### 1NC – Counter-Solvency Advocate

#### Interp – if the aff defends anything other than the entire resolution then they must provide a linked counter-solvency advocate for their specific advocacy in the 1AC. Violation – Standards – 1] Limits – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments. Nobody knows your aff better than you, so if you can’t find an answer, I can’t be expected to. Our interp narrows out trivially true advocacies since counter-solvency advocates ensure equal division of ground for both sides.

#### 2] Shiftiness – having a counter-solvency advocate helps us conceptualize what their advocacy is and how it’s implemented. Intentionally ambiguous affirmatives we don’t know much about can’t spike out of DA’s and CP’s if they have an advocate that delineates these things.

#### 3] Research – forces the aff to go to the other side of the library and contest their own view points, as well as encouraging in depth-research about their own position. Having one also encourages more in-depth answers since I can find responses. Key to education since we definitionally learn more about positions when we contest our own.

#### Fairness because debate’s a game and education because it’s the only portable skill from debate. Drop the debater – a) Deters future abuse, b) Rectifies time loss, c) DTA encourages baiting – Debaters could fill their cases w/ abusive args, baiting theory and then just drop the argument in the next speech and go for undercovered substance

#### Competing interps – a) It fosters the best norms through encouraging the fairest rule b) Reasonability collapses by debating the brightline

#### No RVIs – a) Illogical – you shouldn’t win for proving that you’re fair or edication because it’s a prima facie burden – logic outweighs  because it determines what args count as valid b) It incentivizes you to bait theory and win off a scripted CI c) people will be scared to read theory against good theory debaters and will never be able to check abuse

### 1NC – Academy

#### The endless appeals to objectivity and evidence near and dear to the status quo have lost all weight in the world of alternative facts and fake news – attempts to decipher the world through transparent metaphysics prove to not only be futile but also infinitely destructive as the quest to know everything merely reveals all that we can never know – meaning is contrary to its own intent; all information inevitably crumbles into the void of illusion.

Shapiro 17 [Alan N, Professor in Transdisciplinary design at Folkwang, 1/5, “Baudrillard and Trump: Simulation and Object-Orientation, Not True and False,” http://www.alan-shapiro.com/baudrillard-and-trump-simulation-and-object-orientation-not-true-and-false-by-alan-n-shapiro/]

