### **Medical T** [~2:10]

*[the strategy with this shell is to be very specific in CX and pin down exactly what she defends – point out that her solvency advocate and plan text probably defend healthcare for all types of injuries from IPV, and when you clarify that, boom, she definitely violates the shell. If she’s shifty and is like oh I don’t necessarily defend all treatment, I just defend medical treatment, then read theory – “A. interp – if a debater parametricizes the resolution, then they must defend an advocacy consistent with what an author in the topic literature advocates regarding the topic. To clarify, you may not claim that an author is your solvency advocate if your plan text is distinct from what the author defends.” She violates since her solvency advocate definitely does not only defend medical treatment, probably defends all types of treatment for injuries from IPV. Standards – Topical ground, predictability and clash, etc.]*

A. is the interpretation – The Free Medical Dictionary defines medical as

**pertaining to medicine** or to **the treatment of diseases**; pertaining to medicine **as opposed to surgery.**

Google, Dictionary.com, TheFreeDictionary.com, and Merriam Webster all concur.

<http://dictionary.reference.com/browse/medicine> thefreedictionary.com/medical <http://www.merriam-webster.com/dictionary/medical> <http://medical-dictionary.thefreedictionary.com/medical>

B. is the violation – Healthcare for intimate partner violence, or IPV, is not restricted to medical procedures and includes surgical ones. The plan always violates, from CX, the plan text, and solvency advocate it’s clear that she defends all types of treatments for injuries and certainly some types of treatment will include surgery. IPV injuries specifically generally deal with surgical solutions, **The Lancet ‘13:**

“Prevalence of abuse and intimate partner violence surgical evaluation (PRAISE) in orthopaedic fracture clinics: a multinational prevalence study” 6/12/13 http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2813%2961205-2/abstract

Intimate partner violence **(IPV) is the leading cause of non-fatal injury to women** worldwide. **Musculoskeletal injuries**, which are often **seen by orthopaedic surgeons, are the second most common manifestation of IPV.** We aimed to establish the 12-month and lifetime prevalence of IPV in women presenting to orthopaedic fracture clinics.

Expert consensus is clear – IPV treatment is a surgical question. **Bhandari et al ‘14:**

“Mis)perceptions about intimate partner violence in women presenting for orthopaedic care: a survey of Canadian orthopaedic surgeons.” [Bhandari M](http://www.ncbi.nlm.nih.gov/pubmed/?term=Bhandari%20M%5BAuthor%5D&cauthor=true&cauthor_uid=18594110)1, [Sprague S](http://www.ncbi.nlm.nih.gov/pubmed/?term=Sprague%20S%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [Tornetta P 3rd](http://www.ncbi.nlm.nih.gov/pubmed/?term=Tornetta%20P%203rd%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [D'Aurora V](http://www.ncbi.nlm.nih.gov/pubmed/?term=D%27Aurora%20V%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [Schemitsch E](http://www.ncbi.nlm.nih.gov/pubmed/?term=Schemitsch%20E%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [Shearer H](http://www.ncbi.nlm.nih.gov/pubmed/?term=Shearer%20H%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [Brink O](http://www.ncbi.nlm.nih.gov/pubmed/?term=Brink%20O%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [Mathews D](http://www.ncbi.nlm.nih.gov/pubmed/?term=Mathews%20D%5BAuthor%5D&cauthor=true&cauthor_uid=18594110), [Dosanjh S](http://www.ncbi.nlm.nih.gov/pubmed/?term=Dosanjh%20S%5BAuthor%5D&cauthor=true&cauthor_uid=18594110); [Violence Against Women Health Research Collaborative](http://www.ncbi.nlm.nih.gov/pubmed/?term=Violence%20Against%20Women%20Health%20Research%20Collaborative%5BCorporate%20Author%5D). July 2008 http://www.ncbi.nlm.nih.gov/pubmed/18594110

Domestic violence is the most common cause of nonfatal injury to women in North America. In a review of 144 such injuries, the second most common manifestation of intimate partner violence was musculoskeletal injuries (28%). **The American Academy of Orthopaedic Surgeons is explicit that orthopaedic surgeons should play a role in the screening and appropriate identification of victims.** We aimed to identify the perceptions, attitudes, and knowledge of Canadian orthopaedic surgeons with regard to intimate partner violence.

C. is the standards –

1. Field context and common usage – most T interps represent a tradeoff between the two, but my definition of medical garners benefits of both since my definition represents a consensus between common dictionaries and a medical one. Key to predictability both in terms of the colloquial usage of the words and also understanding their context in the field of the resolution, and predictability is key to fairness and education since otherwise we can’t prepare arguments which is key to both accessing the ballot and also having any clash in the debate, which is the unique education out of a round. Also maximizes topical education because field context is how the authors use terms.

