## \*\*\* 1NC

### 1NC T—USFG

#### A. Interpretation—the aff has to defend USFG action on energy production incentives or restrictions—‘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.

#### 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.

#### 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 constraints are more conducive to creative thinking—following the rules is key to argument 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.

#### Here’s an example of the topical version of their aff. Tribal renewable energy projects provide methods for shifting representational and economic injustice.

**Monani**, Environmental Studies, Gettysburg, 1/10/**12**

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Using a case study approach and employing the critical framework of just sustainability, this article examines the ambivalent intersections of marketing and social/environmental justice as articulated through the public rhetoric of corporate entities that promote renewable energy generated on American Indian tribal lands. Because of its critical interest in the empowerment of disenfranchised communities through a shift away from traditional ways of valuing environmental sustainability and economic activity, just sustainability provides a valuable frame through which to interrogate not only articulations of economic development but also the use of popular American Indian archetypes like “the Ecological Indian” in the marketing of sustainable energy. We suggest that both our corporate case studies, NativeEnergy, which markets carbon offsets to clients, and the public utility company San Diego Gas and Electric, demonstrate efforts to advance many of the goals of just sustainability, and are successful in some respects, but fall short in others. We argue that shifts towards just sustainability in renewable energy projects on tribal lands, from management to the ways in which they are communicated to the public, will lead to more equitable economic, representational, and environmental conditions for participants.

### 1NC K 1

#### Death and misfortune are inevitable – the joy of life comes in accepting things as they are – plans to save the world only bring more suffering

Slabbert 1 [Jos, Taoist teacher and philosopher, “Tao te Ching: How to Deal with Suffering” http://www.taoism.net/theway/suffer.htm]

Dealing with loss Express yourself completely, then keep quiet. Be like the forces of nature: when it blows, there is only wind; when it rains, there is only rain; when the clouds pass, the sun shines through. If you open yourself to the Tao, you are at one with the Tao and you can embody it completely. If you open yourself to insight, you are at one with insight and you can use it completely. If you open yourself to loss, you are at one with loss and you can accept it completely. Open yourself to the Tao, then trust your natural responses; and everything will fall into place. (Chapter 23) The word "open" is repeated often in this poem. Most people think the only way to handle suffering is to withdraw and to close yourself. The poet is clearly saying in this poem that the opposite is true: If you open yourself to loss, you are at one with loss and you can accept it completely. This openness, a willingness and courage to face reality, is the only way to deal with suffering, particularly inescapable suffering. But the openness the poet is describing is more than just facing reality. It is facing reality in total harmony with the Tao: If you open yourself to the Tao, you are at one with the Tao and you can embody it completely. It is only when you "embody" the Tao that you can face suffering with true equanimity. You will then have the openness that insight into your own nature and the natural way of Tao brings you. The right approach to suffering is only possible when you have reduced your ego to a minimum. The less ego you have, the less you suffer. Facing death with unresolved agendas is a terrible form of suffering. You will have to let go of selfish interests and futile aims to concentrate on dealing with the moment. **It is the acceptance of the inevitable that makes suffering bearable**. On his death bed, his family mourning, he is serene, for he knows Death, like Life, is an illusion: there is no beginning and no end. There is only the endless flow of Tao. The man of Tao has no fear, for he walks with Tao. (The Tao is Tao, 154) Agendas A good traveler has no fixed plans and is not intent upon arriving. (Chapter 27) Plans, aims, objectives and agendas have become the routes of suffering for so many people, and not only the ambitious. Agendas often take spontaneity and joy out of life. In the process, many people have become bad travelers, concentrating only on their objectives, and arriving at their destinations only to find that even their destinations are not really worth the trouble. Having no fixed plans? This does not sound like survival in a modern technological environment, does it? I mean, who but the extremely fortunate have the luxury of not having agendas running their lives? In most cases, one could justifiably point out, agendas are forced on you by your professional and familial obligations. You do not really have a choice, do you? How could one then become a good traveler through life in this modern world? I think the key lies in the second line of the quotation. One should not be "intent upon arriving". You should adopt an attitude of detachment. The moment your aims become egocentric, your suffering increases. The less your own ego is involved, the less seriously you will take life, and the more you will enjoy the journey. It is easier said than done, though, particularly when the job you are doing seems to be devoid of meaning, and the activities on your agenda tedious. They might even go against what you truly believe. It is clear. To become a good traveler in the modern world often entails more than just a change of attitude. It could also mean changing your life style, even your profession. It could mean taking risks in the process. But liberation has always been a risky undertaking, hasn’t it? People are willing to take risks for the most mundane things like profit and possession. Why not take a few risks when your spiritual progress is at stake? Truly good travelers often leave the beaten track and become masters of their own far more adventurous journeys. Tampering with the world Do you want to improve the world? I don't think it can be done. The world is sacred. It can't be improved. If you tamper with it, you'll ruin it. If you treat it like an object, you'll lose it. (Chapter 29) If anything, the Twentieth Century will be called the century of social engineering. Simplistic ideologies, like fascism, were used to try to change the world, with terrible consequences inducing suffering on a scale never seen before in the history of the human being. A savage economic system based on greed - capitalism - has ravaged the world. Yet, the human being has not learnt from this. Still, politicians show their ignorance by tampering with the sacred. It is the age of management, that euphemistic word for manipulating society. It is still happening. What else are many political programs but tampering with the sacred and ruining it in the process? It is the source of endless suffering. Forcing issues Whoever relies on the Tao in governing men doesn't try to force issues or defeat enemies by force of arms. For every force there is a counterforce. Violence, even well intentioned, always rebounds upon oneself. The Master does his job and then stops. He understands that the universe is forever out of control, and that trying to dominate events goes against the current of the Tao. (Chapter 30) Understanding that the universe is out of control is the key to wisdom and patience. No amount of tampering with the universe will change this. In fact, the more we tamper with it, the more damage we will do.

