

• **COMMENTARY: THE SECOND NEGATIVE CROSS-EXAMINATION**

Jon uses an unusual tactic in his cross-examination: he asks a question that lets Peguy contend that the ICC will respect sovereignty. Jon then allows Peguy to maintain such a position. (We should recall that Peguy, in the last speech, argued that too much sovereignty was bad because it denied cultural differences and actually increased the likelihood of conflict and war.) The negative, at this point, could concede this point and then concede that the ICC increases sovereignty. The result would be that the affirmative plan, by their own concessions, would increase the likelihood of war.

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These arguments are not made, however. Instead, Jon asks for Peguy to clarify if sovereignty is being violated all the time. Peguy answers in the affirmative. Then Jon responds that if that is true, “we should continue to not have sovereignty, is that what you’re saying?” In other words, Peguy has conceded that since absolute sovereignty gets violated all the time, it really isn’t very valuable. Jon does not stop here, however (but perhaps he should have), he continues this line of questioning until Peguy asserts that sovereignty can be violated if there is a “good cause.” Jon suggests that this is a fallacy relying on historical tradition, but never explains his contention.

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Nevertheless, Jon does end this round of cross-examination with the upper hand. Before time runs out, Jon gets Peguy to admit that the ICC prompts every country to “get it together.” Jon responds with how local courts could match that level of efficiency. Peguy tries to suggest that the ICC would be more efficient. Peguy pokes fun at Jon and asks, “Are you telling this room today that it would be more efficient to negotiate something with 108 states as opposed to two states?” Peguy ends the dialogue with just “like we have the United Nations” today.

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