Here the impasse into which the analysis of Dialectic of Enlightenment leads its authors stands in bold relief. The determinism and reductionism of their argument is ultimately paralyzing. It was, of course, Antonio Gramsci who popularized the injunction that all those intent on changing society should attempt to face the world with a combination of “pessimism of the intellect” and “optimism of the will.” This position has much to commend it given the propensity of radicals to view society with rose–tinted glasses. However, the limitations of this position are nowhere better illustrated than in Dialectic of Enlightenment, in which the pessimism is so thoroughgoing that it becomes absolutely debilitating. Any attempt to challenge the status quo already stands condemned as futile. The logical outcome of this attitude is resignation and passivity. Adorno attempted to make a virtue of the detached attitude that he and Horkheimer adopted toward the political struggles of their own age by claiming: “If one is concerned to achieve what might be possible with human beings, it is extremely difficult to remain friendly towards real people.” However, considering that it is only “real people” who can bring about a better society, Adorno’s “complex form of misanthropy” ultimately leads only to quiescence (Wiggershaus 1994: 268). Thus, despite the clear similarities in the influences and interests of the founding fathers of critical theory and Gramsci, the resignatory passivity of the authors of Dialectic of Enlightenment led them to a position on political practice far more akin to that of Oswald Spengler or Arthur Schopenhauer than to that adopted by the Sardinian Marxist Gramsci, even as he languished in a fascist prison. In view of the traditional Marxist emphasis on the unity of theory and practice, it is hardly surprising that Adorno and Horkheimer’s rejection of any attempt to orient their work toward political activity led to bitter criticism from other radical intellectuals. Perhaps the most famous such condemnation was that of Lukács, who acidly commented that the members of the Frankfurt School had taken up residence in the “Grand Hotel Abyss.” The inhabitants of this institution enjoyed all the comforts of the bourgeois lifestyle while fatalistically surveying the wreckage of life beyond its doors. Whereas Lukács’s own apologias for Stalinism point to the dangers of subordinating theoretical activity to the exigencies of day–to–day practical politics, Adorno and Horkheimer sunder theory and political practice completely, impoverishing the theoretical activity itself. Their stance leads to an aridity and scholasticism ill suited to any social theory that aspires to real–world relevance. Furthermore, the critical theorist’s position on political practice is based on an underestimation of the potential for progressive change that exists even in the most administered societies. It is instructive to contrast the attitude of Adorno and Horkheimer with that of Raymond Williams, who delivers the following broadside against “high culture Marxists” such as the members of the Frankfurt School: When the Marxists say that we live in a dying culture, and that the masses are ignorant, I have to ask them... where on earth they have lived. A dying culture, and ignorant masses, are not what I have known and see. (R. Williams 1989: 8) As I will discuss in Chapter 6, the evidence suggests that Williams is closer to the truth. People acting both individually and collectively, through social movements and state institutions, *can* actually influence the world around them in a progressive direction. Adorno and Horkheimer’s pessimism is unwarranted.

#### Their critiques of debate miss the mark—defending a topic that involves the state for the sake of deliberation is distinct from accepting it in our personal lives---limited content for deliberation in debate is key

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These two serious activist challenges may be summarized as follows. First, the activist has claimed that political discussion must always take place within the context of existing institutions that due to structural inequality grant to certain individuals the power to set discussion agendas and constrain the kinds of options open for consideration prior to any actual encounter with their deliberative opponents; the deliberative process is in this sense rigged from the start to favor the status quo and disadvantage the agents of change. Second, the activist has argued that political discussion must always take place by means of antecedent ‘discourses’ or vocabularies which establish the conceptual boundaries of the deliberation and hence may themselves be hegemonic or systematically distorting; the deliberative process is hence subject to the distorting influence of ideology at the most fundamental level, and deliberative democrats do not have the resources by which such distortions can be addressed. As they aim to establish that the deliberativist’s program is inconsistent with her own democratic objectives, this pair of charges is, as Young claims, serious (118). However, I contend that the deliberativist has adequate replies to them both.