#### No one knows what is good and bad. Reject the aff’s judgments, even if we lose all life on earth

Kirkland 98 [Russell Kirkland, Associate Professor of Religion (and Asian Studies), “"Responsible Non-Action" In a Natural World: Perspectives from the Nei-Yeh, Chuang-Tzu, and Tao-Te Ching,” 1998, University of Georgia, http://kirkland.myweb.uga.edu/rk/pdf/pubs/ECO.pdf]

Why It Is Wrong to Resent Unexpected Changes In Chuang-tzu 18, we find two famous stories in which a man experiences a sudden and deeply personal transformation, a transformation that strikes others around him as deeply troubling.5 In one, the philosopher Hui-tzu goes to offer his sympathies to Chuang-tzu upon the event of the death of Chuang's wife. In the next story, a willow suddenly sprouts from the elbow of a fictional character. In each story, a sympathetic friend is shocked and dismayed to find that the first character in each story is not shocked and dismayed by the unexpected turn of events. In each story, the first character patiently and rationally explains the nature of life, and counsels his companion to accept the course of events that life brings to us, without imposing judgment as to the value of those events. In each case, the reader learns that it is foolish and inappropriate to feel emotional distress at such events, for a proper understanding of the real nature of life leads us to accept all events with the same equanimity, even those events that might have once sticken us as deeply distressing. In the Taoist classic Huai-nan-tzu, one finds a famous story of a man who suddenly finds himself the unexpected owner of a new horse. His neighbors congratulate him on his good fortune, until his son falls from the horse and breaks his leg. The man's neighbors then act to console him on his bad fortune, until army conscriptors arrive and carry off all the able-bodied young men, leaving the injured young man behind as worthless. The lesson of the story is that when an event occurs, we are quick to judge it as fortunate or unfortunate, but our judgments are often mistaken, as later events often prove.6 And one of the most heavily stressed lessons of the Chuang-tzu is that humans quickly judge events on the basis of what we accept on the basis of simplistic assumptions — e.g., that life is inherently better than death — and that the wise person learns to question and discard such assumptions, and forego such judgments regarding events. When Chuang-tzu's wife died, Chuang-tzu does not argue that the world is a better place for her absence, or that his life is improved by his sudden new freedom. In fact, there is no issue in the passage of whether the world is better off with Chuang-tzu's wife alive or dead. The only issue in the passage is that people are born and that people later die, and to ignore that basic fact would display culpable stupidity. The very same lesson is impressed upon the reader of the previous passage, regarding the sudden transformation of a character's elbow. What we are taught in that passage is that life is a process of ineluctable change and transformation, and that humans would be profoundly wrong and clearly silly to object to such change. Another element of the lesson is that the nature of human life is not separate from, or other than, the nature of nonhuman life. When one says that "life is ineluctable change, and we must accept such change with serenity," one is speaking about "life" in such a way that it clearly involves the lives of individual humans just as fully as it involves the events that occur in the broader world, and vice versa. Imagine the story of the death of Chuang-tzu's wife involving, instead, the death of the species we call whooping cranes: Chuang-tzu would, in that case, patiently point out to his deeply caring but deeply shallow friend that he had indeed felt grief to see such beautiful birds come to their end, but had gone on to engage in appropriate rational reflection upon the nature of life, and had come to accept the transitory nature of all such creatures, just as in the present story Chuang-tzu had come to accept the transitory nature of his own spouse. If one must learn to accept with serenity the death of someone we love, someone without whose life our own life would have never been what it is, wouldn't the author urge us to accept that the death of some birds, birds that have never played a role in our lives the way that one's deceased spouse had done, is an event that we should accept with equanimity? If change catches up with us, even to the extent that the planet that we live on should become permanently devoid of all forms of life, the response of the author of these passages would logically be that **such is the nature of things**, and that crying over such a sudden turn of events would be very silly indeed, like a child crying over a spilt glass of milk, or the death of some easily replaceable goldfish. The only reason that a child cries over the death of a goldfish is that he or she has become irrationally attached to that creature as it exists in its present form, and has formed an immature sentimental bond to it. As adults, we appreciate the color and motion of fish in our aquaria, but seldom cry over the death of one of its inmates: we know very well that to cry over the death of such a fish would be silly and a sign of juvenile behavior. As our children grow, we teach them, likewise, never to follow their raw emotional responses, but rather to govern their emotions, and to learn to behave in a responsible manner, according to principles that are morally correct, whether or not they are emotionally satisfying. If, for instance, one were to see a driver accidentally run over one's child or beloved, one's first instinct might be to attack the driver with a righteous fury, falsely equating emotional intensity and violent action with the responsible exercise of moral judgment. In general, we work to teach ourselves and each other not to respond in that way, to take a course of self-restraint, curbing emotion, lest it propel us into actions that will later, upon calm reflection, be revealed to have been emotionally satisfying but morally wrong. If I saw my child run down by a car, it might give me great emotional satisfaction to drag the driver from her car and beat her to death. But it might well turn out that she had in fact done nothing wrong, and had been driving legally and quite responsibly when a careless child suddenly ran into her path, giving her no time to stop or to evade the child. Because we have all learned that the truth of events is often not apparent to the parties that are experiencing them, we generally work to learn some degree of self-control, so that our immediate emotional reaction to events does not mislead us into a foolish course of action. Now if we take these facts and transfer them into our consideration of Chuang-tzu and Mencius on the riverbank, that episode should, logically, be read as follows. If Mencius feels an emotional urge to jump into the river to save the baby, his emotional response to the baby's presence there must be seen as immature and irresponsible. After all, one might muse, one never knows, any more than the man with the horse, when an event that seems fortunate is actually unfortunate, or vice versa. What if the baby in the water had been the ancient Chinese equivalent of Adolf Hitler, and the saving of young Adolf — though occasioned by the deepest feelings of compassion, and a deep-felt veneration for "life" — led to the systematic extermination of millions of innocent men, women, and children? If one knew, in retrospect, that Hitler's atrocities could have been totally prevented by the simple moral act of refraining from leaping to save an endangered child, would one not conclude, by sound moral reasoning, that letting that particular baby drown would have represented a supremely moral act? How, Chuang-tzu constantly challenges us, **how can we possibly know what course of action is truly justified?** What if, just for the sake of argument, a dreadful plague soon wipes out millions of innocent people, and the pathogen involved is soon traced back to an organism that had once dwelt harmlessly in the system of a certain species of bird, such as, for instance, the whooping crane? In retrospect, one can imagine, the afflicted people of the next century — bereft of their wives or husbands, parents or children — might curse the day when simple-minded do-gooders of the twentieth-century had brazenly intervened with the natural course of events and preserved the cursed specied of crane, thereby damning millions of innocents to suffering and death. We assume that such could never happen, that all living things are somehow inherently good to have on the planet, that saving the earthly existence of any life-form is somehow inherently a virtuous action. But our motivations in such cases are clearly, from a Taoist point of view, so shallow and foolish as to warrant no respect. If Mencius, or a sentimental modern lover of "life," were to leap into the river and save a floating baby, he or she would doubtless exult in his or her selfless act of moral heroism, deriving a sense of satisfaction from having done a good deed, and having prevented a terrible tragedy. But who can really know when a given event is truly a tragedy, or perhaps, like the horse that breaks a boy's leg, really a blessing in disguise. Since human wisdom, Chuang-tzu suggests, is inherently incapable of successfully comprehending the true meaning of events as they are happening, when can we ever truly know that our emotional urge to save babies, pretty birds, and entertaining sea-mammals is really an urge that is morally sound. The Taoist answer seems to be that we can never be sure, and **even if the extinction** of Chuangtzu's wife or of the whooping crane really **brought no actual blessing to the world, such events are natural and proper in the way of life itself, and to bemoan such events is to show that one is no more insightful about life than a child who sentimentally cries over the loss of a toy**, a glass of milk, a beloved pet, or even her mommy, run over by a drunken driver. The Taoist lesson seems, in this regard, to be the same in each case: things happen, and some things cause us distress because we attach ourselves sentimentally to certain people, objects, and patterns of life; when those people, objects, or patterns of life take a sudden or drastic turn into a very different direction, a mature and responsible person calms his or her irrational emotions, and takes the morally responsible course of simply **accepting the new state of things**.

