### 1NC

#### 1. Interpretation: The role of the ballot is to determine if the enactment of a topical plan is better than the status quo or a competitive option. The 1ac must read and defend the implementation of such a topical plan.

#### 2. Violation:

#### A) “Resolved” implies a policy or legislative decision – means they must be resolved about a future federal government policy

Parcher 1

Jeff Parcher, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution.

#### B) USFG is the national government in DC

Encarta Online Encyclopedia, 2k

(http://encarta.msn.com)

“The federal government **of the U**nited **S**tates **is centered in** Washington **DC”**

#### C) Should means there is a practical reason for action

WordNet in ‘97

Princeton University, 1.6

**Should** v 1 : be expected to: “Parties should be fun” 2 : **expresses an** emotional**, practical,** or other **reason for doing something:** “You had better put on warm clothes”; “You should call your mother-in-law”; *“The State ought to repair bridges*”[syn**:** had better, ought]

#### 3. Vote Negative:

#### A) Decisionmaking - a limited topic of discussion that provides for equitable ground is key to decision-making and advocacy skills

Steinberg & Freeley 8

\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Discussion of specific policy-questions is crucial for skills development – it overcomes preconceived ideological notions and breaks out of traditional pedagogical frameworks by positing students as agents of decision-making

Esberg & Sagan 12

\*Jane Esberg is special assistant to the director at New York University's Center on. International Cooperation. She was the winner of 2009 Firestone Medal, AND \*\*Scott Sagan is a professor of political science and director of Stanford's Center for International Security and Cooperation “NEGOTIATING NONPROLIFERATION: Scholarship, Pedagogy, and Nuclear Weapons Policy,” 2/17 The Nonproliferation Review, 19:1, 95-108

These government or quasi-government think tank simulations often provide very similar lessons for high-level players as are learned by students in educational simulations. Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and coordinate with other governments in negotiations and crises. During the Cold War, political scientist Robert Mandel noted how crisis exercises and war games forced government officials to overcome ‘‘bureaucratic myopia,’’ moving beyond their normal organizational roles and thinking more creatively about how others might react in a crisis or conflict.6 The skills of imagination and the subsequent ability to predict foreign interests and reactions remain critical for real-world foreign policy makers. For example, simulations of the Iranian nuclear crisis\*held in 2009 and 2010 at the Brookings Institution’s Saban Center and at Harvard University’s Belfer Center, and involving former US senior officials and regional experts\*highlighted the dangers of misunderstanding foreign governments’ preferences and misinterpreting their subsequent behavior. In both simulations, the primary criticism of the US negotiating team lay in a failure to predict accurately how other states, both allies and adversaries, would behave in response to US policy initiatives.7 By university age, students often have a pre-defined view of international affairs, and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave and how their own government works.8 Since simulations became more common as a teaching tool in the late 1950s, educational literature has expounded on their benefits, from encouraging engagement by breaking from the typical lecture format, to improving communication skills, to promoting teamwork.9 More broadly, simulations can deepen understanding by asking students to link fact and theory, providing a context for facts while bringing theory into the realm of practice.10 These exercises are particularly valuable in teaching international affairs for many of the same reasons they are useful for policy makers: they force participants to ‘‘grapple with the issues arising from a world in flux.’’11 Simulations have been used successfully to teach students about such disparate topics as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12 Role-playing exercises certainly encourage students to learn political and technical facts\* but they learn them in a more active style. Rather than sitting in a classroom and merely receiving knowledge, students actively research ‘‘their’’ government’s positions and actively argue, brief, and negotiate with others.13 Facts can change quickly; simulations teach students how to contextualize and act on information.14

#### Switch-side is key - effective deliberation is crucial to the activation of personal agency and is only possible in a switch-side debate format where debaters divorce themselves from ideology to engage in political contestation – the impact is mass violence

Roberts-Miller 3

Patricia Roberts-Miller 3 is Associate Professor of Rhetoric at the University of Texas "Fighting Without Hatred:Hannah Ar endt ' s Agonistic Rhetoric" JAC 22.2 2003