2. Limits – counterinterps are way to inclusive, my interp sets up a clear scope for the resolution, restricting it to non-surgical treatment for injuries or illness. If they define medical broadly enough to include anything that affects health, there are zero restrictions on what the aff could defend. Implications – **A.** turns inclusion arguments and is an independent voter, **Harris:[[1]](#footnote-1)**

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

B. Information overload that would be caused by underlimiting turn education, Chokshi:

**Chokshi 10** Niraj Chokshi is a former staff editor at TheAtlantic.com, where he wrote about technology. He is currently freelancing How Do We Stop the Internet From Making Us Stupid? JUN 8 2010 <http://www.theatlantic.com/technology/archive/2010/06/how-do-we-stop-the-internet-from-making-us-stupid/57796/> BK

When it comes to focus, turning on the spotlight may not matter as much as our ability to dim the ambient light. Nicholas Carr argued on Saturday in The Wall Street Journal that the Internet is making us dumber and on Monday The New York Times had a front-page feature on the mental price we pay for our multi-tasked lifestyles. If we are indeed losing our ability to think deeply, the key to fighting back may lie in a subtlety: focus may be more about our ability to filter out distractions than our ability to home in on the issue at hand. Carr posed his idea that technology is making us stupid in a 2008 Atlantic cover story and his forthcoming book "The Shallows" is a longer rumination on the theory. **According to professors and research** cited in The Times piece **"the idea that information overload causes distraction was supported by more and more research." And those distractions**, according to research Carr cites, **are forcing us to change the way we think. Deep thought is losing ground to superficiality**. So, if our multitasking lifestyle causes distraction, and distraction leads to superficial thinking, how do we fight back? Carr offers some advice:

3. If the T-debate is close, i.e., if we both have unweighed standards, err neg because we should prefer a smaller topic **A.** it’s September October, the first topic of the year, and many teams don’t even start competing till the second half of the topic so we have less prep **B.** we only have two months with this topic – if we want a broad topic make it Jan/Feb cause that goes on till ToC in May.

D. is the voters –

Fairness is a voting issue since it’s a gateway to evaluating other layers because we can’t determine a better debater if there are skews. Education is a voter since school’s won’t fund debate if it’s not educational and it’s the exportable good from it. Drop the debater on T 1. It’s a question of your advocacy so even rejecting the arg is functionally dropping you cause voting elsewhere would be severance, skewing my strat since your advocacy is gone 2. Your burden axiomatically is to be topical so failing to meet that is a prima facie reason to drop you 3. The plan’s abuse already skewed substance so we can’t just go back to it – also a reason why T precludes theory since abuse in the NC was merely a reaction to the fact that I couldn’t fairly engage the aff. Use competing interps to evaluate the T debate since reasonability is arbitrary and begs intervention. No RVI on T since it’s illogical – just cause you know what it means to affirm a statement doesn’t mean you should win the round.

### FFF [??]

D. is voters – **Fairness is a voting issue and is always the most important impact:**

A. It precludes knowing who did the better debating on any layer. Massey et al:

“Pre-Fiat Arguments” [same author quals] Emily Massey, Grant Reiter, Geoff Kristof 2/3/14 http://nsdupdate.com/2014/02/03/pre-fiat-arguments-by-emily-massey-grant-reiter-and-geoff-kristof/

Third, pre-fiat debaters claim that their impacts precede fairness. To see what’s wrong with this, we need just to remember why fairness matters in debate in the first place. **Fairness constrains substance since abuse skews** the judge’s **evaluation of who did the better debating** on the substantive layer. **It constrains pre-fiat impacts for** exactly **the same reason. Even if the better debater is the person who resists oppression the most, abuse skews the judge’s evaluation of who did** the better debating on **that** pre-fiat layer.

B. A topical, fair version of the aff solves since you can meet T but also still get good discussion relating to the medical choices the topic specs rather than non-medical reproductive ones.

C. No impact – I can gain education and learn about a particular role of the ballot out of round but fairness is a necessary practice in rounds.

D. Inclusivity: an unfair model of debate kills the incentive for people to debate in the first place. That link turns all their offense since there’s no incentive to do work, read and come to tournaments to learn anything. **Speice and Lyle**[[2]](#footnote-2)

As with any game or sport, creating a level playing field that afford[ing]s 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[s] 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.

 E. Legitimacy – if debates aren’t fair people won’t think that K debate is legitimate since they’ll think of it as merely an exclusionary move rather than a real, substantive, intellectual decision making issue. Thus, unfairness undermines your movement.

F. Reading unfair and nontopical AC’s only incentivizes avoiding the substance of the aff. Lots of judges find fairness against such strategies largely legitimate. But if the aff is topical then frivolous arguments just look stupid and debaters are more likely to talk about liberating oppressed groups.

Drop the debater on T since 1. substance is already skewed by unfairness we can’t go back to it 2. Deterrence – it’s the only way to deincentivize abuse 3. Even if we drop your advocacy you still lose the round because voting off anything else is functionally severance.