#### The aff’s attempt at compassion is just a hollow attempt to salve their conscious spurring disharmony with the Tao.

Slabbert 1 [Jos, Taoist teacher and philosopher, “Tao te Ching: How to Deal with Suffering” http://www.taoism.net/theway/suffer.htm]

"Virtue" as suffering When the great Tao is forgotten, goodness and piety appear. When the body's intelligence declines, cleverness and knowledge step forth. When there is no peace in the family, filial piety begins. When the country falls into chaos, patriotism is born. (Chapter 18) What is remarkable about this poem is its claim that positive attributes, like goodness, piety, cleverness, knowledge, filial piety and patriotism, can in fact be nothing else but our efforts to deal with our separation from the true source. As such, they may be symptoms of suffering. When people do not live in harmony with the Tao, they often demonstratively show goodness and piety, which have deteriorated to a facade devoid of substance. In fact, this is corruptive, for it turns what should be true manifestations of the spirit into vain show. We have often seen this, haven’t we? People, who live lives of vanity and greed, showing off their charity and religiosity to the world. Their corruptive influence as role models cannot be underestimated. In the third line of this poem, the poet speaks of the "body’s intelligence" as opposed to "cleverness and knowledge", which are negative in this context. The "body’s intelligence" is the intuitive, natural intelligence - the gut feeling of what is right - of someone living in harmony with Tao. When one loses contact with Tao, true intelligence, which is wisdom and compassion, declines, and cleverness takes over. Cleverness and knowledge without compassion are products of disharmony with the Tao; they are vain efforts to gloss over lack of wisdom. Unlike wisdom, they cause suffering and do not find solutions to suffering. They are superficial show, often totally in service of the ego, and as such they are corruptive and harmful.

#### Ethical attachment to others may seem compassionate but detachment is a prerequisite to end suffering.

Slabbert 1 [Jos, Taoist teacher and philosopher, “Tao te Ching: How to Deal with Suffering” http://www.taoism.net/theway/suffer.htm]

Attachment The Master stays behind; that is why she is ahead. She is detached from all things; that is why she is one with them. Because she has let go of herself, she is perfectly fulfilled. (Chapter 7) Attachment is often being part of the rat race, which is a form of acute suffering and stagnation. The first two lines are clear. It is only by staying behind, by giving up your ambitions and abandoning the rat race, that you will truly develop. Detachment is the key. You only become one with things if you are detached from them. It is true, isn’t it? If you are, for example, emotionally too attached to your children, you often lack the wisdom to be truly compassionate to them in a constructive way. It is only when you put your emotions aside, when you are detached, that you can truly understand others, that you become "one with them", and will have the courage to help them. The last two lines of the verse describe the essence of detachment. You must let go of yourself. You must sacrifice your ego and you own ambitions, and you must abandon your selfish agendas. Only then will you be at one with your own emptiness and will you find fulfilment. It sounds like a sacrifice, doesn’t it? The price is worth it, though, for this form of sacrifice conquers suffering.

#### Forego all action to achieve desired ends.

Kirkland 96 [Russell Kirkland, Associate Professor of Religion (and Asian Studies), “The Book of the Way,” 24-29, http://kirkland.myweb.uga.edu/rk/pdf/pubs/DAODE.pdf]

The Teachings of the Daode jing The focus of the Daode jing is something called "the Tao (or Dao)," a term that cannot adequately be translated. The text says that the Tao is "vague and subtle," and it never provides definitions. Instead, it employs metaphors to suggest the nature of the Tao, and to describe behaviors that are similar to its way of working. Most basically, the term Tao seems to denote a natural force that runs through all things and guides them through their natural course of development. It is an inexhaustible source of life and power, and is constantly at work in the world in subtle and imperceptible ways. Both its reality and its nature can be perceived by observing the world around us. However, most people have lost sight of the Tao, and have given way to unnatural behaviors that go contrary to it. The goal of the Daode jing is to persuade the reader to abandon those behaviors, and to learn once again how to live in accord with the true course of life. One can achieve those goals by appreciating the true nature of life, and modifying one's behavior to be more like that of the Tao. Specifically, the Tao is humble, yielding, and non-assertive. Like a mother, it benefits others selflessly: it gives us all life and guides us safely through it, asking nothing in return. This altruistic emphasis of the Daode jing has seldom been noticed, but it is one of the most important lessons that it draws from the observation of the natural world. Water, for instance, is the gentlest and most yielding of all things, yet it can overcome the strongest substances, and cannot itself be destroyed. More importantly, however, water lives for others: it provides the basis of life for all things, and asks nothing in return. If we learn to live like water does, we will be living in accord with the Tao, and its Power (De) will carry us safely through life. Such a way of life is called wuwei, usually translated as "non-action." Wuwei means **foregoing all activity intended to effect desired ends**. Instead, one should follow one's natural course and allow all other things to do likewise, lest our willful interference disrupt things' proper flow. Few modern readers have ever grasped the full radicality of the ideal of wuwei. Many of us today (like the ancient Chinese Confucians and Mohists) look at the world and see things that we think need correcting. The Daode jing would actually have us do nothing whatsoever about them. The repeated phrase "do nothing, and nothing will be undone" admonishes us to trust the Tao -- the natural working of things -- and never to do anything about anything. Actually, such is the most that anyone can do, because the Tao -- as imperceptible as it is -- is the most powerful force in existence, and nothing can thwart its unceasing operation.