Totalitarianism and the Competitive Space of Agonism¶ Arendt is probably most famous for her analysis of totalitarianism (especially her The Origins of Totalitarianism andEichmann in Jerusa¬lem), but the recent attention has been on her criticism of mass culture (The Human Condition). Arendt's main criticism of the current human condition is that the common world of deliberate and joint action is fragmented into solipsistic and unreflective behavior. In an especially lovely passage, she says that in mass society people are all imprisoned in the subjectivity of their own singular experience, which does not cease to be singular if the same experience is multiplied innumerable times. The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective. (Human 58)¶ What Arendt so beautifully describes is that isolation and individualism are not corollaries, and may even be antithetical because obsession with one's own self and the particularities of one's life prevents one from engaging in conscious, deliberate, collective action. Individuality, unlike isolation, depends upon a collective with whom one argues in order to direct the common life. Self-obsession, even (especially?) when coupled with isolation from one' s community is far from apolitical; it has political consequences. Perhaps a better way to put it is that it is political precisely because it aspires to be apolitical. This fragmented world in which many people live simultaneously and even similarly but not exactly together is what Arendt calls the "social."¶ Arendt does not mean that group behavior is impossible in the realm of the social, but that social behavior consists "in some way of isolated individuals, incapable of solidarity or mutuality, who abdicate their human capacities and responsibilities to a projected 'they' or 'it,' with disastrous consequences, both for other people and eventually for themselves" (Pitkin 79). One can behave, butnot act. For someone like Arendt, a German-assimilated Jew, one of the most frightening aspects of the Holocaust was the ease with which a people who had not been extraordinarily anti-Semitic could be put to work industriously and efficiently on the genocide of the Jews. And what was striking about the perpetrators of the genocide, ranging from minor functionaries who facilitated the murder transports up to major figures on trial at Nuremberg, was their constant and apparently sincere insistence that they were not responsible. For Arendt, this was not a peculiarity of the German people, but of the current human and heavily bureaucratic condition of twentieth-century culture: we do not consciously choose to engage in life's activities; we drift into them, or we do them out of a desire to conform. Even while we do them, we do not acknowledge an active, willed choice to do them; instead, we attribute our behavior to necessity, and we perceive ourselves as determined—determined by circumstance, by accident, by what "they" tell us to do. We do something from within the anonymity of a mob that we would never do as an individual; we do things for which we will not take responsibility. Yet, whether or not people acknowledge responsibil¬ity for the consequences of their actions, those consequences exist. Refusing to accept responsibility can even make those consequences worse, in that the people who enact the actions in question, because they do not admit their own agency, cannot be persuaded to stop those actions. They are simply doing their jobs. In a totalitarian system, however, everyone is simply doing his or her job; there never seems to be anyone who can explain, defend, and change the policies. Thus, it is, as Arendt says, rule by nobody.¶ It is illustrative to contrast Arendt's attitude toward discourse to Habermas'. While both are critical of modern bureaucratic and totalitar¬ian systems, Arendt's solution is the playful and competitive space of agonism; it is not the rational-critical public sphere. The "actual content of political life" is "the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new" ("Truth" 263). According to Seyla Benhabib, Arendt's public realm emphasizes the assumption of competition, and it "represents that space of appearances in which moral and political greatness, heroism, and preeminence are revealed, displayed, shared with others. This is a competitive space in which one competes for recognition, precedence, and acclaim" (78). These qualities are displayed, but not entirely for purposes of acclamation; they are not displays of one's self, but of ideas and arguments, of one's thought. When Arendt discusses Socrates' thinking in public, she emphasizes his performance: "He performed in the marketplace the way the flute-player performed at a banquet. It is sheer performance, sheer activity"; nevertheless, it was thinking: "What he actually did was to make public, in discourse, the thinking process" {Lectures 37). Pitkin summarizes this point: "Arendt says that the heroism associated with politics is not the mythical machismo of ancient Greece but something more like the existential leap into action and public exposure" (175-76). Just as it is not machismo, although it does have considerable ego involved, so it is not instrumental rationality; Arendt's discussion of the kinds of discourse involved in public action include myths, stories, and personal narratives.¶ Furthermore, the competition is not ruthless; it does not imply a willingness to triumph at all costs. Instead, it involves something like having such a passion for ideas and politics that one is willing to take risks. One tries to articulate the best argument, propose the best policy, design the best laws, make the best response. This is a risk in that one might lose; advancing an argument means that one must be open to the criticisms others will make of it. The situation is agonistic not because the participants manufacture or seek conflict, but because conflict is a necessary consequence of difference. This attitude is reminiscent of Kenneth Burke, who did not try to find a language free of domination but who instead theorized a way that the very tendency toward hierarchy in language might be used against itself (for more on this argument, see Kastely). Similarly, Arendt does not propose a public realm of neutral, rational beings who escape differences to live in the discourse of universals; she envisions one of different people who argue with passion, vehemence, and integrity.¶ Continued…¶ Eichmann perfectly exemplified what Arendt famously called the "banal¬ity of evil" but that might be better thought of as the bureaucratization of evil (or, as a friend once aptly put it, the evil of banality). That is, he was able to engage in mass murder because he was able not to think about it, especially not from the perspective of the victims, and he was able to exempt himself from personal responsibility by telling himself (and anyone else who would listen) that he was just following orders. It was the bureaucratic system that enabled him to do both. He was not exactly passive; he was, on the contrary, very aggressive in trying to do his duty. He behaved with the "ruthless, competitive exploitation" and "inauthen-tic, self-disparaging conformism" that characterizes those who people totalitarian systems (Pitkin 87).¶ Arendt's theorizing of totalitarianism has been justly noted as one of her strongest contributions to philosophy. She saw that a situation like Nazi Germany is different from the conventional understanding of a tyranny. Pitkin writes,¶ Totalitarianism cannot be understood, like earlier forms of domination, as the ruthless exploitation of some people by others, whether the motive be selfish calculation, irrational passion, or devotion to some cause. Understanding totalitarianism's essential nature requires solving the central mystery of the holocaust—the objectively useless and indeed dysfunctional, fanatical pursuit of a purely ideological policy, a pointless process to which the people enacting it have fallen captive. (87)¶ Totalitarianism is closely connected to bureaucracy; it is oppression by rules, rather than by people who have willfully chosen to establish certain rules. It is the triumph of the social.¶ Critics (both friendly and hostile) have paid considerable attention to Arendt's category of the "social," largely because, despite spending so much time on the notion, Arendt remains vague on certain aspects of it. Pitkin appropriately compares Arendt's concept of the social to the Blob, the type of monster that figured in so many post-war horror movies. That Blob was "an evil monster from outer space, entirely external to and separate from us [that] had fallen upon us intent on debilitating, absorb¬ing, and ultimately destroying us, gobbling up our distinct individuality and turning us into robots that mechanically serve its purposes" (4).¶ Pitkin is critical of this version of the "social" and suggests that Arendt meant (or perhaps should have meant) something much more complicated. The simplistic version of the social-as-Blob can itself be an instance of Blob thinking; Pitkin's criticism is that Arendt talks at times as though the social comes from outside of us and has fallen upon us, turning us into robots. Yet, Arendt's major criticism of the social is that it involves seeing ourselves as victimized by something that comes from outside our own behavior. I agree with Pitkin that Arendt's most powerful descriptions of the social (and the other concepts similar to it, such as her discussion of totalitarianism, imperialism, Eichmann, and parvenus) emphasize that these processes are not entirely out of our control but that they happen to us when, and because, we keep refusing to make active choices. We create the social through negligence. It is not the sort of force in a Sorcerer's Apprentice, which once let loose cannot be stopped; on the contrary, it continues to exist because we structure our world to reward social behavior. Pitkin writes, "From childhood on, in virtually all our institutions, we reward euphemism, salesmanship, slo¬gans, and we punish and suppress truth-telling, originality, thoughtful-ness. So we continually cultivate ways of (not) thinking that induce the social" (274). I want to emphasize this point, as it is important for thinking about criticisms of some forms of the social construction of knowledge: denying our own agency is what enables the social to thrive. To put it another way, theories of powerlessness are self-fulfilling prophecies.¶ Arendt grants that there are people who willed the Holocaust, but she insists that totalitarian systems result not so much from the Hitlers or Stalins as from the bureaucrats who may or may not agree with the established ideology but who enforce the rules for no stronger motive than a desire to avoid trouble with their superiors (see Eichmann and Life). They do not think about what they do. One might prevent such occurrences—or, at least, resist the modern tendency toward totalitarian¬ism—by thought: "critical thought is in principle anti-authoritarian" (Lectures 38).¶ By "thought" Arendt does not mean eremitic contemplation; in fact, she has great contempt for what she calls "professional thinkers," refusing herself to become a philosopher or to call her work philosophy. Young-Bruehl, Benhabib, and Pitkin have each said that Heidegger represented just such a professional thinker for Arendt, and his embrace of Nazism epitomized the genuine dangers such "thinking" can pose (see Arendt's "Heidegger"). "Thinking" is not typified by the isolated con¬templation of philosophers; it requires the arguments of others and close attention to the truth. It is easy to overstate either part of that harmony. One must consider carefully the arguments and viewpoints of others:¶ Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while I am ponder¬ing a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for represen¬tative thinking and the more valid my final conclusions, my opinion. ("Truth" 241)¶ There are two points to emphasize in this wonderful passage. First, one does not get these standpoints in one's mind through imagining them, but through listening to them; thus, good thinking requires that one hear the arguments of other people. Hence, as Arendt says, "critical thinking, while still a solitary business, does not cut itself off from' all others.'" Thinking is, in this view, necessarily public discourse: critical thinking is possible "only where the standpoints of all others are open to inspection" (Lectures 43). Yet, it is not a discourse in which one simply announces one's stance; participants are interlocutors and not just speakers; they must listen. Unlike many current versions of public discourse, this view presumes that speech matters. It is not asymmetric manipulation of others, nor merely an economic exchange; it must be a world into which one enters and by which one might be changed.¶ Second, passages like the above make some readers think that Arendt puts too much faith in discourse and too little in truth (see Habermas). But Arendt is no crude relativist; she believes in truth, and she believes that there are facts that can be more or less distorted. She does not believe that reality is constructed by discourse, or that truth is indistinguishable from falsehood. She insists tha^ the truth has a different pull on us and, consequently, that it has a difficult place in the world of the political. Facts are different from falsehood because, while they can be distorted or denied, especially when they are inconvenient for the powerful, they also have a certain positive force that falsehood lacks: "Truth, though powerless and always defe ated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it" ("Truth" 259).¶ Facts have a strangely resilient quality partially because a lie "tears, as it were, a hole in the fabric of factuality. As every historian knows, one can spot a lie by noticing incongruities, holes, or the j unctures of patched-up places" ("Truth" 253). While she is sometimes discouraging about our ability to see the tears in the fabric, citing the capacity of totalitarian governments to create the whole cloth (see "Truth" 252-54), she is also sometimes optimistic. InEichmann in Jerusalem, she repeats the story of Anton Schmidt—a man who saved the lives of Jews—and concludes that such stories cannot be silenced (230-32). For facts to exert power in the common world, however, these stories must be told. Rational truth (such as principles of mathematics) might be perceptible and demonstrable through individual contemplation, but "factual truth, on the contrary, is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy. It is political by nature" (23 8). Arendt is neither a positivist who posits an autonomous individual who can correctly perceive truth, nor a relativist who positively asserts the inherent relativism of all perception. Her description of how truth functions does not fall anywhere in the three-part expeditio so prevalent in bothrhetoric and philosophy: it is not expressivist, positivist, or social constructivist. Good thinking depends upon good public argument, and good public argument depends upon access to facts: "Freedom of opinion is a farce unless factual information is guaranteed" (238).¶ The sort of thinking that Arendt propounds takes the form of action only when it is public argument, and, as such, it is particularly precious: "For if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the vita activa, it might well be that thinking as such would surpass them all" (Human 325). Arendt insists that it is "the same general rule— Do not contradict yourself (not your self but your thinking ego)—that determines both thinking and acting" (Lectures 3 7). In place of the mildly resentful conformism that fuels totalitarianism, Arendt proposes what Pitkin calls "a tough-minded, open-eyed readiness to perceive and judge reality for oneself, in terms of concrete experience and independent, critical theorizing" (274). The paradoxical nature of agonism (that it must involve both individuality and commonality) makes it difficult to maintain, as the temptation is great either to think one's own thoughts without reference to anyone else or to let others do one's thinking.¶ Arendt's Polemical Agonism¶ As I said, agonism does have its advocates within rhetoric—Burke, Ong, Sloane, Gage, and Jarratt, for instance—but while each of these theorists proposes a form of conflictual argument, not one of these is as adversarial as Arendt's. Agonism can emphasize persuasion, as does John Gage's textbook The Shape of Reason or William Brandt et al.'s The Craft of Writing. That is, the goal of the argument is to identify the disagreement and then construct a text that gains the assent of the audience. This is not the same as what Gage (citing Thomas Conley) calls "asymmetrical theories of rhetoric": theories that "presuppose an active speaker and a passive audience, a speaker whose rhetorical task is therefore to do something to that audience" ("Reasoned" 6). Asymmetric rhetoric is not and cannot be agonistic. Persuasive agonism still values conflict, disagreement, and equality among interlocutors, but it has the goal of reaching agreement, as when Gage says that the process of argument should enable one's reasons to be "understood and believed" by others (Shape 5; emphasis added).¶ Arendt's version is what one might call polemical agonism: it puts less emphasis on gaining assent, and it is exemplified both in Arendt's own writing and in Donald Lazere's "Ground Rules for Polemicists" and "Teaching the Political Conflicts." Both forms of agonism (persuasive and polemical) require substantive debate at two points in a long and recursive process. First, one engages in debate in order to invent one's argument; even silent thinking is a "dialogue of myself with myself (Lectures 40). The difference between the two approaches to agonism is clearest when one presents an argument to an audience assumed to be an opposition. In persuasive agonism, one plays down conflict and moves through reasons to try to persuade one's audience. In polemical agonism, however, one's intention is not necessarily to prove one's case, but to make public one' s thought in order to test it. In this way, communicability serves the same function in philosophy that replicability serves in the sciences; it is how one tests the validity of one's thought. In persuasive agonism, success is achieved through persuasion; in polemical agonism, success may be marked through the quality of subsequent controversy.¶ Arendt quotes from a letter Kant wrote on this point:¶ You know that I do not approach reasonable objections with the intention merely of refuting them, but that in thinking them over I always weave them into my judgments, and afford them the opportunity of overturning all my most cherished beliefs. I entertain the hope that by thus viewing my judgments impartially from the standpoint of others some third view that will improve upon my previous insight may be obtainable. {Lectures 42)¶ Kant's use of "impartial" here is interesting: he is not describing a stance that is free of all perspective; it is impartial only in the sense that it is not his own view. This is the same way that Arendt uses the term; she does not advocate any kind of positivistic rationality, but instead a "universal interdependence" ("Truth" 242). She does not place the origin of the "disinterested pursuit of truth" in science, but at "the moment when Homer chose to sing the deeds of the Trojans no less than those of the Achaeans, and to praise the glory of Hector, the foe and the defeated man, no less than the glory of Achilles, the hero of his kinfolk" ("Truth" 262¬63). It is useful to note that Arendt tends not to use the term "universal," opting more often for "common," by which she means both what is shared and what is ordinary, a usage that evades many of the problems associated with universalism while preserving its virtues (for a brief butprovocative application of Arendt's notion of common, see Hauser 100-03).¶ In polemical agonism, there is a sense in which one' s main goal is not to persuade one's readers; persuading one's readers, if this means that they fail to see errors and flaws in one' s argument, might actually be a sort of failure. It means that one wishes to put forward an argument that makes clear what one's stance is and why one holds it, but with the intention of provoking critique and counterargument. Arendt describes Kant's "hope" for his writings not that the number of people who agree with him would increase but "that the circle of his examiners would gradually be en¬larged" {Lectures 39); he wanted interlocutors, not acolytes.¶ This is not consensus-based argument, nor is it what is sometimes called "consociational argument," nor is this argument as mediation or conflict resolution. Arendt (and her commentators) use the term "fight," and they mean it. When Arendt describes the values that are necessary in our world, she says, "They are a sense of honor, desire for fame and glory, the spirit of fighting without hatred and 'without the spirit of revenge,' and indifference to material advantages" {Crises 167). Pitkin summarizes Arendt's argument: "Free citizenship presupposes the ability to fight— openly, seriously, with commitment, and about things that really mat¬ter—without fanaticism, without seeking to exterminate one's oppo¬nents" (266). My point here is two-fold: first, there is not a simple binary opposition between persuasive discourse and eristic discourse, the conflictual versus the collaborative, or argument as opposed to debate.¶ Second, while polemical agonismrequires diversity among interlocutors, and thus seems an extraordinarily appropriate notion, and while it may be a useful corrective to too much emphasis on persuasion, it seems to me that polemical agonism could easily slide into the kind of wrangling that is simply frustrating. Arendt does not describe just how one is to keep the conflict useful. Although she rejects the notion that politics is "no more than a battlefield of partial, conflicting interests, where nothing countfs] but pleasure and profit, partisanship, and the lust for dominion," she does not say exactly how we are to know when we are engaging in the existential leap of argument versus when we are lusting for dominion ("Truth" 263).¶ Like other proponents of agonism, Arendt argues that rhetoric does not lead individuals or communities to ultimate Truth; it leads to decisions that will necessarily have to be reconsidered. Even Arendt, who tends to express a greater faith than many agonists (such as Burke, Sloane, or Kastely) in the ability of individuals to perceive truth, insists that self-deception is always a danger, so public discourse is necessary as a form of testing (see especially Lectures and "Truth"). She remarks that it is difficult to think beyond one's self-interest and that "nothing, indeed, is more common, even among highly sophisticated people, than the blind obstinacy that becomes manifest in lack of imagination and failure to judge" ("Truth" 242).¶ Agonism demands that one simultaneously trust and doubt one' s own perceptions, rely on one's own judgment and consider the judgments of others, think for oneself and imagine how others think. The question remains whether this is a kind of thought in which everyone can engage. Is the agonistic public sphere (whether political, academic, or scientific) only available to the few? Benhabib puts this criticism in the form of a question: "That is, is the 'recovery of the public space' under conditions of modernity necessarily an elitist and antidemocratic project that can hardly be reconciled with the demand for universal political emancipa¬tion and the universal extension of citizenship rights that have accompa¬nied modernity since the American and French Revolutions?" (75). This is an especially troubling question not only because Arendt's examples of agonistic rhetoric are from elitist cultures, but also because of com¬ments she makes, such as this one from The Human Condition: "As a living experience, thought has always been assumed, perhaps wrongly, to be known only to the few. It may not be presumptuous to believe that these few have not become fewer in our time" {Human 324).¶ Yet, there are important positive political consequences of agonism.¶ Arendt' s own promotion of the agonistic sphere helps to explain how the system could be actively moral. It is not an overstatement to say that a central theme in Arendt's work is the evil of conformity—the fact that the modern bureaucratic state makes possible extraordinary evil carried out by people who do not even have any ill will toward their victims. It does so by "imposing innumerable and various rules, all of which tend to 'normalize' its members, to make them behave, to exclude spontaneous action or outstanding achievement" (Human 40). It keeps people from thinking, and it keeps them behaving. The agonistic model's celebration of achievement and verbal skill undermines the political force of conformity, so it is a force against the bureaucratizing of evil. If people think for themselves, they will resist dogma; if people think of themselves as one of many, they will empathize; if people can do both, they will resist totalitarianism. And if they talk about what they see, tell their stories, argue about their perceptions, and listen to one another—that is, engage in rhetoric—then they are engaging in antitotalitarian action.¶ In post-Ramistic rhetoric, it is a convention to have a thesis, and one might well wonder just what mine is—whether I am arguing for or against Arendt's agonism. Arendt does not lay out a pedagogy for us to follow (although one might argue that, if she had, it would lookmuch like the one Lazere describes in "Teaching"), so I am not claiming that greater attention to Arendt would untangle various pedagogical problems that teachers of writing face. Nor am I claiming that applying Arendt's views will resolve theoretical arguments that occupy scholarly journals. I am saying, on the one hand, that Arendt's connection of argument and thinking, as well as her perception that both serve to thwart totalitarian¬ism, suggest that agonal rhetoric (despite the current preference for collaborative rhetoric) is the best discourse for a diverse and inclusive public sphere. On the other hand, Arendt's advocacy of agonal rhetoric is troubling (and, given her own admiration for Kant, this may be intentional), especially in regard to its potential elitism, masculinism, failure to describe just how to keep argument from collapsing into wrangling, and apparently cheerful acceptance of hierarchy. Even with these flaws, Arendt describes something we would do well to consider thoughtfully: a fact-based but not positivist, communally grounded but not relativist, adversarial but not violent, independent but not expressivist rhetoric.