Use competing interpretations to evaluate the T debate 1. It’s about finding the best understanding of what terms in the res means so reasonability never works 2. Reasonability is arbitrary and invites judge intervention.

Topicality key

1. Topical fairness requirements are also key to meaningful dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role. **Galloway**[[3]](#footnote-3)

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

Impacts:

I link turn their inclusion claims – **(a)** “topical version of the aff” is a feasible change, so it’s not a significant burden, so no link to their arguments, **(b)** they impose a much higher burden on me, which outweighs since it’s impossible to prep everything and that denies the ability to meaningfully participate in debate at all

**c) And** Even if debate is about oppression, that still requires discussion. We can’t have meaningful dialogue, that’s a reason T is good.

1. A clearly defined topic is a prerequisite to debate itself. **Shively[[4]](#footnote-4)**

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 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. 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.

Impacts – A. jurisdiction – you can’t sign the ballot unless someone is doing the better debating but better debating means you agree to a topic B. precludes any productive dialogue if we don’t know what we’re conversing on the conversation is worthless.

### **Counterplan [1:15]**

**A.** is the counterplan text – do the aff except once an adolescent has sought healthcare for injuries, the treatment administered will be decided by the doctor and not the adolescent. To clarify, we do not defend medical autonomy – we defend autonomy to go talk to a doctor but not the actual medical choice regarding addressing the injury.

**B.** is the competition – 1. Mutually exclusive – you can’t grant medical choices and also say that a doctor decides what treatment is administered 2. Turns to the aff are reasons why the CP alone is better than the perm and 3. Textually, the CP must be neg ground since I don’t endorse the medical choice – I endorse the choice to have medical treatment which is distinct both temporally and in content.

**C.** is then solvency – it does the relevant part of the aff with regards to victims of IPV, i.e., letting adolescents seek out a professional’s help without needing to meet restrictive parental consent requirements. Solves 100% since I still let them get treatment, and none of your solvency stems from them being able to choose what types of medicine they need, just being able to access it at all.

**D.** is the net benefit – by having doctors make the decision regarding treatment for the adolescent, the outcome is always more likely to be better. People have atrocious health literacy, **Boodman:**

[Sandra G. Boodman (longtime reporter and columnist for the *Washington Post*), “Many Americans have poor health literacy”. *Washington Post*, February 28, 2011]

A 2006 study by the U.S. Department of Education found that **36 percent** of adults **have only basic or below-basic skills for dealing with health material.** This means that **90 million Americans can understand discharge instructions written only at a fifth-grade level or lower.** About 52 percent had intermediate skills: They could figure out what time a medication should be taken if the label says "take two hours after eating," while the remaining 12 percent were deemed proficient because they could search a complex document and find the information necessary to define a medical term.

Adolescents are too impulsive, short sighted, and susceptible to peer pressure – brain studies indicate they shouldn’t be making critical decisions about health. **Steinberg:**

Steinberg, Laurence. “Should the Science of Adolescent Brain Development Inform Public Policy?” Volume XXVIII Issue 3, Spring 2012. Issues in Science and Technology.

As I have discussed, **studies of adolescent brain anatomy clearly indicate that** regions of the brain that regulate such things as **foresight, impulse control, and resistance to peer pressure are still developing at age 17.** And imaging studies show that **immaturity** in these regions **is linked to adolescents’ poorer performance on tasks that require these capabilities.** Evidence that the adolescent brain is less mature than the adult brain in ways that affect some of the behaviors that mitigate criminal responsibility suggests that at least some of adolescents’ irresponsible behavior is not entirely their fault. The brain science, in and of itself, does not carry the day, but when the results of behavioral science are added to the mix, I think it tips the balance toward **view**ing adolescent **impulsivity, short-sightedness, and susceptibility to peer pressure as** developmentally **normative phenomena that teenagers cannot fully control.** This is why I have argued that **adolescents should be viewed as inherently less responsible than adults**, and should be punished less harshly than adults, even when the crimes they are convicted of are identical. I do not find persuasive the counterargument that some adolescents can exercise self-control or that some adults are just as impulsive and short-sighted as teenagers. Of course there is variability in brain and behavior among adolescents, and of course there is variability among adults. But the average differences between the age groups are significant, and that is what counts as society draws age boundaries under the law on the basis of science.

### **On case**

#### **Court Clog** [~1:30]

As an overview, flow these arguments as turns to the contention.

