# 1NC

## Framework

#### The aff should lose because they failed to promote a defense of the federal government increasing energy production, which undermines debate’s deliberative potential.

#### Defending the federal government in the context of the resolution is crucial to prepared debate and clash that leads to energetic debates on both sides.

#### First, there are multiple ways they could engage the state.

#### a. Eliminating restrictions on brownfields provides an avenue to discuss structural racism inherent in energy production

Kibel 98

(Paul Stanton, LLM @ Cal-Berkeley “The urban nexus: Open space, Brownfields, and justice,” Boston College Environmental Affairs Law Review 25. 3, Proquest)

Although it is not too difficult a task to describe the reality of urban decline, it is another task altogether to identify and isolate the underlying trigger of this decline. Many different culprits have been proposed, including racism, capitalism, environmental extremism, postindustrialism, technology, drugs, the media, the automobile, the police, the public school system, too much government regulation, and too little government regulation. Is one of the these issues or entities the true cause? Is there a precise cause and effect explanation for why our cities are now subject to such powerful and destructive economic, environmental, and racial pressures?¶ These are important questions, but questions that I will not try to answer in this Essay. Regardless of whether there initially was an underlying trigger, we have reached a point where the various components of urban decline are now feeding on and reinforcing each other.9 They are all interconnected contributors to the downward spiral that has left our urban cores in their current condition.lo Therefore, instead of arguing for or against a particular underlying cause, this Essay will focus on the relation among certain critical components of the urban decline cycle. More specifically, I will assess three particular components: (1) the impact of suburban sprawl and open space conversion on the urban economy and the environment; (2) the impact of environmental hazardous waste liability on the development of urban neighborhoods and the urban economy; and (3) the impact of suburban sprawl and environmental hazardous waste liability on the health conditions and economic welfare of poor, primarily minority, communities living in the urban core. Although my analysis will draw extensively on the experience in the San Francisco Bay Area, this Essay is not city-specific. The Essay addresses issues that are affecting virtually every major U.S. metropolitan area.¶ To be certain, open space loss, abandoned brownfields, and economic inequity are not the only components of the urban decline cycle. However, they are three areas in which existing law, especially in terms of land-use zoning and environmental liability, has played a crucial role. They therefore are also areas where legal reform potentially can play a crucial role in reversing the pattern of urban decline. By providing a useful framework in which to evaluate such reform, this Essay should assist lawyers and other citizens who are working to reclaim our cities as beautiful, vibrant, and just communities.

#### b. Environmental justice affs are possible through the discussion of legislative incentives

Bullard 08

(Robert D. Bullard, Ph.D, Environmental Justice Resource Center,Clark Atlanta University, 7/2/08, “Poverty, Pollution, and Environmental Racism: Strategies for Building Healthy and Sustainable Communities,” <http://www.ejrc.cau.edu/PovpolEj.html>)

The environmental justice movement emerged in response to environmental inequities, threats to public health, unequal protection, differential enforcement, and disparate treatment received by the poor and people of color. Poverty and environmental degradation are intricately linked and take a heavy toll on billions of people in developing and industrialized countries alike. Thus, any search for sustainable development must address the root causes of both poverty and pollution and seek solutions to this double threat. Redefinition of Environmental Protection. The environmental justice movement redefined environmental protection as a basic right. It also emphasized pollution prevention, waste minimization, and cleaner production techniques as strategies to achieve environmental justice for all without regard to race, color, national origin, or income. Many countries have environmental and human laws to protect the health and welfare of its citizens-including racial and ethnic groups and indigenous peoples. However, all communities have not received the same benefits from their application, implementation, and enforcement. Design a Holistic Approach to Environmental Protection. The environmental justice movement has set out clear goals of eliminating unequal enforcement of environmental, civil rights, and public health laws, differential exposure of some populations to harmful chemicals, pesticides, and other toxins in the home, school, neighborhood, and workplace, faulty assumptions in calculating, assessing, and managing risks, discriminatory zoning and land-use practices, and exclusionary policies and practices that limit some individuals and groups from participation in decision making. Many of these problems could be eliminated if existing environmental, health, housing, and civil rights laws were vigorously enforced in a nondiscriminatory way. Clean and Affordable Energy. Governments should initiate an action program to make available finances and infrastructure to bring clean and affordable and sustainable energy sources to the 2 billion people who lack these energy service by 2012. Governments should adopt a target increasing the global share of new renewable energy sources to 15% by 2010. Decrease Pesticide Use. Institute protocols and plan to decrease pesticide use, including prohibiting the export of banned or never registered pesticides, implement integrated pest management (IPM), evaluate the hazards posed by pesticide exports, and improve the quality and quantity of information pesticide production, trade and use and publish information in the public record. Reduce Children's Exposure to Neurotoxicants. Abate lead in older housing; complete phase out leaded gasoline; target high-risk children, screening, early detection, treatment; increase allocation of medications that help reduce or remove lead; use new, safe lead removal techniques; and dietary improvements. Strengthen Legislation and Regulations. A legislative approach may be needed where environmental, health, and worker safety laws and regulations are weak or nonexistent. However, laws and regulations are only as good as their enforcement. Unequal political power arrangements also have allowed poisons of the rich to be offered as short term economic remedies for poverty.

#### c. Workers cooperatives in urban zones is another example

Giancatarino 12

(Anthony, Coordinator for Research and Advocacy, Center for Social Inclusion Community Innovation In Boston, August, http://www.centerforsocialinclusion.org/wp-content/uploads/2012/08/Boston-ESCO-Case-Study.pdf)

Communities of color have been environmental activists for decades. These are communities most often victimized by poor environmental planning, regulations, and decision]making. In the last twenty years, communities of color in the Boston area have united and won a Boston]wide plan to run buses on cleaner burning fuel, stopped a diesel fueled power plant from being located across from the only elementary school in the diverse Chelsea neighborhood, and ended illegal dumping of trash and toxic materials in abandoned lots throughout the communities of Roxbury and Dorchester. Communities of color acting as environmental justice advocates have continued to work towards energy improvements by supporting community focused policy development. The Green Communities Act, a statewide policy passed in 2008, opened a new door to social entrepreneurship – applying entrepreneurial strategies to solving social problems for the public good. Social entrepreneurship is one of the ways communities of color have gone beyond fighting bad decisions to promoting positive solutions. Forming a Green Justice Coalition, environmental and economic advocates argued, “Small pockets of greening cannot meet this goal [of 80% efficiency]. To transform our energy system on this scale, all communities must have broad and deep engagement of residents and workers.” With hopes of making this statement a reality, three Coalition members from Boston – Alternatives for Community and Environment (ACE), Chinese Progressive Association (CPA), and Boston Workers Alliance (BWA) – formed a partnership. The three non]profits believed that communities of color would not be fully included in efficiency efforts because almost all the energy service companies responsible for implementing efficiency programs under the Act are not located where people of color live, such as the Roxbury or Dorchester neighborhoods (see: figure 1). From an economic perspective, case study participants further noted that the lack of a local weatherization business may be a reason why many youth of color from the neighborhood, trained for weatherization, have difficulty finding work. Without a local weatherization business, young neighborhood residents who graduated from green training programs must go out of the area to find a job, a challenge for many in Roxbury and Dorchester, where 15% ] 35% of the population does not have access to a car and rely on transit for job opportunities. To fill these gaps in environmental impact and access to green jobs, the three non]profits are collaborating to create the Boston Energy Service Cooperative (BESC). BESC would retrofit and weatherize homes of low]income residents. It would also be a community]owned business employing local men and women and providing them with a democratic, one person/one vote decision]making process. This need is significant; especially as unemployment for communities of color was double that of White communities prior to the recession.

#### Second, education about the state is crucial to activism.

#### a. Arguing about what governments *ought* to do is not the same as complicity with the existing order

Dower 10

(Nigel, Senior Lecturer in Philosophy at the University of Aberdeen, Scotland, former President of the International Development Ethics Association “Questioning the Questioning of Cosmopolitanism,” in Questioning Cosmopolitanism, p. 14)

Ethical cosmopolitanism does not merely apply to individuals; it is also applied to the state system and to international relations. It is one of three main approaches generally recognized – the other two being realism or international skepticism, and internationalism or the morality of states approach – but we may want to add, as Simon Caney argues, a distinct fourth approach called nationalism.30 Whether or not a cosmopolitan argues for new forms of global governance – we come to that issue later – the cosmopolitan at least wishes to assess how well or badly nation- states and the international system deliver on the goals that the cosmopolitan accepts or advocates. As such the cosmopolitan will tend to advocate better and larger aid programs, more open and generous immigration and refugee policies, stronger mea- sures to deal with environmental problems, reductions in armaments together with the general promotion of peace anywhere, concern about human rights violations elsewhere and appropriate responses to them, and so on. Critics will argue that such an approach is idealistic, inappropriate or dangerous. National governments are not merely entitled but also have a duty to protect and pro- mote the national interest, whether this has to do with strong defenses in an insecure world or protecting the country’s economic interests. The duty of governments is that of trustees and is justified through various kinds of political theory. Particularly in democracies, governments have a duty to do broadly what their electorates expect them to do and that is to protect and promote the interests of their electorates. The duties of governments are also partly to be understood in terms of the commit- ments their countries have made to other countries in the international arena. Pacta sunt servanda is a well-accepted principle: agreements, whether bilateral or through international law, do create a framework of obligation although this framework has nothing to do with cosmopolitan assumptions. So what the cosmopolitan advocates, if it goes beyond these two types of duty, is inappropriate. It is also dangerous, as realists like E. H. Carr argue, because on the whole the world is a more dangerous and unstable place if countries promote ethical agendas in other parts of the world rather than stick to protecting their vital national interests.31 But these considerations do not undermine a cosmopolitan approach to interna- tional relations. What they do is complicate the ethical analysis that is needed. If a cosmopolitan, as most nowadays do, advocates democratic values, then she will welcome, other things being equal, governments being genuinely responsive to the democratic will. If a cosmopolitan accepts the value of promise-keeping and the value of peace and stability that comes from a well functioning international order, then she will welcome, other things being equal, the observance of international agreements and laws. Indeed, if commitments such as those to do with alleviat- ing world poverty (for instance, the 0.7% GNP commitment in the 1970s and the Millennium Development Goals of 2000) were properly honored, and if commit- ments to environmental law and to human rights protection were properly carried out, many of the goals which cosmopolitans hold dear would be much more realized than they generally are in current circumstances. But this does not prevent the cosmopolitan from advocating that more should be done or that things should be done differently. There is no more paradox involved here than what is standardly accepted in regard to democracy. In one sense govern- ments ought to do what their electorates mandate, but this does not prevent each citizen advocating policies for governments which are different from what is man- dated. Indeed, if we were unable to have views about what governments ought to do other than that they ought to carry out the democratic will, the democratic will would be groundless! What the democratic argument shows is that if a cosmopolitan wants his views to be implemented by governments, then the crucial task is that of persuading sufficient numbers of citizens of his views, and preparing the next gen- eration through cosmopolitan education. As for realist arguments like Carr’s, the cosmopolitan does indeed have reason to be cautious about advocating policies that would undermine peace and order. But in fact Carr’s strictures are more directed at the kind of proselytizing cosmopolitanism we considered earlier than one focused on creating the conditions for the general realization of human well-being.

#### b. Its key to motivate legislative fence-sitters. Their critical approach endangers public and decision-making backlashes which turn the case.