#### Decision-making outweighs – it’s the most portable skill - key to social improvements in every and all facets of life

Steinberg & Freeley 8

\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp9-10

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.¶ Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.¶ Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.¶ We all make many decisions even- day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate CO vote for. paper or plastic, all present lis with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?¶ Is the defendant guilty as accused? Tlie Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?¶ The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.¶ Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.¶ Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.¶ Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

#### B) Dialogue – our entire negative strategy is based on the “should” question of the resolution---there are an infinite number of reasons that the scholarship of their advocacy could be a reason to vote affirmative--- these all obviate the only predictable strategies based on topical action---they overstretch our research burden and undermine preparedness for all debates making effective deliberation impossible which makes it impossible to be negative – voting issue for limits and ground

#### Effective deliberation is the lynchpin of solving all existential global problems

Lundberg 10

(Christian O., Professor of Communications @ University of North Carolina, Chapel Hill “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311)

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, **debate builds capacity for critical thinking**, analysis of public claims, **informed decision making**, and **better public judgment**. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a **puzzling solution, at best, to argue that these conditions warrant giving up on debate**. If democracy is open to rearticulation, it is open to rearticulation precisely because **as the challenges of modern political life proliferate, the citizenry's capacities can change**, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it **builds precisely the skills that allow the citizenry to research and be informed** about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of **problem-solving skills** demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology **for enhancing democratic deliberative capacities**. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a **crucial component of a rich and vital democratic life**. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of **meaningful political engagement** and **new articulations of democratic life.** Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to **produce revisions of democratic life** that are **necessary if democracy is not only to survive, but to thrive**. Democracy faces a myriad of challenges, including: domestic and international **issues of class, gender, and racial justice**; wholesale **environmental destruction** and the potential for **rapid climate change**; emerging **threats to international stability** in the form of terrorism, intervention and new possibilities for great power conflict; and increasing **challenges of rapid globalization** including an increasingly volatile global economic structure. More than any specific policy or proposal, an **informed and active citizenry that deliberates with greater skill** and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the **existential challenges** to democracy [in an] increasingly complex world.

### 1NC

#### Executive flexibility on detention powers now

Tomatz 13

Michael Tomatz 13, Colonel, B.A., University of Houston, J.D., University of Texas, LL.M., The Army Judge Advocate General Legal Center and School (2002); serves as the Chief of Operations and Information Operations Law in the Pentagon. AND Colonel Lindsey O. Graham B.A., University of South Carolina, J.D., University of South Carolina, serves as the Senior Individual Mobilization Augmentee to The Judge Advocate Senior United States Senator from South Carolina, “NDAA 2012: CONGRESS AND CONSENSUS ON ENEMY DETENTION,” 69 A.F. L. Rev. 1

President Obama signed the NDAA "despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists." n114 While the Administration voiced concerns throughout the legislative process, those concerns were addressed and ultimately resulted in a bill that preserves the flexibility needed to adapt to changing circumstances and upholds America's values. The President reiterated his support for language in Section 1021 making clear that the new legislation does not limit or expand the scope of Presidential authority under the AUMF or affect existing authorities "relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." n115¶ The President underscored his Administration "will not authorize the indefinite military detention without trial of American citizens" and will ensure any authorized detention "complies with the Constitution, the laws of war, and all other applicable law." n116 Yet understanding fully the Administration's position requires recourse to its prior insistence that the Senate Armed Services Committee remove language in the original bill which provided that U.S. citizens and lawful resident aliens captured in the United States would not be subject to Section 1021. n117 There appears to be a balancing process at work here. On the one hand, the Administration is in lock-step with Congress that the NDAA should neither expand nor diminish the President's detention authority. On the other hand, policy considerations led the President to express an intention to narrowly exercise this detention authority over American citizens.¶ The overriding point is that the legislation preserves the full breadth and depth of detention authority existent in the AUMF, to include the detention of American citizens who join forces with Al Qaida. This is a dynamic and changing conflict. If a home-grown terrorist destroys a U.S. target, the FBI gathers the evidence, and a U.S. Attorney prosecutes, traditional civilian criminal laws govern, and the military detention authority resident in the NDAA need never come into play. This is a reasonable and expected outcome in many cases. The pending strike on rail targets posited in this paper's introduction, where intelligence sources reveal an inchoate attack involving American and foreign nationals operating overseas and at home, however, may be precisely the type of scenario where military detention is not only preferred but vital to thwarting the attack, conducting interrogations about known and hidden dangers, and preventing terrorists from continuing the fight.

#### Intervention into Executive war powers authority decks flexibility – the impact is prolif, terror, and the rise of hostile powers

Blomquist 10

Robert Blomquist 10, Professor of Law, Valparaiso University School of Law, THE JURISPRUDENCE OF AMERICAN NATIONAL SECURITY PRESIPRUDENCE, 44 Val. U.L. Rev. 881

Supreme Court Justices--along with legal advocates--need to conceptualize and prioritize big theoretical matters of institutional design and form and function in the American national security tripartite constitutional system. By way of an excellent introduction to these vital issues of legal theory, the Justices should pull down from the library shelf of the sumptuous Supreme Court Library in Washington, D.C. (or more likely have a clerk do this chore) the old chestnut, The Legal Process: Basic Problems in the Making and Application of Law by the late Harvard University law professors Henry M. Hart and Albert M. Sacks. n7 Among the rich insights on institutional design coupled with form and function in the American legal system that are germane to the Court's interpretation of national security law-making and decision-making by the President are several pertinent points. First, "Hart and Sacks' intellectual starting point was the interconnectedness of human beings, and the usefulness of law in helping us coexist peacefully together." n8 By implication, therefore, the Court should be mindful of the unique [\*883] constitutional role played by the POTUS in preserving peace and should prevent imprudent judicial actions that would undermine American national security. Second, Hart and Sacks, continuing their broad insights of social theory, noted that legal communities establish "institutionalized[] procedures for the settlement of questions of group concern" n9 and regularize "different procedures and personnel of different qualifications . . . appropriate for deciding different kinds of questions" n10 because "every modern society differentiates among social questions, accepting one mode of decision for one kind and other modes for others-e.g., courts for 'judicial' decisions and legislatures for 'legislative' decisions" n11 and, extending their conceptualization, an executive for "executive" decisions. n12 Third, Professors Hart and Sacks made seminal theoretical distinctions between rules, standards, principles, and policies. n13 While all four are part of "legal arrangements [\*884] in an organized society," n14 and all four of these arrangements are potentially relevant in judicial review of presidential national security decisions, principles and policies n15 are of special concern because of the sprawling, inchoate, and rapidly changing nature of national security threats and the imperative of hyper-energy in the Executive branch in responding to these threats. n16¶ The Justices should also consult Professor Robert S. Summers's masterful elaboration and amplification of the Hart and Sacks project on enhancing a flourishing legal system: the 2006 opus, Form and Function in a Legal System: A General Study. n17 The most important points that [\*885] Summers makes that are relevant to judicial review of American national security presiprudence are three key considerations. First, a "conception of the overall form of the whole of a functional [legal] unit is needed to serve the founding purpose of defining, specifying, and organizing the makeup of such a unit so that it can be brought into being and can fulfill its own distinctive role" n18 in synergy with other legal units to serve overarching sovereign purposes for a polity. The American constitutional system of national security law and policy should be appreciated for its genius in making the POTUS the national security sentinel with vast, but not unlimited, powers to protect the Nation from hostile, potentially catastrophic, threats. Second, "a conception of the overall form of the whole is needed for the purpose of organizing the internal unity of relations between various formal features of a functional [legal] unit and between each formal feature and the complementary components of the whole unit." n19 Thus, Supreme Court Justices should have a thick understanding of the form of national security decision-making conceived by the Founders to center in the POTUS; the ways the POTUS and Congress historically organized the processing of national security through institutions like the National Security Council and the House and Senate intelligence committees; and the ways the POTUS has structured national security process through such specific legal forms as Presidential Directives, National Security Decision Directives, National Security Presidential Decision Directives, Presidential Decision Directives, and National Security Policy Directives in classified, secret documents along with typically public Executive Orders. n20 Third, according to Summers, "a conception of the overall form of the whole functional [legal] unit is needed to organize further the mode of operation and the instrumental capacity of the [legal] unit." n21 So, the Supreme Court should be aware that tinkering with national security decisions of the POTUS--unless clearly necessary to counterbalance an indubitable violation of the text of the Constitution--may lead to unforeseen negative second-order consequences in the ability of the POTUS (with or without the help of Congress) to preserve, protect, and defend the Nation. n22¶ [\*886] B. Geopolitical Strategic Considerations Bearing on Judicial Interpretation¶ Before the United States Supreme Court Justices form an opinion on the legality of national security decisions by the POTUS, they should immerse themselves in judicially-noticeable facts concerning what national security expert, Bruce Berkowitz, in the subtitle of his recent book, calls the "challengers, competitors, and threats to America's future." n23 Not that the Justices need to become experts in national security affairs, n24 but every Supreme Court Justice should be aware of the following five basic national security facts and conceptions before sitting in judgment on presiprudential national security determinations.¶ (1) "National security policy . . . is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice." n25 While "[y]esterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers" n26, the twenty-first century reality is that "[t]hreats are also more likely to be intertwined--proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers." n27¶ (2) "Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat--the Soviet Union--was brittle, most of the potential adversaries and challengers America now faces are resilient." n28¶ (3) "The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events." n29 Importantly, "[w]hen you hold [\*887] the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not." n30¶ (4) While "keeping the strategic advantage may not have the idealistic ring of making the world safe for democracy and does not sound as decisively macho as maintaining American hegemony," n31 maintaining the American "strategic advantage is critical, because it is essential for just about everything else America hopes to achieve--promoting freedom, protecting the homeland, defending its values, preserving peace, and so on." n32¶ (5) The United States requires national security "agility." n33 It not only needs "to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources." n34¶ [\*888] As further serious preparation for engaging in the jurisprudence of American national security presiprudence in hotly contested cases and controversies that may end up on their docket, our Supreme Court Justices should understand that, as Walter Russell Mead pointed out in an important essay a few years ago, n35 the average American can be understood as a Jacksonian pragmatist on national security issues. n36 "Americans are determined to keep the world at a distance, while not isolating ourselves from it completely. If we need to take action abroad, we want to do it on our terms." n37 Thus, recent social science survey data paints "a picture of a country whose practical people take a practical approach to knowledge about national security. Americans do not bother with the details most of the time because, for most Americans, the details do not matter most the time." n38 Indeed, since the American people "do know the outlines of the big picture and what we need to worry about [in national security affairs] so we know when we need to pay greater attention and what is at stake. This is the kind of knowledge suited to a Jacksonian." n39¶ Turning to how the Supreme Court should view and interpret American presidential measures to oversee national security law and policy, our Justices should consider a number of important points. First, given the robust text, tradition, intellectual history, and evolution of the institution of the POTUS as the American national security sentinel, n40 and the unprecedented dangers to the United States national security after 9/11, n41 national security presiprudence should be accorded wide latitude by the Court in the adjustment (and tradeoffs) of trading liberty and security. n42 Second, Justices should be aware that different presidents [\*889] institute changes in national security presiprudence given their unique perspective and knowledge of threats to the Nation. n43 Third, Justices should be restrained in second-guessing the POTUS and his subordinate national security experts concerning both the existence and duration of national security emergencies and necessary measures to rectify them. "During emergencies, the institutional advantages of the executive are enhanced", n44 moreover, "[b]ecause of the importance of secrecy, speed, and flexibility, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times." n45 Fourth, Supreme Court Justices, of course, should not give the POTUS a blank check--even during times of claimed national emergency; but, how much deference to be accorded by the Court is "always a hard question" and should be a function of "the scale and type of the emergency." n46 Fifth, the Court should be extraordinarily deferential to the POTUS and his executive subordinates regarding questions of executive determinations of the international laws of war and military tactics. As cogently explained by Professors Eric Posner and Adrian Vermeule, n47 "the United States should comply with the laws of war in its battle against Al Qaeda"--and I would argue, other lawless terrorist groups like the Taliban--"only to the extent these laws are beneficial to the United States, taking into account the likely response of [\*890] other states and of al Qaeda and other terrorist organizations," n48 as determined by the POTUS and his national security executive subordinates.

