## 1NC

### T

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

Words and Phrases 64 (Permanent Edition)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resource constraints can also fuel innovative team performance directly. In the spirit of the proverb "necessity is the mother of invention," [end page 15] teams may produce better results because of resource constraints. Cognitive psychology provides experimental support for the "less is more" hypothesis. For example, scholars in creative cognition find in laboratory tests that subjects are most innovative when given fewer rather than more resources for solving a problem.

The reason seems to be that the human mind is most productive when restricted. Limited—or better focused—by specific rules and constraints, we are more likely to recognize an unexpected idea. Suppose, for example, that we need to put dinner on the table for unexpected guests arriving later that day. The main constraints here are the ingredients available and how much time is left. One way to solve this problem is to think of a familiar recipe and then head off to the supermarket for the extra ingredients. Alternatively, we may start by looking in the refrigerator and cupboard to see what is already there, then allowing ourselves to devise innovative ways of combining subsets of these ingredients. Many cooks attest that the latter option, while riskier, often leads to more creative and better appreciated dinners. In fact, it is the option invariably preferred by professional chefs.

The heightened innovativeness of such "constraints-driven" solutions comes from team members' tendencies, under the circumstances, to look for alternatives beyond "how things are normally done," write C. Page Moreau and Darren W. Dahl in a 2005 Journal of Consumer Research article. Would-be innovators facing constraints are more likely to find creative analogies and combinations that would otherwise be hidden under a glut of resources.

#### A limited topic of discussion is key to equitable ground—even if their position is contestable that’s distinct from it being valuably debatable—this still provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact—T debates also solve any possible turn

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

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

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

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

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

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

### K

#### Heideggerian theories of technology are determinist and essentialist—in their paradigm technology automatically causes disaster. The terminology of “enframing” and “standing reserve” makes us incapable of deciding the merits of particular technologies.

Andrew **FEENBERG** Philosophy @ San Diego State **‘2K** in *Technology and the Good Life?* Eds. Eric Higgs, Andrew Light and David Strong p. 294-297 **Footnotes Inserted**

What Heidegger called "the question of technology" has a peculiar status in the academy today. After World War II, the humanities and social sciences were swept by a wave of technological determinism. If technology was not praised for modernizing us, it was blamed for the crisis of our culture. Whether interpreted in optimistic or pessimistic terms, determin- ism appeared to offer a fundamental account of modernity as a unified phenomenon. This approach has now been largely abandoned for a view that admits the possibility of significant "difference," i.e., cultural variety in the reception and appropriation of modernity Yet the breakdown of determinism has not led to quite the flowering of research in philosophy of technology one might hope for. On the one hand, mainstream philosophy, which was never happy with the intrusion of technological themes, sticks happily to its traditional indif- ference to the material world. Where the old determinism overestimated the independent impact of artifactual on social reality, the new social-scientific approaches appear to have so disaggregated the question of technology as to deprive it of philosophical significance. It has become matter for specialized research. 1 And for this very reason, most professional philosophers now feel safe in ignoring technology altogether, except of course when they turn the key in the ignition. On the other hand, those few philosophers, notably Albert Borgmann, who continue the earlier interrogation of technology have hesitated to assimilate the advances of the new technology studies. They remain faithful to the determinist premises of an earlier generation of founders of the field, such as Ellul, Heidegger, and the Frankfurt School. For these thinkers modernity continues to be characterized by a unique form of technical action and thought that threatens nontechnical values as it extends itself ever deeper into social life. They argue that technology is not neutral. The tools we use shape our way of life in modern societies where technique has become all-pervasive. The results of this process are disastrous: the triumph of technological thinking, the domination of nature, and the shattering of community. On this account, modernity is fundamentally flawed. While the problems identified in this tradition are undoubtedly real, these theories fail to discriminate different realizations of technical princi- ples relevant to the alternatives we confront. As a result, technology rigidifies into destiny and the prospects for reform are narrowed to adjustments on the boundaries of the technical sphere. It is precisely this essentialist reading of the nature of technology that recent social-scientific investigations refute without, however, relating their non essentialist conception of technology to the original problematic of modernity that preoccupies the philosophers.2 Here I attempt to preserve the philosophers' advance toward the integration of technical themes to a theory of modernity without losing the conceptual space opened by social science for imagining a radically different techno- logical future. I now begin to present my argument with a brief reminder of Heidegger's approach. HEIDEGGER Heidegger is no doubt the most influential philosopher of technology in this century. Of course he is many other things besides, but it is undeniable that his history of being culminates in the technological enframing. His ambition was to explain the modern world philosophically, to renew the power of reflection for our time. This project was worked out in the midst of the vast technological revolution that transformed the old European civilization, with its rural and religious roots, into a mass urban industrial order based on science and technology. Heidegger was acutely aware of this transformation, which was the theme of intense philosophical and political discussion in the Germany of the 1920s and 1930s (Sluga 1993). At first he sought the political significance of "the encounter between global technology and modern man." The results were disastrous and he went on to purely philosophical reflection on the question of technology (Heidegger 1959, 166).