Brown 11

[heath, PhD Political Science, Roanoke, Salem, VA, “narrative strategies used by interest groups during the 2008 presidental transition”, 2011 Pat-Net Conference]

Milbrath argues that interest groups must strategically present information so as to ¶ overcome the “perceptual screen” that shields policy makers from absorbing endless amounts ¶ of information. He suggests that groups use facts (scientific information about policy ¶ outcomes), arguments (normative explanations of justness or rightness of action), and power¶ (typically subtle offers of political support or threats of political retribution) to communicate ¶ their interests and make their case for policy action (or inaction). In a more recent approach, ¶ Esterling (2007, p. 79) makes the case that groups can use [using] “instrumental” – “research or ¶ evidence-based causal” arguments -- or “normative” – “intrinsic desirability” arguments. By ¶ emphasizing one of these approaches, a group is tacitly communicating the way it wants to ¶ persuade the target of the information. By emphasizing power or normative arguments, the ¶ group implies that the policy maker should make decisions based primarily on their political ¶ judgment and political future. Conversely, by emphasizing facts-based or instrumental ¶ arguments, the group implies that the policy maker should base decisions primarily on rational ¶ or scientific considerations. In practice, it is difficult to disentangle these two types of ¶ arguments and many groups will likely combine various ways to present information (Wright ¶ 1996; Rochefort and Cobb 1994). The dichotomy though does help clarify the persuasive or ¶ argumentative tone of the information and advice given by groups to policy makers. 6 ¶ While public perceptions of interest groups might suggest crass self-interest, ¶ manipulation, and deception, groups have an incentive to be forthright in the information they ¶ provide and arguments they make. A group that provides shoddy statistics or misleading ¶ arguments will be discounted in future interactions with the policy maker (Kersh 2009; ¶ Easterling 2007). John E. Chubb (1983, p. 145) writes in regard to energy interest groups: ¶ “information and advice that are solely self-serving threaten the bond of trust that facilitates ¶ the informal play of influence.” In fact, rather than targeting political opponents or fence ¶ sitters, much research suggests that groups prefer or are invited to lobby friends and allies over ¶ adversaries (Baumgartner et al. 2009; Hojnacki and Kimball 1998, 1999; Hall and Deardorff ¶ 2006; Bauer et al. 1963; Holyoke 2004; McCool 1990). If this is the case, the cost of ¶ misrepresenting or overstating information may be particularly high for those engaged in what ¶ Hall and Deardorff (2006) and others have called “legislative subsidy” (Hall and Deardorff 2006; ¶ Esterling 2007a). From this subsidy perspective, if a policy maker is sub-contracting information ¶ collection and analysis to an allied interest group, it behooves that group to be conscientious, ¶ thorough, and consistent in the information and advice it gives. And in many cases, as Wright ¶ (1996) contends, it is relatively easy for policy makers to check the authenticity of the ¶ information provided to them, sometimes simply through the contradictory information ¶ provided by other groups, thereby curtailing the inclination to blatantly misrepresent the truth. ¶ Furthermore, experimental research shows that factual or instrumental information is ¶ preferred by legislative staff (LaPira 2008) and neutral expert lobbyists have more legislative ¶ access than non-experts (Esterling 2007b). Facts may be useful on their own terms in ¶ formulating legislative decisions but scientific or statistically based arguments also serve as a 7 ¶ cue for policy makers to determine the credibility or reliability of the advice they are given ¶ (Sabatier 1978). ¶ Rather than convince those already in agreement, the approach taken by proactive ¶ theorists suggests that groups seek to convince legislative fence sitters or opponents to adopt ¶ the group’s position, advocate the group’s interests, or simply vote in the group’s way through ¶ the offer of, or refusal to give, political support (Smith 1984; Austen-Smith and Wright 1994; ¶ Wright 1996). Wright (1990) for one finds that groups which distribute campaign contributions ¶ to a wide group of legislators are then able to access a wider group, rather than just political ¶ allies (Wright 1990). Similarly, Heberling (2005) shows that one group, the AFL-CIO, seeks out ¶ legislators with unknown political preferences rather than targeting political allies (Heberling ¶ 2005). The field of interest group research has not yet resolved whether groups typically lobby ¶ friends, adversaries, or some combination of the two (Leech and Baumgartner 1998). This is ¶ likely due to the wide variation of group types and also policy domains in which groups operate. ¶ These inter-organizational and inter-policy differences affect the strategies employed and ¶ therefore the content of information presented during lobbying.

#### c. Focus on state based pedagogy is key to combat racism.

Themba-Nixon 2k

Makani, Exec Director of the Praxis Project Colorlines, Changing the Rules: What Public Policy Means for Organizing  [Jul 31, 2000](http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?RQT=572&VType=PQD&VName=PQD&VInst=PROD&pmid=58714&pcid=8092111&SrchMode=3&aid=1). Vol. 3, Iss. 2; pg. 12, proquest

"This is all about policy," a woman complained to me in a recent conversation. "I'm an organizer." The flourish and passion with which she made the distinction said everything. Policy is for wonks, sell-out politicians, and ivory-tower eggheads. Organizing is what real, grassroots people do. Common as it may be, this distinction doesn't bear out in the real world. Policy is more than law. It is any written agreement (formal or informal) that specifies how an institution, governing body, or community will address shared problems or attain shared goals. It spells out the terms and the consequences of these agreements and is the codification of the body's values-as represented by those present in the policymaking process. Given who's usually present, most policies reflect the political agenda of powerful elites. Yet, policy can be a force for change-especially when we bring our base and community organizing into the process. In essence, policies are the codification of power relationships and resource allocation. Policies are the rules of the world we live in. Changing the world means changing the rules. So, if organizing is about changing the rules and building power, how can organizing be separated from policies? Can we really speak truth to power, fight the right, stop corporate abuses, or win racial justice without contesting the rules and the rulers, the policies and the policymakers? The answer is no-and double no for people of color. Today, racism subtly dominates nearly every aspect of policymaking. From ballot propositions to city funding priorities, policy is increasingly about the control, de-funding, and disfranchisement of communities of color. What Do We Stand For? Take the public conversation about welfare reform, for example. Most of us know it isn't really about putting people to work. The right's message was framed around racial stereotypes of lazy, cheating "welfare queens" whose poverty was "cultural." But the new welfare policy was about moving billions of dollars in individual cash payments and direct services from welfare recipients to other, more powerful, social actors. Many of us were too busy to tune into the welfare policy drama in Washington, only to find it washed up right on our doorsteps. Our members are suffering from workfare policies, new regulations, and cutoffs. Families who were barely getting by under the old rules are being pushed over the edge by the new policies. Policy doesn't get more relevant than this. And so we got involved in policy-as defense. Yet we have to do more than block their punches. We have to start the fight with initiatives of our own. Those who do are finding offense a bit more fun than defense alone. Living wage ordinances, youth development initiatives, even gun control and alcohol and tobacco policies are finding their way onto the public agenda, thanks to focused community organizing that leverages power for community-driven initiatives. - Over 600 local policies have been passed to regulate the tobacco industry. Local coalitions have taken the lead by writing ordinances that address local problems and organizing broad support for them. - Nearly 100 gun control and violence prevention policies have been enacted since 1991. - Milwaukee, Boston, and Oakland are among the cities that have passed living wage ordinances: local laws that guarantee higher than minimum wages for workers, usually set as the minimum needed to keep a family of four above poverty. These are just a few of the examples that demonstrate how organizing for local policy advocacy has made inroads in areas where positive national policy had been stalled by conservatives. Increasingly, the local policy arena is where the action is and where activists are finding success. Of course, corporate interests-which are usually the target of these policies-are gearing up in defense. Tactics include front groups, economic pressure, and the tried and true: cold, hard cash. Despite these barriers, grassroots organizing can be very effective at the smaller scale of local politics. At the local level, we have greater access to elected officials and officials have a greater reliance on their constituents for reelection. For example, getting 400 people to show up at city hall in just about any city in the U.S. is quite impressive. On the other hand, 400 people at the state house or the Congress would have a less significant impact. Add to that the fact that all 400 people at city hall are usually constituents, and the impact is even greater. Recent trends in government underscore the importance of local policy. Congress has enacted a series of measures devolving significant power to state and local government. Welfare, health care, and the regulation of food and drinking water safety are among the areas where states and localities now have greater rule. Devolution has some negative consequences to be sure. History has taught us that, for social services and civil rights in particular, the lack of clear federal standards and mechanisms for accountability lead to uneven enforcement and even discriminatory implementation of policies. Still, there are real opportunities for advancing progressive initiatives in this more localized environment. Greater local control can mean greater community power to shape and implement important social policies that were heretofore out of reach. To do so will require careful attention to the mechanics of local policymaking and a clear blueprint of what we stand for. Getting It in Writing Much of the work of framing what we stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decisionmaker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decisionmakers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, and experience into stories that are designed to affect the public conversation. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision of how things should be. And then we must be committed to making it so.

#### d. Understanding the intersections of social dilemmas is key to democratic reform of racial hierarchies

Winant 2k

(Howard, Temple University “Race and Race Theory” Annual Review of Sociology, 2000, http://www.soc.ucsb.edu/faculty/winant/Race\_and\_Race\_Theory.html)

To summarize the racial formation approach: (1) It views the meaning of race and the content of racial identities as unstable and politically contested; (2) It understands racial formation as the intersection/conflict of racial "projects" that combine representational/discursive elements with structural/institutional ones; (3) It sees these intersections as iterative sequences of interpretations ("articulations") of the meaning of race that are open to many types of agency, from the individual to the organizational, from the local to the global. If we are to understand the changing significance of race at the end of the 20th century, we must develop a more effective theory of race. The racial formation perspective at least suggests some directions in which such a theory should be pursued. As in the past, racial theory today is shaped by the large-scale sociopolitical processes it is called upon to explain. Employing a racial formation perspective, it is possible to glimpse a pattern in present global racial dynamics. That pattern looks something like the following: in the period during and after WWII an enormous challenge was posed to established systems of rule by racially-defined social movements around the world. Although these movement challenges achieved some great gains and precipitated important reforms in state racial policy, neither the movements nor the reforms could be consolidated. At the end of the century the world as a whole, and various national societies as well, are far from overcoming the tenacious legacies of colonial rule, apartheid, and segregation. All still experience continuing confusion, anxiety, and contention about race. Yet the legacies of epochal struggles for freedom, democracy, and human rights persist as well. Despite the enormous vicissitudes that demarcate and distinguish national conditions, historical developments, roles in the international market, political tendencies, and cultural norms, racial differences often operate as they did in centuries past: as a way of restricting the political influence, not just of racially subordinated groups, but of all those at the bottom end of the system of social stratification. In the contemporary era, racial beliefs and practices have become far more contradictory and complex. The "old world racial order" has not disappeared, but it has been seriously disrupted and changed. The legacy of democratic, racially oriented movements, and anti-colonialist initiatives throughout the world's South, remains a force to be reckoned with. But the incorporative (or if one prefers this term, "hegemonic") effects of decades of reform-oriented state racial policies have had a profound effect as well: they have removed much of the motivation for sustained, anti-racist mobilization. In this unresolved situation, it is unlikely that attempts to address worldwide dilemmas of race and racism by ignoring or "transcending" these themes, for example by adopting so-called "colorblind" or "differentialist" policies, will have much effect. In the past the centrality of race deeply determined the economic, political, and cultural configuration of the modern world. Although recent decades have seen a tremendous efflorescence of movements for racial equality and justice, the legacies of centuries of racial oppression have not been overcome. Nor is a vision of racial justice fully worked out. Certainly the idea that such justice has already been largely achieved -- as seen in the "colorblind" paradigm in the US, the "non-racialist" rhetoric of the South African Freedom Charter, the Brazilian rhetoric of "racial democracy," or the emerging "racial differentialism" of the European Union -- remains problematic. Will race ever be "transcended"? Will the world ever "get beyond" race? Probably not. But the entire world still has a chance of overcoming the stratification, the hierarchy, the taken-for-granted injustice and inhumanity that so often accompanies the "race concept." Like religion or language, race can be accepted as part of the spectrum of the human condition, while it is simultaneously and categorically resisted as a means of stratifying national or global societies. Nothing is more essential in the effort to reinforce democratic commitments, not to mention global survival and prosperity, as we enter a new millennium.