Part of the response to the first challenge is offered by Young herself. The deliberative democrat does not advocate public political discussion only at the level of state policy, and so does not advocate a program that must accept as given existing institutional settings and contexts for public discussion. Rather, the deliberativist promotes an ideal of democratic politics according to which deliberation occurs at all levels of social association, including households, neighborhoods, local organizations, city boards, and the various institutions of civil society. The longrun aim of the deliberative democrat is to cultivate a more deliberative polity, and the deliberativist claims that this task must begin at more local levels and apart from the state and its policies. We may say that deliberativism promotes a ‘decentered’ (Habermas, 1996: 298) view of public deliberation and a ‘pluralistic’ (Benhabib, 2002: 138) model of the public sphere; in other words, the deliberative democrat envisions a ‘multiple, anonymous, heterogeneous network of many publics and public conversations’ (Benhabib, 1996b: 87). The deliberativist is therefore committed to the creation of ‘an inclusive deliberative setting in which basic social and economic structures can be examined’; these settings ‘for the most part must be outside ongoing settings of official policy discussion’ (115).

Although Young characterizes this decentered view of political discourse as requiring that deliberative democrats ‘withdraw’ (115) from ‘existing structural circumstances’ (118), it is unclear that this follows. There certainly is no reason why the deliberativist must choose between engaging arguments within existing deliberative sites and creating new ones that are removed from established institutions. There is no need to accept Young’s dichotomy; the deliberativist holds that work must be done both within existing structures and within new contexts. As Bohman argues,

Deliberative politics has no single domain; it includes such diverse activities as formulating and achieving collective goals, making policy decisions and means and ends, resolving conflicts of interest and principle, and solving problems as they emerge in ongoing social life. Public deliberation therefore has to take many forms. (1996: 53)

The second challenge requires a detailed response, so let us begin with a closer look at the proposed argument. The activist has moved quickly from the claim that discourses can be systematically distorting to the claim that all political discourse operative in our current contexts is systematically distorting. The conclusion is that properly democratic objectives cannot be pursued by deliberative means. The first thing to note is that, as it stands, the conclusion does not follow from the premises; the argument is enthymematic. What is required is the additional premise that the distorting features of discussion cannot be corrected by further discussion. That discussion cannot rehabilitate itself is a crucial principle in the activist’s case, but is nowhere argued.

Moreover, the activist has given no arguments to support the claim that present modes of discussion are distorting, and has offered no analysis of how one might detect such distortions and discern their nature.20 Rather than providing a detailed analysis of the phenomenon of systematic distortion, Young provides (in her own voice) two examples of discourses that she claims are hegemonic. First she considers discussions of poverty that presume the adequacy of labor market analyses; second she cites discussions of pollution that presume that modern economies must be based on the burning of fossil-fuels. In neither case does she make explicit what constitutes the distortion. At most, her examples show that some debates are framed in ways that render certain types of proposals ‘out of bounds’. But surely this is the case in any discussion, and it is not clear that it is in itself always a bad thing or even ‘distorting’. Not all discursive exclusions are distortions because the term ‘distortion’ implies that something is being excluded that should be included.

Clearly, then, there are some dialectical exclusions that are entirely appropriate. For example, it is a good thing that current discussions of poverty are often cast in terms that render white supremacist ‘solutions’ out of bounds; it is also good that pollution discourses tend to exclude fringe-religious appeals to the cleansing power of mass prayer. This is not to say that opponents of market analyses of poverty are on par with white supremacists or that Greens are comparable to fringe-religious fanatics; it is rather to press for a deeper analysis of the discursive hegemony that the activist claims undermines deliberative democracy. It is not clear that the requested analysis, were it provided, would support the claim that systematic distortions cannot be addressed and remedied within the processes of continuing discourse. There are good reasons to think that continued discussion among persons who are aware of the potentially hegemonic features of discourse can correct the distorting factors that exist and block the generation of new distortions.

As Young notes (116), James Bohman (1996: ch. 3) has proposed a model of deliberation that incorporates concerns about distorted communication and other forms of deliberative inequality within a general theory of deliberative democracy; the recent work of Seyla Benhabib (2002) and Robert Goodin (2003: chs 9–11) aims for similar goals. Hence I conclude that, as it stands, the activist’s second argument is incomplete, and as such the force of the difficulty it raises for deliberative democracy is not yet clear. If the objection is to stick, the activist must first provide a more detailed examination of the hegemonic and distorting properties of discourse; he must then show both that prominent modes of discussion operative in our democracy are distorting in important ways and that further discourse cannot remedy these distortions.