Heidegger claims that technology is relentlessly overtaking us (Heideg- ger 1977a). It is transforming the earth into mere raw materials, which he calls "standing reserves." We ourselves are now incorporated into the mechanism, mobilized as objects of technique. Modern technology is based on methodical planning that itself presupposes the "enframing" of being, its conceptual and experiential reduction to a manipulable vestige of itself. He illustrates his theory with the contrast between a silver chalice made by a Greek craftsman and a modern dam on the Rhine (Heidegger 1977a). The craftsman gathers the elements-form, matter, finality-and thereby brings out the "truth" of his materials. Modern technology "de- worlds" its materials and "summons" nature to submit to extrinsic demands. Technology thus violates both humanity and nature at a far deeper level than war and environmental destruction. Instead of a world of authentic things capable of gathering a rich variety of contexts and meanings, we are left with an "objectless" heap of functions. Translated out of Heidegger's ontological language, this seems to mean that technology is a cultural form through which everything in the modern world becomes available for control. This form leaves nothing untouched: even the homes of Heidegger's beloved Black Forest peasants are equipped with TV antennas. The functionalization of man and society is thus a destiny from which there is no escape. Heidegger calls for resignation and passivity rather than an active program of reform that, in his view would simply constitute a further extension of modern technology. As Heidegger explained in his last interview, "Only a god can save us" from the juggernaut of progress (Heidegger 1977b). Although Heidegger means his critique to cut deeper than any social or historical fact about our times, it is by no means irrelevant to a modern world armed with nuclear weapons and controlled by vast technology- based organizations. These latter in particular illustrate the basic concepts of the critique with striking clarity. Alain Gras explores the inexorable growth of such macrosystems as the electric power and airline industries (Gras 1993). As they apply ever more powerful technologies, gain control over more and more of their environment, and plan ever further into the future, they effectively escape human control and indeed human purpose. Macrosystems take on what Thomas Hughes calls momentum, a quasi- deterministic power to perpetuate themselves and to force other institutions to conform to their requirements (Hughes 1989). Heidegger's basic claim that we are caught in the grip of our own techniques is thus all too believable. Increasingly, we lose sight of what is sacrificed in the mobilization of human beings and resources for goals that remain ultimately obscure. So far so good. But there are significant ambiguities in Heidegger's approach. He warns us that the essence of technology is nothing technological; that is to say, technology cannot be understood through its usefulness, but only through our specifically technological engagement with the world. But is that engagement merely an attitude or is it embedded in the actual design of modern technological devices? In the former case, we could achieve the "free relation" to tech- nology that Heidegger demands without changing technology itself. But that is an idealistic solution in the bad sense, and one that a generation of environmental action would seem decisively to refute. Heidegger's defenders point out that his critique of technology is not concerned merely with human attitudes but also with the way being reveals itself. Again roughly translated out of Heidegger's language, this means that the modern world has a technological form in something like the way in which, for example, the medieval world had a religious form. Form in this sense is no mere question of attitude but takes on a material life of its own: power plants are the gothic cathedrals of our time. But this interpretation of Heidegger's thought raises the expectation that criteria for a reform of technology qua device might be found in his critique. For example, his analysis of the tendency of modern technology to accumulate and store up nature's powers suggests the superiority of another technology that would not challenge nature in Promethean fashion. Unfortunately, Heidegger's argument is developed at such a high level of abstraction he literally cannot discriminate between electricity and atom bombs, agricultural techniques and the Holocaust. [insert foonote 3] 3. In a 1949 lecture, Heidegger explained: "Agriculture is now the mechanized food industry, in essence the same as the manufacturing of corpses in gas chambers and extermination camps, the same as the blockade and starvation of nations, the same as the production of hydrogen bombs" (quoted in Rockmore 1992, 241). All are merely different expressions of the identical enframing, which we are called to transcend through the recovery of a deeper relation to being. And since he rejects technical regression while leaving no room for a better technological future, it is difficult to see in what that relation would consist beyond a mere change of attitude. Surely these ambiguities indicate problems in his approach.4 [insert footnote 4] 4. I would of course be willing to revise this view if shown how Heidegger actually envisages technological change. What I have heard from his defenders is principally waffling on the attitude/device ambiguity described here. Yes, Heidegger envisages change in "technological thinking," but how is this change supposed to affect the design of actual devices? The lack of an answer to this question leaves me in some doubt as to the supposed relevance of Heidegger's work to ecology. One enthusiastic defender informed me that art and technique would merge anew in a Heideggerian future, but was unable to cite a text. That would indeed historicize Heidegger's theory, but in away resembling Marcuse's position in An Essay on Liberation (1969) with its eschatological concept of an aesthetic revolution in technology. It is not clear how the case for Heidegger is fundamentally improved by this shift, which would not make much difference to the substantive arguments presented here. For an interesting defense of Heidegger's theory of technology that eschews mystification, see Dreyfus 1995.

#### Their claim that *modern* technology destroys meaning/being denies difference within the technical sphere. Different societies, cultures, and individuals use and mean different things with different *techniques*.

Andrew **FEENBERG** Philosophy @ San Diego State **‘2K** in *Technology and the Good Life?* Eds. Eric Higgs, Andrew Light and David Strong p. 298-300

However, Borgmann's approach suffers from both the ambiguity of Heidegger's original theory and the limitations of Habermas's. We can- not tell for sure if he is merely, denouncing the modern attitude toward technology or technological design, and in the latter case, his critique is so broad it offers no criteria for the constructive reform of technology itself He would probably agree with Habermas's critique of the colonization of the lifeworid, although he improves on that account by discussing the all-important role of technology in modern social pathologies. But like Habermas, he lacks a concrete sense of the intricate connections of technology and culture beyond the few essential attributes on which his critique focuses. Since those attributes have largely negative consequences, we get no sense from the critique of the many ways in which the pursuit of meaning is **intertwined with technology**. And as a result, Borgmann imagines no significant restructuring of modern society around culturally distinctive technical alternatives that might preserve and enhance meaning.

But how persuasive is this objection to Borgmann's approach? After all, neither Russian nor Chinese communism, neither Islamic fundamentalism nor so-called Asian values have inspired a fundamentally distinctive stock of devices. Why not just reify the concept of technology and treat it as a singular essence? The problem with that is the existence of smaller but still significant differences that may become more important in the future rather than less so as essentialists assume. What is more, those differences often concern precisely the issues identified by Borgmann as **central to a humane life**. They determine the nature of community, education, medical care, work, our relation to the natural environment, the functions of devices such as computers and automobiles, in ways either favorable or unfavorable to the preservation of meaning and focal things. Any theory of the essence of technology that forecloses the future therefore begs the question of difference in the technical sphere.

#### Their kritik of technology is fascist—because it’s an ahistorical and anti-humanist theory of the origins of technology it’s *inherently* anti-democratic.

Tom **ROCKMORE** Philosophy @ Duquesne **’95** in *Technology and the Politics of Knowledge* eds. Andrew Feenburg and Alastair Hannay p. 141-143 **[gender paraphrased]**