#### Mandating release spills-over to broader detention power

Popeo, 10

(Attorney-Washington Legal Foundation, Brief on Behalf of Retired Military Officers, National Defense Committee and Washington Legal Foundation, Kiyemba v. Obama, No. 08-1234, Lexis)

Boumediene indicated that a "habeas court must have the power to order the conditional release of an individual unlawfully detained." 128 S. Ct. at 2266. Based on that statement, Petitioners erroneously conclude that the decision below, by denying them a remedy, must conflict with Boumediene. Petitioners' conclusion overlooks Boumediene's admonition that the power to release arises only after the court determines that a petitioner is being "unlawfully detained." The United States has explained why Petitioners, although no longer deemed enemy combatants, are stuck in Guantanamo Bay: it has determined that permitting their entry into the United States is against the national interest, and no nation in which Petitioners are willing to resettle has agreed to accept them. To win release, Petitioners must demonstrate that they are being held "in custody in violation of the Constitution or laws or treaties of the United States." They have failed to make such a demonstration. In particular, Petitioners have failed to demonstrate that detention violates their rights to [\*8] substantive due process under the Fifth Amendment. Indeed, [\*\*11] federal courts throughout our history have decisively rejected claims that nonresident aliens possess any substantive due process rights. Moreover, courts and legal scholars at the Founding and at all times thereafter have agreed that when a sovereign nation denies entry to an alien, he is not entitled to appeal to some higher authority as a basis for overruling that denial. Finally, amici are concerned that recognition of the constitutional rights asserted by Petitioners would raise serious national security concerns. If Petitioners are entitled to substantive due process protections, than so are all the other detainees being held at Guantanamo Bay, including some of the most dangerous terrorists in the world. If those avowed enemies of the U.S. are afforded full Fifth Amendment protections, **the military's power to continue to detain them could be placed in serious jeopardy.**

#### Prolif causes extinction

Horowitz 9

Professor of Political Science @ University of Pennsylvania [Michael Horowitz (Former Emory debater and NDT Champion), “The Spread of Nuclear Weapons and International Conflict: Does Experience Matter?,” Journal of Conflict Resolution, Volume 53 Number 2, April 2009 pg. 234-257]

Learning as states gain experience with nuclear weapons is complicated. While to some extent, **nuclear acquisition** might provide information about resolve or capabilities, it also **generates uncertainty about the way an actual conflict would go**—**given the new risk of nuclear escalation—and uncertainty about relative capabilities**. **Rapid proliferation** **may especially heighten uncertainty** given the potential for reasonable states to disagree at times about the quality of the capabilities each possesses. 2 What follows is an attempt to describe the implications of inexperience and incomplete information on the behavior of nuclear states and their potential opponents over time. Since it is impossible to detail all possible lines of argumentation and possible responses, the following discussion is necessarily incomplete. This is a first step. **The acquisition of nuclear weapons increases the confidence of adopters in their ability to impose costs in the case of a conflict and the expectations of likely costs if war occurs by potential opponents**. The key questions are whether nuclear states learn over time about how to leverage nuclear weapons and the implications of that learning, along with whether actions by nuclear states, over time, convey information that leads to changes in the expectations of their behavior—shifts in uncertainty— on the part of potential adversaries. Learning to Leverage? When a new state acquires nuclear weapons, how does it influence the way the state behaves and how might that change over time? Although **nuclear acquisition** might be orthogonal to a particular dispute, it **might be related to a particular security challenge, might signal revisionist aims with regard to an enduring dispute, or might signal the desire to reinforce the status quo**. This section focuses on how acquiring nuclear weapons influences both the new nuclear state and potential adversaries. In theory, systemwide perceptions of nuclear danger could allow new nuclear states to partially skip the early Cold War learning process concerning the risks of nuclear war and enter a proliferated world more cognizant of nuclear brinksmanship and bargaining than their predecessors. However, **each new nuclear state has to resolve its own particular civil–military issues surrounding operational control and plan its national strategy in light of its new capabilities**. Empirical research by Sagan (1993), Feaver (1992), and Blair (1993) suggests that viewing the behavior of other states does not create the necessary tacit knowledge; there is no substitute for experience **when it comes to handling a nuclear arsenal, even if experience itself cannot totally prevent accidents**. Sagan contends that civil–military **instability in many likely new proliferators and pressures generated by the requirements to handle the responsibility of dealing with nuclear weapons will skew decision making toward more offensive strategies** (Sagan 1995). The questions surrounding Pakistan’s nuclear command and control suggest there is no magic bullet when it comes to new nuclear powers’ making control and delegation decisions (Bowen and Wolvén 1999). Sagan and others focus on inexperience on the part of new nuclear states as a key behavioral driver. **Inexperienced operators and the bureaucratic desire to “justify” the costs spent developing nuclear weapons**, combined with organizational biases that may favor escalation to avoid decapitation—**the “use it or lose it” mind-set— may cause new nuclear states to adopt riskier launch postures, such as launch on warning, or at least be perceived that way by other states** (Blair 1993; Feaver 1992; Sagan 1995). 3 **Acquiring nuclear weapons** **could** alter state preferences **and make states more likely to escalate disputes once they start**, given their new capabilities. 4 But their general lack of experience at leveraging their nuclear arsenal and effectively communicating nuclear threats could mean **new nuclear states will be more likely to select adversaries poorly and to find themselves in disputes with resolved adversaries that will reciprocate militarized challenges**.

#### So does terror

Toon 7

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: <http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf>

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

### 1NC

#### AGAMBEN’S THEORHETICAL PROJECT DEEPENS THE ANTHROPOCENTRIC FOUNDATION OF THE UNDERLYING METAPHYSICAL HUMANISM HE OPPOSES. No links turns – AGAMBEN’S CRITICISMS OF THE REDUCTIONIST IDEA OF THE HUMAN SIMULTANESOULY MAKES REDUCTIONIST DETERMINATIONS ON ANIMAL LIFE. THAT TURNS THE CASE.

CALARCO 2K6

[Jamming the Anthropological Machine, Matthew, google]

These questions concerning animal life could in a certain sense be seen as misplaced, even violent, impositions on Agamben’s texts—a demand to answer questions he has never claimed any particular competence or desire to address. Indeed, the main focus of nearly all of Agamben’s published writings thus far has been avowedly anthropocentric. Despite his unflinching and far-reaching criticisms of metaphysical humanism, it is clear that he has never shown a sustained interest in exploring the anthropocentric dimensions and consequences of this metaphysical project. To the contrary, much of his work (especially those texts published prior to and including The Coming Community) can be read as a contribution to and deepening of the anthropocentrism underlying the metaphysical tradition. Where one might expect a radically post-humanist thinker such as Agamben to challenge the oppositional and reductionistic determinations of animal life characteristic of Western metaphysics, he has (in line with the majority of Continental philosophers) remained largely content to occupy the human side of the human/animal binary in order to complicate and rethink the political consequences of essentialist definitions of the human. It is from this perspective that we can begin better to understand the narrowly anthropocentric approach of a number of Agamben’s writings, including, for example: the distinction between human in-fancy and animal codes in Infancy and History and The Idea of Prose; the outlining of a non-essentialist notion of human finitude and the dogmatic endorsing of the Hegelian conception of animal death in Language and Death; and the neo-Heideggerian denial of exposure (and related concepts such as exposition and potentiality) among animals in Means without End, The Coming Community, and “On Potentiality.” What these texts demonstrate is a certain wariness on Agamben’s part toward the neo-humanist project of trying to determine a more precise or enlarged conception of human essence; they do not, however, exhibit the same vigilance toward reductionistic determinations of animal life, wherein the multiplicity and singularity of those beings called “animal” are summarily brought under the rubric of “The animal.”

#### AND, this species-contingent paradigm creates unending genocidal violence against forms of life deemed politically unqualified.

KOCHI & ORDAN 2K8

#### [tarik and noam, queen’s university and bar llan university, “an argument for the global suicide of humanity”, vol 7. no. 4., bourderlands e-journal]

Within the picture many paint of humanity, events such as the Holocaust are considered as an exception, an aberration. The Holocaust is often portrayed as an example of ‘evil’, a moment of hatred, madness and cruelty (cf. the differing accounts of ‘evil’ given in Neiman, 2004). The event is also treated as one through which humanity comprehend its own weakness and draw strength, via the resolve that such actions will never happen again. However, if we take seriously the differing ways in which the Holocaust was ‘evil’, then one must surely include along side it the almost uncountable numbers of genocides that have occurred throughout human history. Hence, if we are to think of the content of the ‘human heritage’, then this must include the annihilation of indigenous peoples and their cultures across the globe and the manner in which their beliefs, behaviours and social practices have been erased from what the people of the ‘West’ generally consider to be the content of a human heritage. Again the history of colonialism is telling here. It reminds us exactly how normal, regular and mundane acts of annihilation of different forms of human life and culture have been throughout human history. Indeed the history of colonialism, in its various guises, points to the fact that so many of our legal institutions and forms of ethical life (i.e. nation-states which pride themselves on protecting human rights through the rule of law) have been founded upon colonial violence, war and the appropriation of other peoples’ land (Schmitt, 2003; Benjamin, 1986). Further, the history of colonialism highlights the central function of ‘race war’ that often underlies human social organisation and many of its legal and ethical systems of thought (Foucault, 2003). This history of modern colonialism thus presents a key to understanding that events such as the Holocaust are not an aberration and exception but are closer to the norm, and sadly, lie at the heart of any heritage of humanity. After all, all too often the European colonisation of the globe was justified by arguments that indigenous inhabitants were racially ‘inferior’ and in some instances that they were closer to ‘apes’ than to humans (Diamond, 2006). Such violence justified by an erroneous view of ‘race’ is in many ways merely an extension of an underlying attitude of speciesism involving a long history of killing and enslavement of non-human species by humans.Such a connection between the two histories of inter-human violence (via the mythical notion of differing human ‘races’) and interspecies violence, is well expressed in Isaac Bashevis Singer’s comment that whereas humans consider themselves “the crown of creation”, for animals “all people are Nazis” and animal life is “an eternal Treblinka” (Singer, 1968, p.750).