### 1NC K 2

#### Specifying red pedagogy as the best intellectual praxis to foreground Native intellectualism prevents a pluralistic approach to create a decolonized democratic space and activate our political agency.

#### Struggles against Louisiana’s toxic corridor prove that no one method is best – personal narratives, activist scientists, policy and legal experts succeeded together. Instead of arguing about establishing the *best* method, they used all available tools.

Barbara **ALLEN** Science and Technology in Society @ Virginia Tech **‘3** *Uneasy Alchemy* p. 151-155

The citizen protest against pollution and hazardous waste in the corridor began with sharing stories. They suspected something was wrong, but did not have all of the knowledge or words to communicate what they tacitly knew was a problem. Eventually, the residents' affiliation with experts, typically activist-experts, led to a strengthening of local allegations regarding their environment and the emergence of a more participatory, democratic, and effective citizen-input process. This combination of local knowledge and technical/professional expertise proved to be a potent hybrid knowledge that has been a catalyst for environmental improvement in the region. The new, hybrid knowledges emerged in a variety of arenas, including citizens' narratives, economics, the law, and health. This discourse demonstrates how a more objective knowledge can be constructed through the combination of citizen knowledge with expert knowledge. Objective knowledge combined with cross-class, multirace coalitions, if used in the policy and regulatory arenas, leads to more inclusive decision-making processes and effective environmental change as evidenced in the Louisiana industrial corridor. Community narratives and environmental stories played an important role in coalescing community groups in the beginning stage of citizen dissent regarding siting permit decisions. By talking among themselves, residents were able to tell convergent stories about their traumas and observations regarding the toxic waste in their neighborhoods. These powerful stories, reiterated at public hearings, further fueled citizen outrage and activism. Groups emerged that shared a language about their polluted environment and became the primary force for change in the region. The residents' voices were made more powerful when they combined, in chorus, with experts who shared their environmental concerns. Willie Fontenot, an activist and political scientist with the state attorney general's office, played an important role in helping the citizens identify and name hazardous waste for the first time. Through illustrated talks and field trips, Fontenot educated many of the corridor residents about the signs of exposure and their dangers. Important and effective activists such as Amos Favorite, Albertha Hasten, Florence Robinson, and Theresa Robert were enabled, in large part, because of Fontenot's educational work. Citizens also found important allies in the geologists who questioned the corporate science of underground injection containment. Men such as Jeffrey Hanor and Brad Hanson worked On geological questions outside of corporate funding, lending credence to the citizens' skeptical standpoint, thus creating a more objective science of underground injection for policy and permit purposes. They added to the citizenscience base of the corridor and diminished the frustrating amount of "undone science" in the questions surrounding the injection of hazardous waste. The debates of expert economists were very important in the regulatory and political processes. The government-industry alliance, a partnership dating back to the arrival of big oil in the state at the turn of the century, firmly backed a traditional market economist, Loren Scott, in their advocacy of chemical expansion in the region. Likewise, the citizen activists found their economic expertise in the work of a local environmental economist and policy expert, Paul Templet. In addition, the citizens also constructed their Own voice surrounding the economics of pollution and health, evidenced by the numerous testimonials, the majority being women caring for sick family members. Their local narrative was further legitimated in expert discourse by Templet whose work also showed the disproportionate income spent on health care in Louisiana. The U.S. EPA also allied with the citizens of Louisiana in the economic debate questioning the profit corporations made by noncompliance. This reciprocal play between expert and citizen in the toxic debate has strengthened the position of the residents who are calling for a better environment. Citizen knowledge alone is often termed "opinion" and not treated as equal with the corporate knowledge that is taken by the DEQ as "truth." Expert-activist research like that of the geologists, the economists, and medical specialists helps develop a citizen-science that is more applicable to solving local problems. Through this citizenscientist alliance the more biased corporate science that was heretofore masquerading as "truth" in the policy arena is exposed as one-sided and flawed. Legal experts were at the center of some of the most acrimonious fights over the siting of hazardous industries. Antichemical development residents were fortunate to have an exemplary student law clinic willing to represent them. The combination of multiracial, multiclass citizen groups augmented with legal expertise from Tulane's student attorneys was a powerful, winning alliance. The prochemical industry governor and his appointees recognized the combined power of the multicultural residents and the student attorneys and set out to stop it On all levels. This was a sign that these citizen-expert, issue-based alliances and the hybrid knowledge they were producing were working exceptionally well. Through various means, the governor attempted to stop the students from representing groups in chemical company siting disputes. This act brought into focus the weakness of identity-based politics in the environmental justice movement and foregrounded the strength of heterogeneous new social movement groups. Women scientists also played a pivotal role in the public translation of science in the corridor. Florence Robinson, Wilma Subra, Kay Gaudet, and Patricia Williams were directly involved in producing more applicable and objective knowledge about the communities affected by pollution. They began with the lives and questions of the citizens-listening to their concerns and observations, and extended to them the expertise of their scientific training. Robinson and Subra also helped create a participatory citizen-science, by teaching people how to conduct scientific surveys and have their concerns made part of the official record, in case of future litigation. These citizenempowering methodologies contrast with the preferred corporate methodology, traditional epidemiology-a method that almost never shows causation because of the biases inherent in it. This methodological bias is evidence that science not only needs its context examined (who is doing the science and for what purpose) but the content (methodology) as well. The debates in three discursive arenas-economics, the legal system, and health-partially represent citizen resistance to further unchecked and poorly regulated petrochemical development in their communities. Carried out by heterogeneous groups formed specifically around issuebased politics, the public debates are purposeful: they emerge from new social movements actively advocating justice and change with respect to their causes. In the three arenas as well as in the formation of the narrative story, expert-activists played an important role. Thus more global knowledge was brought into a conversation with local knowledge to form an important discourse with which to resist and change the corporategovernment narrative that was firmly entrenched in the corridor. Taking my argument a step further, environmental policy-making processes could also make the combination of both citizen and expert voices more inclusive and less biased and thus representative of the community. According to political theorist Iris Young, "struggles about environmental justice cannot simply be about the placement of hazardous sites, a distributive issue, but must more importantly be about the processes through which such placements are decided."] After a discus- sion of the changes needed in the environmental policy processes, I will give an example of a positive outcome in one community in the corridor.