I see an op-ed piece in yesterday’s Washington Post (January 2nd, 2017) by Greg Sargent. It is called “Yes, Donald Trump ‘lies.’ A lot. And news organizations should say so.” This article is typical of the entire approach of the “liberal establishment” towards Trump. During the election campaign, journalists and commentators kept pointing out that Trump is a liar, a snake oil salesman, etc. (see the brilliant 1964 Philip K. Dick novel Lies, Inc.) That may all be true, but it doesn’t make a dent in the number of his supporters. Baudrillard comments throughout his work on the difference between critical theory discourse (which liberal journalists like Sargent are stuck in with respect to Trump) and what he called “fatal theory.” Critical theory discourse is ineffective. Trump is the candidate of Reality TV, of the celebrity culture, of media hyper-reality entertainment, of everyone’s 15 minutes of fame (Warhol), of the “trans-political” (Baudrillard), and of object-orientation (OO). OO: Trump will be the Presidency and not the President – end of the distance between human agent and office –Trump is misogyny itself and not a misogynist, he is racism itself and not a racist, Trump hates no one [“nobody loves Group X more than I do”], he simply associates himself rhetorically with the social-psychological “object” which is hatred). Beyond the epistemology of the human subject, Trump will identify with any iconic or mental-image “object” necessary as he performs “the art of the deal” and the practice of “winning” in larger and larger arenas. Trump identifies with the political-science-object that is the historically dormant China-Taiwan conflict itself (and its reawakened provocation). The “social actors” (Bruno Latour) of China and Taiwan are irrelevant. In other words, Trump is the candidate of the era of simulation. Invoking “the truth” against him does not work as a strategy. Trump is already more advanced than the discourse of truth. We are in a hyper-reality where there is no more truth and no more falsehood. Carl “The Truth” Williams, a former heavyweight boxing champion of the world, passed away in April 2013. Alan Cholodenko comments: If hyper-reality was born for Baudrillard during or just after the Second World War, then there have already been several simulation-Presidents: JFK the first televisual President, Reagan the Hollywood actor and first TV show host (of the General Electric Theatre)-President. Trump takes his place in this lineage. He is the second TV show host (of The Apprentice)-President, the first live show, reality TV show CEO host become live show, reality TV show CEO host-President of the live show, reality TV show America, Inc.) The mistake of the multitudes of journalists and editorialists like the Washington Post’s Greg Sargent is to not understand that the system of “truth and lies” is not some eternal, ahistorical or “scientifically objective” reality. It is an historically constructed cultural discourse or arrangement tied to an epoch which is finite in time. As Foucault might say, the concern with “true” and “false” is an epistème – an epistemological a priori, an expression of a specific power-knowledge constellation within an era – whose time has come and gone. The insistent belief in “truth and lies” is also embedded in the Plato-initiated “metaphysics” of the “human subject,” the subject-centered worldview, the sovereign (democratic or scientific) subject who “knows” and can therefore judge and determine when “knowledge” or a “fact” has been betrayed. In the new epistemological system beyond “truth and lies” to which Trump is finely attuned, of which he is the master, and which liberals do not get, the object itself is the hot thing. The spotlight is on objects (conceptual not physical), and they are a relationship, an association which knows nothing of whether they are real or fake. They transcend and straddle true and false. “Things have found a way of avoiding a dialectics of meaning that was beginning to bore them: by proliferating indefinitely, increasing their potential, outbidding themselves in an ascension to the limit, an obscenity that henceforth becomes their immanent finality and senseless reason.” (Baudrillard, Fatal Strategies; p.7) When Trump says something, it becomes true because Trump says it, and there is nothing that the New York Times and the Washington Post can do about it. Trump will change what he says on any given topic from day to day, or on any given Sunday. The liberal media will “prove him wrong” with evidence, but this demonstration will have an effect exactly the opposite than that intended upon and for the “silent majority” of half of Americans for whom they are the liars. The institutional bases for consensus or legitimation of “the truth” have disappeared beneath the sheer load of mountainous piles of information, and the virtualization, delocalization, de-physicalization, and disembodiment of discourse. When did this happen (when was the “Canetti point”)? Impossible to say. To know the point of origin of that would be to overstate the claims of knowledge, to violate the methodological recursivity of our awareness of being lost within the culture of simulation (as Baudrillard has taught us in his fascinating lengthy discussions of the “Canetti point,” and as Gerry Coulter has taught us, for example, in his essay on America). When Trump said that thousands of Muslims were celebrating on rooftops in Jersey City, New Jersey on 9/11, he was right. 