First, granting adolescents medical autonomy means every denied right is taken to court, and questions of capacity must be decided by judges – clogs the judiciary, **Cunningham 06:**

Cunningham, Larry. "A Question of Capacity: Towards a Comprehensive and Consistent Vision of Children and Their Status Under Law." Journal of Juvenile Law and Policy 10.2 (2006). CC

*Presumptive* capacity, as opposed to *categorical* capacity, may not necessarily be a better compromise. Initially, we must determine ***who* should decide the question of capacity – presumably a judge** or other neutral fact-finder. Then **we must consider the high costs of burdening an already busy court system with these types of decisions.** An individualized system is not necessarily more effective at reducing the number of false positives or negatives.[449](http://webcache.googleusercontent.com/search?q=cache:WaN8QGG2De4J:jjlp.law.ucdavis.edu/archives/vol-10-no-2/Cunningham.pdf+&cd=1&hl=en&ct=clnk&gl=us#94) Rather, such a system may lead to greater uncertainty because **a minor’s rights** and responsibilities **are subject to** the whims and assumptions of the particular factfinder who is assigned the minor’s case. The fact-finder would have tremendous discretion. Are we willing to vest an individual with such power?The resulting **uncertainty** means that minors or the adults that must interact with them are not put on notice as to the former’s legal status

Link is supercharged by your aff – we need to check an adolescent’s situation to determine the abuse, the severity of the abuse, and what types of medical freedoms that justifies. Court clog turns the AC – A. Puts the decision about whether or not the child gets a choice into the hands of a judge, always net worse than the status quo since even though parents can be bad judges can be too and at least a parent knows more about a child than a mere sheet of information B. Any reason why confronting parents is scary is a reason why confronting government authorities is scarier so they’d be more deterred to go to the legal systemC.Federal court clog collapses the federal judiciary – overburdens dockets, and expansion can't keep pace, Oakley ’96:

**John B. Oakley, Distinguished Professor of Law Emeritus US Davis School of Law, 1996 The Myth of Cost-Free Jurisdictional Reallocation**

**Personal effects: The hidden costs of greater workloads.** The hallmark of federal justice traditionally has been the searching analysis and thoughtful opinion of a highly competent judge, endowed with the time as well as the intelligence to grasp and resolve the most nuanced issues of fact and law. Swollen dockets create assembly-line conditions, which threaten the ability of the modern federal judge to meet this high standard of quality in federal adjudication. No one expects a federal judge to function without an adequate level of available tangible resources: sufficient courtroom and chambers space, competent administrative and research staff, a good library, and a comfortable salary that relieves the judge from personal financial pressure. Although salary levels have lagged—encouraging judges to engage in the limited teaching and publication activities that are their sole means of meeting such newly pressing financial obligations as the historically high mortgage expenses and college tuitions of the present decade—in the main, federal judges have received a generous allocation of tangible resources. It is unlikely that there is any further significant gain to be realized in the productivity of individual federal judges through increased levels of tangible resources,13 other than by redressing the pressure to earn supplemental income.14 ￼On a personal level, the most important resource available to the federal judge is time.15 Caseload pressures secondary to the indiscriminate federalization of state law are stealing time from federal judges, shrinking the increments available for each case. Federal judges have been forced to compensate by operating more like executives and less like judges. They cannot read their briefs as carefully as they would like, and they are driven to rely unduly on law clerks for research and writing that they would prefer to do themselves**.16 If federal judges need more time to hear and decide each case, an obvious and easy solution is to spread the work by the appointment of more and more federal judges.** Congress has been generous in the recent creation of new judgeships,**17** and enlargement ￼of the federal judiciary is likely to continue to be the default response**, albeit a more grudging one, to judicial concern over the caseload consequences of jurisdictional reallocation. Systemic effects: The hidden costs of adding more judges.** Increasing the size of the federal judiciary creates institutional strains that reduce and must ultimately rule out its continued acceptability as a countermeasure to caseload growth. While the dilution of workload through the addition of judges is always incrementally attractive, in the long run it will cause the present system to collapse. I am not persuaded by arguments that the problem lies in the declining quality of the pool of lawyers willing to assume the federal bench18 or in the greater risk that, as the ranks of federal judges expand, there will be more frequent lapses of judgment by the president and the Senate in seating the mediocre on the federal bench.19 In my view, the diminished desirability of federal judicial office is more than offset by the rampant dissatisfaction of modern lawyers with the excessive commercialization of the practice of law. There is no shortage of sound judicial prospects will￼ing and able to serve, and no sign that the selection process—never the perfect meritocracy—is becoming less effective in screening out the unfit or undistinguished. Far more serious are other institutional effects of continuously compounding the number of federal judges. Collegiality among judges, consistency of decision, and coherence of doctrine across courts are all imperiled by the growth of federal courts to cattle-car proportions. Yet the ability of the system to tolerate proliferation of courts proportional to the proliferation of judges is limited, and while collapse is not imminent, it cannot be postponed indefinitely. Congress could restructure the federal trial and appellate courts without imperiling the core functions, but the limiting factor is the capacity of the Supreme Court to maintain **overall** uniformity in the administration **and application** of federal law. **That Court is not only the crown but the crowning jewel of a 200-year-old system of the rule of law within a constitutional democracy, and any** tinkering with its size **or jurisdiction** would raise the most serious questions of the future course of the nation.