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#### Academic, institutions-based debate regarding war powers is critical to check excessive presidential authority---college students key

Kelly Michael Young 13, Associate Professor of Communication and Director of Forensics at Wayne State University, "Why Should We Debate About Restriction of Presidential War Powers", 9/4, public.cedadebate.org/node/13

Beyond its obviously timeliness, we believed debating about presidential war powers was important because of the stakes involved in the controversy. Since the Korean War, scholars and pundits have grown increasingly alarmed by the growing scope and techniques of presidential war making. In 1973, in the wake of Vietnam, Congress passed the joint War Powers Resolution (WPR) to increase Congress’s role in foreign policy and war making by requiring executive consultation with Congress prior to the use of military force, reporting within 48 hours after the start of hostiles, and requiring the close of military operations after 60 days unless Congress has authorized the use of force. Although the WPR was a significant legislative feat, 30 years since its passage, presidents have frequently ignores the WPR requirements and the changing nature of conflict does not fit neatly into these regulations. After the terrorist attacks on 9-11, many experts worry that executive war powers have expanded far beyond healthy limits. Consequently, there is a fear that continued expansion of these powers will undermine the constitutional system of checks and balances that maintain the democratic foundation of this country and risk constant and unlimited military actions, particularly in what Stephen Griffin refers to as a “long war” period like the War on Terror (http://www.hup.harvard.edu/catalog.php?isbn=9780674058286). In comparison, pro-presidential powers advocates contend that new restrictions undermine flexibility and timely decision-making necessary to effectively counter contemporary national security risks. Thus, a debate about presidential wars powers is important to investigate a number of issues that have serious consequences on the status of democratic checks and national security of the United States.¶ Lastly, debating presidential war powers is important because we the people have an important role in affecting the use of presidential war powers. As many legal scholars contend, regardless of the status of legal structures to check the presidency, an important political restrain on presidential war powers is the presence of a well-informed and educated public. As Justice Potter Stewart explains, “the only effective restraint upon executive policy and power…may lie in an enlightened citizenry – in an informed and critical public opinion which alone can protect the values of a democratic government” (http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0403\_0713\_ZC3.html). As a result, this is not simply an academic debate about institutions and powers that that do not affect us. As the numerous recent foreign policy scandals make clear, anyone who uses a cell-phone or the internet is potential affected by unchecked presidential war powers. Even if we agree that these powers are justified, it is important that today’s college students understand and appreciate the scope and consequences of presidential war powers, as these students’ opinions will stand as an important potential check on the presidency.

#### Academic debate over war power restrictions is critical to check excessive presidential authority and prevent future quagmires

Julian E. Zelizer 11, Professor of History and Public Affairs at Princeton University, "War powers belong to Congress and the president", June 27, www.cnn.com/2011/OPINION/06/27/zelizer.war.powers/index.html