100% right, as he later tweeted. Within the epistemology (theory of knowledge) of the humanist-democratic subject and of truth, the alleged rooftop event of course “did not take place.” Yet in the hyper-modernist epistemology, the rhetorical and emotional power of the words invoked and the mental images evoked by Trump (the advent of hyper-imagination) carry the weight and dynamic force of the image-immersed beyond-chimerical “object” of those evil Muslim celebrators. Probably Trump saw on TV in September 2001 some cynical celebrations in the Palestinian territories. The clandestine wormhole connection between physically remote points in space is plausibly extant. In the culture of virtual images, it is perfectly OK to transpose the bin Laden-sympathetic revelers from one geographical location to another, the hyper-space of Trump’s creative memory mingled with the hyper-dimensional expanding televisual space on the interior of the flatscreen. Fantasy is possible in a world that is still real. A fantasy could be said to be not true, some sort of illusion (in the non-Baudrillardian meaning of this word) or deception. But when images are everywhere, and they are universally exchangeable with each other, the made-up mental images become hyper-real. Which now (literally) means (hyper-means) more real than real. Meaning becomes hyper-meaning. Would not the ubiquity of video documentation and recording devices of every kind increase the availability of truth? Whipping the cam around, looking amazing from every angle? No, the effect is just the opposite. When documentation and recording are everywhere, then they are nowhere. They cease to exist in any meaningful sense. They serve no purpose whatsoever anymore. They are pure technology fetish in the bad sense, decoupled through their excess from what they were supposed to enhance or invent. As a hybrid radical-leftist-and-mainstreamer, I do believe that there is a good side to surveillance, a deterrence of crime. But if surveillance is everywhere, then this good side no longer functions. This is the same paradoxical logic that is operative for all virtual and digital media technologies. Yes, all of these wonderful new things are available to us, but we omitted the step of thinking carefully about the appropriate measure of their application. We forgot to humanly judge this. Hybrid posthumanist and humanist. We never took seriously the great thought of Albert Camus, that in almost every area, we need to have a sense of limits (as Dominick LaCapra pointed out). Academic referentiality – which Baudrillard was opposed to – is like this too. If you overdo it, become obsessed with footnotes, then you enter into the twilight zone of hyper-referentiality and then the whole business does not function anymore. You do it because you have to do it and the original purpose is lost. The “proof” (ha ha!) is now upon us that Baudrillard was right all along. We are now fully in the era of simulation and telemorphosis, of the New Truth of the omnipresent image (both picture-image and word-image – the multi-media of the screen having transformed written words from texts into images). The New Truth is not a lie – that would be too easy and the claim is retrograde. The New Truth institutes its own hyper-reality, which is at present our only reality. The only way to contest simulation and the New Truth would be a strategy or perspective of “taking the side of objects” (see, for example, [my most recent IJBS essay](http://www2.ubishops.ca/baudrillardstudies/vol-13_2/v13-2-shapiro.html), for an elaboration of this). We would have to get to know the codes which underlie and instantiate simulation and reverse them. Reversibility of the code comes from “objects” within the code which want more objecthood. Until we can start to do that, to paraphrase David Cronenberg’s Videodrome: LONG LIVE THE NEW TRUTH! Bernie Tuchman writes: “Your piece on Trump has great power because his election has defeated deniability. Something is Happening and You Don’t Know What It is Mr. Jones. The media continues to ‘analyze’ what it cannot understand. It is like a world which has entered into dementia — where the dream life is more real than the ‘awake’ life, and where no one can say which is which. It is the nervous breakdown of hierarchical order.”