In his attention to technology as the prolongation of metaphysics by other means, Heidegger fails to understand the way in which technology is embedded in modern social and historical contexts. On the one hand, his approach to technology through the problem of metaphysics sees technology not as an end in itself but as a means to a further end, in this case as part of his effort to destroy the history of metaphysics. But the terms metaphysics and ontology are not univocal. They have been understood in different ways in the history of the philosophical tradition. Aristotle, who is usual!y regarded as the father of metaphysics, did not use that term, which was only later applied to his writing. But he did speak of the science of being as being. Now it is clear why Heidegger draws a connection between metaphysics and technology. For meta­physics is connected to representational thinking, to what he elsewhere calls a world picture, in short to a two‑worlds ontology which begins in Plato. Technology, as he understands it, presupposes dualism of this kind since its **essence lies in enframing**. This explanation of how Heidegger arrives at his view of technology as an offshoot of metaphysics ought not to conceal the basically abstract, and therefore fundamen­tally incomplete, nature of his view. Whatever else it is, technology is not called into being through the problem of metaphysics. Heidegger's occasional suggestion that it is Being which lurks behind and affects technology is evidently mythological. For it is clear that technology, including modern technology, was called into being by human beings confronted with specific tasks arising within a specific social and historical mi­lieu. There is no indication in "The Question Concerning Technology" or in Heideg­ger's other writings that he has a real comprehension of the nature of society or of its historical evolution. In Being and Time, where he was clearly under the influence of Kierkegaard, his understanding of the social as being‑with was mainly negative, de­picted as an inauthentic mode of life which one must leave behind. In later writings, there is no evidence that he has made progress in comprehending the social context. In this respect, he is clearly surpassed by Sartre, his most important French student. In his later writings, Sartre went beyond the abstract analysis he presented in Being and Nothingness to offer a concrete analysis of society in terms of such concepts as prac­tice and lack. Heidegger did not have a theory of society and, hence, cannot integrate his view of technology into a wider understanding of the social context. As a result, his theory of technology fails on at least two counts. First, he simply is unable to grasp the origins of technology from a historical perspective, which in turn leads him to attribute these origins to an extension of metaphysics. Second, he is unable to comprehend the social role of technology, which he also attributes to Being. It is clear that technology arose to satisfy human needs and desires. But Heidegger, who scrutinizes technology only within the context of his deeper concern with metaphysics, seems incapable of grasp­ing the relation of technology to society and human being. Because he cannot grasp the relationship of modern technology to the modern social world, Heidegger fails to comprehend the manner in which technology is not beyond human control but at least potentially subject to the wishes of human being. As soon as we admit that our actions often have consequences beyond our intentions, we can comprehend that there is something about history which escapes human con­trol. But even if we acknowledge that in principle there will always be something about the historical process which will not merely coincide with the men and women whose actions constitute it, it does not follow that technology as such is beyond human control. That is a leap which no rational argument seems to require, but which Heideg­ger is apparently willing to make, because he has presupposed the action of a transper­sonal reality like Being which, he believes, communicates with us through technology. The deeper question is the extent to which technology is or can come under hu­man control. I have already indicated why I hold that we must reject the claim that the technology we consciously employ for our own ends is something that lies under the control of a transpersonal reality. It is difficult to deny that technology sometimes seems to serve human beings. Obviously, there is an important distinction between one or another specific form of technology and technology in a general sense. Perhaps the best way to understand the idea of technology in general is as one aspect of modern social life. The history of mankind records the continued striving of people and groups to free themselves from natural and self‑created constraints in order fully to develop their individual capacities. Whether human beings will finally be successful in this effort, whether we will ever free ourselves from even self‑imposed constraints, is part of the larger experiment of human history whose outcome no one can know in ad‑vance. We cannot rationally assert, Heidegger notwithstanding, that [hu]man[s] will neve be able to bring technology under control. We may at least hope that such control will occur. My conclusion is that Heidegger's reading of technology is deeply and irremediably flawed since he fails to identify basic elements of technology and conflates the phenomenon in general with technique and art. It is no accident that his reading

of technology is flawed. The flaw follows directly from his profoundly antimodernist perspective. For Heidegger, the way to understand the world in which we live is through the elaboration of an alternative story of the meaning of Being. Such a story rejects the story mainly embraced since the pre‑Socratics as one that arises from a false turning early in the path, a divergence

from another, truer turning which would continue in the correct way. As in his analysis of modern thought, so in his analysis of modernity Heidegger proceeds from the assumption that what we think and what we are can be redeemed only by returning to an earlier and truer view of things. Hence, it is hardly surprising that he cannot grasp the way in which technology arose and functions within modernity since modernity itself, or at least what we mean by this term, functions for him as a fall away from an earlier and truer way of being, and perhaps even as a fall away from Being. I submit that neither Heidegger nor anyone else can comprehend modernity or its elements‑including technology‑unless these elements are approached in their own right without preconditions and allowed to tell their own story. Certainly, we are entitled to expect nothing less from any form of philosophy, including phenomenology. The anti‑democratic nature of Heidegger's thought is visible in his anti‑anthropological conception of technology. As a political theory, democracy in all its forms necessarily presupposes a general conception of human being. In the course of the turning in his thought, or Kehre as he terms it, Heidegger turned away from the anthropological perspective which underlay his earlier approach to Being. His writings after the turning presuppose an anti‑humanist perspective clearly described in his "Letter on Human‑ ism." But a theory which goes beyond an anthropological concept is incompatible with any meaningful view of democracy which surely must depend on such a concept.30 His anti‑metaphysical theory of technology from the post‑anthropological viewpoint of his new thinking is **by definition** non‑democratic and even **anti‑democratic** since it presupposes as its defining condition the rejection of the anthropological point of view which is the foundation of democracy. It is, then, no accident that Heidegger's fundamental ontology led him to embrace **Nazi totalitarianism** since his con‑ ception of Being is incompatible, and was understood by him to be incompatible, with any form of democratic theory.

#### Our alternative—respect the ways that even modern technology can provide meaning and respect being.

Andrew **FEENBERG** Philosophy @ San Diego State **‘2K** in *Technology and the Good Life?* Eds. Eric Higgs, Andrew Light and David Strong p. 312-313

In conclusion I would like to return briefly to Heidegger's critical account of our times to see how it stands up to the theory I have presented. For Heidegger modern technology is stripped of meaning by contrast with the meaningful tradition we have lost. Even the old technical devices of the past shared in this lost meaning. For example, Heidegger shows us a jug "gathering" the contexts in which it was created and functions (Heidegger 1971). The concept of gathering resembles Borgmann's notion of the "focal thing." These concepts dereify the thing and activate its intrinsic value and manifold connections with the human world and nature. Heidegger wants to show us the way back to another mode of perception that belongs to the lost past or perhaps to a future we can only dimly imagine. In that mode we share the earth with things rather than reducing them to mere resources. Perhaps a redeemed techne will someday disclose the potentiality of what is rather than attempting to remake the world in the human image. The undeniable insight here is that every making must also include a letting be, an active connection to what remains untransformed by that making. This is Heidegger's concept of the "earth" as a reservoir of possibili- ties beyond human intentions. In denying that connection the technocratic conception of technology defies human finitude. The earth, nature, can never become a human deed because all deeds presuppose it (Feenberg 1986, chap. 8). Yet I would like to share David Rothenberg's interpretation, according to which Heidegger 'would also want us to recognize that our contact with the earth is technically mediated: what comes into focus as nature is not the pure immediate but what lies at the limit of techne (Rothenberg 1993, 195 if.). Despite occasional lapses into romanticism, this is after all the philosopher who placed readiness-to-hand at the center of Dasein's world. The cogency of Heidegger's critique thus ultimately comes down to whether technology is fundamentally Promethean. Only then would it make sense to demand liberation from it rather than reform of it. It is true that the dominant ideology, based on a narrow functionalism, leaves little room for respect for limits of any kind. But we must look beyond that ideology to the realities of modern technology and the society that depends on it. The failure of Heidegger and other thinkers in the humanistic tradition to **engage with actual technology** is not to their credit but reveals the boundaries of a certain cultural tradition." Beyond those boundaries we discover that **technology also "gathers**" its many contexts through secondary instrumentalizations that integrate it to the world around it. Naturally, the results are quite different from the craft tradition Heidegger idealizes, but **nostalgia is not a good guide to understanding technology**. When modern technical processes are **brought into compliance with the requirements of nature** or human health, they incorporate their contexts into their very structure, as truly as the jug, chalice, or bridge that Heidegger holds out as models of authenticity. Our models should be such things as reskilled work, medical practices that respect the person, architectural and urban designs that create humane living spaces, computer designs that mediate new social forms. These promising innovations all suggest the possibility of a general reconstruction of modern technology so that it **gathers a world to itself rather than reducing its natural, human, and social environment to mere resources**. It is now the task of philosophy of technology to recognize that possibility and to criticize the present in the light of it.