But the failure of Congress to fully participate in the initial decision to use military force has enormous costs for the nation beyond the obvious constitutional questions that have been raised.¶ The first problem is that the U.S. now tends to go to war without having a substantive debate about the human and financial costs that the operation could entail. Asking for a declaration of war, and thus making Congress take responsibility for the decision, had required presidents to enter into a heated debate about the rationale behind the mission, the potential for large-scale casualties and how much money would be spent.¶ When presidents send troops into conflict without asking Congress for approval, it has been much easier for presidents to elude these realities. President Lyndon Johnson famously increased the troop levels in Vietnam without the public fully realizing what was happening until after it was too late.¶ Although Johnson promised Democrats when they debated the Gulf of Tonkin Resolution in 1964 that they would only have a limited deployment and he would ask them again if the mission increased, he never did. He used the broad authority granted to him to vastly expand the operations during his presidency.¶ By the end of his time in office, hundreds of thousands of troops were fighting a hopeless war in the jungles of Vietnam. Johnson also continued to mask the budgetary cost, realizing the opposition that would emerge if legislators knew how much the nation would spend. When the costs became clear, Johnson was forced to request a tax increase from Congress in 1967, a request which greatly undermined his support.¶ The second cost of presidents going to war rather than Congress doing so is that major mistakes result when decisions are made so quickly. When there is not an immediate national security risk involved, the slowness of the legislative process does offer an opportunity to force policymakers to prove their case before going to war.¶ Speed is not always a virtue. In the case of Iraq, the president started the war based on the shoddiest of evidence about WMD. The result was an embarrassment for the nation, an operation that undermined U.S. credibility abroad.¶ Even in military actions that have stronger justifications, there are downsides to speed. With President Obama and the surge in Afghanistan, there is considerable evidence that the administration went in without a clear strategy and without a clear objective. With Libya, there are major concerns about what the administration hopes to accomplish and whether we are supporting rebel forces that might be connected with terrorist networks intent on harming the U.S.¶ The third cost has been the cheapening of the decision about using military force. In the end, the decision about whether to send human treasure and expend valuable dollars abroad should be one that is made by both branches of government and one that results from a national dialogue. Requiring Congress to declare war forces voters to think about the decision sooner rather than later.¶ While efficiency is essential, so too is the democratic process upon which our nation is built.¶ The result of the decision-making process that has been used in recent decades is that as a nation too many citizens lose their connection to the war. Indeed, most Americans don't even think twice when troops are sent abroad. The shift of power toward the president has compounded the effects of not having a draft, which Congress dismantled in 1973. Wars sometimes resemble just another administrative decision made by the White House rather than a democratic decision.¶ So Boehner has raised a fair point, though he and other Republicans don't have much ground to stand on given their own party's history. Republicans, like Democrats, have generally supported presidential-war power in addition to a weak Congress.¶ Most politicians have only worried about war power when it is politically convenient. Indeed, in 2007, then-Sen. Obama wrote, the "President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to this nation."¶ Clearly, Obama has not governed by the principles on which he campaigned.¶ It is doubtful whether the parties will do anything about this. The War Powers Resolution has not worked well and there seems to be little appetite to pass something else. But the consequences of the path that the nation has chosen are enormously high.¶ We've moved too far away from the era when Congress matters. As a result, the decision to use troops is too easy and often made in haste. Obama, who spoke about this issue so cogently on the campaign trail, should be a president who understands that reality.

#### Informed citizenry through debate critical to uphold democracy and ensure accountability

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2005, “The New Imperial Presidency”, Ann Arbor, U of Mich Press, p. 281

Thus, as Justice Hotter Stewart observed in the Pentagon Papers case, "The only effective restraint upon executive policy and power . . . may lie in an enlightened citizenry—in an informed and critical public opinion which alone can protect the values of a democratic government."48 Much rests on the hope that the American people will care, that they will seek out the information they need to hold elected officials in all branches of government responsible for the results of their leadership. Trust in the legitimacy of government—that it is "a government of laws, not men"—is critical. But blind trust in any particular government leads to complacency. Accountability depends as much on the electorate's healthy skepticism as it does on healthy discourse between its branches of government. Ronald Reagan's arms control aphorism—"trust, but verify"—is thus not bad advice for American voters. To verify, though, voters must take charge of their own government; they must inquire, probe, care—and vote.

#### As an educated citizen you have an obligation to demand checks on presidential power

Cato Institute 9 “Reclaiming the War Power, http://www.cato.org/pubs/handbook/hb111/hb111-10.pdf

If checks on executive power are to be restored, we will need far less Red Team–Blue Team politicking—and many more legislators than we currently have who are willing to put the Constitution ahead of party loyalty. That in turn will depend on a public willing to hold legislators accountable for ducking war powers fights and ceding vast authority to the president. Congressional courage of the kind needed to reclaim the war power will not be forthcoming unless and until American citizens demand it.

#### A public informed about exec powers is key to preventing their abuse and changing institutions

Daniel R. Williams 8, Associate Professor of Law, Northeastern University School of Law, “After the Gold Rush-Part II: Hamdi, the Jury Trial, and Our Degraded Public Sphere,” Penn State Law Review, Summer, 113 Penn St. L. Rev. 55, lexis nexis