#### Participation based political opposition legitimates cybernetic structures of control that undergird communication – the activist stance merely legitimates the reactionary one, like debates between MSNBC and Fox News.

**Anarchist News 10** [“The University, Social Death, and the Inside Joke,” <http://anarchistnews.org/content/university-social-death-and-inside-joke>]

Universities may serve as progressive sites of inquiry in some cases, yet this does not detract from the great deal of military and corporate research, economic planning and, perhaps most importantly, social conditioning occurring within their walls. Furthermore, they serve as intense machines for the concentration of privilege; each university is increasingly staffed by overworked professors and adjuncts, poorly treated maintenance and service staff. This remains only the top of the pyramid, since a hyper educated, stable society along Western lines can only exist by the intense exploitation of labor and resources in the third world. Students are taught to be oblivious to this fact; liberal seminars only serve to obfuscate the fact that they are themselves complicit in the death and destruction waged on a daily basis. They sing the college fight song and wear hooded sweatshirts (in the case of hip liberal arts colleges, flannel serves the same purpose). As the Berkeley rebels observe, “Social death is our banal acceptance of an institution’s meaning for our own lack of meaning.”[43] Our conception of the social is as the death of everything sociality entails; it is the failure of communication, the refusal of empathy, the abandonment of autonomy. Baudrillard writes that “The cemetery no longer exists because modern cities have entirely taken over their function: they are ghost towns, cities of death. If the great operational metropolis is the final form of an entire culture, then, quite simply, ours is a culture of death.”[44] By attempting to excel in a university setting, we are resigning ourselves to enrolling in what Mark Yudoff so proudly calls a cemetery, a necropolis to rival no other. Yet herein lies the punch line. We are studying in the cemeteries of a nation which has a cultural fetish for things that refuse to stay dead; an absolute fixation with zombies. So perhaps the goal should not be to go “Beyond Zombie Politics” at all. Writes Baudrillard: “The event itself is counter-offensive and comes from a strange source: in every system at its apex, at its point of perfection, it reintroduces negativity and death.”[45] The University, by totalizing itself and perfecting its critiques, has spontaneously generated its own antithesis. Some element of sociality refuses to stay within the discourse of the social, the dead; it becomes undead, radically potent. According to Steven Shaviro’s The Cinematic Body, “zombies mark the dead end or zero degree of capitalism’s logic of endless consumption and ever expanding accumulation, precisely because they embody this logic so literally and to such excess.”[46] In that sense, they are almost identical to the mass, the silent majorities that Baudrillard describe as the ideal form of resistance to the social: “they know that there is no liberation, and that a system is abolished only by pushing it into hyperlogic, by forcing it into excessive practice which is equivalent to a brutal amortization.”[47] Zombies do not constitute a threat at first, they shamble about their environments in an almost comic manner and are easily dispatched by a shotgun blast to the face. Similarly, students emerge from the university in which they have been buried, engaging in random acts of symbolic hyperconsumption and overproduction; perhaps an overly enthusiastic usage of a classroom or cafeteria here and there, or a particularly moving piece of theatrical composition that is easily suppressed. “Disaster is consumed as cheesy spectacle, complete with incompetent reporting, useless information bulletins, and inane attempts at commentary:”[48] Shaviro is talking about Night of the Living Dead, but he might as well be referring to the press coverage of the first California occupations. Other students respond with horror to the encroachment of dissidents: “the living characters are concerned less about the prospect of being killed than they are about being swept away by mimesis – of returning to existence, after death, transformed into zombies themselves.”[49] Liberal student activists fear the incursions the most, as they are in many ways the most invested in the fate of the contemporary university; in many ways their role is similar to that of the survivalists in Night of the Living Dead, or the military officers in Day. Beyond Zombie Politics claims that defenders of the UC system are promoting a “Zombie Politics”; yet this is difficult to fathom. For they are insistent on saving the University, on staying ‘alive’, even when their version of life has been stripped of all that makes life worth living, when it is as good as social death. Shaviro notes that in many scenes in zombie films, our conceptions of protagonist and antagonist are reversed; in many scenes, human survivors act so repugnantly that we celebrate their infection or demise.[50] In reality, “Zombie Politics are something to be championed, because they are the politics of a multitude, an inclusive mass of political subjects, seeking to consume brains. Yet brains must be seen as a metaphor for what Marx calls “the General Intellect”; in his Fragment on Machines, he describes it as “the power of knowledge, objectified.”[51] Students and faculty have been alienated from their labor, and, angry and zombie-like, they seek to destroy the means of their alienation. Yet, for Shaviro, “the hardest thing to acknowledge is that the living dead are not radically Other so much as they serve to awaken a passion for otherness and for vertiginous disidentification that is already latent within our own selves.”[52] In other words, we have a widespread problem with aspiring to be this other, this powerless mass. We seek a clear protagonist, we cannot avoid associating with those we perceive as ‘still alive’. Yet for Baudrillard, this constitutes a fundamental flaw: "at the very core of the 'rationality' of our culture, however, is an exclusion that precedes every other, more radical than the exclusion of madmen, children or inferior races, an exclusion preceding all these and serving as their model: the exclusion of the dead and of death."[53] In Forget Foucault, we learn the sad reality about biopower: that power itself is fundamentally based on the separation and alienation of death from the reality of our existence. If we are to continue to use this conception, we risk failing to see that our very lives have been turned into a mechanism for perpetuation of social death: the banal simulation of existence. Whereas socialized death is a starting point for Foucault, in Baudrillard and in recent actions from California, we see a return to a reevaluation of society and of death; a possible return to zombie politics. Baudrillard distinguishes himself as a connoisseur of graffiti; in Forget Foucault, he quotes a piece that said “When Jesus arose from the dead, he became a zombie.”[54] Perhaps the reevaluation of zombie politics will serve as the messianic shift that blasts open the gates of hell, the cemetery-university. According to the Berkeley kids, “when we move without return to their tired meaning, to their tired configurations of the material, we are engaging in war.”[55] Baudrillard’s words about semiotic insurrectionaries might suffice: "They blasted their way out however, so as to burst into reality like a scream, an interjection, an anti-discourse, as the waste of all syntatic, poetic and political development, as the smallest radical element that cannot be caught by any organized discourse. Invincible due to their own poverty, they resist every interpretation and every connotation, no longer denoting anyone or anything."[56]

#### This system causes global implosive violence as a method for creating meaning for its own existence by destroying all mysterity in the world and rendering it intelligible.

