

Judges Ballots 2003 Northwestern (Goeff Garen & Tristan Morales) vs. Dartmouth (Brian Smith & Ben Thorpe)

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Initially I want to say it was a real pleasure judging this final round. The debate, despite its intensity and all that was riding on it, was full of levity and laughter. It was an honor for me to judge, not only the finals, but two of my favorite teams this year. I have a tremendous respect for both schools and both teams, and I congratulate them.

Northwestern began the debate by advocating the demand of the USFG to ratify the Second Optional Protocol of the ICCPR. The 1AC argument was that the death penalty authorizes state killing in a way that frames a positioning of self versus stranger. In other words, our fears and acceptances of all that is "normal" necessarily produces the exclusion of the Other, and in this case that is the stranger we fear and choose to dismiss from our relationships. The argument is that this relationship - the distancing of ourselves from those that are estranged from us - is the logic that produces biopolitical control, the most horrifying effect of which is complete extermination and genocide of entire groups of people. The crux of the argument, then, is not so much that death penalty is "bad" in as much as "death row" is bad, given the relationship it produces with those on the row vis-à-vis those "outside" of it. As a result, the Aff claims to initiate a universal notion of human rights based on respect and dignity of the human being - respect in the sense that the relationship to the Other/stranger is not one of separation, and dignity in the sense that there is a supreme value on life. The 1AC Fasching and Chesterman evidence is particularly good that this molding of values - dignity and respect - produces a bridge between the self and Other in a way that particularizes a universal norm of human rights.

Dartmouth responds with three main arguments: a counterplan, a kritik of ethics, and some case arguments. The counterplan domestically bans the use of the death penalty. The case arguments essentially suggest that human rights treaties are not verified and have no compliance (if I may group them together - they, by the end of the debate, were not emphasized). Finally, there is the kritik of ethics. This argues that the Aff's positioning of a universalization of respect and ethics creates more violence and alienation from the Other (the K mostly comes from Alain Badiou). The links were four-fold: 1) the 1AC focuses on the "victim" which produces an image of the victimized that pities them, instead of building a solid relationship with them, 2) Compassionate Conservatism - that the Aff is a benign attempt at control which perpetuates violence and negation, 3) the Aff "legislates" against Evil instead of building a genuine relationship with the Other, and 4) the 1AC Raskin evidence argues to give "voice to the colonized" which empowers, in a sense, the Evil-ness of the Other. Dartmouth argues that the alternative is the embracement of sameness and unity of all by denying the power of the DP in the U.S. In this way, they claim to access the 1AC impact arguments without "legislating evil."

Northwestern argues that the Counterplan is a perpetuation of the SQ mindset of separating self vs. Other - that the domestic nature of the CP is a separation, not a bridge, of a relationship between self and stranger. In this way, the CP is a "hidden act" that relies on the fragmented relationship of the estranged Other to maintain its existence. In addition, the CP refuses its "obligation" to affirm an international respect of individual human rights which unites dignity and life as core values.

Northwestern answers the kritik of ethics by essentially positing "no link" arguments - 1) the 1AC doesn't produce an image of victim, but rather an estranged Other, 2) the Aff isn't compassionate conservatism, but rather a respect of dignity and life which questions the authorization of state killing that exists in the Status Quo, 3) the Aff isn't a "legislation of or against evil" but is rather a bridge between the self and stranger that unites the two, not a focus on just evil, and 4) the Aff isn't a "voice to the colonized" but instead is a "bridge" that is an embracement universalization, not separation.

The block is just an extension of the 1NC, but with one important exception: The block argues to access all of the Aff offense of respect, dignity, and right to life with the counterplan, but they avoid the possibility of exacerbating the tension between self and Other by NOT universalizing a human rights norm (with the CP) and by NOT legislating against Evil (i.e., by not suggesting that there is an "evil"). In this way, the Negative strategy becomes more clear, and they distinguish their position vis-à-vis the Aff.

The 1AR (all jokes aside) emphasizes the Fasching evidence and the Chesterman evidence that the 1AC advocacy is a position of respect. They claim to bridge the divide of self vs. stranger, not reinforce the separation by "legislating evil." The 1AR clearly points out that their 1AC evidence from Raskin (also the Neg's link arg about estrangement from the Other by providing "voice to the colonized") argues that we need to provide new wine in old bottles. In addition, Goof argues that the CP reinforces the division and separation of us from those on death row by focusing only on the domestic death penalty and since the counterplan just bans the U.S. death penalty, it doesn't embrace the Second Optional Protocol which is an important mechanism to bridge self vs. Other (Raskin evidence). As such, the Negative's advocacy ignores the global responsibility we have to bridge the relationship between us and the stranger (the Fasching and Chesterman evidence).

The 2NR goes for the counterplan and the kritik. Ben extends all of the kritik links except the victim imaging link. The 2NR mainly consists of differentiating the CP from the 1AC in this way - the counterplan accesses the human rights impacts of the Aff without legislating against evil and without universalizing a norm of ethics. By domestically abolishing the death penalty, the Negative withdraws its authorization of state-sanctioned killing, but also produces a genuine respect for the Other by simply ridding the state of the death penalty.

The 2AR frames the debate in a way that allows me to reconcile the different positions. Tristan argues that universal commitment to human rights is key. The Negative, in other words, is advocating a position that the National voice (i.e., domestic abolition) perpetuates the separation of Other, which reinforces imperialism and violence. The 1AC Fisching evidence is quite clear on this issue since it says we "must shape public policy on a global scale..." The 1AC Beetham evidence also says that "we must affirm the right to life" and "abandon the notion of exclusivity on national terms." In addition, Tristan extends the Raskin evidence which points out that the Negative's domestic counterplan cannot solve, since we "should not shirk responsibility" and instead "should focus the recognition [of human rights] of transnational consciousness" in an attempt to re-frame the estranged relationship with the Other. In other words, the Negative counterplan doesn't access the 1AC impacts.

The debate had some other nuances that perhaps the other judges of the final round will discuss, but I believe I have address the major arguments. To put it simply, the Negative position fell prey to the Aff's indictment of the Status

Quo - namely that there is a referential gap between ourselves and those we brand as criminal (or on death row). The counterplan not only didn't solve for this gap in relations, but it intensified it by demarcating the national vis-à-vis the global death penalty. In addition, the Affirmative wins that their project doesn't link to the same "universalizing ethic" of norms and human rights that the Negative introduces in the INC, since the Affirmative's Fasching and Chesterman evidence is particularly good on the point that the Aff's project builds a bridge between the self and stranger, not a wall.

Again, this was an awesome debate. Congratulations to both teams for achieving what most only dream of. I was very happy to be a part of this final round experience.

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