The classic Frankfurt School diagnosis of American culture is grim and pessimistic. Jurgen Habermas rebels against the pessimism that pervades Dialectic of the Enlightenment, but he does not repudiate the essential diagnosis found there, though he surely seeks to deepen it with what he regards as a more nuanced investigation into the true roots of Enlightenment rationality. 157 For our purposes, to this observation of humanity's destructive fetish with means-ends rationality, we may add Habermas's emphasis on the public sphere as an optimistic source of rationality. 158 In the idealized vision that Habermas presents, the public sphere consists of voluntary associations dedicated to promoting unconstrained rational interchange among free and equal participants of good will. 159 It is in the public sphere, if truly healthy (free from the [\*93] distortions of domination), that the common good can be gleaned. 160 It is in the public sphere that government overreaching can be checked and averted. 161 On this view, world public opinion, cultivated within vibrant public spheres that somehow escape the distortions of governmental and corporate propaganda, may function, in this post-Cold War era that has bled into the Age of Terror, as the only potential countervailing force to the dominant super-power, the United States. What a vibrant public sphere provides are tools to resist naturalistic illusions undergirding social institutions and practices that preserve and promote spheres of inequality and regimes of domination, but that seem to be socially necessary. The idea here is well-rehearsed in the literature of critical theory: that which is socially constructed is made to appear fixed and natural; that which serves narrow interests of power and privilege is made to appear to serve everyone. 162 A culture beholden to means-ends thinking is a culture that has lost its capacity for critical theorizing, and such a culture is, as a result, at the mercy of its illusions. A vibrant public sphere that successfully exposes illusions, which conceal unhealthy conditions for society, is crucial to social change, for the exposing of such illusions is exactly what loosens the screws that keep unworthy social institutions intact. 163 A vibrant public sphere is the environment for rendering institutions malleable and open to change, which is why thinkers from Kant to Habermas regard "the public sphere as the definitive institution of democracy." 164

#### Exec power has increased because of perceived public indifference and lack of comprehension about security issues

Aziz Rana 12, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, Connecticut Law Review July, 2012, 44 Conn. L. Rev. 1417, “COMMENTARY: NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?” lexis nexis

Despite over six decades of reform initiatives, the overwhelming drift of security arrangements in the United States has been toward greater-not less-executive centralization and discretion. This Article explores why efforts to curb presidential prerogative have failed so consistently. It argues that while constitutional scholars have overwhelmingly focused their attention on procedural solutions, the underlying reason for the growth of emergency powers is ultimately political rather than purely legal. In particular, scholars have ignored how the basic meaning of "security" has itself shifted dramatically since World War II and the beginning of the Cold War in line with changing ideas about popular competence. Paying special attention to the decisive role of actors such as Supreme Court Justice Felix Frankfurter and Pendleton Herring, co-author of 1947's National Security Act, this Article details how emerging judgments about the limits of popular knowledge and mass deliberation fundamentally altered the basic structure of security practices. Countering the pervasive wisdom at the founding and throughout the nineteenth century, this contemporary shift has recast war and external threat as matters too complex and specialized for ordinary Americans to comprehend. Today, the dominant conceptual approach to security presumes that insulated decision-makers in the executive branch (armed with the military's professional expertise) are best equipped to make sense of complicated and often conflicting information about safety and self- defense. The result is that the other branches-let alone the public writ large-face a profound legitimacy deficit whenever they call for transparency or seek to challenge coercive security programs. Not surprisingly, the tendency of legalistic reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the executive.

#### Student debate about war powers is critical to overall American Political Development---influences the durable shifts in checks and balances

Dominguez and Thoren 10 Casey BK, Department of Political Science and IR at the University of San Diego and Kim, University of San Diego, Paper prepared for the Annual Meeting of the Western Political Science Association, San Francisco, California, April 1-3, 2010, “The Evolution of Presidential Authority in War Powers”, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1580395

Students of American institutions should naturally be interested in the relationships between the president and Congress. However, the evolution of war powers falls into a category of inquiry that is important not just to studies of the presidency or to students of history, but also to the field of American Political Development. Among Orren and Skowronek’s recommendations for future work in American Political Development, they argue that “shifts in governing authority,” including and especially shifts in the system of checks and balances, “are important in historical inquiry, because they are a constant object of political conflict and they set the conditions for subsequent politics, especially when shifts are durable” (Orren and Skowronek 2004, 139). How an essential constitutional power, that of deploying military force, changed hands from one institution to another over time, would certainly seem to qualify as a durable shift in governing authority. Cooper and Brady (1981) also recommend that researchers study change over time in Congress’ relations to the other branches of government.