#### Third, predictable limits are good.

#### a. Switch side debate over environmental issues is critical to effective deliberation

Mitchell 10

(Gordon R., Associate Professor, Director of Graduate Studies, and Director of the William Pitt Debating Union at the University of Pittsburgh; Spring, “Switch-Side Debating Meets Demand-Driven Rhetoric of Science,” Rhetoric & Public Affairs, Vol. 13, No. 1 – Kurr)

The preceding analysis of U.S. intelligence community debating initiatives highlighted how analysts are challenged to navigate discursively the heteroglossia of vast amounts of different kinds of data flowing through intelligence streams. Public policy planners are tested in like manner when they attempt to stitch together institutional arguments from various and sundry inputs ranging from expert testimony, to historical precedent, to public comment. Just as intelligence managers find that algorithmic, formal methods of analysis often don't work when it comes to the task of interpreting and synthesizing copious amounts of disparate data, public-policy planners encounter similar challenges. In fact, the argumentative turn in public-policy planning elaborates an approach to public-policy analysis that foregrounds deliberative interchange and critical thinking as alternatives to "decisionism," the formulaic application of "objective" decision algorithms to the public policy process. Stating the matter plainly, Majone suggests, "whether in written or oral form, argument is central in all stages of the policy process." Accordingly, he notes, "we miss a great deal if we try to understand policy-making solely in terms of power, influence, and bargaining, to the exclusion of debate and argument."51 One can see similar rationales driving Goodwin and Davis's EPA debating project, where debaters are invited to conduct on-site public debates covering resolutions crafted to reflect key points of stasis in the EPA decision-making process. For example, in the 2008 Water Wars debates held at EPA headquarters in Washington, D.C., resolutions were crafted to focus attention on the topic of water pollution, with one resolution focusing on downstream states' authority to control upstream states' discharges and sources of pollutants, and a second resolution exploring the policy merits of bottled water and toilet paper taxes as revenue sources to fund water infrastructure projects. In the first debate on interstate river pollution, the team of Seth Gannon and Seungwon Chung from Wake Forest University argued in favor of downstream state control, with the Michigan State University team of Carly Wunderlich and Garrett Abelkop providing opposition. In the second debate on taxation policy, Kevin Kallmyer and Matthew Struth from University of Mary Washington defended taxes on bottled water and toilet paper, while their opponents from Howard University, Dominique Scott and Jarred McKee, argued against this proposal. Reflecting on the project, Goodwin noted how the intercollegiate [End Page 106] debaters' ability to act as "honest brokers" in the policy arguments contributed positively to internal EPA deliberation on both issues.52 Davis observed that since the invited debaters "didn't have a dog in the fight," they were able to give voice to previously buried arguments that some EPA subject matter experts felt reticent to elucidate because of their institutional affiliations.53 Such findings are consistent with the views of policy analysts advocating the argumentative turn in policy planning. As Majone claims, "Dialectical confrontation between generalists and experts often succeeds in bringing out unstated assumptions, conflicting interpretations of the facts, and the risks posed by new projects."54 Frank Fischer goes even further in this context, explicitly appropriating rhetorical scholar Charles Willard's concept of argumentative "epistemics" to flesh out his vision for policy studies: Uncovering the epistemic dynamics of public controversies would allow for a more enlightened understanding of what is at stake in a particular dispute, making possible a sophisticated evaluation of the various viewpoints and merits of different policy options. In so doing, the differing, often tacitly held contextual perspectives and values could be juxtaposed; the viewpoints and demands of experts, special interest groups, and the wider public could be directly compared; and the dynamics among the participants could be scrutizined. This would by no means sideline or even exclude scientific assessment; it would only situate it within the framework of a more comprehensive evaluation.55 As Davis notes, institutional constraints present within the EPA communicative milieu can complicate efforts to provide a full airing of all relevant arguments pertaining to a given regulatory issue. Thus, intercollegiate debaters can play key roles in retrieving and amplifying positions that might otherwise remain sedimented in the policy process. The dynamics entailed in this symbiotic relationship are underscored by deliberative planner John Forester, who observes, "If planners and public administrators are to make democratic political debate and argument possible, they will need strategically located allies to avoid being fully thwarted by the characteristic self-protecting behaviors of the planning organizations and bureaucracies within which they work."56 Here, an institution's need for "strategically located allies" to support deliberative practice constitutes the demand for rhetorically informed expertise, setting up what can be considered a demand-driven rhetoric of science. As an instance of rhetoric of science scholarship, this type of "switch-side public [End Page 107] debate"57 differs both from insular contest tournament debating, where the main focus is on the pedagogical benefit for student participants, and first-generation rhetoric of science scholarship, where critics concentrated on unmasking the rhetoricity of scientific artifacts circulating in what many perceived to be purely technical spheres of knowledge production.58 As a form of demand-driven rhetoric of science, switch-side debating connects directly with the communication field's performative tradition of argumentative engagement in public controversy—a different route of theoretical grounding than rhetorical criticism's tendency to locate its foundations in the English field's tradition of literary criticism and textual analysis.59 Given this genealogy, it is not surprising to learn how Davis's response to the EPA's institutional need for rhetorical expertise took the form of a public debate proposal, shaped by Davis's dual background as a practitioner and historian of intercollegiate debate. Davis competed as an undergraduate policy debater for Howard University in the 1970s, and then went on to enjoy substantial success as coach of the Howard team in the new millennium. In an essay reviewing the broad sweep of debating history, Davis notes, "Academic debate began at least 2,400 years ago when the scholar Protagoras of Abdera (481–411 BC), known as the father of debate, conducted debates among his students in Athens."60 As John Poulakos points out, "older" Sophists such as Protagoras taught Greek students the value of dissoi logoi, or pulling apart complex questions by debating two sides of an issue.61 The few surviving fragments of Protagoras's work suggest that his notion of dissoi logoi stood for the principle that "two accounts [logoi] are present about every 'thing,' opposed to each other," and further, that humans could "measure" the relative soundness of knowledge claims by engaging in give-and-take where parties would make the "weaker argument stronger" to activate the generative aspect of rhetorical practice, a key element of the Sophistical tradition.62 Following in Protagoras's wake, Isocrates would complement this centrifugal push with the pull of synerchésthé, a centripetal exercise of "coming together" deliberatively to listen, respond, and form common social bonds.63 Isocrates incorporated Protagorean dissoi logoi into synerchésthé, a broader concept that he used flexibly to express interlocking senses of (1) inquiry, as in groups convening to search for answers to common questions through discussion;64 (2) deliberation, with interlocutors gathering in a political setting to deliberate about proposed courses of action;65 and (3) alliance formation, a form of collective action typical at festivals,66 or in the exchange of pledges that deepen social ties.67 [End Page 108] Returning once again to the Kettering-informed sharp distinction between debate and deliberation, one sees in Isocratic synerchésthé, as well as in the EPA debating initiative, a fusion of debate with deliberative functions. Echoing a theme raised in this essay's earlier discussion of intelligence tradecraft, such a fusion troubles categorical attempts to classify debate and deliberation as fundamentally opposed activities. The significance of such a finding is amplified by the frequency of attempts in the deliberative democracy literature to insist on the theoretical bifurcation of debate and deliberation as an article of theoretical faith. Tandem analysis of the EPA and intelligence community debating initiatives also brings to light dimensions of contrast at the third level of Isocratic synerchésthé, alliance formation. The intelligence community's Analytic Outreach initiative invites largely one-way communication flowing from outside experts into the black box of classified intelligence analysis. On the contrary, the EPA debating program gestures toward a more expansive project of deliberative alliance building. In this vein, Howard University's participation in the 2008 EPA Water Wars debates can be seen as the harbinger of a trend by historically black colleges and universities (HBCUS) to catalyze their debate programs in a strategy that evinces Davis's dual-focus vision. On the one hand, Davis aims to recuperate Wiley College's tradition of competitive excellence in intercollegiate debate, depicted so powerfully in the feature film The Great Debaters, by starting a wave of new debate programs housed in HBCUS across the nation.68 On the other hand, Davis sees potential for these new programs to complement their competitive debate programming with participation in the EPA's public debating initiative. This dual-focus vision recalls Douglas Ehninger's and Wayne Brockriede's vision of "total" debate programs that blend switch-side intercollegiate tournament debating with forms of public debate designed to contribute to wider communities beyond the tournament setting.69 Whereas the political telos animating Davis's dual-focus vision certainly embraces background assumptions that Greene and Hicks would find disconcerting—notions of liberal political agency, the idea of debate using "words as weapons"70—there is little doubt that the project of pursuing environmental protection by tapping the creative energy of HBCU-leveraged dissoi logoi differs significantly from the intelligence community's effort to improve its tradecraft through online digital debate programming. Such difference is especially evident in light of the EPA's commitment to extend debates to public realms, with the attendant possible benefits unpacked by Jane Munksgaard and Damien Pfister: [End Page 109] Having a public debater argue against their convictions, or confess their indecision on a subject and subsequent embrace of argument as a way to seek clarity, could shake up the prevailing view of debate as a war of words. Public uptake of the possibility of switch-sides debate may help lessen the polarization of issues inherent in prevailing debate formats because students are no longer seen as wedded to their arguments. This could transform public debate from a tussle between advocates, with each public debater trying to convince the audience in a Manichean struggle about the truth of their side, to a more inviting exchange focused on the content of the other's argumentation and the process of deliberative exchange.71 Reflection on the EPA debating initiative reveals a striking convergence among (1) the expressed need for dissoi logoi by government agency officials wrestling with the challenges of inverted rhetorical situations, (2) theoretical claims by scholars regarding the centrality of argumentation in the public policy process, and (3) the practical wherewithal of intercollegiate debaters to tailor public switch-side debating performances in specific ways requested by agency collaborators. These points of convergence both underscore previously articulated theoretical assertions regarding the relationship of debate to deliberation, as well as deepen understanding of the political role of deliberation in institutional decision making. But they also suggest how decisions by rhetorical scholars about whether to contribute switch-side debating acumen to meet demand-driven rhetoric of science initiatives ought to involve careful reflection. Such an approach mirrors the way policy planning in the "argumentative turn" is designed to respond to the weaknesses of formal, decisionistic paradigms of policy planning with situated, contingent judgments informed by reflective deliberation.

#### b. Effective deliberation requires predictable points of stasis – its key to overcome politically debilitating self-obsession and key to decision making

Roberts-Miller 03

(Patricia Roberts-Miller is Associate Professor of Rhetoric at the University of Texas "Fighting Without Hatred: Hannah Arendt’s Agonistic Rhetoric" JAC 22.2 2003)

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

**Decisionmaking is the most portable skill—key to all facets of life and advocacy**

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(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 9-10)

After several days of **intense debate**, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.

Meanwhile, and perhaps **equally difficult** for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. **Each of these\* situations called for decisions to be made**. Each decision maker worked hard to make well-reasoned decisions.

Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. **Life demands decision making**. We make **countless individual decisions** every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. **Every profession** requires effective and ethical decision making, as do our school, community, and social organizations.

We all make many decisions even- day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate CO vote for. paper or plastic, all present lis with choices. Should the president deal with an international crisis through **military invasion or diplomacy**? How should the U.S. Congress act to address illegal immigration?

Is the defendant guilty as accused? Tlie Daily Show or the ball game? **And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others**. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. **We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?**

The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.

Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.

Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.

**Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us**. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

## CP

#### The Unites States federal government should abolish the prison system

#### Prisons are worse than your aff

Dylan Rodriguez, Professer University of California Riverside, November 2007

Kritika Kultura “AMERICAN GLOBALITY AND THE U. S. PRISON REGIME: STATE VIOLENCE AND WHITE SUPREMACY FROM ABU GHRAIB TO STOCKTON TO BAGONG DIWA”

Available online at http://www.ateneo.edu/ateneo/www/UserFiles/121/docs/KK09.pdf)

In this meditation **I am concerned with the integral role of the U.S. prison regime in** the material/cultural **production of “American globality**.” In using this phrase I am suggesting **a process and module of state power that works, moves, and deploys** in ways distinct from (though fundamentally **in concert with) American (global) “hegemony,” and inaugurates a geography of biopolitical power** more focused than common scholarly cartographies of American “empire.” For my purposes, **American globality refers to the** postmodern **production of U.S. state and state-sanctioned technologies of human and ecological domination**—most frequently **formed** through overlapping and interacting **regimes of profound bodily violence, including** genocidal and protogenocidal **violence, warmaking, racist and white supremacist state violence, and mass-scaled imprisonment—and the capacity of these** forms of domination **to be mobilized** across political geographies **all over the world,** including by governments and states that are nominally autonomous of the United States. **American globality is** simultaneously **a vernacular of institutional power,** **an active and accessible iteration of violent human domination as the cohering of sociality (and civil society)** writ large, and a grammar of pragmatic immediacy (in fact, urgency) that orders and influences statecraft across various geographies of jurisdiction and influence. It is in this sense of globality as (common) vernacular, (dynamic, present tense) iteration, and (disciplining) grammar that the current formation of global order is constituted (obviously) by the direct interventions of the U.S. state and (not as obviously) by the lexicon (as in the principles governing the organization of a vocabulary) of U.S. statecraft. American globality infers how the U.S. state conceptualizes its own power, as well as how these conceptualizations of power and American state formation become immediately useful to—and frequently, structurally and politically overbearing on—other state formations and hegemonies. **The prison regime**, in other words, **is indisputably organic to the lexicon of the U.S. state, and is thus productive of American globality, not a by-product or reified outcome of it**. In the remainder of this essay, I raise the possibility that **the U.S. conceptualization of the prison** **as a** peculiar **mobilization of power and domination is, in the historical present, central to how** states, governments, and **social orderings** all over the world **are formulating their own responses to the political, ecological, and social crises of neoliberalism, warfare, and global white supremacy**.

#### a. Our interpretation is the judge should act as decisionmaker based on the nature of fiat put forth by the affirmative. The aff’s advocacy of arguments beyond the scope of instrumentally enacted resolutional examples means the neg can advocate similar intellectual positions and ask the judge to simply decide, however subjectively, which is better.

#### b. Permutations by this type of affirmative are illegitimate in this framework, as they are derived from CP theory, and require a stable resolution plan for their basis.

#### c. Our interp is best.

#### 1. It only applies when there is no instrumentally defended topical example of the resolution presented in the 1AC.

#### 2. It’s reciprocal and initiated by the actions of the aff. 3. It’s best for education. Any interp they present will exclude academic interventions such as ours if the aff can just waive them away with a “do both.”

#### 4. Debate Theory Genealogy.

#### a.) generic plan/plan bad arguments don’t apply to our interp because it is ONLY relevant when the aff won’t instrumentally defend a topical plan.

#### b.) The 2AC’s desire to simply say “Do Both” to this argument is grounded in a theory of counterplan competition elucidated by Dallas Perkins in an ’89 article and Roger Solt in a 1990 article. Both of which concluded it was FIAT by example of the resolution that made the judge’s role as generally understood, and hence ability to determine CP competition, make sense. Absent that theoretical basis, the aff has no method by which cooption of the 1NC is legitimate.

## K

#### THEIR HUMAN RIGHTS CLAIMS ARE JUST A KANTIAN MODIFICATION OF THE WESTPHALIAN MODEL OF LEGITIMATE WAR WHICH MASKS THE SPECIES WAR , IN ORDER TO ACHIEVE ITS IDEA OF THE GOOD LIFE

**KOCHI 2K9**

[tarik, lecturer in law and international security @ U of Sussex, Doctorate in Law from Griffith, “species war: law, violence, and animals”, ‘law, culture, and the humanities’, 353-359]

Modern international humanitarian law both inherits aspects of the Westphalian system and moves beyond it. While international humanitarian or human rights law still relies upon the sovereignty of nation-states and accepts to a limited degree the state’s right to go to war and its internal monopoly upon the legitimacy of violence, each of these forms of right are re-shaped and limited in accordance with a higher standard of legitimacy located around the ideals of international peace and the cosmopolitan concept of “humanity.” By **attempting to place “human rights” as a category that stands above or at least challenges the traditional rights of the state, inter- national humanitarian law morally orders war and sets out a cosmopolitan and global conception of the good life**. While the category of peace is held onto, survival is displaced by human rights as the central category for deriving the legitimacy of the international order and the legitimacy of war. **Of course, the category of survival is not erased completely as the human-animal dis- tinction of species war continues to operate at a subterranean level.**

One of the first thinkers to sketch out the theoretical justifications for such a re-ordering of inter-state relations and the legitimacy of global violence was Immanuel Kant.32 In proposing a universal moral theory which attempted to equally value all members of humanity, Kant rejected the way in which previous Western intellectual traditions had legitimated particular forms of violence and killing by valuing the lives of Europeans over non-Europeans. Further, **Kant challenged the over-valuation of the “life” of the state against the lives of humans in general. In re-thinking the relation between war and law Kant enunciated a form of sovereignty located around the idea of humanity. On the basis of this higher and universal right of humanity Kant’s approach demanded that state action be guided by moral reasoning and moral duty and in this respect Kant asked that the juridical persona of states adopt a distinctly moral persona – states are conceptualized and expected to act as if they are moral persons.33**

**AND, this species-contingent paradigm creates unending genocidal violence against forms of life deemed politically unqualified.**

**KOCHI & ORDAN 2K8**

[tarik and noam, queen’s university and bar llan university, “an argument for the global suicide of humanity”, vol 7. no. 4., bourderlands e-journal]

**Within the picture** many paint **of humanity, events such as the Holocaust are considered as an** exception, an **aberration.** The Holocaust is often portrayed as an example of ‘evil’, a moment of hatred, madness and cruelty (cf. the differing accounts of ‘evil’ given in Neiman, 2004). The event is also treated as one through which humanity comprehend its own weakness and draw strength, via the resolve that such actions will never happen again. However**, if we take seriously the differing ways in which the Holocaust was ‘evil’, then one must surely include along side it the almost uncountable numbers of genocides that have occurred throughout human history**. Hence, **if we are to think of the content of the ‘human heritage’, then this must include the annihilation of indigenous peoples and their cultures across the globe and the manner in which their beliefs, behaviours and social practices have been erased from what the people of the ‘West’ generally consider to be the content of a human heritag**e. Again the history of colonialism is telling here. **It reminds us exactly how normal, regular and mundane acts of annihilation of different forms of human life and culture have been throughout human history. Indeed the history of colonialism**, in its various guises, **points to the fact that so many of our legal institutions and forms of ethical life (i.e. nation-states which pride themselves on protecting human rights through the rule of law) have been founded upon colonial violence, war and the appropriation of other peoples’ land** (Schmitt, 2003; Benjamin, 1986). Further, **the history of colonialism highlights the central function of ‘race war’ that often underlies human social organisation and many of its legal and ethical systems of thought** (Foucault, 2003). **This history of modern colonialism thus presents a key to understanding that events such as the Holocaust are not an aberration and exception but are closer to the norm, and sadly, lie at the heart of any heritage of humanity**. After all, all too often **the European colonisation of the globe was justified by arguments that indigenous inhabitants were racially ‘inferior’ and** in some instances that they were **closer to ‘apes’ than to humans** (Diamond, 2006**). Such violence justified by an erroneous view of ‘race’ is in many ways merely an extension of an underlying attitude of speciesism involving a long history of killing and enslavement of non-human species by humans.** **Such a connection between the two histories of inter-human violence (via the mythical notion of differing human ‘races’) and interspecies violence, is well expressed** in Isaac Bashevis Singer’s comment that **whereas humans consider themselves “the crown of creation”, for animals “all people are Nazis” and animal life is “an eternal Treblinka”** (Singer, 1968, p.750).

## Case

Nuclear secrecy restrictions aren’t applied to nuclear energy now – it’s just a question of accelerated cleanup – we need to slow it down to ensure safety

Barkas 2005 – J.D. 2005, Seattle University School of Law (Jessica, “Nuking Freedom of Information and Community Right to Know: how post-9/11 secrecy politics could make America less safe,” 28 Environs Envtl. L. & Pol'y J. 199)

The history of nuclear technology development is a prime example of what an unaccountable government is capable of doing to human and environmental health. Conducted in total secrecy, nuclear weapons development during WWII was completed quickly and with nearly no consideration of the long-term environmental and human health consequences for the communities and ecosystems surrounding the nuclear facilities. n104 The soil and water in these parts of the U.S. will remain toxic and radioactive for, in some cases, hundreds of thousands of years. n105 The end of the Cold War has alleviated much of the perceived need for secrecy; the Soviet Union has collapsed and the U.S. no longer lives in fear of imminent Russian nuclear attack. As this perceived need for secrecy faded, the FOIA requests and periodic releases of information from the Department of Energy ("DOE") revealed a staggering legacy of radioactive pollution. n106 While the FOIA requests themselves cannot cleanup the pollution, they can allow citizens to keep an eye on how cleanup is carried out. Though the Bush Administration mandates implementation of "accelerated cleanup" n107 at DOE [\*219] facilities in the name of cost savings, n108 numerous citizen groups and environmental organizations have protested that doing the job quickly is not necessarily doing the job correctly and safely. The Government Accountability Project, n109 Natural Resources Defense Council, n110 Heart of America Northwest, n111 and numerous other organizations have used FOIA-obtained information in their public release and court battles to ensure that the DOE does the job right, without significant risk to worker and environmental safety and health, at the Hanford Nuclear Reservation and other facilities.

#### You’re just wrong about Swartz

Cullen 1/14

(Kevin, columnist at Boston.com, “MIT hacking case lawyer says Aaron Swartz was offered plea deal of six months behind bars” http://www.boston.com/metrodesk/2013/01/14/mit-hacking-case-lawyer-says-aaron-swartz-was-offered-plea-deal-six-months-behind-bars/hQt8sQI64tnV6FAd7CLcTJ/story.html)

During plea talks held in the months before his death, federal prosecutors told Aaron Swartz and his attorney that the computer prodigy must spend six months behind bars and plead guilty to 13 federal crimes in order to resolve the criminal case short of a trial.¶ Swartz’s lead defense attorney, Elliot Peters, said today that both he and Swartz rejected the plea deal offered by the office of US Attorney Carmen Ortiz, and instead were pushing for a trial where federal prosecutors would have been forced to publicly justify their pursuit of Swartz.

#### No secrets forces everyone to out people who are in the closet, that’s messed up. Vote neg.

# 2NC

### Decision Trumps

**Decisionmaking is the most portable skill—key to all facets of life and advocacy**

**Steinberg**, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, **‘8**

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 9-10)

After several days of **intense debate**, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.