Court collapse overpowers the executive branch, but separation of power solves unaccountable decisions to go to war – the impact is extinction, Adler ‘96:

(David, professor of political science at Idaho State, The Constitution and Conduct of American Foreign Policy, p. 23-25)

The structure of shared powers in foreign relations serves to deter the abuse of power, misguided policies, irrational action, and unaccountable behavior. **As a fundamental structural matter,** the emphasis on joint policymaking permits the airing of **sundry** political, social, and economic values and concerns. **In any event,** the structure wisely ensures that the ultimate policies will not reflect merely the private preferences or the short-term political interests of the president. Of course this arrangement has come under fire in the postwar period on a number of policy grounds. Some critics have argued, for example, that fundamental political and technological changes in the character of international relations and the position of the United States in the world have rendered obsolete an eighteenth-century document designed for a peripheral, small state in the European system of diplomatic relations. Moreover, it has been asserted that quick action and a single, authoritative voice are necessary to deal with an increasingly complex, interdependent, and technologically linked world capable of massive destruction in a very short period of time. Extollers of presidential dominance have also contended that only the president has the qualitative information, the expertise, and the capacity to act with the necessary dispatch to conduct U.S. foreign policy. These policy arguments have been reviewed, and discredited, elsewhere; space limitations here permit only a brief commentary. Above all else, the implications of U.S. power **and action** in the twentieth century have brought about an even greater need for institutional accountability and collective judgment **that existed 200 years ago.** The devastating, incomprehensible destruction of nuclear war and the possible extermination of the human race demonstrate the need for joint participation, as opposed to the opinion of one person, in the decision to initiate war. Moreover, most of the disputes at stake between the executive and legislative branches in foreign affairs, including the issues discussed in this chapter, have virtually nothing to do with the need for rapid response to crisis. Rather, they are concerned only with routine policy formulation and execution, a classic example of the authority exercised under the separation of powers doctrine. But these functions have been fused by the executive branch and **have** become incr**easingly** unilateral, secretive, insulated from public debate, andhence unaccountable. [i]n the wake of Vietnam, Watergate, and **the** Iran-Contra scandal, unilateral executive behavior has become even more difficult to defend**.** Scholarly appraisals have exploded arguments about intrinsic executive expertise and wisdom on foreign affairs and the alleged superiority of information available to the president. Moreover, the inattentiveness of presidents to important details and the effects of “group-think” that have dramatized and exacerbated the **relative** inexperience of various presidents in international relations have also devalued the extollers arguments. Finally, foreign policies, like domestic policies, are a reflection of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress

Extinction first **A.** it’s impossible to empower anybody or solve oppression if we’re all dead **B.** the magnitude is overwhelming – even if it’s less probable extinction ensures death for all people and future generations meaning it always outweighs.

#### Cap [~1:15]Second, The aff’s obsession with autonomy and individual rights—especially for teens reinforces capitalist notions of private ownership and individualism.

Jacober 5 Amy Jacober 5, “Does Adolescence lead to Capitalism or does Capitalism lead to Adolescence?”, The Other Journal, Seattle School of Theology and Psychology, 4 Apr 2005