#### Pluralism is a better political strategy for confronting zones of sacrifice.

David **SCHLOSBERG** Director of Environmental Studies Program @ Northern Arizona **‘7** *Defining Environmental Justice* p. 174-177

Theoretical Plurality and Movement Strategy A critical pluralism and the engagement it requires, however, makes sense not just theoretically, but in practice as well. Recognizing that justice means multiple things in different places, understanding the variety of conceptions of justice as discourses that can be shared, and bringing that variety of discourses on both environmental and ecological justice into a broad movement, can assist in constructing a movement dedicated to justice, while open to the multiple manifestations and experiences of environmental and ecological in justice. On this, I have to agree wholeheartedly with Connolly: 'Perhaps pluralism is a philosophy for wimps, for those whose beliefs are too saturated with uncertainty and ambivalence to take definitive action. I don't think so' (Connolly 2005: 3). But not everyone agrees. The context of injustice is central here. The principles of environmental justice articulated by movements come partly out of the claims of particular types of social groups (such as indigenous communities, or victims of environmental impacts) or their relation with states or the international community. It also comes out of political and social relationships particularly those that include exclusion and a lack of recognition; examples here include groups excluded from corporate decision-making in their communities, or from economic regimes such as the World Bank or WTO. In practice, various groups and organizations that appeal to notions of environmental justice address differing and multiple, yet integrated, notions of justice. There may be certain principles of justice that apply in different types of situations, or different emphases groups may have in those situations. Such contextualization is broader than self-described justice pluralists (such as Miller or Walzer) have described.3 Simply put, priorities change according to context; so to, then, do articulations of grievances and strategies. This may be both a theoretical and a practical reality, but the question then becomes one of strategy. Can such a diverse movement with varied notions of justice, many of which are locally centered, both grow in terms of its discourse and the issues it encompasses, yet retain its cohesion as a movement and accomplish its stated aims? Ultimately, the argument here is that a broad pluralist, yet contextualist, approach works as a movement discourse and strategy; but, again, not everyone agrees. There are two general, though oddly quite opposite, critiques of plurality as a movement strategy. On the one hand, some argue that movements need to keep themselves finely defined, in order to retain a focus and reach for achievable goals-even if those are quite limited. On the other hand, other critics argue that movements need to let go of their particularity in order to achieve universal ends. Let me address them one at a time. Getches and Pellow (2002) urge the environmental justice movement to limit itself, and in particular to focus only on 'communities that exhibit traditional characteristics of disadvantage-where high poverty levels, large populations of people of color, or both are concentrated' (p. 5). In essence, Getches and Pellow want to limit the range and application of the environmental justice movement to communities of color, as if environmental injustice cannot happen to other communities. Unfortunately, this simply goes against both the practice of the movement, which is strong in mixed and poor white communities as well, and against a thorough understanding of exactly what the justice of environmental justice is. Race is a central component of a conception of justice as recognition, but it is not the only one; and, as discussed earlier, movements address more than justice as recognition. Getches and Pellow do understand that seeing 'the causes of injustice as intertwined, and environmental injustice as but a symptom among other multiple manifestations of injustice, helps us to understand the interconnection of issues and to form a vision for a better society' (p. 20). Yet they insist on a very limited application and policy focus, to 'what reasonably can be accomplished' (p. 20). This seems entirely too limiting to movements. During the recent Bush administra. tion, for example, the definition of what might be reasonably accomplished has been thoroughly limited. Does that mean that a movement is required to limit its vision and definition depending on the political opportunities of the moment? Why cannot a movement have both a broad definition of environmental justice, and a pragmatic understanding of policy circumstances, simultaneously? While such a prescription may make sense in terms of one vision of movement strategy, it takes away the ability for movement actors to make connections with other movements and to fully address all the aspects of injustice that are tied to environmental injustice. Pellow and Brulle (2005), however, give the same cautionary and limiting prescription in a more recent piece. While they recognize that environmental justice is based in numerous concerns and movements, they argue that 'there are limits to how much plurality a movement can embrace' and that environmental justice 'activists must bound and limit the purview of their concerns' (pp. 15-16). But there is no guidance given for exactly how such limits are to be articulated, or what comes of the various alliances that have been made across issues and issue groups that are to be trimmed from the definition of the environmental justice move· ment. The problem might not be the reality of the widespread nature of environmental injustice, which is reflected in this expansion of the movement's concerns. Rather, the problem may be in a framing that can· not encompass this plurality clearly enough. The problem may be that, as Anthony (2005: 92) argues in the same volume, 'the popular understanding of environmental justice is based on too narrow a view of "environment" and too narrow a view of "justice"'. Rather than dismiss the use of a broad environmental justice frame because it applies to so many issues, we should examine what it is about environmental justice that resonates with so many communities on so many issues. We should attempt to broaden our understanding of the frame and discourse. Such a broader discourse could help participants, and the larger public, understand the links among these diverse issues and movement groups; it is a language and discourse that can envelope those diverse movements with the same underlying explanation, critique, and resolution. This is the point of using a term like justice; its meaning is expansive, and broadly applicable to a wide range of social, cultural, political, and environmental issues. The argument here is that a more thorough definition of justice, one that encompasses the expressed concerns of environmental justice and other groups, can offer a workable frame. Distributional concerns, along with calls for recognition, participation, and the protection of the capabilities and functioning of communities can come together in a frame that can strengthen both the explanatory and mobilizing reach of the movement. This is the essence of Taylor's important discussion of the environmental justice 'frame' (2000). Environmental justice now has a broad enough frame, or discourse, that adherents come from a variety of cultural and collective identities. Many individuals and groups recognize and support other collective identities within an extended framework of environmental justice. This is actually one of the most important internal accomplishments of the US movement, and is exemplified in the way that urban African-Americans, new Asian immigrants, and indigenous nations are all key parts of the environmental justice community. This expansive identity and discourse has already been immensely successful; the argument here is to extend that discourse even further, using a broad, diverse, and plural language of justice that is applicable not only across numerous communities and situations in the struggle for environmental justice, but also into calls for ecological justice to the nonhuman natural world.