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### A2: Movements

#### Activism in debate doesn’t work

Solt ‘04

(Roger, Debate Coach – U. Kentucky, “Debate’s Culture of Narcissism”, Contemporary Argumentation and Debate, Vol. 25, p. 46)

In another early formulation, critical argument was deemed preferable because, unlike arguments resting on the illusory notion of policy fiat, it could have a real world political impact. This approach seems to have waned in recent years, and it has done so for good reason. The idea of policy fiat is sometimes dismissed as utopian, but the notion that a winning ballot in a college debate round could trigger a world-transforming social movement **borders on megalomania**. Beyond college debate’s few hundred active participants, some fraction of America’s hundreds of millions probably has a vague intimation that something like college debate exists. (They do, after all, watch “The Apprentice.”) But they are certainly not attentive to its outcomes, no newspaper reports debate results (“kritik of capitalism 3, capitalism 1”), nor do they understand its intricacies. And those relative few who do know something about debate know that it is a competitive game and that a judge’s ballot does not signify conviction or ideological conversion (as those of use who have voted for arguments like “nuclear war good” can readily attest.) People do not make fundamental moral and political judgments based on individual debate rounds; nor should they. Reflective people surely have better bases for their beliefs than the outcomes of fast, short, competitive debates.

#### Attempting to create recognition through competition generates backlash. Inevitably, the losing team is frustrated that the affirmative requires them to be the sacrificial lamb in the name of creating broader change which undermines any recognition the affirmative hopes the broader community will achieve.

Atchison and Panetta, 09

[KENDALL YOU NEED TO PUT A CITE HERE]

Competition has been a critical component of the interest in intercollegiate debate from the beginning, and it does not help further the goals of the debate community to dismiss competition in the name of community change. The larger problem with locating the "debate as activism" perspective within the competitive framework is that it overlooks the communal nature of the community problem. If each individual debate is a decision about how the debate community should approach a problem, then the losing debaters become collateral damage in the activist strategy dedicated toward creating community change. One frustrating example of this type of argument might include a judge voting for an activist team in an effort to help them reach elimination rounds to generate a community discussion about the problem. Under this scenario, the losing team serves as a sacrificial lamb on the altar of community change.¶ Downplaying the important role of competition and treating opponents as scapegoats for the failures of the community may increase the profile of the winning team and the community problem, but it does little to generate the critical coalitions necessary to address the community problem, because the competitive focus encourages teams to concentrate on how to beat the strategy with little regard for addressing the community problem. There is no role for competition when a judge decides that it is important to accentuate the publicity of a community problem. An extreme example might include a team arguing that their opponents' academic institution had a legacy of civil rights abuses and that the judge should not vote for them because that would be a community endorsement of a problematic institution. This scenario is a bit more outlandish but not unreasonable if one assumes mat each debate should be about what is best for promoting solutions to diversity problems in the debate community.

### A2: State Demands/Insturmentalization Bad

#### Coercion of State power necessary to prevent extinction and not inherently exclusionary

Mansbridge ’11

Jane is the Charles Adams Professor at the John F. Kennedy School of Government at Harvard, “On the Importance of Getting Things Done,” <http://journals.cambridge.org/download.php?file=%2FPSC%2FPSC45_01%2FS104909651100165Xa.pdf&code=61d04501e14285b50244640216120c97>

Let me suggest another approach, based on two premises. First,¶ we need coercion to solve collective action problems. Second, there¶ can be no such thing as fully legitimate coercion. Therefore we¶ need theories that can guide public action and help improve democratic legitimacy incrementally.We can move toward the ideal of¶ democratic legitimacy without discrediting every state that falls can work through the simple capacity to act (I turn on the light¶ switch—my preferences cause the outcome). When the outcome¶ requires other human beings, the causal relation can work through¶ genuine persuasion on the merits. Neither of these is coercive¶ power.¶ By “coercion” or “coercive power” I mean the threat of sanction or the use of force. I do not view the words “coercion” or¶ “coercive” as inherently negative. It is true that both coercion and¶ the threat of sanction will always have a negative valence. Punishment would not be punishment if those being punished did¶ not want to avoid it. But a relationship, for example between two¶ people, may be better when the partners have equal capacity to¶ sanction each other than when neither has that capacity. When¶ you care for someone, you give that person the capacity to sanction you and to threaten sanctions. Deeply interdependent social¶ relations are, I believe, all built in part on mutual coercion.¶ In short, by coercive power I mean “power over,” not the nicer¶ forms of power such as “power to” (that is, capacity) or “power¶ with” (cooperative power). Although Arendt (1970) described¶ power as the human ability to act in concert, this is not what I¶ mean. Those forms of power are admirable in their place. But to¶ solve collective action problems we also need coercive power, based¶ on the threat of sanction or the actual use of force.¶ 10¶ Why is this the case? The answer has to do with the nature of¶ goods that are non-excludable. Their character is such that everyone can use them without in any way contributing to providing¶ them. Examples include law and order, common defense, roads¶ without tolls, an educated workforce, clean rivers, and breathable¶ air. Collective action problems arise whenever we want to produce such goods. All of these things, and thousands of other desirable collective outcomes, are nonexcludable, or largely so. By their¶ nature, goods like these cannot be parceled out only to those who¶ work or pay to bring them into being. It is only goods like these—¶ nonexcludable goods—that produce the collective action problem, which is, at bottom, a problem of non-contribution.¶ Coercion is not always necessary to solve collective action problems and get people to contribute to producing a nonexcludable¶ good. Sometimes we can produce such goods through voluntary acts of solidarity. Everyone can voluntarily chip in to build a road,¶ defend the country, produce schooling for the poor, or abstain¶ from overﬁshing. But in most cases we also need coercion around¶ the edges to give those who are tempted to free ride on the contributions of others an external incentive to contribute. The need¶ for coercion to solve collective action problems is, in my view, the¶ primary reason for government. Coercion also helps human beings¶ achieve justice together through government.¶ My second premise is that no actual instance of coercion can¶ fully meet the criteria of democratic legitimacy. Over the years,¶ democratic theorists have worked out democratic criteria for¶ moments of both genuine commonality and genuine conﬂict. The¶ criteria for moments of commonality specify, among other things,¶ that deliberations leading to consensus should ideally take place¶ in conditions free from coercive power (free, that is, from the threat¶ of sanction and the use of force).¶ 11¶ In reality, however, the conditions for deliberation are never fully free from coercive power. As¶ for conﬂict, the democratic criteria for moments of conﬂict specify, among other things, that ideally, decisions should be based on¶ the equal power of each participant.¶ 12¶ In reality, however, power¶ is never fully equal in democratic negotiation or even in majority rule, where the agenda always derives from an unequal process.¶ Therefore the coercion that actually existing democracies deploy¶ to implement their decisions will never be completely legitimate.¶ In short, a political theory of democratic action demands a¶ corresponding theory of imperfect legitimacy. Legitimacy is not a¶ dichotomy—a thing you either have or do not have. It is a continuum from more to less.¶ A political theory of democratic action should not neglect the¶ goals of resistance theory. Every means of approximating relatively legitimate coercion has its underside. Every exercise of coercive power puts those on the receiving end of that power at risk.¶ But simply blocking the exercise of power is often a bad solution.¶ One version of resistance theory, attractive to the framers of the¶ American constitution and to many since then, holds that if you¶ put enough institutional veto points in place, the little that gets¶ through is bound to promote the common good.¶ 13¶ This approach¶ privileges stopping the work of the government. It may have been¶ appropriate in a simpler world, where it might reasonably be said¶ that the government is best which governs least, and in a more¶ decentralized world, where the scope of government action did¶ not need to be as great. In a more heavily interdependent world, a¶ democracy needs more collective power to solve the growing number of collective action problems. It can safely allow more collective power through the grid if it reduces the worst eﬀects of that¶ power in other ways.¶ Starting with the aims of the power itself, a democracy can¶ organize itself to make the power that surges through the system¶ more likely to promote the common good—for example, by reforming campaign ﬁnance, reducing corruption, attracting more public spirited individuals to oﬃce, and bringing stakeholders into constructive negotiation with one another. Democracies can also¶ devise targeted safeguards for the vulnerable—for example, by legislation such as the Voting Rights Act of 1964. Democracies can¶ encourage both constructive and critical organization in civil¶ society—for example, by facilitating unionization, subsidizing¶ investigative journalism, and protecting internet access—so that¶ new ideas feed into state power and people can organize eﬀectively when resistance is necessary.¶ More generally, when a good has mixed positive and negative¶ features—and I consider coercion such a mixed good—one should¶ not always block or automatically resist the good, but rather look¶ for practices and institutions that reduce its undesirable eﬀects,¶ protect the vulnerable, compensate the losers, and facilitate ongoing changes for the better.¶ In the tension between resistance and action, context is critical.Tyrannical regimes demand resistance. Deeply corrupt regimes¶ cannot justly claim legitimacy. But when the threat of tyranny is¶ relatively weak and corruption relatively limited, the need for collective action is often greater than the need for resistance. I do not¶ pretend here to oﬀer guidance to political movements on their¶ choice of tactics, many of which are appropriately aimed at resist ing particular injustices or at drawing attention to unsolved problems, such as rising inequality or global warming, even when the¶ protesters do not agree on a plan of action (think “Occupy Wall¶ Street”). I am arguing instead for something deeper: a shift in¶ emphasis within democratic theory, from a long-standing promotion of resistance to the greater embrace of coercion, even while¶ recognizing that the coercion can never be more than partially¶ legitimate. Where might a democratic theory that recognizes the central role¶ of coercive action turn its analytic gaze?Two promising and underexplored areas are negotiation and uncorrupt delegation supplemented by citizen deliberation. Theorists trying to make headway¶ on these problems could beneﬁt from working closely with empirical scholars of conﬂict resolution, comparative government, and¶ perhaps other ﬁelds.¶ To explore the normative complexity of negotiations, we could¶ begin with Denmark. In 2002, two development economists coined¶ the phrase “getting to ‘Denmark’” to describe the goal of helping¶ impoverished countries deliver key public services.¶ 14¶ Francis Fukuyama adopted “getting to Denmark” to describe the historical paths¶ for acquiring an eﬀectively functioning, accountable state under¶ the rule of law (Fukuyama 2011, 14 ﬀ, 431 ﬀ.). Denmark is small,¶ homogeneous, and defended primarily by the armies of others.¶ Like many Nordic states it has a culture that may not be duplicable. Its social welfare model has the inevitable imperfection of¶ requiring signiﬁcant barriers to entry. Yet Denmark could nevertheless serve as one model in an exploration of negotiation—¶ speciﬁcally the contribution of diﬀerent forms of democratic negotiation to relatively legitimate coercion. The outcomes of¶ the Danish political process match what its citizens want relatively closely, and the process itself, although not based on the¶ majority rule of alternating parties, has strong claims to democratic legitimacy.¶ Regarding outcomes, Denmark has the most equal income distribution of any advanced industrialized country. Robert Kuttner¶ reported in 2008 that “Denmark’s ﬁnancial markets are clean and¶ transparent, its barriers to imports minimal, its labor markets the¶ most ﬂexible in Europe, its multinational corporations dynamic¶ and largely unmolested by industrial policies, and its unemployment rate of 2.8 percent the second lowest in the OECD” (Kuttner¶ 2008, 78). In its Index of Economic Freedom, the Heritage Foundation gives Denmark a score of 78.6 out of 100, or eighth place in¶ the world, better than the United States in ninth place. Denmark¶ has universal health insurance, good child-care and generous¶ unemployment compensation. It has the world’s second highest¶ tax rate and spends 50% of its GDP on public services.¶ 15¶ How did Denmark’s democracy become capable of such eﬀective action? First, after a series of reforms in the early and midnineteenth century, Denmark is now tied with New Zealand and¶ Singapore for the distinction of being the least corrupt country¶ on earth in Transparency International’s Corruption Perceptions¶ Index.¶ 16¶ Second, because its list system of proportional representation currently produces eight parties in parliament and no single party has had a parliamentary majority since 1909, passing¶ laws requires negotiation and compromise among parties. This¶ system generates a more cooperative form of negotiation than in¶ the US Congress. Third, Danish democracy has little separation¶ of powers on the national level (although we cannot be sure this¶ is related to its eﬀectiveness). It has a parliamentary system with¶ a unicameral legislature and extremely limited judicial review.¶ Finally, Denmark has evolved a form of eﬀective and far-reaching¶ decentralization in which local elected bodies serve as responsive¶ service-deliverers but not powerful veto points.¶ 17¶ The result of this noncorrupt and negotiated system? Denmark’s citizens have, according to the Eurobarometer, greater¶ trust in their national parliament and their national parties than¶ the citizens of any other country in Europe. They are more “satis-¶ ﬁed with the way democracy works” in their country than the citizens of any other country in Europe. Staggeringly, 94% of the¶ Danish citizens are at least “fairly satisﬁed” with the way democracy works in their country.¶ 18¶ To this sociological legitimacy, add¶ some normativelegitimacy from two features. First, Denmark’s citizens are actively engaged in their politics. Without any compulsory voting, the turnout in the general elections since 1960 has¶ averaged 85%. In The Economist’s 2010 Democracy Index, Denmark has the third highest score in the world, after Norway and¶ Iceland.¶ 19¶ Second, the very process of negotiation adds democratic¶ value by drawing out the reasons and justiﬁcations advanced by¶ the diﬀerent parties.¶ 20¶ Danes have also shown their capacity for resistance when¶ needed. In 1943, when the German army occupied Denmark, the¶ public denunciation of the German plan for deporting the Jews¶ involved the King, the universities, students, the Danish state¶ church, the Supreme Court, the trade unions, the employers’ confederation, the farmers’ organizations, the heads of ministries,¶ and all of the political parties except the small pro-Nazi National¶ SocialistWorkers’ Party of Denmark (Kirchhoﬀ 1995). Denmark’s¶ corporate entities were actually the foci for resistance. I am not saying that the United States can model itself on Denmark. That would be absurd. Nor am I saying that Denmark is a¶ perfect polity. Its protections forits own citizensarearguably related¶ toits relative homogeneity andits barriers toimmigration. Finally,¶ I do not have suﬃcient empirical data to judge the relative merits¶ of the diﬀerent systems that are less prone to deadlock, whether¶ majority-rule Westminster systems or well-structured systems of¶ negotiation, or the roles of diﬀerent kinds of veto points, which in¶ some contexts may promote, rather than hinder, common democratic action (Birchﬁeld and Crepaz 1998). I am saying that these¶ questions need entwined empirical and normative attention. In the¶ future I hope that comparativists will readmore democratic theory¶ and theorists more comparative work, to the point where each can,¶ with the help of their colleagues, contribute productively to the¶ development of bothﬁelds. In particular, Iam urginghere that political theorists can proﬁtably ally with comparativists and other¶ empirical political scientists to investigate the sources of democratic legitimacy in countries other than our own and Great Britain. In Denmark, we might concentrate on the strengths and¶ weaknesses of their forms of negotiation. These forms of negotiation, developed historically not only by Denmark but also by other¶ relatively neocorporatist states in Europe, have heavily inﬂuenced¶ the relatively successful processes of the EU bureaucracies, which¶ unlike Denmark have highly heterogeneous constituencies.¶ Just as one size does not ﬁt all in economic development, so¶ too one size does not ﬁt all in the building of legitimate democratic action.The new ﬁeld of comparative political theory is investigating, among other things, the sources for democratically¶ legitimate action in the cultures and philosophies of nonwestern¶ countries. My point is that as this work goes forward, the focus¶ should be as much on the sources of coordinated, intelligent¶ action—and relatively legitimate coercion—as on resistance.¶ If we think about problems of global scale, like climate change¶ and weapons of mass destruction, the focus on action becomes¶ even more necessary. Decisions at the global level cannot be as¶ democratically legitimate as those at a national scale. In the foreseeable future, decisions at the global level will be even less likely¶ than those at the national level to be discussed, much less resolved,¶ in an arena governed only by the “forceless force of the better¶ argument.” Nor will decisions be made in a way that even approximates the equal power of each individual or the proportionate¶ power of those aﬀected. To achieve action capable of addressing¶ collective action problems on a global level, we will have to accept¶ ongoing coercion that is far less democratically legitimate than¶ the coercion we accept at the level of the nation state.Yet we must¶ take action, as soon as is humanly possible, for the sake of unborn¶ generations.