### CP

#### Text: The United States Federal Government should substantially remove restrictions on energy production from windmills for collaboratively planned windmills.

#### The counterplan only offers to reduce restrictions to collaborative or community planned projects—we PIC out of the central or corporate planning most likely to occur in the status quo.

#### The net benefit:

#### Don’t affirm all windmills—most windmills are supported by corporations and supports an alienated consumerist energy regime.

Byrne and Toly 6—\*John Byrne, Director Center for Energy and Environmental Policy & Public Policy at Delaware and \*\*Noah Toly, Research Associate Center for Energy and Environmental Policy [*Transforming Power* eds. Byrne, Toly, & Glover p. 14-17]

Catching the Wind To date, the greatest success in 'real' green energy development is the spread of wind power. From a miniscule 1,930 MW in 1990 to more than 4 7,317 MW in 2005, wind power has come of age. Especially noteworthy is the rapid growth of wind power in Denmark (35 percent per year since 1997), Spain (30 percent per year since 1997), and Germany (an astonishing 68 percent per year since 2000), where policies have caused this source to threaten the hegemony of fossil fuels and nuclear energy. Wind now generates more than 20 percent of Denmark's electricity and the country is the world leader in turbine manufacture. And as the Danes have demonstrated, offshore wind has the potential to skirt some of the land-use conflicts that have sometimes beset renewable energy alternatives. Indeed, some claim that offshore wind alone might produce all of Europe's residential electricity (Brown, 2004). National energy strategists and environmental movements in and beyond Europe have recognized the achievements of the Danes, Spaniards, and Germans with initiatives designed to imitate their success. What are the characteristics of this success? One envied feature is the remarkable decline in the price of wind-generated electricity, from $0.46 per kWh in 1980 to $0.03 to $0.07 per kWh today (Sawin, 2004), very close to conventionally-fueled utility generating costs in many countries, even before environmental impacts are included. Jubilant over wind's winning market performance, advocates of sustainable energy foresee a new era that is ecologically much greener and, yet, in which electricity remains (comparatively) cheap. Lester Brown (2003: 159) notes that wind satisfies seemingly equally weighted criteria of environmental benefit, social gain, and economic efficiency: Wind is ... clean. Wind energy does not produce sulfur dioxide emissions or nitrous oxides to cause acid rain. Nor are there any emissions of health-threatening mercury that come from coal-fired power plants. No mountains are leveled, no streams are polluted, and there are no deaths from black lung disease. Wind does not disrupt the earth's climate ... [l]t is inexhaustible ... [and] cheap. This would certainly satisfy the canon of economic rationalism. It is also consistent with the ideology of modern consumerism. Its politics bestow sovereignty on consumers not unlike the formula of Pareto optimality, a situation in which additional consumption of a good or service is warranted until it cannot improve the circumstance of one person (or group) without decreasing the welfare of another person (or group).17 How would one know "better off' from "worse off' in the wind-rich sustainable energy era? Interestingly, proponents seem to apply a logic that leaves valuation of "better" and "worse" devoid of explicit content. In a manner reminiscent of modern economic thinking, cheap-and-green enthusiasts appear willing to set wind to the task of making "whatever"-whether that is the manufacture of low-cost teeth whitening toothpaste or lower cost SUVs. In economic accounting, all of these applications potentially make some in society "better off' (if one accepts that economic growth and higher incomes are signs of improvement). Possible detrimental side effects or externalities (an economic term for potential harm) could be rehabilitated by the possession of more purchasing power, which could enable society to invent environmentally friendly toothpaste and make affordable, energy-efficient SUVs. Sustainable energy in this construct cooperates in the abstraction of consumption and production. Consumption of-what, ·by-whom, and -for-what-purpose, and, relatedly, production-of-what, -by-whom, and -for-what-purpose are not issues. The construct altogether ignores the possibility that "more-is-better" consumption production relations may actually reinforce middle class ideology and capitalist political economy, as well as contribute to environmental crises such as climate change. In the celebration of its coming market victory, the cheap-and-green wind version of sustainable energy development may not readily distinguish the economic/class underpinnings of its victory from those of the conventional energy regime. Wind enthusiasts also appear to be largely untroubled by trends toward larger and larger turbines and farms, the necessity of more exotic materials to achieve results, and the advancing complications of catching the wind. There is nothing new about these sorts of trends in the modern period. The trajectory of change in a myriad of human activities follows this pattern. Nor is a critique per se intended in an observation of this trend. Rather, the question we wish to raise is whether another feature in this pattern will likewise be replicated-namely, a "technological mystique" (Bazin, 1986) in which social life finds its inspiration and hope in technical acumen and searches for fulfillment in the ideals of technique (Mumford, 1934; Ellul, 1964; Marc use, 1964; Winner, 1977, 1986; Vanderburg, 2005). This prospect is not a distant one, as a popular magazine recently illustrated. In a special section devoted to thinking "After Oil," National Geographic approvingly compared the latest wind technology to a well-known monument, the Statue of Liberty, and noted that the new machines tower more than 400 feet above this symbol (Parfit, 2005: 15- 16). It was not hard to extrapolate from the story the message of Big Wind's liberatory potential. Popular Science also commended new wind systems as technological marvels, repeating the theme that, with its elevation in height and complexity lending the technology greater status, wind can now be taken seriously by scientists and engineers (Tompkins, 2005). A recent issue of The Economist (2005) included an article on the wonder of electricity generated by an artificial tornado in which wind is technologically spun to high velocities in a building equipped with a giant turbine to convert the energy into electricity. Indeed, wind is being contemplated as a rival able to serve society by the sheer technical prowess that bas often been a defining characteristic of modern energy systems. Obviously, wind energy has a long way to go before it can claim to have dethroned conventional energy's "technological cathedrals" (Weinberg, 1985). But its mission seems largely to supplant other spectacular methods of generating electricity with its own. The politics supporting its rapid rise express no qualms about endorsing the inevitability of its victories on technical grounds. In fact, Big Wind appears to seek monumental status in the psyche of ecologically modern society. A recent alliance of the American Wind Energy Association and the U.S. electric utility industry to champion national (subsidized) investment in higher voltage transmission lines (to deliver green-and-cheap electricity), illustrates the desire of Big Wind to plug into Giant Power's hardware and, correspondingly, its ideology (see American Wind Energy Association, 2005, supporting "Transmission Infrastructure Modernization"). The transformative features of such a politics are unclear. Indeed, wind power-if it can continue to be harvested by ever larger machines-may penetrate the conventional energy order so successfully that it will diffuse, without perceptible disruption, to the regime. The air will be cleaner but the source of this achievement will be duly noted: science will have triumphed still again in wresting from stingy nature the resources that a wealthy life has grown to expect. Social transformation to achieve sustainability may actually be unnecessary by this political view of things, as middle-class existence is assured via clean, low-cost and easy-to-plug-in wind power.