## \*\*\* 2NC

### AT: Resolved

#### 1. Colon is irrelevant—even under their interpretation, the resolution still includes the federal government, meaning that individuals have to be “resolved” that the federal government should act

Webster’s Guide to Grammar and Writing 2k [http://ccc.commnet.edu/grammar/marks/colon.htm]

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on… If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

#### 2. Counter-Interpretation—resolved means the topic committee voted for the topic—only our evidence accounts for the context of the resolution.

Parcher 1—Jeff Parcher, Former Debate Coach at Georgetown University [Feburary 2001, http://www.ndtceda.com/archives/200102/0790.html]

(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 committee 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.

### AT: SSD Bad

#### Playing devil’s advocate combats dogmatism and leads to better convictions.

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. 8-9)

Willingness to argue against what one believes helps the advocate understand the strengths and weaknesses of their own position. It opens the potential for a new synthesis of material that is superior to the first (Dybvig & Iverson, 2000). Serving as a devil’s advocate encourages an appreciation for middle ground and nuance (Dell, 1958). Failure to see both sides can lead to high levels of ego involvement and dogmatism (Hicks & Greene, 2000). [end page 8] Survey data confirms these conclusions. Star Muir found that debaters become **more tolerant** after learning to debate both sides of an issue (Muir, 1993).

Such tolerance is predictable since debate is firmly grounded in respect for the other through the creation of a fair dialogue. Ironically, opponents of a debate as dialogue risk falling prey to dogmatism and the requisite failure to respect potential middle grounds. Perceiving the world through the lens of contingency and probability can be beneficial to real-world activism when its goal is creating consensus out of competing interests. The anti-oppression messages of critical teams would benefit from a thorough investigation of such claims, and not merely an untested axiological assumption.

### AT: Persuasion Without Ethics Bad

#### 3. Theory disconnected from reality is meaningless—strategic considerations grounded in utility and empirical application are essential to political relevance.

Betts 97—Richard Betts, Professor of Political Science and Director of the Institute of War and Peace Studies at Columbia [“Should Strategic Studies Survive?” World Politics, 50.1, p. 7-33]

Two academic pathologies should raise the stock of policy studies. One is that the professional premium on theorizing tends to proliferate theories, promote constant revision of theories, and encourage production of second-rate theories over first-rate applications. Albert Hirschman, with impeccable credentials as a theorist, long ago indicted "the tendency toward compulsive and mindless theorizing." 48 One sure sign of intellectual degeneration in a field is when the logical relationship between generalization and specification is inverted, theories threaten to outnumber their applications, and the shelf life of theoretical work turns out to be hardly longer than that of policy analysis. Some social scientists are untroubled that professional incentives encourage such imbalance, because never having had to meet a payroll in the policy world, they overestimate the ease with which an effective application can be derived from a theoretical insight. Every intellectual would rather be an Einstein than an engineer, but useful knowledge is not advanced if the academy generates a horde of would-be Einsteins but few competent engineers. Strategists are not just engineers, but they consider empiricism and application no less important than the theoretical part of their work. The other pathology is when theorization becomes a closed system, with no connection through which insights can be applied to the outside world--when theorists communicate effectively with no one but each other. When this happens, a theory may remain beautiful but it loses the claim to utility. It is the widespread perception in the outside world that theorization is a closed system that makes "academic" a pejorative adjective in normal parlance. A system can be closed in two senses: lack of feedback from policy application, or lack of interest in testing theories against evidence. Both problems are addressed in typical strategic studies research programs that proceed from policy issues, to theoretical formulation, to empirical testing, to policy application. Intellectuals who spend much time in Washington sometimes worry that much theoretical work in contemporary political science reflects both pathologies and has not proved much less ephemeral or more useful than good applications of old theory. Unless academics themselves [End Page 31] become involved on the periphery of policy-making, the only way that their work can have effect outside the closed system in universities is if practitioners read it. Few high-level staff in the U.S. government read anything more academic than Foreign Affairs, and high-level policymakers seldom have time to read any unofficial material but op-ed pieces. One academic journal that is read occasionally in Washington is International Security, because it melds policy analysis and theory. This is one reason it has had a circulation 50 to 80 percent higher than its IPE counterpart International Organization and that academics in other fields sometimes denigrate its academic quality. Some academics may value the aesthetic qualities of theory as much as the utilitarian. Strategists can get as excited as anyone over the elegance of an idea, but see elegance without empirical confirmation and applicability as no more science than art. As Brodie suggested, any criterion for strategy but a utilitarian one is a contradiction in terms: "The question that matters in strategy is: Will the idea work? . . . . Strategy is a field where truth is sought in the pursuit of viable solutions." 49

### 2NC—Fairness O/W Edu

#### Turn—Rules are key to 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.

#### And, Fun is key to education and knowledge retention.

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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—we need to research and isolate weaknesses of the aff.

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.

#### 4. Empiricism is on our side—an experimental debate tournament with no topic caused students to perceive a lack of educational value—this discouraged them from participating in debate—

#### 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.

#### And, the experiment empirically proves our argument—people do 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.

## \*\*\* 1NR

**1NR T**

**Topical affirmatives have the ability to connect environmental justice, indigenous pedagogy and federal support.**

**Powell 6**—Dana POWELL [“Technologies of Existence: The indigenous environmental justice movement” Development, 2006, 49(3)]