### A2: You Force to Defend State

#### The state can be redeemed!

Brubaker 4

Rogers Brubaker, Department of Sociology, UCLA, 2004, In the Name of the Nation: Reflectionson Nationalism and Patriotism, Citizenship Studies, Vol. 8, No. 2, [www.sailorstraining.eu/admin/download/b28.pdf](http://www.sailorstraining.eu/admin/download/b28.pdf)

This, then, is the basic work done by the category ‘nation’ in the context of nationalist movements—movements to create a polity for a putative nation. In other contexts, the category ‘nation’ is used in a very different way. It is used not to challenge the existing territorial and political order, but to create a sense of national unity for a given polity. This is the sort of work that is often called nation-building, of which we have heard much of late. It is this sort of work that was evoked by the Italian statesman Massimo D’Azeglio, when he famously said, ‘we have made Italy, now we have to make Italians’. It is this sort of work that was (and still is) undertaken—with varying but on the whole not particularly impressive degrees of success—by leaders of post-colonial states, who had won independence, but whose populations were and remain deeply divided along regional, ethnic, linguistic, and religious lines. It is this sort of work that the category ‘nation’ could, in principle, be mobilized to do in contemporary Iraq—to cultivate solidarity and appeal to loyalty in a way that cuts across divisions between Shi’ites and Sunnis, Kurds and Arabs, North and South.2¶ In contexts like this, the category ‘nation’ can also be used in another way, not to appeal to a ‘national’ identity transcending ethnolinguistic, ethnoreligious, or ethnoregional distinctions, but rather to assert ‘ownership’ of the polity on behalf of a ‘core’ ethnocultural ‘nation’ distinct from the citizenry of the state as a whole, and thereby to define or redefine the state as the state of and for that core ‘nation’ (Brubaker, 1996, p. 83ff). This is the way ‘nation’ is used, for example, by Hindu nationalists in India, who seek to redefine India as a state founded on Hindutva or Hinduness, a state of and for the Hindu ethnoreligious ‘nation’ (Van der Veer, 1994). Needless to say, this use of ‘nation’ excludes Muslims from membership of the nation, just as similar claims to ‘ownership’ of the state in the name of an ethnocultural core nation exclude other ethnoreligious, ethnolinguistic, or ethnoracial groups in other settings.¶ In the United States and other relatively settled, longstanding nation-states, ‘nation’ can work in this exclusionary way, as in nativist movements in America or in the rhetoric of the contemporary European far right (‘la France oux Franc¸ais’, ‘Deutschland den Deutshchen’). **Yet it can also work in a very different and fundamentally inclusive way**.3 It can work to mobilize mutual solidarity among members of ‘the nation’, inclusively defined to include all citizens—and perhaps all long-term residents—of the state. To invoke nationhood, in this sense, is to attempt to transcend or at least relativize internal differences and distinctions. It is an attempt to get people to think of themselves— to formulate their identities and their interests—as members of that nation, rather than as members of some other collectivity. To appeal to the nation can be a powerful rhetorical resource, though it is not automatically so. Academics in the social sciences and humanities in the United States are generally skeptical of or even hostile to such invocations of nationhood. They are often seen as de´passe´, parochial, naive, regressive, or even dangerous. For many scholars in the social sciences and humanities, ‘nation’ is a suspect category.¶ Few American scholars wave flags, and many of us are suspicious of those who do. And often with good reason, since flag-waving has been associated with intolerance, xenophobia, and militarism, with exaggerated national pride and aggressive foreign policy. **Unspeakable horrors**—and a wide range of lesser evils—**have been perpetrated in the name of the nation**, and not just in the name of ‘ethnic’ nations, but in the name of putatively ‘civic’ nations as well (Mann, 2004). But this is not sufficient to account for the prevailingly negative stance towards the nation. Unspeakable horrors, and an equally wide range of lesser evils, have been committed in the name of many other sorts of imagined communities as well—in the name of the state, the race, the ethnic group, the class, the party, the faith.¶ In addition to the sense that nationalism is dangerous, and closely connected to some of the great evils of our time—the sense that, as John Dunn (1979, p. 55) put it, nationalism is ‘the starkest political shame of the 20th-century’— there is a much broader suspicion of invocations of nationhood. This derives from the widespread diagnosis that we live in a post-national age. It comes from the sense that, however well fitted the category ‘nation’ was to economic, political, and cultural realities in the nineteenth century, it is increasingly ill-fitted to those realities today. On this account, nation is fundamentally an anachronistic category, and invocations of nationhood, even if not dangerous, are out of sync with the basic principles that structure social life today.4¶ The post-nationalist stance combines an empirical claim, a methodological critique, and a normative argument. I will say a few words about each in turn. The empirical claim asserts the declining capacity and diminishing relevance of the nation-state. Buffeted by the unprecedented circulation of people, goods, messages, images, ideas, and cultural products, the nation-state is said to have progressively lost its ability to ‘cage’ (Mann, 1993, p. 61), frame, and govern social, economic, cultural, and political life. It is said to have lost its ability to control its borders, regulate its economy, shape its culture, address a variety of border-spanning problems, and engage the hearts and minds of its citizens. I believe this thesis is greatly overstated, and not just because the September 11 attacks have prompted an aggressively resurgent statism.5 Even the European Union, central to a good deal of writing on post-nationalism, does not represent a linear or unambiguous move ‘beyond the nation-state’. As Milward (1992) has argued, the initially limited moves toward supranational authority in Europe worked—and were intended—to restore and strengthen the authority of the nation-state. And the massive reconfiguration of political space along national lines in Central and Eastern Europe at the end of the Cold War suggests that far from moving beyond the nation-state, large parts of Europe were moving back to the nation-state.6 The ‘short twentieth century’ concluded much as it had begun, with Central and Eastern Europe entering not a post-national but a post-multinational era through the large-scale nationalization of previously multinational political space. Certainly nationhood remains the universal formula for legitimating statehood. ¶ Can one speak of an ‘unprecedented porosity’ of borders, as one recent book has put it (Sheffer, 2003, p. 22)? In some respects, perhaps; but in other respects—especially with regard to the movement of people—social technologies of border control have continued to develop. One cannot speak of a generalized loss of control by states over their borders; in fact, during the last century, the opposite trend has prevailed, as states have deployed increasingly sophisticated technologies of identification, surveillance, and control, from passports and visas through integrated databases and biometric devices. The world’s poor who seek to better their estate through international migration face a tighter mesh of state regulation than they did a century ago (Hirst and Thompson, 1999, pp. 30–1, 267). Is migration today unprecedented in volume and velocity, as is often asserted? Actually, it is not: on a per capita basis, the overseas flows of a century ago to the United States were considerably larger than those of recent decades, while global migration flows are today ‘on balance slightly less intensive’ than those of the later nineteenth and early twentieth century (Held et al., 1999, p. 326). Do migrants today sustain ties with their countries of origin? Of course they do; but they managed to do so without e-mail and inexpensive telephone connections a century ago, and it is not clear—contrary to what theorists of post-nationalism suggest—that the manner in which they do so today represents a basic transcendence of the nation-state.7 Has a globalizing capitalism reduced the capacity of the state to regulate the economy? Undoubtedly. Yet in other domains—such as the regulation of what had previously been considered private behavior—the regulatory grip of the state has become tighter rather than looser (Mann, 1997, pp. 491–2).¶ The methodological critique is that the social sciences have long suffered from ‘methodological nationalism’ (Centre for the Study of Global Governance, 2002; Wimmer and Glick-Schiller, 2002)—the tendency to take the ‘nation-state’ as equivalent to ‘society’, and to focus on internal structures and processes at the expense of global or otherwise border-transcending processes and structures. There is obviously a good deal of truth in this critique, even if it tends to be overstated, and neglects the work that some historians and social scientists have long been doing on border-spanning flows and networks.¶ But what follows from this critique? If it serves to encourage the study of social processes organized on multiple levels in addition to the level of the nation-state, so much the better. But if the methodological critique is coupled— as it often is—with the empirical claim about the diminishing relevance of the nation-state, and if it serves therefore to channel attention away from state-level processes and structures, there is a risk that academic fashion will lead us to neglect what remains, for better or worse, a fundamental level of organization and fundamental locus of power.¶ The normative critique of the nation-state comes from two directions. From above, the cosmopolitan argument is that humanity as a whole, not the nation- state, should define the primary horizon of our moral imagination and political engagement (Nussbaum, 1996). From below, muticulturalism and identity politics celebrate group identities and privilege them over wider, more encompassing affiliations.¶ One can distinguish stronger and weaker versions of the cosmopolitan argument. The strong cosmopolitan argument is that there is no good reason to privilege the nation-state as a focus of solidarity, a domain of mutual responsibility, and a locus of citizenship.8 The nation-state is a morally arbitrary community, since membership in it is determined, for the most part, by the lottery of birth, by morally arbitrary facts of birthplace or parentage. The weaker version of the cosmopolitan argument is that the boundaries of the nation-state should not set limits to our moral responsibility and political commitments. It is hard to disagree with this point. No matter how open and ‘joinable’ a nation is—a point to which I will return below—it is always imagined, as Benedict Anderson (1991) observed, as a limited community. It is intrinsically parochial and irredeemably particular. Even the most adamant critics of universalism will surely agree that those beyond the boundaries of the nation-state have some claim, as fellow human beings, on our moral imagination, our political energy, even perhaps our economic resources.9¶ The second strand of the normative critique of the nation-state—the multiculturalist critique—itself takes various forms. Some criticize the nation-state for a homogenizing logic that inexorably suppresses cultural differences. Others claim that most putative nation-states (including the United States) are not in fact nation-states at all, but multinational states whose citizens may share a common loyalty to the state, but not a common national identity (Kymlicka, 1995, p. 11). But the main challenge to the nation-state from multiculturalism and identity politics comes less from specific arguments than from a general disposition to cultivate and celebrate group identities and loyalties at the expense of state-wide identities and loyalties.¶ In the face of this twofold cosmopolitan and multiculturalist critique, I would like to sketch a qualified defense of nationalism and patriotism in the contemporary American context.10 Observers have long noted the Janus-faced character of nationalism and patriotism, and I am well aware of their dark side. As someone who has studied nationalism in Eastern Europe, I am perhaps especially aware of that dark side, and I am aware that nationalism and patriotism have a dark side not only there but here. Yet the prevailing anti-national, post-national, and trans-national stances in the social sciences and humanities risk obscuring the good reasons—at least in the American context—for cultivating solidarity, mutual responsibility, and citizenship at the level of the nation-state. Some of those who defend patriotism do so by distinguishing it from nationalism.11 I do not want to take this tack, for I think that attempts to distinguish good patriotism from bad nationalism neglect the intrinsic ambivalence and polymorphism of both. Patriotism and nationalism are not things with fixed natures; **they are highly flexible political languages, ways of framing political arguments** by appealing to the patria, the fatherland, the country, the nation. These terms have somewhat different connotations and resonances, and the political languages of patriotism and nationalism are therefore not fully overlapping. But they do overlap a great deal, and an enormous variety of work can be done with both languages. I therefore want to consider them together here.¶ I want to suggest that patriotism and nationalism can be valuable in four respects. They can help develop more robust forms of citizenship, provide support for redistributive social policies, foster the integration of immigrants, and even serve as a check on the development of an aggressively unilateralist foreign policy.¶ First, nationalism and patriotism can motivate and sustain civic engagement. It is sometimes argued that liberal democratic states need committed and active citizens, and therefore need patriotism to generate and motivate such citizens. This argument shares the general weakness of functionalist arguments about what states or societies allegedly ‘need’; in fact, liberal democratic states seem to be able to muddle through with largely passive and uncommitted citizenries. But the argument need not be cast in functionalist form. A committed and engaged citizenry may not be necessary, but that does not make it any less desirable. And patriotism can help nourish civic engagement. It can help generate feelings of solidarity and mutual responsibility across the boundaries of identity groups. As Benedict Anderson (1991, p. 7) put it, the nation is conceived as a ‘deep horizontal comradeship’. Identification with fellow members of this imagined community can nourish the sense that their problems are on some level my problems, for which I have a special responsibility.12¶ Patriotic identification with one’s country—the feeling that this is my country, and my government—can help ground a sense of responsibility for, rather than disengagement from, actions taken by the national government. A feeling of responsibility for such actions does not, of course, imply agreement with them; **it may** even **generate powerful emotions such as shame, outrage, and anger that underlie and motivate opposition to government policies**. Patriotic **commitments** are likely to **intensify** rather than attenuate **such emotions**. As Richard Rorty (1994) observed, ‘you can feel shame over your country’s behavior only to the extent to which you feel it is your country’.13 Patriotic commitments can furnish the energies and passions that **motivate and sustain civic engagement**.