**Artrip and Debrix 14** [Artrip, Ryan Edward and François Debrix. “The Digital Fog of War: Baudrillard and the Violence of Representation.” (2014)]

It is in this always operative tendency of rendered appearances to yield meaning (even if their meaning is to be information-worthy), not in the image or event itself, that we situate the conditions of possibility and reproducibility for the ever-thickening representational fog and for the violence/virulence of images, or better yet, of appearances. To make war or, as the case may be, the terror event mean something—even in some of the most immediate reactions often designed to evoke injustice or, indeed, incomprehension—is the generative point of violence, the source of representation as a virulent/virtual code and mode of signification. Baudrillard writes, “Everywhere one seeks to produce meaning, to make the world signify, to render it visible.” He adds, “We are not, however, in danger of lacking meaning; […] we are gorged with meaning and it is killing us” (Baudrillard, 1988: 63). Indeed, the Western world—increasingly, the global—has found itself with a proliferation of meanings and significations in the late 20th and early 21st centuries. It is as if the so-called crisis of nihilism (thought to be characteristic of much critique and philosophical suspicion throughout the 20th century) later on produced something of the opposite order. The mass violence of the 20th century inaugurated not a complete void of despair or meaninglessness, but instead a flood of meaning, if not an overproduction of it. Baudrillard refers to this frantic explosion of meaning/signification as “a panic-stricken production of the real and the referential, above and parallel to the panic of material production […]” (Baudrillard, 1983: 7). Here, Baudrillard describes a mode of production of a different kind, not motivated by class interests or exploitation of value, but by an automated, perhaps viral, abreaction to the empty core or disenchantment of things and the world: that is to say, the degree to which things seem to lack a singular center of gravity or have lost a justifiable reference to the real world, and yet each thing that “matters” is also an attempt to get at reality as a question of accumulation (of meaning), circulation (of signs), and filling up of all interstitial spaces of communication and value. The end result is an over-abundance of signs and images of reality, something that culminates in what Baudrillard calls hyperreality—things appear more real than reality itself. The story that needs to be told is thus not about the undoubtedly deplorable “truth” or fact of explosive and warlike violence, but about a violence of another sort. In the radical digital transparency of the global scene, we (members of the demos) often have full or direct exposure to explosivity, as we saw above with the image of terror. But what still needs to be thought and problematized is implosivity or what may be called implosive violence. Implosive violence is a violence for which we do not, and perhaps will never, have much of a language (Rancière, 2007: 123). Although, not having a language for it or, rather, as we saw above, seeking to find a language to talk about it and, perhaps, to make sense of it is still sought after. This is, perhaps, what digital pictures of war/terror violence seek to capture or want to force through. Implosive violence, often digitally rendered these days, is in close contact with media technologies and representational devices and techniques because it seeks representation and meaning. This is why implosive violence insists on calling in wars (against terror, for example) and on mobilizing war machines (against terrorist others, against vague enemy figures), but wars and war machines that no longer have—to the extent that they ever had—a clearly identifiable object and subject, or a clear mission/purpose. As such, this implosive violence and its wars (the new Western/global way of war, perhaps) must remain uncertain, unclear, foggy, inwardly driven, representational, and indeed virulent. They must remain uncertain and confused even as they are digitally operative and desperately capture events/images to give the impression that meanings/significations can and will be found. Yet, as we saw above, it is not meanings exactly that must be found, but information and the endless guarantee of its immediate circulation. As information occupies the empty place of meaning, certainty, or truth, images must be instantaneously turned into appearances that search for meanings that will never be discovered because, instead, a proliferation of information-worthy facts and beliefs will take over (perhaps this is what US fake pundit and comedian Stephen Colbert famously referred to as “truthiness”). Or, as Baudrillard puts it, “free from its former enemies, humanity now has to create enemies from within, which in fact produces a wide variety of inhuman metastases” (Baudrillard, 2003). Thus, this implosive violence is destined to be a global violence since it "is the product of a system that tracks down any form of negativity and singularity, including of course death as the ultimate form of singularity. […] It is a violence that, in a sense, puts an end to violence itself and strives to establish a world where anything related to the natural must disappear […] Better than a global violence, we should call it a global virulence. This form of violence is indeed viral. It moves by contagion, produces by chain reaction, and little by little it destroys our immune systems and our capacities to resist" (2003; our italics). In a way, this global virulence is all-out and everyday war itself. It is also the Global War on Terror, a war whose virulence and ever present (virtual, potential) violence mediatizes and hyper-realizes everyday life for a lot of human bodies in the West and beyond (is that not also something that the Boston Marathon bombing smart phone representations struggled to tell us?). For Baudrillard, this is how we should apprehend the mythos of globalization (since globalization is all about virulence).