### Case

#### Reject Heidegger’s arguments to prevent human extinction.

Faye 9 — Emmanuel Faye, Associate Professor at the University Paris Ouest–Nanterre La Défense, translated into English by Michael B. Smith, Professor Emeritus of French and Philosophy at Berry College and translator of numerous philosophical works into English, 2009 (“Conclusion,” *Heidegger, the introduction of Nazism into philosophy in light of the unpublished seminars of 1933-1935*, Published by Yale University Press, ISBN 0300120869, p. 322)

The völkisch and fundamentally racist principles Heidegger's Gesamtausgabe transmits strive toward the goal of the eradication of all the intellectual and human progress to which philosophy has contributed. They are therefore as destructive and dangerous to current thought as the Nazi movement was to the physical existence of the exterminated peoples. Indeed, what can be the result of granting a future to a doctrine whose author desired to become the "spiritual Fuhrer" of Nazism, other than to pave the way to the same perdition? In that respect, we now know that Martin Heidegger, in his unpublished seminar on Hegel and the state, meant to make the Nazi domination last beyond the next hundred years. If his writings continue to proliferate without our being able to stop this intrusion of Nazism into human education, how can we not expect them to lead to yet another translation into facts and acts, from which this time humanity might not be able to recover? Today more than ever, it is philosophy's task to work to protect humanity and alert men's minds; failing this, Hitlerism and Nazism will continue to germinate through Heidegger's writings at the risk of spawning new attempts at the complete destruction of thought and the extermination of humankind.

\* völkisch is a term for German populism; Heidegger’s Gesamtausgabe is the term for the collected works of German philosopher Martin Heidegger, published by Vittorio Klostermann.

#### Turn—Racism—Heidegger’s ontology arguments perpetuate racism and Nazism.

Faye 6 — Emmanuel Faye, Associate Professor at the University Paris Ouest–Nanterre La Défense, translated into English by Alexis Watson and Richard J. Golsan, 2006 (“Nazi Foundations in Heidegger's Work,” *South Central Review*, Volume 23, Issue 1, Spring, Available Online to Subscribing Institutions via Project Muse)

In addition, the lectures currently available from 1933–34 reveal to us that Heidegger, in his book on Kant from 1929, only re-addresses the question "What is man?" so as to transform it in his seminars and writings from the 1930s, into "Who are we?" He responds, "we are the people," the only people who still have a "history" and a "völkisch destiny." In effect, Heidegger understands this people as "völkisch," that is to say according to his own terms, as a race (Rasse). For him, it is necessary to accomplish a "total transformation" of the existence of man, in accordance with "the education for the National Socialist worldview," inculcated in the people through the Führer's speeches (GA 36/37, 225). Can we seriously believe that for Heidegger these pro-Nazi views are only a fleeting political aberration that can be ignored in assessing the value of Being and Time? This would run counter to the most explicit affirmations of Heidegger himself. In effect in 1934, he explained [End Page 57] to his students that "care—'the most central term of Being and Time'—is the condition in which it is possible for man to be political in essence" (GA 36/37, 218). Heidegger declares at this time—one year after the National Socialist movement came to power—that "we ourselves," that is to say the German people, united under the Hitlerian Führung, are faced with an "even greater decision" than that which served as the origin of Greek philosophy! This decision, he specifies, "was articulated in my book, Being and Time." It concerns, he added, "a belief which must manifest itself through history" and concerns "the spiritual history of our people" (GA 36/37, 255). At the foundation of Heidegger's work, one thus finds not a philosophical idea, but rather a völkisch belief in the ontological superiority of a people and a race; moreover, the term völkisch designates in its Nazi usage the conception of a people as a marriage of blood and race, with "a strong anti-Semitic connotation," according to the Grimm dictionary. Frankly, an attentive reading of key paragraphs in Being and Time on death and historicity, with their celebration of sacrifice, of the choice of heroes and of the authentic destiny of Dasein in the community of the people, shows that this belief was already in place as of 1927. With Heidegger, the question of man has thus become a völkisch question. It is in this sense that I spoke earlier of Heidegger's intention to introduce Nazism into philosophy. Of course, no true philosophy can align itself with the project of the extermination of human beings, a project to which the Nazi movement was committed. Therefore, I do not wish to say that Heidegger produced a National Socialist philosophy, but rather that he did not hesitate to utilize philosophical expressions such as "truth of Being" or "essence of man" to express something else entirely.

## 2NC

### AT: Resolved: Colon

#### Their interpretation doesn’t assume the context of debate – resolved is used to designate that the issue to be debated is a resolution.

Louisiana no date — Louisiana State Legislature, No Date Cited (“Glossary of Legislative Terms,” Available Online at http://www.legis.state.la.us/glossary2.htm, Accessed 02-06-2006)

Resolution: A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; **a resolution uses the term "resolved"**. Not subject to a time limit for introduction nor to governor's veto. (Const. Art. III, §17(B) and House Rules 8.11, 13.1, 6.8, and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### Resolved colon supports a topicality burden that mirrors real world policymaking.

Parcher 1 — Jeff Parcher, Former Director of Debate at Georgetown University, 2001 ("Re: Jeff P--Is the resolution a question?," Post to the e-Debate List, February 26, Available Online at http://www.ndtceda.com/archives/200102/ 0790.html, Accessed 09-10-2005)

> Jeff, I don't think debaters' relation to the resolution is nearly as clear as it you make it out to be in your recent posts. 1. The resolution > is not a question. It is a statement that has "resolved" on one side and a normative statement on the other separated by a colon. What > is the meaning of "resolved?" I know Bill Shanahan has made the argument that "resolved" means "reserved," in which case the
> resolution doesn't require you to arrive at any certainty about the truth of the normative statement.

(1) Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision.

(2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature.

(3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committtee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon.

(4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not.

(5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

### 2NC—Fairness Outweighs Education

#### a. Rules key to harness the educational value of competitive games like intellectual contests—this accesses the educational value of fun.