#### Alternative: the judge should vote negative to REJECT THE HUMAN/ANIMAL DIVIDE.

#### this rejection enables an understanding of the SPECIES-BEING. that SOLVES THE ETHICAL CONTRADICTION OF THEIR SPECIES-LEVEL RACISM.

HUDSON 2K4

[Laura, The Political Animal: Species-Being and Bare Life, mediations journal, http://www.mediationsjournal.org/files/Mediations23\_2\_04.pdf]

We are all equally reduced to mere specimens of human biology, mute and uncomprehending of the world in which we are thrown. Species-being, or “humanity as a species,” may require this recognition to move beyond the pseudo-essence of the religion of humanism. Recognizing that what we call “the human” is an abstraction that fails to fully describe what we are, we may come to find a new way of understanding humanity that recuperates the natural without domination. The bare life that results from expulsion from the law removes even the illusion of freedom. Regardless of one’s location in production, the threat of losing even the fiction of citizenship and freedom affects everyone. This may create new means of organizing resistance across the particular divisions of society. Furthermore, the concept of bare life allows us to gesture toward a more detailed, concrete idea of what species-being may look like. Agamben hints that in the recognition of this fact, that in our essence we are all animals, that we are all living dead, might reside the possibility of a kind of redemption. Rather than the mystical horizon of a future community, the passage to species-being may be experienced as a deprivation, a loss of identity. Species-being is not merely a positive result of the development of history; it is equally the absence of many of the features of “humanity” through which we have learned to make sense of our world. It is an absence of the kind of individuality and atomism that structure our world under capitalism and underlie liberal democracy, and which continue to inform the tenets of deep ecology. The development of species-being requires the collapse of the distinction between human and animal in order to change the shape of our relationships with the natural world. A true species-being depends on a sort of reconciliation between our “human” and “animal” selves, a breakdown of the distinction between the two both within ourselves and in nature in general. Bare life would then represent not only expulsion from the law but the possibility of its overcoming. Positioned in the zone of indistinction, no longer a subject of the law but still subjected to it through absence, what we equivocally call “the human” in general becomes virtually indistinguishable from the animal or nature. But through this expulsion and absence, we may see not only the law but the system of capitalism that shapes it from a position no longer blinded or captivated by its spell. The structure of the law is revealed as always suspect in the false division between natural and political life, which are never truly separable. Though clearly the situation is not yet as dire as Agamben’s invocation of the Holocaust suggests, we are all, as citizens, under the threat of the state of exception. With the decline of the nation as a form of social organization, the whittling away of civil liberties and, with them, the state’s promise of “the good life” (or “the good death”) even in the most developed nations, with the weakening of labor as the bearer of resistance to exploitation, how are we to envision the future of politics and society?

### Case

#### The prisoners are not bare life—there are rules that prevent true reduction

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Thus in some respects, prisoners of the "war on terror" might be understood as homo sacer. However, there are also particularities in the way the prisoners are handled that call for a critical re-evaluation of the (non) space of Guántanamo. If in the classical Foucauldian teminology sovereign power is about "taking or granting life," and biopower is about "letting live and making life," then what can be said about the power operating in Guántanamo that "forces to live" when prisoners are carefully controlled to prevent them from committing suicide. Indeed, the prisoners of Guántanamo are force fed and even given mandatory health checks so as to insure they are kept, barely, alive. Unlike the homo sacer who may be killed but not sacrificed, the prisoners in Guantánamo may not be killed or sacrificed. In fact, extensive efforts are spent to keep the prisoners at Guantánamo alive, such as the creation of operating rooms for major health emergencies as well as facilities for dentistry. The prisoners are given health treatment similar to that provided to the troops at the base.60 No doubt the display of such "health benefits" could be read as window dressing conducted by the camp administrators. However, it is important to note that there are indeed serious efforts to keep the prisoners (often barely, but nevertheless) alive. Furthermore, punishment and interro- gation are orchestrated so that the use of violence does not result in death. Extensive efforts are made to prevent the prisoners from com- mitting suicide. In other cases, hunger-striking inmates have met with brutal forced feeding.61 Thus, in a striking unclassified army document that outlines procedures in Guántanamo Bay, guards are ordered to "defend detainees as you would yourself against a hostile act or intent, death, or serious bodily harm."62 Therefore it is correct to say that what goes in Guantánamo Bay is neither "letting live" nor "taking life," but instead "making live," or even "forcing to live."¶ Agamben argues that camps are places where sovereign "power confronts nothing but pure life."63 Guantánamo Bay, declared as being beyond the reach of law, is, in fact, regulated by many petty regulations that are characteristic of disciplinary power. Reading the re- ports of the Joint Task Force and prisoner testimonies, one comes to the conclusion that there is a plethora of rules and procedures that govern the treatment of Guántanamo prisoners.64 Whereas Agamben's statement on "zones of indistinction" would lead us to think that any- thing goes in the camp, this is far from the reality of Guántanamo. Every minuscule element of the lives of Guántanamo prisoners been planned and is, for the most part, regulated by a written a code of conduct. Many foreseeable and probable occurrences that would be expected in a prison population have been forethought and written into a manual. Titled Standard Operating Procedures this 250-page manual outlines the rules, regulations, and procedures for treatment of prisoners in many probable circumstances.65 The manual outlines, for example, what to do if there is a petty riot, when and how to spray pepper spray on rioters, religious burials rituals for prisoners, and so on.66 This clearly hints that it is not just an exceptional sovereign power at work in Guántanamo, as exemplified in Rumsfeldian rhetorical salvos on "exceptional times requiring exceptional measures." In- stead, there are multiple technologies of power that are at work in the day-to-day administration of this space.67

#### Numerous cultural and historical factors have gone into Guantanamo—that means the aff can’t solve broader violence and there is no broader impact

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Sovereign decisions are always already informed by historical and cultural understandings as to who counts as a member of the "good species." The "good species," "the inside," and the body politic have been constructed by colonial discourse. As Roxanne Doty has pointed out, colonial discourse has had a vital role in the construction of Western nations. She further points out that race, religion, and other marks of difference have played an important role in national classification.94 The treatment of faraway people as inferior and exotic has played an important role in nation building in its classic sense. Therefore, who counts as a citizen, a "legitimate" member of a "legitimate" nation, is the product and effect of centuries of interaction of the West with its others. Understood in this sense, sovereign decisions (whether made at the top or bottom level) are informed and shaped by a cultural and colonial history. This is neglected in Agamben's grand analysis of Western politics. Therefore, sovereign power needs the classification, hierarchization, and othering provided by a regime of truth in order to conduct its violent power. Only certain types of people could be rendered as bare life and thrown into a zone of indistinction. Understood this way, it is easier to comprehend the "smooth" production of homines sacri out of Middle Eastern subjects.¶ In the early stages of the war in Afghanistan, as Michael Ratner and Ellen Ray point out, tens of thousands of people were collected by the Northern Alliance.95 Among the collected were ordinary foreign aid workers, refugees, and probable fighters of the Taliban regime. They were sold from $50 to $5,000 per head to Coalition Forces.96 Even though there was no real investigation based on tangible and concrete evidence, some these captives were flown to Guantánamo. As Fox points out, if the prisoners were wearing a Casio brand watch, this meant an higher prize in the eyes of the interrogators, as it signaled that the prisoner was a probable AI Qaeda bombmaker.97 The small difference between wearing a Casio watch in some parts of the world, as opposed to others, is at the ground level what makes it possible for a body to be become a homo sacer. They can then be flown off to an unknown place to face an unknown future that get read and interpreted by petty sovereigns. Such differences in- form the decisions that render bodies as homo sacer, which are thrown into a zone of indistinction. In the modern age, no doubt, Agamben would argue that even the body of a soccer mom - an obedient national flag-waving subject - has entered into political and strategic calculations. However, the soccer mom is not exposed to the violence of homo sacer. Regimes of truth and disciplines produce hierarchically ordered subject positions, and this is an aspect of biopower. The theoretical priority that Agamben gives to sovereign power is reversed when it is shown that biopower makes it possible for the petty agents of the state to conduct sovereign violence. Sovereign power is informed and shaped by biopower.

#### Agamben’s state of exception erases politics---destroys alt’s efficacy

Huysmans 8

Jef Huysmans 8, Professor of Security Studies at The Open University UK, "The Jargon of Exception—On Schmitt, Agamben and the Absence of Political Society", International Political Sociology (2008) 2, 165-183, bigo.zgeist.org/students/readings/huysmansjargonexceptionIPS.pdf

Deploying the jargon of exception and especially Agamben’s conception of the exception-being-the-rule for reconfiguring conceptions of politics in a biopolitical age comes at a serious cost, though. It inserts both a diagnosis of our time and a conceptual apparatus for rethinking politics that has no place for the category that has been central to the modern democratic tradition: the political significance of people as a multiplicity of social relations that condition politics and that are constituted by the mediations of various objectified forms and processes (for example, scientific knowledge, technologies, property relations, legal institutions...).¶ Even if one would argue that Agamben’s framing of the current political conditions are valuable for understanding important changes that have taken place in the twentieth century and that are continuing in the twenty first, they also are to a considerable extent depoliticizing. Agamben’s work tends to guide the analysis to unmediated, factual life. For example, some draw on Agamben to highlight the importance of bodily strategies of resistance. One of the key examples is individual refugees protesting against their detention by sewing up lips and eyes. They exemplify how individualized naked life resists by deploying their bodily, biological condition against sovereign biopolitical powers (for example, Edkins and Pin-Fat 2004:15–17). I follow Adorno and others, however, that such a conception of bodily, naked life is not political. It ignores how this life only exists and takes on political form through various socioeconomic, technological, scientific, legal, and other mediations. For example, the images of the sewed-up eye- lids and lips of the individualized and biologized refugees have no political significance without being mediated by public media, intense mobilizations on refugee and asylum questions, contestations of human rights in the courts, etc. It is these mediations that are the object and structuring devices of political struggle. Reading the politics of exception as the central lens onto modern con- ceptions of politics, as both Agamben and Schmitt do, erases from the concept of politics a rich and constitutive history of sociopolitical struggles, traditions of thought linked to this history, and key sites and temporalities of politics as well as the central processes through which individualized bodily resistances gain their sociopolitical significance.