Emergence of wind and solar power projects in the IEJM In 2003, the first utility scale, indigenous-owned and operated wind turbine in the US was installed on the Rosebud Sicangu Lakota reservation in South Dakota. The project took eight years of organizing, fundraising, and coordinating among the tribal government, the Intertribal Council on Utility Policy (ICOUP), the Department of Energy, local activists and indigenous non-governmental organization Honour the Earth (HTE). Rising to 190f t tall, the 750kW, Danish-manufactured wind turbine was installed with ceremony and great expectation as the first of many to come. As the closest structures to the turbine site, the Rosebud casino and its adjacent hotel will consume the wind’s power until new lines are constructed to carry it deeper into the reservation to individual homes. The turbine at Rosebud was installed as the first among several emergingwind energy projects on Native American reservations from the Dakotas to Montana and Colorado. Bob Gough of ICOUP explains that this technology is being used to promote a wider campaign for renewable energy on other reservations: This turbine could have been simply a stand-alone project and the tribe would have been pleased enough. This is really a show horse. It’s there at the casino to get high visibility ^ we’re going to have information kiosks to teach people about it. But this project was also designed to take us through all the steps we need to learn to build more of these. There’s a lot more than just putting up a wind turbine and connecting a few wires.With wind turbines you’re connecting into the North American electricity grid, the largest machine in the world, which involves a lot of rules and policies.We’ve used this as an opportunity to learn how to do this on a larger scale, and we are sharing that with any of the other tribes that are interested (Tidwell, 2003:3). Situated within the broader IEJM in North America, these projects mark a shift towards wind energy activism within the movement, which traces its own history of resistance to the recent action of the 1960s and 1970s, but more deeply to the resistance that has always been a part of the colonial experience of being occupied and ‘developed’. The Rosebud turbine is a communitybased development project imagined and executed by local and regional activists and engineers, but funded by a combination of national foundations and federal agencies, including the Environmental Protection Agency, the Department of Energy, Department of Interior and US Department of Agriculture, making for **complex and contradictory alliances between tribes and the state**. The project is also situated within the context of environmental and political debates on energy development around the state of South Dakota, where plans are underway to develop 2000MW of coal-fired power by the end of 2010 (LaDuke, 2004). The wind turbine is moving to centre stage as a potential solution to many of movement’s primary concerns: climate and ecological change, natural resource conflicts, cultural preservation, globalization, and tribal sovereignty. Twenty years earlier and1100miles south, Hopi engineers, activists, and tribal leaders began to install solar photovoltaic panels on rooftops of residential homes, bringing electricity to families who had been living off the grid,without electricityProjects on the Hopi and Navajo reservations have proliferated over the past two decades, with the Hopi solar business NativeSun and engineer DebbyTewa leading theway. In recent years, these projects have connected with the emerging wind power projects in the Plains region, through the work of the national Native NGOs, HTE, and the IEN, and have become central to these groups’ common visions and overlapping strategies of environmental justice and sustainable development on tribal lands. In the last two years, these two national networks have collaborated with grassroots environmental and cultural protection organizations to install additional technologies on Newe Segobia, or Western Shoshone territory, on the Pine Ridge Lakota reservation, and on the Navajo reservation. These installations have become intermeshed with ongoing indigenous environmental justice campaigns focused on conflicts centring primarily on aspects of energy production, such as the recent conflicts over the proposed mining of the sacred Zuni Salt Lake; the proposed federal nuclear waste storage sites on the Skull Valley Goshute reservation and at Yucca Mountain, Nevada; and uranium mining on the Navajo and Hopi reservations. In several of these cases, the environmental justice activists are challenging tribal governments’ contracts with regional utilities and/or federal agencies.Without a long digression into the history and politics of natural resource use and development on reservation lands, suffice to say it is not always but is often a site of intense internal debate and conflict for tribes themselves. The significance of the relatively recent emergence of wind and solar technologies as tribal development projects is that tribes are increasingly connecting into this network of renewable energy activism as a means of economic growth, ecological protection, and cultural preservation. Seemingly an oxymoron ^ to preserve ‘tradition’ with the use of high-tech machines ^ advocates of wind and solar power emphasize that cultural preservation is itself about flexible practices, change, and honouring worldviews in which the modernist distinction between nature and culture is nonsensical. In other words, when some of the most important cultural resources are the land itself (i.e., mountains for ceremonies, waters for fishing, soils for growing indigenous foods), to protect nature is also to protect culture. As Bruno Latour has also argued, this natures-cultures epistemology is also ontology ^ a different way of knowing, inhabiting and engaging the world (Latour, 1993, 2005). Wind turbines and solar photovoltaic panels are articulating with this worldview, and at the same time articulating with many tribes’ desires to move beyond fossil fuel extraction as a primary means of economic development, and towards natural resource practices that are more ‘sustainable’. The wind and the sun introduce new elements of common property to be harnessed for alternative development projects and increased decentralization and ownership over the means of power production. Technologies of existence This recent emergence of renewable energy technologies on reservations inspires analysis of natural resource conflicts to move beyond models of resistance in understanding controversies and social struggles over resource management and energy production to seeing the ways in which concepts such as ‘sustainability’ are being resignified through the introduction of what I argue are imaginative technologies of existence. I stress existence over resistance not to obscure the contestations of federal, tribal, and utility consortium proposals for natural resource development, which have been importantly detailed elsewhere (Gedicks, 2001), but to emphasize the creative, imaginative work of the movement in envisioning and enacting alternativeways for tribes to self-sustainand grow healthy economies, ecologies, cultures, and bodies in an integrated manner. There are other technologies of existence engaging particular, situated natural resource conflicts within the movement: recovery of customary foods and harvesting practices, coalition-building around water rights and resources, restoration of salmon and sturgeon populations, and projects involving information and film media as a means of preserving and producing the ‘natural’ resourceof culture itself. This constellation of resources ^ energy, food, water, and culture ^ are of central concern to the IEJM and creating sustainable methods of generating each advances the ‘good life’ towards which the movement’s work strives. In this sense, wind and solar projects on reservations are not technologies of existence to ‘make live’ in the biopolitical sense of a population’s ensured biological survival and micro-practices of regulation, but technologies that articulate with desire, history, localization, imagination, and being in a way in which the meaning of ‘existence’ exceeds a definition of continued biological survival or reproduction. These technologies are about a particular quality of existence that speaks to the late Latin root of the word, existentia, which comes from the earlier Latin exsistere, meaning ‘come into being,’ itself a combination of ex ‘out’ þ sistere ‘take a stand’ (O.A.D., 2001). Thus, when ‘existence’ recovers the notions of coming into being, externality, and taking a stand, what it means to live and to grow is inherently active and perhaps even risky. Sustainability, then, in the context of the IEJM, is a bold existence and set of practices informed by a particular history of struggle and oriented towards a future of well-being, in which the economic, the ecological, and the cultural are interdependent and mutually constitutive. The movement’s concept of ‘environmental justice’conveys such a non-reductive understanding of sustainability as a certain quality of existence. The concept proliferates and circulates through the geographically dispersed installations of wind turbines and solar panels (among the other technologies of existence) and is reinforced at national and transnational gatherings of HTE and the IEN. As an enunciation of sustainability, ‘environmental justice’ recalls specific cases of contamination on indigenous lands, articulates with broader environmental and anti-racist movements worldwide, and critiques dominant approaches to development by posing concrete alternatives. This is a critical, alternative knowledge being produced through the networked practices of a specific socialmovement. It is not the sustainability of the‘triple bottom line’ in neo-liberal theory that self-congratulates its attention not only to capital but also to pre-figured notions of the environment and society; though it is also not a romanticized ‘traditional’ wisdomof indigenous people, endowedwith some sort of essentialist knowledge and protective role for the natural world. It is, instead, a sophisticated hybrid concept ^ in which knowledges of wider energy and trade markets, science and engineering, local resource management issues, global processes of climate change and wars for oil, and the relational knowing that comes with enacted attachments to place, converge to inform and generate a call for ‘environmental justice,’ implemented through specific material technologies.