# 1NR

## Links Asthetics

#### THE AFFIRMATIVE ASSUMES A DICHOTOMY BETWEEN RATIONALISM AND CREATIVITY, BETWEEN THE BORING AND THE INNOVATIVE, THE REPETITIVE AND THE NEW. THESE DICHOTOMIES RELY ON A THOROUGHLY ANTHROPOCENTRIC MODEL OF CREATIVITY THAT LOCATES ARTISTIC PRACTICE IN THE INDIVIDUAL’S DISCOVERY AND MASTERY OF THE CREATIVE SPIRIT. THIS MASKS THE WAY THAT CREATIVITY EMERGES IN THE NETWORK OF COLONIALIST HUMANISM AND REJECTS LOCAL DISCURSIVE PRACTICES OF REPETITION AND MIMESIS.

**Pennycook 2010** Alastair**,** Language as a local practice, 39-41, google books

While Shonibare may develop this practice of reference and repetition further than other artists, there is nothing so new about the constant cross- referencing of artistic work. And yet, **the cultural and intellectual pathway that has led to a vision of both artistic creativity and language use as a process of originary production, newness and difference, has a powerful and influential lineage**. Mapping different eras of creativity, Kearney (1988) shows how **early theocentric art, where the image was not so much the creative product of an artist but rather the inspiration of God, was gradually replaced in European culture by the anthropocentric or humanist concept of the artist as individual creator: “The modern movements of Renaissance, Romantic and Existentialist humanism replaced this theocentric paradigm of the mimetic craftsman with the anthropocentric paradigm of the original inventor.** **Whether drawing from the scientific idiom of experimenter, the colonial idiom of explorer or the technological idiom of industrial engineer, the modern aesthetic promotes the idea of the artist as one who not only emulates but actually replaces God"** (p. 12). **Of central importance here are the cultural and historical particularity of this orientation towards the individual as inspired creator, as well as the substitution of the idea of the mimetic creator by this new vision of anthropocentric creativity.** As Shusterman (2000) makes clear, **this romantic “cult of genius" insisted on the individual as source and inspiration for creative endeavour, works of art being deemed to be manifestations of unique personalities. This notion of the creative artist simultaneously ignored the fact that “artists have always borrowed from each other’s works”, positing a "sharp distinction between original creation and derivative borrowing"** (p. 64). **ln the shift from the mimetic to the anthropocentric, therefore, the roles of copying. mimesis and external inspiration were discarded as antithetical to the creative genius. Although a line is sometimes drawn between art and science, between the creative genius and the technician, the romantic notion of the individual, creative artist cannot be dissociated from other modernist movements of science, colonialism and technology. The iconic image of creativity born from the lonely struggles and tortured soul of the isolated artist should not there- fore be juxtaposed with an image of industrial sameness (as romantic artists would have us believe), but rather should be seen as part of a broader cultural and philosophical movement that posited creativity as the product of individual difference, whether as artistic endeavour, scientific discovery, geographical exploration or technological invention**. **Underlying these different domains is not so much a polarity between art and science, originality and technology, but instead a common cultural orientation towards creativity**. Rather than dwelling on that almost parodic figure of the lonely artist as the epitome of modernist images of creativity, it is therefore useful to view such artists as the extreme of a more fundamental conception of what constitutes creativity. It came to lie not only in the creative artist, but more broadly in the distinctively individual efforts of particular genius. While the new was thus deemed to be the creation of difference by the ellorts of the individual, language studies struggled with a central tension between the individual and language as system. The rise of structuralist thinking in linguistics and other social sciences in the twentieth century emphasized structure over agency, drawing attention away from the individuality of performance, towards the individuals internalization of systematicity that makes creativity possible. As it developed as a special kind of colonial encounter (Errington, 2008), linguistics, like other European projects of global scientific endeavour, sought “to scientifically taxonomise all aspects of difference - an idea that had great intellectual currency at the time" (Nakata. 2007, p. 32). By doing so. linguistics rendered difference as epiphenomenal variegation, with language users, culture and history peripheral to the assumed similarity at the heart of humanity. Chomsky’s inspired rejection of the narrow confines of behaviourism and structuralism. particularly the work of Bloomlield and Skinner, led to a search for creativity - creative construction as Dulay, Burt and Krashen (1982) called it in the context of emergent second language grammars - in the ability to generate grammatical sentences from insuflicient data. From Chomsky’s point of view. the central goal of linguistics was to discover “the rich systems of invariant structures and principles that underlie the most ordinary and humble of human accomplishments" (Chomsky, 1971, p. 46). Structuralism focused on structure, competence and internal processing as the cornerstone of language use, while struggling to account for agency and variation (bracketed away as performance, sociolinguistics and pragmatics). **This view nevertheless shared a set of assumptions with a humanist conception of creativity. Underlying the human condition and its particular feature, language, is a commonality, whether humanist or universalist, that rests on a shared sameness. The structuralist-humanist position takes a strong stance against mimiery or repetition as significant for learning or creativity. especially through the rejection of what were seen as behaviourisms mimetic obsessions.**

## Links Burnour

#### THE AESTHETICS OF INDIVIDUAL SELF-CREATION ARE ROOTED IN THE ANTHROPOCENTRIC CONCEPT OF INVENTION.

**Bredella, 94** Lothar,Ph.D.  (University of Frankfurt). Chair of the "Graduiertenkolleg Didaktik des Fremdverstehens", an interdisciplinary post graduate program dedicated to the research in the area of intercultural understanding and learning, @ U of Giessen, Germany, Research in English and American Language, Yearbook, vol 10, 195-196

In his book The Ethics of Authenticity, Charles Taylor distinguishes between an aspect of authenticity (a) which “involves creation and construction as well as discovery, (ii) originality, and frequently (iii) op- position to the rules of society and even potentially to what we recognize as morality” and an aspect of authenticity that “requires openness to horizons of significance (for otherwise the creation loses the back- ground that can save it from insignificance) and (ii) a self-definition in dialogue.”“° The postmodern aesthetics of self-creation comes close to what Taylor calls aspect “a,” which attempts “to delegitimate horizons of significance, as we see with Derrida, Foucault, and their followers” and puts emphasis on “the constructive creative nature of our expressive languages” while it ignores the “dialogical setting which binds us to others (Authenticity 66-67). This belief in radical self-determination and power leads to an extreme anthropocentrism which deconstructs horizons of significance because the ironist “wants to be able to sum up his life in his own terms.” Such a radical anthropocentrism which cannot recognize what it has not created, as Taylor points out, creates a dilemma: It promises to redeem us from contingency and to heighten our sense of importance, but “by abolishing all horizons of significance, threatens us with a loss of meaning and hence of a trivialization of our predicament” (Authenticity 68).