Prensky 1—Marc Prensky, Internationally acclaimed speaker, writer, consultant, and designer in the critical areas of education and learning, Founder, CEO and Creative Director of games2train.com, former vice president at the global financial firm Bankers Trust, BA from Oberlin College, an MBA from Harvard Business School with distinction and master's degrees from Middlebury and Yale [“Fun, Play and Games: What Makes Games Engaging,” Digital Game-Based Learning, www.marcprensky.com/writing/Prensky%20-%20Digital%20Game-Based%20Learning-Ch5.pdf]

So fun — in the sense of enjoyment and pleasure — puts us in a relaxed, receptive frame of mind for learning. Play, in addition to providing pleasure, increases our involvement, which also helps us learn. Both “fun” and “play” however, have the disadvantage of being somewhat abstract, unstructured, and hard-to-define concepts. But there exists a more formal and structured way to harness (and unleash) all the power of fun and play in the learning process — the powerful institution of games. Before we look specifically at how we can combine games with learning, let us examine games themselves in some detail. Like fun and play, game is a word of many meanings and implications. How can we define a game? Is there any useful distinction between fun, play and games? What makes games engaging? How do we design them? Games are a subset of both play and fun. In programming jargon they are a “child”, inheriting all the characteristics of the “parents.” They therefore carry both the good and the bad of both terms. Games, as we will see, also have some special qualities, which make them particularly appropriate and well suited for learning. So what is a game? Like play, game, has a wide variety of meanings, some positive, some negative. On the negative side there is mocking and jesting, illegal and shady activity such as a con game, as well as the “fun and games” that we saw earlier. As noted, these can be sources of resistance to Digital Game-Based Learning — “we are not playing games here.” But much of that is semantic. What we are interested in here are the meanings that revolve around the definition of games involving rules, contest, rivalry and struggle. What Makes a Game a Game? Six Structural Factors The Encyclopedia Britannica provides the following diagram of the relation between play and games: 35 PLAY spontaneous play organized play (GAMES) noncompetitive games competitive games (CONTESTS) intellectual contests physical contests (SPORTS) Our goal here is to understand why games engage us, drawing us in often in spite of ourselves. This powerful force stems first from the fact that they are a form of fun and play, and second from what I call the six key structural elements of games: 1. Rules 2. Goals and Objectives 3. Outcomes & Feedback 4. Conflict/Competition/Challenge/Opposition 5. Interaction, and 6. Representation or Story. There are thousands, perhaps millions of different games, but all contain most, if not all, these powerful factors. Those that don’t contain all the factors are still classified as games by many, but can also belong to other subclasses described below. In addition to these structural factors, there are also important design elements that add to engagement and distinguish a really good game from a poor or mediocre one. Let us discuss these six factors in detail and show how and why they lead to such strong engagement. Rules are what differentiate games from other kinds of play. Probably the most basic definition of a game is that it is organized play, that is to say rule-based. If you don’t have rules you have free play, not a game. Why are rules so important to games? Rules impose limits – they force us to take specific paths to reach goals and ensure that all players take the same paths. They put us inside the game world, by letting us know what is in and out of bounds. What spoils a game is not so much the cheater, who accepts the rules but doesn’t play by them (we can deal with him or her) but the nihilist, who denies them altogether. Rules make things both fair and exciting. When the Australians “bent” the rules of the America’s Cup and built a huge boat in 1988, and the Americans found a way to compete with a catamaran, it was still a race — but no longer the same game.

#### b. Fun is key to education and retention.

Prensky 1—Marc Prensky, Internationally acclaimed speaker, writer, consultant, and designer in the critical areas of education and learning, Founder, CEO and Creative Director of games2train.com, former vice president at the global financial firm Bankers Trust, BA from Oberlin College, an MBA from Harvard Business School with distinction and master's degrees from Middlebury and Yale [“Fun, Play and Games: What Makes Games Engaging,” Digital Game-Based Learning, www.marcprensky.com/writing/Prensky%20-%20Digital%20Game-Based%20Learning-Ch5.pdf]

So what is the relationship between fun and learning? Does having fun help or hurt? Let us look at what some researchers have to say on the subject: “Enjoyment and fun as part of the learning process are important when learning new tools since the learner is relaxed and motivated and therefore more willing to learn.”6 "The role that fun plays with regard to intrinsic motivation in education is twofold. First, intrinsic motivation promotes the desire for recurrence of the experience… Secondly, fun can motivate learners to engage themselves in activities with which they have little or no previous experience." 7 "In simple terms a brain enjoying itself is functioning more efficiently." 8 "When we enjoy learning, we learn better" 9 Fun has also been shown by Datillo & Kleiber, 1993; Hastie, 1994; Middleton, Littlefield & Lehrer, 1992, to increase motivation for learners. 10 It appears then that the principal roles of fun in the learning process are to create relaxation and motivation. Relaxation enables a learner to take things in more easily, and motivation enables them to put forth effort without resentment.

#### b. Prevents rigorous testing—if we can’t engage on a level playing field, we can’t engage in the depths of their arguments and test them adequately—high quality clash is the key to understanding arguments.

Zappen 4—James Zappen, Professor of Language and Literature at Rensselaer Polytechnic Institute [“The Rebirth of Dialogue: Bakhtin, Socrates, and the Rhetorical Tradition,” p. 35-36]

Finally, Bakhtin describes the Socratic dialogue as a carnivalesque debate between opposing points of view, with a ritualistic crownings and decrownings of opponents. I call this Socratic form of debate a contesting of ideas to capture the double meaning of the Socratic debate as both a mutual testing of oneself and others and a contesting or challenging of others' ideas and their lives. Brickhouse and Smith explain that Socrates' testing of ideas and people is a mutual testing not only of others but also of himself: Socrates claims that he has been commanded by the god to examine himself as well as others; he claims that the unexamined life is not worth living; and, since he rarely submits to questioning himself, "it must be that in the process of examining others Socrates regards himself as examining his own life, too." Such a mutual testing of ideas provides the only claim to knowledge that Socrates can have: since neither he nor anyone else knows the real definitions of things, he cannot claim to have any knowledge of his own; since, however, he subjects his beliefs to repeated testing, he can claim to have that limited human knowledge supported by the "inductive evidence" of "previous elenctic examinations." This mutual testing of ideas and people is evident in the Laches and also appears in the Gorgias in Socrates' testing of his own belief that courage is inseparable from the other virtues and in his willingness to submit his belief and indeed his life to the ultimate test of divine judgment, in what Bakhtin calls a dialogue on the threshold. The contesting or challenging of others' ideas and their lives and their ritualistic crowning/decrowning is evident in the Gorgias in Soocrates' successive refutations and humiliations of Gorgias, Polus, and Callicles.