#### Topicality structurally mandates difference within debate -- this avoids the perpetuation of extremism and intolerance through enclaves of radical similarity.

Sunstein 2k—Cass Sunstein, Distinguished Professor of Jurisprudence and Professor of Political Science at University of Chicago [October 2000, “Deliberative Trouble? Why Groups Go to Extremes,” *Yale Law Journal*, 110 Yale L.J. 71, Lexis]

The central problem is that widespread error and social fragmentation are likely to result when like-minded people, insulated from others, move in extreme directions simply because of limited argument pools and parochial influences. As an extreme example, consider a system of one-party domination, which stifles dissent in part because it refuses to establish space for the emergence of divergent positions; in this way, it intensifies polarization within the party while also disabling external criticism. In terms of institutional design, the most natural response is to ensure that members of deliberating groups, whether small or large, will not isolate themselves from competing views - a point with implications for multimember courts, open primaries, freedom of association, and the architecture of the Internet. Here, then, is a plea for ensuring that deliberation occurs within a large and heterogeneous public sphere, and for guarding against a situation in which like-minded people wall themselves off from alternative perspectives.

#### The presence of only one view-point encourages enclaves spurring social fragmentation and intolerance.

Sunstein 2k—Cass Sunstein, Distinguished Professor of Jurisprudence and Professor of Political Science at University of Chicago [October 2000, “Deliberative Trouble? Why Groups Go to Extremes,” *Yale Law Journal*, 110 Yale L.J. 71, Lexis]

One of my largest purposes is to cast light on enclave deliberation as simultaneously a potential danger to social stability, a source of social fragmentation, and a safeguard against social injustice and unreasonableness. n14 Group polarization helps explain an old point, with [\*76] clear constitutional resonances, to the effect that social homogeneity can be quite damaging to good deliberation. n15 When people are hearing echoes of their own voices, the consequence may be far more than support and reinforcement. An understanding of group polarization thus illuminates social practices designed to reduce the risks of deliberation limited to like-minded people. Consider the ban on single-party domination of independent regulatory agencies, the requirement of legislative bicameralism, and debates, within the United States and internationally, about the value of proportional or group representation. Group polarization is naturally taken as a reason for skepticism about enclave deliberation and for seeking to ensure deliberation among a wide group of diverse people.

**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 Overview**

**Both fortune and misfortunate are beautiful and should be accepted as they are.**

**And this is:**

**Lao Tzu, 300 B.C.** –translated by S. Mitchell [record keeper of the Zhou dynasty, *Tao Te Ching*, chapter 16, as translated by Stephen Mitchell, http://academic.brooklyn.cuny.edu/core9/phalsall/texts/taote-v3.html#16]

Empty your mind of all thoughts.

Let your heart be at peace.

Watch the turmoil of beings,

but contemplate their return.

Each separate being in the universe

returns to the common source.

Returning to the source is serenity.

If you don't realize the source,

you stumble in confusion and sorrow.

When you realize where you come from,

you naturally become tolerant,

disinterested, amused,

kindhearted as a grandmother,

dignified as a king.

Immersed in the wonder of the Tao,

you can deal with whatever life brings you,

and when death comes, you are ready.

**This is true of suffering --- taking action for desired end spurs more suffering and prohibits understanding of the Tao.**

**Slabbert 1** [Jos, Taoist teacher and philosopher, “Tao te Ching: How to Deal with Suffering” http://www.taoism.net/theway/suffer.htm]

Action **Practice not-doing, and everything will fall into place**. (Chapter 3) Part of our suffering is our belief that we will reach our destiny only through action. What a harmful superstition this has turned out to be. Its destructive path can be traced through the mayhem caused by "men of action" in the course of history. **Action is often driven by the ego**. It is often part of self-glorification. It not only causes personal suffering, but suffering on a vast scale. The text is clear about what you should do: "Practice non-doing." Let go of your false self. Find peace in your emptiness, and you will come to a state of mind where this suffering has ceased to exist. You will not suffer, nor will you spread suffering. You will be without agendas, and you will have the peace of mind of someone filled with wisdom and compassion. Your silence will become a blessing, and your non-action a way of leading people to the way of the Tao.

**Only spiritual change can solve true discrimination.**

**Slabbert 1** [Jos, Taoist teacher and philosopher, “Tao te Ching: How to Deal with Suffering” http://www.taoism.net/theway/suffer.htm]

Discrimination When people see some things as beautiful, other things become ugly. When people see some things as good, other things become bad. (Chapter 2) We easily become victims of our own discriminatory faculties, which are closely linked to desire. We desire because we discriminate in terms of what we observe to be quality and beauty, or desirable and undesirable. We are then easily driven by our own ideas of what should be rejected, and what is desirable and should be obtained. It turns life into a quest for material gain, and our relationships become a selective process often driven by lust and a desire for status. But is this a form of suffering? Many would argue it is not. It is in fact the spice of life, they would claim. It gives life meaning, they would insist. They would argue that there must be a reason why consumerism has become such an obsession in the modern world. Do not be fooled by this. This preoccupation with possession, manipulation and exploitation is a symptom of spiritual confusion, in fact an acute form of suffering. Like hungry ghosts, people are trying to satisfy the insatiable. They are driven by their greed, and can never be satisfied, and they never find rest. They are like creatures trying to quench their thirst with salt water. The more they drink, the thirstier they become. Their suffering is acute, no matter how happy they pretend to be. **There is a solution to this. Cease being run by your discriminatory faculties. Only then will the essential tolerance on a spiritual level be possible**. Quite simply accept life as it is. Be like a child. The world is the way you see it. If you see it as full of innocence and beauty, it will be full of innocence and beauty. It does not mean that you deny the presence of ugliness and evil in the world. No, you just refuse to focus mainly on the gloomy side and do not give it a chance to change your perspectives and darken your own spirit. You do not have to search for meaning. Just get rid of your negative thoughts. The meaning of life is life itself. Live it. In this way, you will fill the world with beauty and meaning. It is more powerful than any political program.