Any discussion of teenagers and capitalism needs to begin with these two major themes – individualism and personal rights. Today’s teenagers express this by their very existence. They are self-focused. This is a normal developmental stage. It is also a normal stage in the lifecycle where personal consumption now trumps investment and deferred consumption.[4] In addition to the normal development, we now teach children from birth that they are important, so important in fact that each one has been nurtured and celebrated, not as they connect with their families, their community or larger society but for who they are individually. There are of course exceptions to every rule, but with emerging adulthood now commonly accepted as a developmental stage, the communal scene has shifted.[5] Individual rights are a precursor to private ownership. Initially**,** property was owned by individuals **or** individual families. This established wealth, status and power.[6] Today wealth, status and power are still being displayed. Teenagers may not own a house but they certainly spend money to establish their image through ownership of goods. What you own establishes your status regardless of how much debt you accumulate to create your image. Status carries with it an implication of wealth, whether it is true or not. The legacy of capitalism passed to adolescents today is a sense of entitlement and a preoccupation with image. I would say for anyone, but for teenagers in particular, capitalism is more about a lifestyle than economics. This plays out every day in millions of choices made by a group of people wielding over $155 billion in disposable discretionary spending each year since 2000 with no slowing in sight.[7] In fact regardless of overall economic trends, teen spending (ages 12-19) has continued to grow by 5% for the past 7 years. By 2006 the estimation is for adolescent spending to top $190 billion.[8] Children and adolescents working is not new, the amount and where they spend their money is. The end of sanctioned widespread child labor in the US is a great accomplishment. We no longer offer public approval for sending children into mines or accept the non-existence of classrooms in favor of the abundance of factories. (By no means is this to say that child labor has been eliminated, neither here in the US nor in many locations around the world. It would be an entirely different article to look at the disparity of what we publicly state and what occurs in reality…for now, I will stay with the pervasive implications of what we publicly state.) Children and teenagers once took on backbreaking works for long hours to aide their families in paying rent and buying dinner. Today, it is more common to have children mowing lawns or babysitting and adolescents working at the mall or a local shop to buy iPods, lattes, and a new pair of kicks. When asked to contribute toward a camp, school trip or other extra-curricular items, let alone clothing, books or household necessities, it is not uncommon to hear the refrain, “Why do I have to pay for that? I worked hard for my money!” Before being so hard on teenagers as to assume they are greedy and narcissistic, remember that they are a product not only of the home in which they were raised but of the culture that has developed over the centuries. They really believe others are as interested in them as they are in themselves.[9] They are a reflection, distorted as it may be, of individual entitlement before being tempered by the constraints of adulthood in an affluent capitalist society. I have rarely if ever had a conversation with a teenager where the acquisition of money was a goal. At least not a goal in and of itself. Money in a bank account offers nothing to show, it does not express their image. Image is an expression of who they are individually (everything for which they have been trained) and carries with it status. I wish I were the only one to know this. Unfortunately, not only am I not the only to know this but I am among the least to capitalize (excuse the pun) on this information. For a quick 101 on just how pervasive our adult world is into understanding (or is it exploiting?) adolescents, take a peek at The Merchants of Cool, a PBS Frontline special explaining an industry that has taken notice of the billions of discretionary spending done by adolescents.[10] This has become something of a tutorial for understanding adolescents, research focus groups and how capitalism reigns supreme seeking the accumulation of profit through the ownership…of knowledge. It is not a tangible product to be consumed but it is highly valued. By obtaining, by owning knowledge, image may be marketed through products for maximum profit. Perhaps one of the best known marketers of this knowledge is Teenage Research Unlimited (TRU), www.teenresearch.com. TRU is a force in the arena of teenage research. Their own proclamation states “We’re at the forefront of developing new and better methods for researching teens and sharing those learnings with clients. Founded in 1982 as the first marketing-research firm to specialize exclusively in teenagers, TRU’s initial vision remains true today: to develop an unparalleled expertise in the teenage market, and to offer our clients virtually unlimited methods for researching teens.” [11] And share they do…they have an impressive list of clients numbering over 240. These clients fall in the following categories: retail apparel and footwear, advertising and marketing agencies, food and beverage, media, entertainment and leisure, social marketing, electronics and technology, financial, health and beauty and other. Interestingly, in addition to Abercrombie and Fitch, Coca Cola, Time Warner and Verizon, Lifeway Christian Services is included. Several anti-tobacco agencies, American Cancer Society and the Partnership for a Drug Free America are also included. Their research is qualitative and quantitative, extensive and respected. Like rain, it falls on the just and the unjust. TRU is neutral, they gather the information better than anyone else and seek to make the greatest profit from selling their goods. It has become increasingly difficult to differentiate between an innocent victim and savvy participant in marketing. The Persuaders, another PBS Frontline special offered another perspective on this same subject.[12] Correspondent Douglas Rushkoff says America is an Enlightenment society. We were founded on the notion that individual freedoms are of paramount importance. This philosophy has dovetailed quite well with the market’s need to treat us as individuals. It’s easier to market to isolated individuals than to cohesive groups or collectives. The loneliest people can more easily be convinced to buy stuff to fill the void. Marketers tell us we matter – that we’re worth it. We deserve everything. They won’t tell us about sacrifice, participation, or sharing. People who share things, don’t need to buy as much stuff. So advertising exploits the American belief in individualism by recasting it as some sort of consumer right. We are led to think of our consumer choices as some version of true agency – when the choice between Coke and Pepsi really isn’t a choice, at all. On the same show, Douglas Atkin said I don’t believe that Americans are more or less susceptible than anyone else. In fact I don’t like the word `susceptible’ at all…it implies that people are passive receivers of manipulative messages. In general we are highly discriminating. We have to be. We’ve been forced to edit the thousands of messages that assault us and select the few that may have some relevance. We’ve become very marketing literate. Some brands do generate very strong commitment, even devotion from their customers. But this is not the result of any inherent sensitivity or vulnerability to the clever machinations of marketing professionals. The devotees that I interviewed reported that their brands provided a rallying point for people who shared the same values. As one Apple user told me: “literally it’s [the Apple community] based around a machine. But actually it’s based on a common way of thinking. Adolescents (as well as many Americans) are consumed with the idea of expressing their individualism… just like everyone else! See a bunch of friends in their sophomore year of high school and they will talk alike as well as own a small range of music and shop at the same stores. Image is everything and this comes not in the common products (we all wear clothes) but in the brands chosen. These brands come to express something much more, something much greater than a simple logo. They offer a lifestyle based around the product. The irony is that we all purchase a common lifestyle while insisting on individuality. Teenagers at least are honest enough to own this.[14] And own they do! Industrialization allowed for individualism among the masses. Capitalism opened the door for the veneration of youth and all that comes within this developmental arena. Michael Novak14 argues that capitalism may be interpreted to accept human sinfulness. So much so that it opens the possibility, that “rubs sinner against sinner, making even dry wood yield a spark of grace.”[15] He views the foundational concept of “enlightened self-interest” as proof that capitalism does not deny sinfulness, but embraces it! He believes that capitalism embraces our proclivity toward individualism while a system like socialism would be dangerous because it depends on human goodness rather than religion to improve society. There are some rejoinders to this argument. First, proponents of Adam Smith used the term “enlightened self-interest” to describe the primary motive for supplying goods and services. The adjective “enlightened” suggests that these capitalists did not believe they were describing our sinful nature. Secondly, socialism recognizes that some public goods such as healthcare and law enforcement, which everyone in society needs, will not be provided if they are left to the market mechanism. So it could be argued that socialism may be more realistic about human sinfulness. Nevertheless, an essential mechanism of both capitalism and mixed market socialism reflects the brokenness of the world.[16]