#### 3. We solve the terminal impact to education—fairness in a debate context through topicality fosters tolerance of alternative viewpoints which solves dogmatism and bigotry in society.

Muir 93—Star Muir, Professor of Communication at George Mason [“A Defense of the Ethics of Contemporary Debate,” *Philosophy and Rhetoric* 26.4, p. 291-292]

Firm moral commitment to a value system, however, along with a sense of moral identity, is founded in reflexive assessments of multiple perspectives. Switch-side debate is not simply a matter of speaking persuasively or organizing ideas clearly (although it does involve these), but of understanding and mobilizing arguments to make an effective case. Proponents of debating both sides observe that the debaters should prepare the best possible case they can, given the facts and information available to them.52 This process, at its core, involves critical assessment and evaluation of arguments; it is a process of critical thinking not available with many traditional teaching methods.53 We must progressively learn to recognize how often the concepts of others are discredited by the concepts we use to justify ourselves to ourselves. We must come to see how often our claims are compelling only when expressed in our own egocentric view. We can do this if we learn the art of using concepts without living in them. This is possible only when the intellectual act of stepping outside of our own systems of belief has become second nature, a routine and ordinary responsibility of everyday living. Neither academic schooling nor socialization has yet addressed this moral responsibility,54 but switch-side debating fosters this type of role playing and generates reasoned moral positions based in part on values of tolerance and fairness. Yes, there may be a dangerous sense of competitive pride that comes with successfully advocating a position against one's own views, and there are ex-debaters who excuse their deceptive practices by saying "I'm just doing my job." Ultimately, however, sound convictions are distinguishable from emphatic convictions by a consideration of all sides of a moral stance. Moral education is not a guaranteed formula for rectitude, but the central tendencies of switch-side debate are in line with convictions built on empathic appreciation for alternative points of view and a reasoned assessment of arguments both pro and con. Tolerance, as an alternative to dogmatism, is preferable, not because it invites a relativistic view of the world, but because in a framework of equal access to ideas and equal opportunities for expression, the truth that emerges is more defensible and more justifiable. Morality, an emerging focal point of controversy in late twentieth-century American culture, is fostered rather than hampered by empowering students to form their own moral identity.

#### a. The vast majority of students thought it was unfair.

Preston 3—Thomas Preston, Professor of communications at the University of Missouri-St. Louis [Summer 2003, “No-topic debating in Parliamentary Debate: Students and Critic Reactions,” http://cas.bethel.edu/dept/comm/npda/journal/vol9no5.pdf]

The study involved forty-three students and nine critics who participated in a parliamentary debate tournament where **no topic was assigned for the fourth round debates.** True to the idea of openness, **no rules regarding the topic were announced; no topic, or written instructions other than time limits and judging instruction**, were provided. In this spirit, the participants first provided anecdotal reactions to the no-topic debate, so that the data from this study could emerge from discussion. Second, respondents provided demographic data so that patterns could be compared along three dimensions. These dimensions, the independent variables for the student portion of the study, involved three items: 1) level of debate experience; 2) whether NPDA was the only format of parliamentary debate the students had experienced; and 3) **whether students had participated in NDT or CEDA policy debate**. Third, the questions were to determine how students rated the debates based on criteria for good debate-educational value, clash, and a fair division of ground. Students were also asked two general questions: whether they would try the no-topic debate again, and whether they liked the no-topic round. These questions constituted the dependent variables for the student study. Because the sample was small, descriptive statistical data were gathered from critics. Taking into account the experience of the critics, additional questions concerning items such as whether no-topic debating deepened discussion. Both students and critics were asked which side they thought the no-topic approach favored, and the students with NDT/ CEDA policy debating experience were asked if a no-topic debating season would be good for policy debate.For the objective items, critics and students were asked to circle a number between 1 and 7 to indicate the strength of reaction to each item (Appendix I and Appendix II). In scoring responses, the most favorable rating received the highest score of seven and the least favorable rating a score of one. In some instances, values that were circled on the sheet were reversed such that the most favorable reaction to that category received the higher score. Frequency distributions and statistics were then tabulated for each question, and the anecdotal remarks were tabulated. For the student empirical data, t-tests were conducted to determine whether overall debate experience, NPDA experience, or policy experience affected how the students reacted to an item. As a test for significance, p was set to less than or equal to .05. Finally, of the 43 responses, 35, **or 81**.4 **per cent, felt that the no-topic debate skewed the outcome of the debate toward one side or the other.** Of those responses, 32 **(91.4 per cent of those indicating a bias**, or 74.4 per cent of all respondents) **indicated that the no-topic debate gave an advantage to the Government**. Three (8.6 per cent of those indicating a bias, or 7.0 per cent of all respondents) indicated that the no-topic debate gave an advantage to the Opposition.

#### b. The experiment empirically proves our argument—people do actually quit debate because of a lack of rules, causing the activity to degenerate into chaos.

Preston 3—Thomas Preston, Professor of communications at the University of Missouri-St. Louis [Summer 2003, “No-topic debating in Parliamentary Debate: Students and Critic Reactions,” http://cas.bethel.edu/dept/comm/npda/journal/vol9no5.pdf]

For the overall student data, each the mean of each item was slightly below 4.0, but mostly, the kurtosis **figures were negative**, and the standard deviations high, indicating a bipolar response to each question. The frequency tables bear out strong negative reactions, but a number of positive reactions which tended to be less strong. On the one hand, a substantial **number of students and** **critics felt very strongly that the experience was negative**, with the mode=l for each item on the survey; however, on others, a substantial number of respondents rated aspects of the experience at 4 and above. The educational value had the highest central tendencies (mean=3.65, median=4.0, and mode=1.0), whereas the question over whether the students liked **the experience was the lowest** (mean=3.19, median=3.0, mode=1.0). Although there was a weak positive pole to the responses, **those who had NDT/CEDA experience strongly opposed the idea of a no-topic year** of debating in those organizations (mean=2.77, median =1.00, mode=1.00). cont. **Reduced to absurdity, the notion of no rules for a debate tournament would result in chaos, bringing up an infinite regress** into whether or not chaos is a good thing! At least on the surface, the results of this particular study **would seem to discourage repeating this experiment as conducted for the present study**. A number of **participants may not want to return to the tournament because of the confusion and perceived lack of educational value**. However, an exact representation and t-tests between results could help not only assess the validity and reliability of the instrument, but whether attitudes and perceptions have changed toward no-topic debating. Therefore, whereas Option III may seem to be out of the questions, benefits can still be gained from it in terms of studying the evolution of parliamentary debate form.