#### Evaluate consequences

Weiss, Prof Poli Sci – CUNY Grad Center, ‘99

(Thomas G, “Principles, Politics, and Humanitarian Action,” *Ethics and International Affairs* 13.1)

Scholars and practitioners frequently employ the term “dilemma” to describe painful decision making but “quandary” would be more apt.27A dilemma involves two or more alternative courses of action with unintended but unavoidable and equally undesirable consequences. If consequences are equally unpalatable, then remaining inactive on the sidelines is an option rather than entering the serum on the field. A quandary, on the other hand, entails tough choices among unattractive options with better or worse possible outcomes. While humanitarians are perplexed, they are not and should not be immobilized. The solution is not indifference or withdrawal but rather appropriate engagement. The key lies in making a good faith effort to analyze the advantages and disadvantages of different alloys of politics and humanitarianism, and then to choose what often amounts to the lesser of evils. Thoughtful humanitarianism is more appropriate than rigid ideological responses, for four reasons: goals of humanitarian action often conflict, good intentions can have catastrophic consequences; there are alternative ways to achieve ends; and even if none of the choices is ideal, victims still require decisions about outside help. What Myron Wiener has called “instrumental humanitarianism” would resemble just war doctrine because contextual analyses and not formulas are required. Rather than resorting to knee-jerk reactions to help, it is necessary to weigh options and make decisions about choices that are far from optimal. Many humanitarian decisions in northern Iraq, Somalia, Bosnia, and Rwanda—and especially those involving economic or military sanctions— required selecting least-bad options. Thomas Nagle advises that “given the limitations on human action, it is naive to suppose that there is a solution to every moral problem. “29 Action-oriented institutions and staff are required in order to contextualized their work rather than apply preconceived notions of what is right or wrong. Nonetheless, classicists continue to insist on Pictet’s “indivisible whole” because humanitarian principles “are interlocking, overlapping and mutually supportive. . . . It is hard to accept the logic of one without also accepting the others. “30 The process of making decisions in war zones could be compared to that pursued by “clinical ethical review teams” whose members are on call to make painful decisions about life-and-death matters in hospitals.sl The sanctity of life is complicated by new technologies, but urgent decisions cannot be finessed. It is impermissible to long for another era or to pretend that the bases for decisions are unchanged. However emotionally wrenching, finding solutions is an operational imperative that is challenging but intellectually doable. Humanitarians who cannot stand the heat generated by situational ethics should stay out of the post-Cold War humanitarian kitchen. Principles in an Unprincipled World Why are humanitarians in such a state of moral and operational disrepair? In many ways Western liberal values over the last few centuries have been moving toward interpreting moral obligations as going beyond a family and intimate networks, beyond a tribe, and beyond a nation. The impalpable moral ideal is concern about the fate of other people, no matter how far away.szThe evaporation of distance with advances in technology and media coverage, along with a willingness to intervene in a variety of post–Cold War crises, however, has produced situations in which humanitarians are damned if they do and if they don’t. Engagement by outsiders does not necessarily make things better, and it may even create a “moral hazard by altering the payoffs to combatants in such a way as to encourage more intensive fighting.“33 This new terrain requires analysts and practitioners to admit ignorance and question orthodoxies. There is no comfortable theoretical framework or world vision to function as a compass to steer between integration and fragmentation, globalization and insularity. Michael Ignatieff observes, “The world is not becoming more chaotic or violent, although our failure to understand and act makes it seem so. “34Gwyn Prins has pointed to the “scary humility of admitting one’s ignorance” because “the new vogue for ‘complex emergencies’ is too often a means of concealing from oneself that one does not know what is going on. “3sTo make matters more frustrating, never before has there been such a bombardment of data and instant analysis; the challenge of distilling such jumbled and seemingly contradictory information adds to the frustration of trying to do something appropriate fast. International discourse is not condemned to follow North American fashions and adapt sound bites and slogans. It is essential to struggle with and even embrace the ambiguities that permeate international responses to wars, but without the illusion of a one-size-fits-all solution. The trick is to grapple with complexities, to tease out the general without ignoring the particular, and still to be inspired enough to engage actively in trying to make a difference. Because more and more staff of aid agencies, their governing boards, and their financial backers have come to value reflection, an earlier policy prescription by Larry Minear and me no longer appears bizarre: “Don’t just do something, stand there! “3sThis advice represented our conviction about the payoffs from thoughtful analyses and our growing distaste for the stereotypical, yet often accurate, image of a bevy of humanitarian actors flitting from one emergency to the next.

#### No impact – democracy checks

Edward Dickinson, U Cincinnati, ‘4

(Central European History, 37.1)

In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. **But that analysis can easily become superficial and misleading**, because it obfuscates the **profoundly different** strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively **quite different from totalitarianism.** Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is **functionally incompatible** with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly **narrow limits on coercive policies**, and to have generated a “logic” or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90¶ Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufé cient numbers of people that I think it becomes useful to conceive of them as productive of a strategic coné guration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, **totalitarianism cannot be the sole orientation point** for our understanding of biopolitics, the only end point of the logic of social engineering.¶ **This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory.** Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. But they are two very *different* ways of organizing it. The concept “power” should not be read as a universal stiè ing night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite **radically differing potentials.**91

**Biopower is key to nuclear deterrence**

**Bogard 1991**. William Bogard, professor at Whitman College, 1991 [Social Science Journal, Vol. 28 Issue 3 p. 325]

Although there are many places in the History of Sexuality that might indicate what Foucault had in mind was indeed what we commonly mean by “**deterrence**,” the general context remains one of discipline, **expanded to encompass the issues of bio-power and the control over life**. But there are a number of reasons to believe that such developments raise problems for the economy of power relations that, while related to those of discipline, are nonetheless conceptually distinct. The following appear to me to be the most relevant of those distinctions. With discipline, **the problem of power is that of producing and finalizing functions within a human multiplicity, to maximize utility through the strategic ordering of spatial and temporal relations, ultimately to foster or disallow life itself. With deterrence**, on the other hand, **we might say that the problem is one of reintroducing an asymmetry between opposing forces which have evolved too close to a point of equivalence or parity, or to a saturation point where it is no longer possible to increase their respective utilities**. <continued…> Where discipline sets forces in motion, deterrence indefinitely postpones the equivalence of forces. Here again, the case of nuclear deterrence serves as a paradigm, but this is only because it is the most concentrated and extreme form of a whole multiplicity of tactical maneuvers—of postponement, disinclination, destabilization, etc.—that, like the disciplines in the 1 8th century, have evolved into a general mechanism of domination, and which today pervades the most diverse institutional settings.

**Key to solve extinction**

**Schneider** **2009** [Mark. Fellow @ National Institute for Public Policy. “Prevention Through Strength: Is Nuclear Superiority Enough” Comparative Strategy, April 2009. EBSCO]

Western nuclear powers—the United States, Britain, and France—vastly outgun the rogue states in every measurable respect. However, this alone may not be enough to ensure deterrence. The problem, as Dr. Keith B. Payne has observed, is that, “**Effective deterrence threats must be credible to the opponents. Unfortunately, leaders of terrorist states and tyrants who recognize the appropriate priority we place on avoiding civilian casualties may not believe U.S. deterrent threats that would produce the high yields and moderate accuracies of the remaining Cold War arsenal.”**36 The problem is complicated by the ceaseless efforts of the political left to delegitimize nuclear deterrence. In the pre–World War II era, or even during the late Cold War, the use of chemical and biological agents by a minor nation against a great power would have been suicidal. Today, however, **we have to take the threat of WMD attacks, even by a much weaker nation, very seriously in significant part because of the delegitimization of nuclear deterrence in the Western world.** In my view, **the delegitimization of nuclear deterrence by the political left is one of the most serious problems we face in dealing with WMD proliferation**. The left-wing view of nuclear weapons in the United States has moved, to some degree, into the mainstream. Distinguished former American leaders such a George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, despite the manifest failure of arms control to constrain the WMD threat, call for “A world free of Nuclear Weapons” because “ . . . the United States can address almost all of its military objectives by non-nuclear means.”37 This view ignores the complete lack of plausibility of creating a verification regime involving the abolition of nuclear weapons with acceptable risk, the consequences of cheating and the lack of any credible response option if it is actually discovered that an authoritarian regime had retained a sizable nuclear stockpile, and the military implication of the other types of weapons of mass destruction—chemical and biological (CBW) attack, including the advanced agents now available to potential enemies of the United States and our allies. **A credible U.S. nuclear deterrent is necessary to deal with existing threats to the very survival of the U.S., its allies, and its armed forces if they are subject to an attack using WMD**. As former Secretary of Defense Harold Brown and former Deputy Secretary of Defense John Deutch wrote in The Wall Street Journal, “However, the goal, even the aspirational goal, of eliminating all nuclear weapons is counterproductive. It will not advance substantive progress on nonproliferation; and it risks compromising the value that nuclear weapons continue to contribute, through deterrence, to U.S. security and international stability.”38 **If WMD attacks were actually made against Western cities, the reaction to them by civilian populations would likely be extreme but it would be too late to impact deterrence. There would likely be overwhelming demand by the affected populations to make the attacks stop.** The U.S. National Strategy for Combating the Proliferation of Weapons of Mass Destruction recognized that we must respond to WMD attack rapidly and that, “The primary objective of a response is to disrupt an imminent attack or an attack in progress, and eliminate the threat of future attacks.”39 In the words of Dr. William Graham, Chairman of the Congressional Electromagnetic Pulse (EMP) Commission: Failure to provide a credible deterrent will result in a wave of nuclear proliferation with serious national security implications. **When dealing with the rogue states the issue is not the size of the U.S. nuclear deterrent but the credibility of its use in response to chemical or biological weapons use and its ability to conduct low collateral damage nuclear attacks against WMD capabilities and delivery systems including very hard underground facilities for purposes of damage limitation. We must also have the capability to respond promptly. The United States nuclear guarantee is a major deterrent to proliferation. If we do not honor that guarantee, or devalue it, many more nations will obtain nuclear weapons**.40 There are only two ways to achieve a rapid end to a conflict: surrender or, alternatively, prompt and effective counterforce strikes designed to limit damage by destroying the adversary’s offensive capability. In such a charged atmosphere there likely would be demands in many states for massive retaliation against the attacker. Prewar debates about nuclear strategy, proportionality, and international law may vanish once the scope of the tragedy was fully appreciated.

#### Life should be valued as apriori – it precedes the ability to value anything else

Kacou 8

Amien Kacou. 2008. WHY EVEN MIND? On The A Priori Value Of “Life”, Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2 (2008) cosmosandhistory.org/index.php/journal/article/view/92/184

Furthermore, that manner of **finding things good** that is in pleasure **can certainly not exist in any world without consciousness (i.e.,** without “life**,”** as we now understand the word)—slight analogies put aside. In fact, we can begin to develop a more sophisticated definition of the concept of “pleasure,” in the broadest possible sense of the word, as follows: it is the common psychological element in all psychological experience of goodness (be it in joy, admiration, or whatever else). In this sense, pleasure can always be pictured to “mediate” all awareness or perception or judgment of goodness: there is pleasure in all consciousness of things good; pleasure is the common element of all conscious satisfaction. In short, it is simply the very experience of liking things, or the liking of experience, in general. In this sense, **pleasure is, not only uniquely characteristic of life but also, the core expression of goodness in life—the most general sign or phenomenon for favorable conscious valuation**, in other words. This does not mean that “good” is absolutely synonymous with “pleasant”—what we value may well go beyond pleasure. (The fact that we value things needs not be reduced to the experience of liking things.) However, what we value beyond pleasure remains a matter of speculation or theory. Moreover, we note that a variety of things that may seem otherwise unrelated are correlated with pleasure—some more strongly than others. In other words, there are many things the experience of which we like. For example: the admiration of others; sex; or rock-paper-scissors. But, again, what they are is irrelevant in an inquiry on a priori value—what gives us pleasure is a matter for empirical investigation. Thus, we can see now that, in general, **something primitively valuable is attainable in living—that is, pleasure itself.** And it seems equally clear that we have a priori logical reason to pay attention to the world in any world where pleasure exists. Moreover, **we can now also articulate a foundation for a security interest in our life: since the good of pleasure can be found in living** (to the extent pleasure remains attainable),[17] **and only in living, therefore,** a priori**, life ought to be continuously (and indefinitely) pursued at least for the sake of preserving the possibility of finding that good.** However, this platitude about the value that can be found in life turns out to be, at this point, insufficient for our purposes. It seems to amount to very little more than recognizing that our subjective desire for life in and of itself shows that life has some objective value. For what difference is there between saying, “living is unique in benefiting something I value (namely, my pleasure); therefore, I should desire to go on living,” and saying, “I have a unique desire to go on living; therefore I should have a desire to go on living,” whereas the latter proposition immediately seems senseless? In other words, “life gives me pleasure,” says little more than, “I like life.” Thus, we seem to have arrived at the conclusion that **the fact that we already have some (subjective) desire for life shows life to have some (**objective**) value.** But, if that is the most we can say, then it seems our enterprise of justification was quite superficial, and the subjective/objective distinction was useless—for all we have really done is highlight the correspondence between value and desire. Perhaps, our inquiry should be a bit more complex.