## Impact

Kochi

(Diamond, 2006**). Such violence justified by an erroneous view of ‘race’ is in many ways merely an extension of an underlying attitude of speciesism involving a long history of killing and enslavement of non-human species by humans.** **Such a connection between the two histories of inter-human violence (via the mythical notion of differing human ‘races’) and interspecies violence, is well expressed** in Isaac Bashevis Singer’s comment that **whereas humans consider themselves “the crown of creation”, for animals “all people are Nazis” and animal life is “an eternal Treblinka”** (Singer, 1968, p.750).

## Turns Case

### AGAMBEN – BEAR LIFE LINK/alt is pre-req

#### AGAMBEN’S ARGUMENT PROVES THE POINT THAT WE NEED A FOCUS ON ANTHROPOCENTRISM TO ADDRESS THE ANALYTIC OF BARE LIFE –INSTEAD, AGAMBEN ONLY REPLICATES THE ANTHROPOCENTRISM AT THE CORE OF HUMANISM.

CALARCO 2K6

[Jamming the Anthropological Machine, Matthew, google]

And yet, as his work has shifted to the task of thinking through the links tying sovereignty, law, and the State to the isolation of bare life within human beings, the question of the animal has begun increasingly to impose itself on Agamben’s thought from within. Thus, in the first volume of Homo Sacer we find the logic of the sovereign ban illustrated with the literary motif of the werewolf, a being that is neither human nor animal but rather situated at the margins of the human and the animal, and thus marking the constitutive outside of sovereign protection; and in the third volume of Homo Sacer, Remnants of Auschwitz, we are confronted with the image of the “Muselmann” (the singular human being at stake in Agamben’s post-Auschwitz ethics) who wanders through the Nazi concentration camps like a “stray dog,” simultaneously captured inside and outside the force of law. Although these texts fall far short of providing a full analysis of the place of animals within biopolitics, or the functioning of the human-animal distinction within the logic of sovereignty, the necessity for developing such an account is surely recognized here.

### K TURNS RACE

#### ONLY THE ALT’S CHALLENGE OF THE HUMAN ANIMAL DIVIDE SPEEKS TO THE AXIOLOGICAL ROOTS OF RACISM. ONLY THE ALT IS BOTH NECESSARY AND SUFFICIENT TO SOLVE THE PROXIMATE CAUSES OF RACISM SOME OF WHICH THE 1AC EMBRACES.

Deckha 2k10

[Maneesha, faculty of law, university of Victoria, “it’s time to abandon the idea of human rights”, the scavenger, dec. 10]

While the intersection of race and gender is often acknowledged in understanding the etiology of justificatory narratives for war, the presence of species distinctions and the importance of the subhuman are less appreciated. Yet, the race (and gender) thinking that animates Razack’s argument in normalizing violence for detainees (and others) is also centrally sustained by the subhuman figure. As Charles Patterson notes with respect to multiple forms of exploitation: Throughout the history of our ascent to dominance as the master species, our victimization of animals has served as the model and foundation for our victimization of each other. The study of human history reveals the pattern: first, humans exploit and slaughter animals; then, they treat other people like animas and do the same to them. Patterson emphasizes how the human/animal hierarchy and our ideas about animals and animality are foundational for intra-human hierarchies and the violence they promote. The routine violence against beings designated subhuman serves as both a justification and blueprint for violence against humans. For example, in discussing the specific dynamics of the Nazi camps, Patterson further notes how techniques to make the killing of detainees resemble the slaughter of animals were deliberately implemented in order to make the killing seem more palatable and benign. That the detainees were made naked and kept crowded in the gas chambers facilitated their animalization and, in turn, their death at the hands of other humans who were already culturally familiar and comfortable with killing animals in this way. Returning to Razack’s exposition of race thinking in contemporary camps, one can see how subhuman thinking is foundational to race thinking. One of her primary arguments is that race thinking, which she defines as “the denial of a common bond of humanity between people of European descent and those who are not”, is “a defining feature of the world order” today as in the past. In other words, it is the “species thinking” that helps to create the racial demarcation. As Razack notes with respect to the specific logic infusing the camps, they “are not simply contemporary excesses born of the west’s current quest for security, but instead represent a more ominous, permanent arrangement of who is and is not a part of the human community”. Once placed outside the “human” zone by race thinking, the detainees may be handled lawlessly and thus with violence that is legitimated at all times. Racialization is not enough and does not complete their Othering experience. Rather, they must be dehumanized for the larger public to accept the violence against them and the increasing “culture of exception” which sustains these human bodily exclusions. Although nonhumans are not the focus of Razack’s work, the centrality of the subhuman to the logic of the camps and racial and sexual violence contained therein is also clearly illustrated in her specific examples. In the course of her analysis, to determine the import of race thinking in enabling violence, Razack quotes a newspaper story that describes the background mentality of Private Lynndie England, the white female soldier made notorious by images of her holding onto imprisoned and naked Iraqi men with a leash around their necks. The story itself quotes a resident from England’s hometown who says the following about the sensibilities of individuals from their town: To the country boys here, if you’re a different nationality, a different race, you’re sub-human. That’s the way that girls like Lynndie England are raised. Tormenting Iraqis, in her mind, would be no different from shooting a turkey. Every season here you’re hunting something. Over there they’re hunting Iraqis. Razack extracts this quote to illustrate how “race overdetermined what went on”, but it may also be observed that species “overdetermined what went on”. Race has a formative function, to be sure, but it works in conjunction with species difference to enable the violence at Abu Ghraib and other camps. Dehumanization promotes racialization, which further entrenches both identities. It is an intertwined logic of race, sex, culture and species that lays the foundation for the violence.

### K TURNS GENDER

#### The subordination of animals provides the foundation for the violent institutionalization of sexism

Charles Patterson. 2002. Eternal Treblinka: Our Treatment of Animals and the Holocaust. P 12- 13

Karl Jacoby writes that it seems "more than coincidental that the region that yields the first evidence of agriculture, the Middle East, is the same one that yields the first evidence of slavery." Indeed, in the ancient Near East, he writes, slavery was "little more than the extension of domestication to humans.''" Most studies of human slavery have railed to emphasize how the enslavement of animals served as the model and inspiration for the enslavement of humans, but there have been notable exceptions.40 Elizabeth Fisher believes that the sexual subjugation of women, as practiced in all the known civilizations of the world, was modeled after the domestication of animals. "The domestication of women followed the initiation of animal keeping," she writes, "and it was then that men began to control women's reproductive capacity, enforcing chastity and sexual repression."41 Fisher maintains that it was the vertical, hierarchical positioning of human master over animal slave that intensified human cruelty and laid the foundation for human slavery. The violation of animals expedited the violation of human beings. In taking them in and feeding them, humans first made friends with animals and then killed them. To do so, they had to kill some sensitivity in themselves. When they began manipulating the reproduction of animals, they were even more personally involved in practices which led to cruelty, guilt, and subsequent numbness. The keeping of animals would seem to have set a model for the enslavement of humans, in particular the large-scale exploitation of women captives for breeding and labor. 42

## Alt Solves

### 2nc alt extension/at: extincton bad

#### extend our alternative: reject the affirmative’s human survival ethic.

#### the paradigm of human survival entails a notion of the good life and with that the negation of that good life, in the unqualified bare, incommunicable life. this political subjectivity is an effect of the survival paradigm the alternative rejects. THAT’S THE 1NC KOCHI AND ORDAN EVIDENCE.

#### THIS ABANDONMENT OF THE HUMAN SURVIVAL ETHIC ENABLES A TRANSFORMATIVE THINKING TOWARDS IDENTITY OUTSIDE OF THE SPECIES. only a total abandonment of the privledged speciest notion of human cultural survival can we reach an understand of species-being. that entails a radical rejection of a politcal or ethical framework which is built upon a fundemental exclusion of the Incommunicable form of the nonhuman. THAT’S THE 1NC HUDSON EVIDENCE

Finish Hudson

, a breakdown of the distinction between the two both within ourselves and in nature in general. Bare life would then represent not only expulsion from the law but the possibility of its overcoming. Positioned in the zone of indistinction, no longer a subject of the law but still subjected to it through absence, what we equivocally call “the human” in general becomes virtually indistinguishable from the animal or nature. But through this expulsion and absence, we may see not only the law but the system of capitalism that shapes it from a position no longer blinded or captivated by its spell. The structure of the law is revealed as always suspect in the false division between natural and political life, which are never truly separable. Though clearly the situation is not yet as dire as Agamben’s invocation of the Holocaust suggests, we are all, as citizens, under the threat of the state of exception. With the decline of the nation as a form of social organization, the whittling away of civil liberties and, with them, the state’s promise of “the good life” (or “the good death”) even in the most developed nations, with the weakening of labor as the bearer of resistance to exploitation, how are we to envision the future of politics and society?

### 2NC ALT SOLVENCY

#### THEY SAY THE ALT WILL REPLICATE THE VIOLENCE OF THE HUMANIST PARADIGM AND INSTEAD WE SHOULD PRACTICE HARM MINIMIZATION. THIS IGNORES THAT THE PRESERVATION OF THE HUMAN FORM MAKES THE INIFNITE SUBJUGATION OF THE INCOMMUNICABLE FORM INEVITABLE. ONLY THE ALTERNATIVE OF REJECTING THEIR DESIRE FOR HUMAN-SPECIES SURVIVAL SOLVES THE QUESTION OF ETHICAL COMPLICITY.

KOCHI & ORDAN 2K8

[tarik and noam, queen’s university and bar llan university, “an argument for the global suicide of humanity”, vol 7. no. 4., bourderlands e-journal]

How might such a standpoint of dialectical, utopian anti-humanism reconfigure a notion of action which does not simply repeat in another way the modern humanist infliction of violence, as exemplified by the plan of Hawking, or fall prey to institutional and systemic complicity in speciesist violence? While this question goes beyond what it is possible to outline in this paper, we contend that the thought experiment of global suicide helps to locate this question – the question of modern action itself – as residing at the heart of the modern environmental problem. In a sense perhaps the only way to understand what is at stake in ethical action which responds to the natural environment is to come to terms with the logical consequences of ethical action itself. The point operates then not as the end, but as the starting point of a standpoint which attempts to reconfigure our notions of action, life-value, and harm. For some, guided by the pressure of moral conscience or by a practice of harm minimisation, the appropriate response to historical and contemporary environmental destruction is that of action guided by abstention. For example, one way of reacting to mundane, everyday complicity is the attempt to abstain or opt-out of certain aspects of modern, industrial society: to not eat non-human animals, to invest ethically, to buy organic produce, to not use cars and buses, to live in an environmentally conscious commune. Ranging from small personal decisions to the establishment of parallel economies (think of organic and fair trade products as an attempt to set up a quasi-parallel economy), a typical modern form of action is that of a refusal to be complicit in human practices that are violent and destructive. Again, however, at a practical level, to what extent are such acts of non- participation rendered banal by their complicity in other actions? In a grand register of violence and harm the individual who abstains from eating non-human animals but still uses the bus or an airplane or electricity has only opted out of some harm causing practices and remains fully complicit with others. One response, however, which bypasses the problem of complicity and the banality of action is to take the non-participation solution to its most extreme level. In this instance, the only way to truly be non-complicit in the violence of the human heritage would be to opt-out altogether. Here, then, the modern discourse of reflection, responsibility and action runs to its logical conclusion – the global suicide of humanity – as a free-willed and ‘final solution’.