Capitalism is the root cause of interpersonal violence – my evidence is very specific, **Rosenthal:**

http://www.susanrosenthal.com/articles/how-capitalism-turns-intimate-relationships-into-a-battleground%29

Relationship conflicts are a universal source of pain and confusion. I frequently counsel couples in distress where the woman is angry and the man is depressed. The woman cannot understand why the man won’t fix the problems in the relationship. The man feels inadequate. Nothing he does is good enough. The woman can’t understand how any man could feel inadequate, because men are supposed to be superior beings. In her mind, he has simply stopped caring about her. The vulnerability of men is one of society’s best-kept secrets. Men are expected to provide and [protect](http://www.susanrosenthal.com/articles/how-capitalism-turns-intimate-relationships-into-a-battleground%29#24630228) and solve all problems. They aren’t supposed to feel needy, vulnerable or inadequate, like women. Yet, in some ways, men are more vulnerable than women. As early as five years of age, males are more likely than females to kill themselves. This difference increases through life. By age 22, men are six times more likely and by age 85 fifteen times more likely to kill themselves. When a relationship breaks up, the man is 11 times more likely than the woman to commit suicide. **Capitalism demands that men be tough to compete and endure hardship, while denying them the emotional support necessary for genuine inner strength.** To “toughen” males, society directs an astonishing level of violence against them. The most sensitive parts of their bodies are singled out for attack. Parents are pressured to circumcise infant sons in the first week of life, a traumatic procedure that is commonly performed without anesthetic. The same surgery done on female infants (removing [the skin](http://www.susanrosenthal.com/articles/how-capitalism-turns-intimate-relationships-into-a-battleground%29#78227175) around the clitoris) is illegal in North America and generally condemned as cruel and mutilating. More than 13 percent of boys have experienced assaults directed at their genitals, and 10 percent of boys have been kicked in the groin before junior high school. Boys subjected to physical violence are prohibited from expressing pain. In films, a man being kicked in the groin is typically presented as comical, despite the excruciating pain of such trauma. Laughing at someone’s pain is a sign of dissociation, and both girls and boys learn to deny male vulnerability from an early age. One woman found herself laughing while reading a description of a woman battering her husband until she realized that, if the roles were reversed, she would be “screaming bloody murder.” Sexist **stereotypes depict real men as strong and powerful, not victims. To be a victim is to be without power, like a woman, and the most important thing for a man is to** not **be a woman.** Taunts like “Don’t be a cry-baby” and “Don’t be a girl” shame boys for feeling hurt or scared. The expectation that even very young boys should be tough causes them to be separated from their mothers much earlier than girls. While sons need their fathers’ affection, fathers consider it their duty to toughen their sons to help them succeed in life. Fathers have learned to suppress their emotions, and they expect their sons to do the same. While **men are prohibited from expressing “women’s” emotions** (hurt, need, fear), **anger is seen as a manly emotion** because of its power.Consequently, **boys learn to respond with** anger, even **rage, whenever they feel vulnerable** or detect vulnerability in other males. Homophobic bullying is a common way for boys and men to bolster their masculine identity. During school initiation rituals, violence against male students is condoned as “character building.” At Columbine High School, site of the 1999 shooting massacre, sports initiation rituals included senior wrestlers twisting the nipples of newcomers until they turned purple and older tennis players slamming hard volleys into the backsides of younger ones.Sports train young men to hurt others and to risk being hurt, in order to win. When a head-injury prevention video was developed for hockey players aged nine to ten, 22 of 34 minor-league coaches refused to show the video because they thought it would “make players think they will hurt other players on the ice” and “decrease competitive success in the game.” Recreational play is transformed into war-games, where there is no gain without pain, preferably the other guy’s pain. More than one young athlete has been killed or permanently crippled by assaults committed “in the course of the game.” Crushing expectations combine with a lack of emotional support to create an inner despair that many men cannot communicate in words. Instead, they withdraw from intimate relationships, drink to excess, strike out in rage and kill themselves. Much has been written about how the female role is profitable for capitalism. Women provide unpaid labor in the home to raise the next generation, and they are paid lower wages outside the home. The male role also serves capitalism. Huge profits flow from shaming male workers to compete to produce more, to accept oppressive conditions (“only wimps complain”), and to serve as cannon fodder for imperial wars. **Domestic violence** When you hear the phrases “domestic violence” and “spouse abuse,” you probably picture a man