**All lives are infinitely valuable, the only ethical option is to maximize the number saved**

**Cummisky, 96**

(David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, **even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one**—**because dignity cannot be added and summed in this way**—this **point still does not justify deontologieal constraints**. On the extreme interpretation, **why would not killing one person be a stronger obligation than saving two persons**? If I **am concerned with the priceless dignity of each**, it would seem that 1 may still saw two; it **is just that my reason cannot be that the two compensate for the loss of the** one. Consider Hills example of a priceless object: If **I can save two of three priceless statutes only by destroying one. Then 1 cannot claim that saving two makes up for the loss of the one.** But Similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, **even if dignity cannot be simply summed up. How is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible?** Even if two do not simply outweigh and thus compensate for the lass of the one, **each is priceless**: **thus, I have good reason to save as many as I can**. In short, it is not clear how the extreme interpretation justifies the ordinary killing'letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.\*

#### The alternative locks in the war system – infinite number of non-falsifiable ‘root causes’ means only incentive theory solves

Moore 4

John Norton Moore 4, Dir. Center for Security Law @ University of Virginia, 7-time Presidential appointee, & Honorary Editor of the American Journal of International Law, Solving the War Puzzle: Beyond the Democratic Peace, pages 41-2.

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty or social injustice, competition for resources, incidents and accidents, greed, fear, and perceptions of "honor," or many other such factors. Such factors may well **play a role** in **motivating** aggression or in serving **as a means for generating fear** and manipulating public opinion. The reality, however, is that while some of these may have more potential to contribute to war than others, there may well be **an infinite set of motivating factors**, or human wants, **motivating aggression**. It is not the **independent existence of such motivating factors** for war but rather t**he circumstances permitting or encouraging high risk decisions** leading to war that is **the key to more effectively controlling war**. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents.I1 Certainly **if we were able to press a button** and **end** poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of **robust correlation with any of these "traditional" causes of war** as is reflected in the "democratic peace." Further, given the **difficulties in overcoming many of these social problems**, an approach to war **exclusively dependent on their solution** may be to **doom us to war for generations to come**.¶ A useful framework in thinking about the war puzzle is provided in the Kenneth Waltz classic Man, the State, and War,12 first published in 1954 for the Institute of War and Peace Studies, in which he notes that previous thinkers about the causes of war have tended to assign responsibility at one of the three levels of individual psychology, the nature of the state, or the nature of the international system. This tripartite level of analysis has subsequently been widely copied in the study of international relations. We might summarize my analysis in this classical construct by suggesting that the most critical variables are the second and third levels, or "images," of analysis. Government structures, at the second level, seem to play a central role in levels of aggressiveness in high risk behavior leading to major war. In this, the "democratic peace" is an essential insight. The third level of analysis, the international system, or totality of external incentives influencing the decision for war, is also critical when government structures do not restrain such high risk behavior ¶ on their own. Indeed, nondemocratic systems may not only fail to constrain inappropriate aggressive behavior, they may even massively enable it by placing the resources of the state at the disposal of a ruthless regime elite. It is not that the first level of analysis, the individual, is unimportant. I have already argued that it is important in elite perceptions about the permissibility and feasibility of force and resultant necessary levels of deterrence. It is, instead, that the second level of analysis, government structures, may be a powerful proxy for settings bringing to power those who may be disposed to aggressive military adventures and in creating incentive structures predisposing to high risk behavior. We should keep before us, however, the possibility, indeed probability, that a war/peace model focused on democracy and deterrence might be further usefully refined by adding psychological profiles of particular leaders, and systematically applying other findings of cognitive psychology, as we assess the likelihood of aggression and levels of necessary deterrence in context. ¶ A post-Gulf War edition of Gordon Craig and Alexander George's classic, Force and Statecraft,13 presents an important discussion of the inability of the pre-war coercive diplomacy effort to get Saddam Hussein to withdraw from Kuwait without war.14 This discussion, by two of the recognized masters of deterrence theory, reminds us of the many important psychological and other factors operating at the individual level of analysis that may well have been crucial in that failure to get Hussein to withdraw without war. We should also remember that nondemocracies can have differences between leaders as to the necessity or usefulness of force and, as Marcus Aurelius should remind us, not all absolute leaders are Caligulas or Neros. Further, the history of ancient Egypt reminds us that not all Pharaohs were disposed to make war on their neighbors. Despite the importance of individual leaders, however, we should also keep before us that major international war is predominantly and critically an interaction, or synergy, of certain characteristics at levels two and three, specifically an absence of democracy and an absence of¶ effective deterrence.¶ Yet another way to conceptualize the importance of democracy and deterrence in war avoidance is to note that each in its own way internalizes the costs to decision elites of engaging in high risk aggressive behavior. Democracy internalizes these costs in a variety of ways including displeasure of the electorate at having war imposed upon it by its own government. And deterrence either prevents achievement of the objective altogether or imposes punishing costs making the gamble not worth the risk.I5¶ VI¶ Testing the Hypothesis¶ Theory without truth is but costly entertainment.¶ HYPOTHESES, OR PARADIGMS, are useful **if they reflect the real world better than previously held paradigms**. In the complex world of foreign affairs and the war puzzle, perfection is unlikely. **No general construct will fit all cases** even in the restricted category of "major interstate war"; **there are simply too many variables**. We should insist, however, on testing **against the real world** and on **results that suggest enhanced usefulness** over other constructs. In testing the hypothesis, we can test it for consistency with major wars; that is, in looking, for example, at the principal interstate wars in the twentieth century, did they present both a nondemocratic aggressor and an absence of effective deterrence?' And although it is by itself not going to prove causation, we might also want to test the hypothesis against settings of potential wars that did not occur. That is, in nonwar settings, was there an absence of at least one element of the synergy? We might also ask questions about the effect of changes on the international system in either element of the synergy; that is, what, in general, happens when a totalitarian state makes a transition to stable democracy or vice versa? And what, in general, happens when levels of deterrence are dramatically increased or decreased?

# 2NC

## DA

No new cards

## Case

#### aff can’t solve broader violence and there is no broader impact

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Sovereign decisions are always already informed by historical and cultural understandings as to who counts as a member of the "good species." The "good species," "the inside," and the body politic have been constructed by colonial discourse. As Roxanne Doty has pointed out, colonial discourse has had a vital role in the construction of Western nations. She further points out that race, religion, and other marks of difference have played an important role in national classification.94 The treatment of faraway people as inferior and exotic has played an important role in nation building in its classic sense. Therefore, who counts as a citizen, a "legitimate" member of a "legitimate" nation, is the product and effect of centuries of interaction of the West with its others. Understood in this sense, sovereign decisions (whether made at the top or bottom level) are informed and shaped by a cultural and colonial history. This is neglected in Agamben's grand analysis of Western politics. Therefore, sovereign power needs the classification, hierarchization, and othering provided by a regime of truth in order to conduct its violent power. Only certain types of people could be rendered as bare life and thrown into a zone of indistinction. Understood this way, it is easier to comprehend the "smooth" production of homines sacri out of Middle Eastern subjects.¶ In the early stages of the war in Afghanistan, as Michael Ratner and Ellen Ray point out, tens of thousands of people were collected by the Northern Alliance.95 Among the collected were ordinary foreign aid workers, refugees, and probable fighters of the Taliban regime. They were sold from $50 to $5,000 per head to Coalition Forces.96 Even though there was no real investigation based on tangible and concrete evidence, some these captives were flown to Guantánamo. As Fox points out, if the prisoners were wearing a Casio brand watch, this meant an higher prize in the eyes of the interrogators, as it signaled that the prisoner was a probable AI Qaeda bombmaker.97 The small difference between wearing a Casio watch in some parts of the world, as opposed to others, is at the ground level what makes it possible for a body to be become a homo sacer. They can then be flown off to an unknown place to face an unknown future that get read and interpreted by petty sovereigns. Such differences in- form the decisions that render bodies as homo sacer, which are thrown into a zone of indistinction. In the modern age, no doubt, Agamben would argue that even the body of a soccer mom - an obedient national flag-waving subject - has entered into political and strategic calculations. However, the soccer mom is not exposed to the violence of homo sacer. Regimes of truth and disciplines produce hierarchically ordered subject positions, and this is an aspect of biopower. The theoretical priority that Agamben gives to sovereign power is reversed when it is shown that biopower makes it possible for the petty agents of the state to conduct sovereign violence. Sovereign power is informed and shaped by biopower.

#### No impact – democracy checks

Edward Dickinson, U Cincinnati, ‘4

(Central European History, 37.1)

In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. **But that analysis can easily become superficial and misleading**, because it obfuscates the **profoundly different** strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively **quite different from totalitarianism.** Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is **functionally incompatible** with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly **narrow limits on coercive policies**, and to have generated a “logic” or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90¶ Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufé cient numbers of people that I think it becomes useful to conceive of them as productive of a strategic coné guration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, **totalitarianism cannot be the sole orientation point** for our understanding of biopolitics, the only end point of the logic of social engineering.¶ **This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory.** Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. But they are two very *different* ways of organizing it. The concept “power” should not be read as a universal stiè ing night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite **radically differing potentials.**91

## Framework

### Overview

#### 2) Makes the debate into an echo-chamber – destroys fairness, education, and turns the aff

Talisse 5

Professor of Philosophy @Vandy¶ Robert, Philosophy & Social Criticism, Deliberativist responses to activist challenges, 31(4) p. 429-431

The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. **The deliberativist view** I have sketched hold that reasonableness **involved some degree of** what we may call **epistemic modesty. On this** view, **the reasonable citizen seeks to have her beliefs reflect the best available reasons,** and so she enters into public discourse **as a way of testing her views against the objections** and questions of those who disagree; hence she implicitly hold that **her present view is open to reasonable critique** and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of **politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable**. The activist sees no reason to accept this. Reasonableness **for the activist** consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; **discussion with those who disagree need not be involved**. **According to the activist,** there are certain cases in which he does in fact know the truth about what justice requires and in which **there is no room for reasoned objection.** Under such conditions, **the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational**. It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001A; ch. 3; 2001b: ch. 1). To explain: consider that political **activists cannot eschew deliberation altogether; they often engage in rallies,** demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movement must be organized, hence those involved must decide upon targets, methods, and tact’s; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. **Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists**. **Group polarization** is a well-documented phenomenon that **has ‘been found all over the world** and is many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by’ predeliberation tendencies’ (Sunstein, 2003: 81-2). Importantly, **in group that ‘engage in repeated discussions’** over time, **the polarization is even more pronounced** (2003: 86). Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of an individual member before the series of deliberations began’ (ibid.).17 The fact of group polarization is relevant to our discussion because the activist has proposed that **he may reasonably decline to engage in discussion with those with whom he disagrees** in cases in which the requirement of justice are so clear that he can be confidents that has the truth .Group polarization suggest that even deliberatively confronting those with whom we disagree is essential even we have the truth. **For even if we have the truth, if we do not engage opposing views,** but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth ,In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggest that a engagement with those with whom one disagrees is essential to the proper pursuitof justice. Insofar as the activist denies this, he is unreasonable.

### T

#### T version

Lobel 7

Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. Despite its weaknesses, however, law is an optimistic discipline. It operates both in the present and in the future. Order without law is often the privilege of the strong. Marginalized groups have used legal reform precisely because they lacked power. Despite limitations, these groups have often successfully secured their interests through legislative and judicial victories. Rather than experiencing a disabling disenchantment with the legal system, we can learn from both the successes and failures of past models, with the aim of constantly redefining the boundaries of legal reform and making visible law’s broad reach.