#### The political has lost the will for positive action. A society that maintains capitalist production is contingent upon subjects that are forced to labor under hyperreality – so we let the system collapse in on itself. All that is left in the power of the masses is negation – our alternative is the strategy of the masses.

**Baudrillard 93** (Jean, The Transparency of Evil: Essays on Extreme Phenomena, 1993)

In Simmel's words, 'Negation is the simplest thing imaginable. That is why the broad masses, whose component elements cannot achieve agreement as to goals, come together here.' It is useless to expect a positive opinion or a critical will from the masses, for they have none: all they have is an undifferentiated power, the power to reject. Their strength flows solely from what they are able to expel, to negate - and that is, first and foremost, any project that goes beyond them, any class or understanding that transcends them. There is something here of a philosophy of cunning born of the most brutal experience - the experience of animals, or of peasants: 'They won't put that over on us again, we won't fall for their calls to sacrifice, or listen to their pie in the sky.' Profound disgust for the political order - though one that may well coexist with specific political opinions . Disgust for the pretension and transcendence of power, for the inevitability and abomination of the political sphere. Where once there were political passions, we now find only the violence peculiar to a fundamental disgust with everything political. Power itself is founded largely on disgust. The whole of advertising, the whole of political discourse, is a public insult to the intelligence, to reason - but an insult in which we collaborate, abjectly subscribing to a silent interaction. The day of hidden persuasion is over: those who govern us now resort unapologetically to arm-twisting pure and simple. The prototype here was a banker got up like a vampire, saying, 'I am after you for your money' . A decade has already gone by since this kind of obscenity was introduced, with the government's blessing, into our social mores. At the time we thought the ad feeble because of its aggressive vulgarity . In point of fact it was a prophetic commercial, full of intimations of the future shape of social relationships, because it operated, precisely, in terms of disgust, avidity and rape. The same goes for pornographic and food advertising, which are also powered by shamelessness and lust, by a strategic logic of violation and anxiety. Nowadays you can seduce a woman with the words, 'I am interested in your cunt' . The same kind of crassness has triumphed in the realm of art, whose mounds of trivia may be reduced to a single pronouncement of the type, 'What we want from you is stupidity and bad taste' . And the fact is that we do succumb to this mass extortion, with its subtle infusion of guilt.

### 1NC – AT: 1AR Theory

#### 1] Reject 1AR theory –

#### A] Strat skew – new 1AR theory arguments force me to shift away from substance and overcover on the theory debate – means I’m not able to cover substance effectively because theory is an easy 2AR out.

#### B] Clash – new theory args distract away from substantive education and talking about the topic – o/w because we only have 2 months to talk about it.

#### C] Negating is harder – they have the first and last speech plus the fact that there’s no 3NR means all they must do in the 2AR is select the best arguments and weigh those.

#### D] The 1AR is not that hard– the fact that people are able to read theory shells and cover everything in the 1AR proves the time-skew effect is minimal

#### E] The 7-6 time skew means that it is endlessly biased towards the aff

#### F] 1AR theory is skewed to the aff because they have the advantage of 2AR judge psychology which is also a reason they shouldn’t get 2AR weighing.

#### H] You have infinite prep to plan out your strategy using 1AR while the NC is reactive and can’t possibly predict the 2AR strat

#### 2] Drop the arg on 1AR theory –

#### A] Late breaking theory is inherently unpredictable – the aff could run any shell in the 1AR against the 1NC which means we would never be prepared for it.