### AT: Limits/rules/predictability bad

#### And, Limits are a prerequisite for meaningful political discussion

Bauman 99—Zygmunt Bauman, Sociology @ Leeds [*In Search of Politics* p. 74-75]

The most conspicuous feature of contemporary politics, Cornelius Catoriadis told Daniel Mermet in November 1996, is its insignificance, ‘Politicians are impotent…They no more have a programme. Their purpose is to stay in office.’ Change of governments – of ‘political camps’ even – is no watershed; a ripple at most on the surface of a stream flowing unstoppably, monotonously, with dull determination, in its own direction, pulled by its own momentum. A century ago the ruling political formula of liberalism was a defiant and impudent ideology of the ‘great leap forward’. Nowadays, it is nor more than a self-apology for surrender: ‘This is not the best of imaginable worlds, but the only real one. Besides, all alternatives are worse, must be worse and would be shown to be worse if tried in practice.’ Liberalism today boils down to the simple ‘no alternative’ credo. If you wish to find out what the roots of the growing political apathy are, you may as well look no further. This politics lauds conformity and promotes conformity. And conformity could as well be a do-it-yourself job; does one need politics to conform? Why bother with politicians who, whatever their hue, can promise nothing than more of the same?

The art of politics, if it happens to democratic politics, is about dismantling the limits to citizens’ freedom: but it is also about self-limitation: about making citizens’ free to enable them to set, individually and collectively, their own, individual and collective, limits. The second point has been all but lost. All limits are off limits. Any attempt at self-limitation is taken to be the first step on the road leading straight to the gulag, as if there was nothing but the choice between the market’s and the government’s dictatorship over needs – as if there was no room for the citizenship in other form than the consumerist one. It is this form (and only this form) which financial and commodity markets would tolerate. And it is this form which is promoted and cultivated by the governments of the day. The sole grand narrative left in the field is that of (to quote Castoriadis again) the accumulation of junk and more junk. To that accumulation, there must be no limits (that is all limits are seen as anathema and no limits would be tolerated). But it is that accumulation from which the self-limitation has to start, if it is to start at all.

But the aversion to self-limitation, generalized conformity and the resulting insignificance of politics have their price – a steep price, as it happens. The price is paid in the currency in which the price of wrong politics is usually paid – that of human sufferings. The sufferings come in many shapes and colours, but they may be traced to the same root. And these sufferings which stem from the malfeasance of politics, but also the kind which are the paramount obstacle to its sanity.

#### Modest predictability of procedural limits is worth potential substantive tradeoff. Topicality creates space for relevant debate.

Massaro 89—Toni Massaro Law @ Florida [Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds? 87 Mich. L. Rev. L/N]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations. My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended**. "Relevance,"** "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are **guidelines** that **establish** spheres of **relevant** **conversation**, **not** **mathematical** **formulas**. Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55 As a practical matter, therefore, our rules often are ambiguous and fluid standards that offer **substantial room for varying interpretations**. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal. Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings. A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. **We value some procedural regularity** - "law for law's sake" - because it lends stasis and structure to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, regardless of the wisdom or "substantive fairness" of a particular rule. Our agreements create **expectations**, and their consistent application fulfills the expectations. The **modest** **predictability** that this sort of "formalism" provides actually **may encourage human relationships**.60

## 1NR

### Fairness impacts

#### Fairness is a decision rule—it rigs the game and makes neutral evaluation by a judge impossible—their ability to pick the high ground is an inequality that ought to be eliminated.

Loland 2 [Sigmund, Professor of Sport Philosophy and Ethics at the Norwegian University of Sport and Physical Education, *Fair Play and Sport*, 95]

Rule violations are of several kinds. The long jumper who steps over the board has her jump measured longer than it really is. By illegally hitting a competitor on the arm, a basketball player ‘steals’ the ball and scores two points. I have argued that **without adhering to a** shared**, just ethos,** evaluations of performance **among competitors** become invalid**.** Advantages resulting from rule violations that are no part of such an ethos must be considered non-relevant **inequalities that ought to be** eliminated **or compensated for**. The argument is similar to that in the discussion of equality. This time, however, we are dealing not with external conditions, equipment, or support systems, but with **competitors’** **actions** **themselves**.

#### And, Debate is played for its own sake – fairness and quality of play outweigh all other concerns.

Villa 96—Dana Villa Political Theory @ UC Santa Barbara [*Arendt and Heidegger: the Fate of the Political* p. 37]

If political action is to be valued for its own sake, then the content of political action must be politics “in the sense that political action is talk about politics.” The circularity of this formulation, given by George Kateb, is unavoidable. It helps if we use an analogy that Kateb proposes, the analogy between such a purely political politics and a game. “A game,” writes Kateb, “is not ‘about’ anything outside itself, it is its own sufficient world…the content of any game is itself.” What matters in a game is the play itself, and the **quality of this play** is **utterly** **dependent** upon the **willingness** and ability of the **players** to **enter the “world” of the game**. The Arendtian conception of politics is one in which the spirit animating the “play” (the sharing of words and deeds) comes **before all else**—before personal concerns, groups, interests, and even moral claims. If allowed to dominate the “game,” these elements detracts from the play and from the performance of action. A good game happens only when the players submit themselves to its spirit and **do not allow subjective or external motives to dictate the play**. A good game, like genuine politics, is played for its own sake.

### K

#### Windmills versus turbines dichotomy ignores the political economy of technology. Essentializing technology focuses on the input at the expense of social relations.

Kolya **ABRAMSKY** Visiting Fellow Inst. Advanced Studies in Science, Technology and Society (Graz) **’10** in *Sparking a Worldwide Energy Revolution* ed. Kolya Abramsky 11-14

A discussion of energy cannot be separated from a discussion of capitalism, crisis and class struggle. Furthermore, the question of energy is also crucial to anti-capitalist resistance and the construction of non-capitalist alternatives. Conflicts related to energy are becoming central in this process of global restructuring. The transition to a post-petrol energy system which is predominantly based on renewable energy must be understood in this context. For close to a century, the advent of coal, and later oil, meant that the wid~spread commercial use of renewable energy was largely abandoned, though it has always retained its non-commercial role and a small commercial role. However, the sector has been reactivated since the energy crises of the 1970s. When considering the question of whether renewable energy might offer new possibilities for emancipation, or whether it will contribute to maintaining and strengthening existing forms of hierarchy and domination, it is crucial that we never lose sight ot one simple fact above all others. Capitalist relations arose during the era of renewable energies and their associated technologies. Wind-powered sailboats conquered the world, windmills ground sugar cane on slave plantations, and land was drained by wind- and water-powered pumps. This was the energy basis of the Italian city states; British, French, Spanish, and Portuguese naval empires; and Dutch hegemony (Dutch hegemony also relied extensively on peat). It was only later that the use of fossil fuels was to have a tremendous impact on capitalism's expansion. Artificial lighting played a crucial role in lengthening the working day.