assaulting a woman. During the 1970s, the women’s liberation movement drew needed attention to domestic violence. Because the feminist wing of the movement blames “male power” for family violence, female-perpetrated violence is dismissed as self-defense, and the fact that women are more likely to abuse children is swept under the carpet. While there is more awareness of female-perpetrated violence today, it continues to be under-estimated for a number of reasons: Women are more likely to report spousal assault than men who are usually ashamed to admit they were assaulted by women. The belief that males are naturally more violent has caused most research to examine male perpetrators and female victims. Most studies do not distinguish between minor assaults, perpetrated by both men and women, and serious assaults that are more commonly perpetrated by men. These factors combine to give the mistaken impression that domestic violence is always serious, if not life-threatening, and that women attack men only in self-defence. In reality, domestic violence does not result from any “battle of the sexes” because same-sex relationships are equally afflicted. Men in relationships with men are battered as often as women in relationships with men. And between 17 and 45 percent of lesbians report being the victim of at least one act of physical violence perpetrated by a female partner. I have provided medical treatment for battered women, abused men, and adults of both sexes who were maltreated in childhood by mothers, fathers, brothers and sisters. It doesn’t help to argue whether men or women are more responsible for domestic violence. All victims deserve support, and all perpetrators need treatment. The overriding need is to eliminate the social roots of family violence. **Stress and shame drive interpersonal violence.** Stress escalates when people feel trapped in relationships they would rather leave. Women’s low pay keeps them financially dependent on men, especially when they have children. **The State insists that men support women and children regardless of their ability to do so. People who feel trapped are more likely to attack one another.** Not surprisingly, domestic violence increases as income levels fall. Shame is the intensely painful feeling of believing one’s self to be unworthy or unacceptable, a loser. The primary source of shame is the social hierarchy that divides people into a few [winners](http://www.susanrosenthal.com/articles/how-capitalism-turns-intimate-relationships-into-a-battleground%29#53266312) and many more losers. The lower down the pyramid you stand, the harder it is to feel good about yourself. Intolerable shame transforms into rage that can be directed at one’s self or someone else. Rage and shame can re-enforce each other in a downward spiral of violence. **Powerlessness corrupts** Those most likely to injure their partners are not the ones who feel most powerful, but the ones who feel most powerless. Abusive men are more likely to feel like failures, to be unemployed or intermittently employed and to have less than high-school education. Their desire for complete control over the partner is directly related to their sense of unworthiness and their fear of loss. On the surface, wife-battering looks like a display of male power. In reality, most men who batter feel extremely dependent and deeply ashamed of their dependence. Female batterers experience the same inner conflict. A “battering cycle” can result when shame at feeling unworthy builds to an explosion of rage that drives the partner away. The terror of being abandoned leads to acts of contrition to draw the partner back. The return of the partner revives the fear of being rejected, and anger builds again. These people are at their partners’ throats one minute and at their knees the next. Men are most likely to murder their partners when they feel least powerful, when the partner leaves or threatens to leave. Those who kill their partners often kill themselves at the same time. Such tragedies do not result from male power but from powerless rage. **Capitalism creates an impossible bind** for both sexes. **Because** meeting **human needs would cut into profits, people are deprived** of what they need **and then shamed for feeling needy.** The more difficult life becomes, the more we expect love to provide compensation. Of course, it cannot. **As needs go unmet, resentment builds**, and we punish our loved ones for failing us, as fail they must. **By putting profits before people, capitalism transforms our most intimate relationships into a battleground.** We must stop fighting each other and start pulling together to demand what we all need and deserve.

1. Harris, Scott [Debate coach for over 25 years, coaches University of Kansas Policy Debate Team], " This ballot," Published on CEDADebate.org Forums. 5/5/13. < http://www.cedadebate.org/forum/index.php?topic=4762.msg10246 >. [↑](#footnote-ref-1)
2. Speice, Patrick [Wake Forest University], Lyle, Jim [Debate Coach, Clarion University] “Traditional Policy Debate: Now More Than Ever” (2003) [↑](#footnote-ref-2)
3. Galloway, 7 –professor of communication at Samford University (Ryan, “DINNER AND CONVERSATION AT THE ARGUMENTATIVE TABLE: RECONCEPTUALIZING DEBATE AS AN ARGUMENTATIVE DIALOGUE”, Contemporary Argumentation and Debate, Vol. 28 (2007) [↑](#footnote-ref-3)
4. Shively, Michael [Prof Politics at Texas A&M]. “Partisan Politics and Political Theory” (p.181-2) [↑](#footnote-ref-4)