#### B] 2AR collapse – the aff could collapse to any shell in the 2AR that would kill 6 minutes of the 2NR which means I would never win.

#### 3] Reasonability on 1AR Shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to – reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2NR a chance.

#### 4] Doesn’t come first – there’s always a theory violation the 1AR can find plus the fact that they have a positive time trade off to the 2NR so it isn’t a good check on abuse.

#### 5] Infinite abuse claims are wrong – A] Spikes solve – you can just preempt paradigms in the 1AC, B] Functional limits – the 1NC is only 7 minutes long

### 1NC – Presumption

#### International law is ineffective – vote neg on presumption.

Goldsmith 09 [Jack Goldsmith, Henry L. Shattuck Professor of Law, Harvard Law School, Daryl Levinson, Fessenden Professor of Law, Harvard Law School, Harvard Law Review, May 2009, vol. 122, no. 7, "LAW FOR STATES: INTERNATIONAL LAW, CONSTITUTIONAL LAW, PUBLIC LAW", 1792-1868]

One might look to courts to rectify this legal uncertainty, perhaps by analogy to the way that early common law courts constructed and clarified legal norms through a case-by-case process of adjudication, with limited legislative assistance. But the international adjudicatory system is not up to this task. The international law system does, of course, rely on courts — the domestic courts of states as well as international tribunals — to adjudicate disputes about the existence and meaning of international norms. But the ability of these courts to resolve the content of international law is severely limited by their lack of centralization, coordination, and hierarchy.

At the domestic level, both national courts and national executive branches are charged with interpreting international law. No doubt in part because states tend to interpret international law in accordance with their own (divergent) interests, international law is interpreted differently by different states. Capital-importing and capital-exporting nations, for example, traditionally have held different views about the customary international law limits on expropriation.48 Similarly, while the United States and the United Kingdom believed that the 2003 invasion of Iraq was consistent with the U.N. Charter, most other nations disagreed.49 The international legal system has no higher-level court or other decisionmaker capable of authoritatively resolving these kinds of transnational interpretive disputes.

The inability of multiple, self-interested national executives and courts to agree on the content of international law has driven the international system to develop its own system of courts, formally independent of the direct control of any one or several nations. While there are many such courts of various kinds in operation, their jurisdictions are narrow and segmented, creating a patchwork of adjudicative authority. This patchwork includes both gaping holes and areas of uncoordinated overlap. There are many matters — immigration, war, human rights, and so on — over which international courts have little or no authority. Even the International Court of Justice, perhaps the most powerful generalist international court, has limited jurisdiction, and its decisions have no stare decisis effect.50 Regional courts (like the European Court of Justice) and international bodies (like the Human Rights Committee) have overlapping claims to partial jurisdiction to resolve or pronounce upon international law, here again with no second-order rules or institutional mechanisms to coordinate their decisions. When the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia fundamentally disagree on the question of attributing state responsibility for rebel insurgent groups, for instance, there is no legal procedure for resolving the disagreement.51

The problem is more acute than even this, for courts (domestic and international) are not the only interpreters of international law. Jurists also serve as sources of law in some sense, and various NGOs often pronounce upon the content of law in ways that are meant to be, and are often received as, authoritative. Human rights committees disagree about the content of international human rights law, and these bodies often disagree with regional and national officials who are charged with interpreting the same law.52 This proliferation of interpreters exacerbates international law’s problems of ambiguity and deprives international law of its ability to resolve disputes authoritatively. 53 The result is a cacophony of oft-conflicting pronouncements with no authoritative method to resolve the conflicts.

In sum, although international law and associated international institutions are denser and more prevalent today than ever, these laws and institutions are, as a system, weak and fragmented.54 What is missing is the kind of centralized, hierarchical ordering that domestic legal systems create through their legislative and judicial institutions. Unable to rely upon these institutions, the international legal system struggles to coordinate public understandings of the content and application of its norms. The result is a kind of fundamental uncertainty, not just about what international legal rules mean, but about how they can be created and changed, and how disputes over meaning can be definitively resolved.