#### Solves their aff - Debates about the state are key to norm setting – they open up the need to revisit the work of law – it’s the only way to understand the camp and the state of exception

Huysmans 8 (Jef, Chair in Security Studies, director of the Centre for Citizenship, Identities, Governance (CCIG) at the Faculty of Social Sciences, “The Jargon of Exception – On Schmitt, Agamben and the Absence of Political Society”, International Political Sociology (2008) 2, p. 179)

Looked at from this perspective, debates about the reconciliation of liberty and security, for example, are not, as Agamben argues, an ideological practice that hides the fundamental break down of the dialectic between law and anomie that has been central to modern politics (Agamben 2003:144–148). Rather these debates insert questions of and challenges to the role of law and generalized norm-setting in highly charged biopolitical governance of insecurities. Instead of collapsing the dialectic between law and anomie, contestation of the protection of civil liberties, demands for re-negotiating balances between liberties and security are neither simply to be taken at face value as a matter of the necessity of balancing and rebalancing nor to be seen as the endgame of the validity of legal mediations of politics and life. Rather they open up a need to revisit the particular kind of work that law does and does not do in specific sites (Neocleous 2006), such as camps, and what the practices possibly tell us about if and how the dialectic between law and anomie operates in biopolitical governance. Fleur Johns’s analysis of the camp in Guantanamo Bay is one such example (Johns 2005). She argues that the camp is penetrated by a form of norm setting, thus implying that a dialectic between norms and anomie, political transgression and law is not absent from the organization and governing practice in the camp. Unlike some other analyses that focus on constitutional transgressions and battles in the constitutional courts, Johns emphasizes the importance for biopolitical governance of the detailed and in a sense banal regulations that seek to structure the everyday practices of the guards, the administrators and the prisoners. The norm setting is thus not primarily constitutional but administrative. The important point for this essay is that analyses like Fleur John’s unpack the contemporary predicaments and political stakes in a site like Guantanamo Bay by taking the practices and governmental technologies at face value and interpret the specific work they do for making camps possible within democratic polities. The understanding of the camp transfigures from an absolute limit that defines the fundamental nature of modern politics to a phenomenon that is constituted and contested by various banal practices and governmental techniques. The question becomes how these practices and sites we call camps are rendered within and through modern democratic governance in a biopolitical age. Such an approach does not read the nature of politics off of its limits but through the multiple relations that are shaped by means of objectified mediations and the struggles over them.

#### Dialogue more effectively captures their political strategy

Livingston 12

Alexander Livingston, Department of Political Science, Johns Hopkins University Volume 45, Number 3, 2012 "Avoiding Deliberative Democracy? Micropolitics, Manipulation, and the Public Sphere"

A politics that addresses these microdeterminations, what Deleuze and Guattari call micropolitics, is more basic than deliberation because it concerns the boundaries of “the realm of the decidable.” The appeal of reason can only function within existing narrow and rigid boundaries. Strategic appeals to affect, however, can help close or expand this realm and open up new issues to deliberation and participation. In this sense, Deleuze and Guattari consider micropolitics as essentially underlying deliberation. Creative becoming, not practical reason, is at the heart of their vision of politics.¶ How does a democratic micropolitics, then, attempt to reshuffle the rigid segments of a stingy American public culture? Connolly argues that the only way we can achieve a “public ethos of pluralism” is by cultivating the “civic virtues” of agonistic respect and critical responsiveness (2005, 65). If the work of politics aspires to more than a further round in a vicious circle of existential revenge, citizens must first nurture an ethics of “micropolitical receptivity” to the interdependence of their conflicting identities claims in a complex, ever faster late-modern world (1999, 149). To this end, Connolly draws on Deleuze and Guattari’s thinking to devise tactics and techniques of “nudging” or exerting “modest influence” on the visceral register of the self and of public culture more widely (2002, 77; 1999, 29). In some passages, Connolly describes this as the search for “more expansive modes of persuasion,” while in others he appeals to the force of a sort of “mystical experience” (1999, 8; 2002, 120). Yet this dependence on Deleuze and Guattari’s “micropolitics” draws Connolly away from his own best insights and leads him to marginalize the democratic core of a leftist response to an insurgent neoconservative micropolitics. [End Page 277]¶ Deleuze and Guattari’s philosophy provides a powerful tool for theorizing the symbolic meanings and dispositions carried at visceral register of experience. While they do not frame their project in terms of embodied registers or the differential processing structures of brain, they provide an analogous conception of experience, drawing on Henri Bergson’s concept of “the virtual” (Bergson 1990; Deleuze 1988). Emotions, memory traces, infrasensible experiences, habitual gestures, and the unconscious exist “virtually,” such that we cannot always articulate them at the level of language, yet they play a role in shaping our higher-register experiences of the world. The virtual represents a lower register of experience than the conscious and reflective register of ideas, doctrines, and interests. To the extent that A Thousand Plateaus can be regarded as a text of political philosophy, it can be said to be a treatise concerned with political potential of this virtual register as both a site of subjectification and resistance.¶ Micropolitics is Deleuze and Guatarri’s name for this politics of the virtual. In A Thousand Plateaus, Deleuze and Guattari introduce the concept of micropolitics in their analysis of political regimes. Against the received image of the state as a centralized, stable, and sovereign territorial entity, Deleuze and Guattari argue that the state is better described as a macropolitical assemblage that depends on more ubiquitous, fluid, and supple micropolitical assemblages. The molar organization of the state depends on a micro- or molecular organization of forces such as affects, moods, memories, and habits that sustain and propagate the state’s ends. “In short,” they write, “everything is political, but every politics is simultaneously a macropolitics and a micropolitics” (1987, 213).¶ Despite appearances to the contrary, even the most monolithic and centralized assemblages of power, such as the state, are in fact fluid and lively micro-assemblages resonating together in an only relatively stable manner. Taking the stark example of the fascist state, Deleuze and Guattari make the case that it too is in fact only a decentered plurality that depends on the micropolitics that sustain it:¶ The concept of the totalitarian State applies only at the macropolitical level, to a rigid segmentarity and a particular mode of totalization and centralization. But fascism is inseparable from a proliferation of molecular focuses in interaction, which skip from point to point, before beginning to resonate together in the National Socialist State. Rural fascism and city or neighborhood fascism, youth fascism and war veteran’s fascism, fascism on [End Page 278] the Left and fascism on the Right, fascism of the couple, family, school, and office: every fascism is defined by a micro-black hole that stands on its own and communicates with the others, before resonating in a great, generalized central black hole.¶ (1987, 214)¶ Their redescription of these kinds of major assemblages of power in terms of their molecular makeup opens up a new strategic awareness of the multiple sites of rupture, destabilization, and transformation through which citizens can challenge them. The fact that the forces animating the macroregister of politics also animate the microregister means that there exists a sort of feedback loop between the two registers, such that action at one level makes for consequences at the other. Because power is not reducible to the authority of the state or any other macropolitical hegemon, local experiments and struggles by citizens, market forces, and media producers have broad cultural and institutional effects on.¶ To appraise Connolly’s turn to micropolitics it is important to understand what vision of political action follows from Deleuze and Guattari’s original formulation. For Deleuze and Guattari political action is fundamentally creative and reactive. Citizens act by unleashing new forces and energies that disrupt and deterritorialize received molar orders of power and desire. Social movements, thinkers, and dissidents create new practices, new identities, and new values that aim to transform established assemblages. This creative aspect of politics is the first step in destabilizing rigid and reified practices. Connolly calls the proliferation of these dynamic, creative movements the “politics of becoming” (1999, 47–72). To effectively decenter received identities, desires, and self-conceptions, however, these new values have to engage politically with the existing public culture that constrains them. Political theorists following Hegel have described this process as a dialogical struggle for recognition. Deleuze and Guattari, however, refuse the language of subjectivity and of subjects who seek to recognize one another and instead cast the struggle in posthumanist terms as “the flash of the war machine, arriving from without” (1987, 353).¶ Micropolitics as a model of political engagement is the combat of war machines, nomadic war machines versus the state’s appropriation of the war machine, war machines of the left against the resonance machines of the right. The war machine works through “secrecy, speed, and affect” and represents “another kind of justice” from law or the state. War as armed conflict itself is not necessarily the object of the war machine, but its desirable power of displacement “institutes an entire economy of violence, in [End Page 279] other words, a way of making violence durable, even unlimited.” The war machine is the weapon that the herd or the pack uses to create “smooth space” against the “striated space” of the state (1987, 356, 352, 396, 384). It is continually reconstituted by minorities populating the edges and fringes of the collective body of the state. With it, nomads and barbarians lay siege to the gates of empire.¶ What is this war machine? As Deleuze and Guattari explain, “An ‘ideological,’ scientific, or artistic movement can be a potential war machine, to the precise extent to which it draws, in relations to a phylum, a plane of consistency, a creative line of flight, a smooth space of displacement” (1987, 422–23). The promotion of creative forms of becoming rather than violence and armed conflict are the core concerns of a war machine. That said, Deleuze and Guattari’s bellicose language here seems both unfortunate and out of place in a text that otherwise advocates cautious and delicate experimentation. The language of the war machine and Deleuze and Guattari’s apparent praise of violence and another kind of justice seem difficult to square with the allegedly egalitarian credentials of micropolitics. The ability to create to new identities and values certainly is a kind of “force” that citizens have the power to unleash on society, and certainly it is this disclosive sense of “force” rather than a necessarily bellicose and violent one that Deleuze and Guattari have in mind. For these reasons Paul Patton (2000, 115–27) has argued that Deleuze and Guattari’s concept of the war machine would better be thought of as a “metamorphosis machine” with a lineage going back to Nietzsche’s reevaluation of all values rather than to Clausewitz’s concept of total war. Portrayed in these more gentle terms, micropolitics can be defended in the terms of Connolly’s pluralistic but critical liberalism. Patton gives the example of indigenous land claims as an instance of such a metamorphosis machine—creative political claims making—that destabilizes and transforms existing juridical structures of power and identity.¶ Patton’s attempt to fold Deleuze and Guattari’s concept of the war machine back into a liberal politics of accommodation may be a promising adaptation of the concept, but it misses a key element of Deleuze and Guattari’s understanding of micropolitics: conflict. The nomadic war machine is fundamentally an oppositional and reactive force that seeks to break down and deterritorialize existing assemblages and orders.11 Micropolitics aims to destabilize and transform subconscious, unreflective, and affective sensibilities that hinder the creative becoming of new identities and values. Unlike a struggle for recognition, this process of transformation [End Page 280] is not primarily a dialogical or reciprocal enterprise in which the two parties exchange claims and concerns and attempt to forge some common ground. Instead, the war machine comes from outside and attacks. Activists create war machines to be “plugged” into other collective machines and orders of discourse.12 A machine, an order, a structure is destabilized by attacking the intensive energies and affects that sustain it. Deleuze and Guattari capture this prioritization of conflict in their distinction between two uses of conceptual innovations, what they call weapons and tools (1987, 393–403). Weapons are inventions used to disrupt and attack. A tool, by contrast, is an invention that builds and sustains common shelters and structures. A war machine uses weapons as projectiles to lay siege to the state. The tool is something they associate with the drudgery of exploited labor and the apparatus of capture. The war machine seeks to undermine the regime of tools through the mobilization of affects as projectiles. “Weapons are affects and affects weapons” (1987, 400). Micropolitics concerns conflict at the level of affect, disposition, sensibility, ethos. But might not democracy as a practice of self-government that involves both conflict and cooperation require a more careful balance of affective weaponry and reflective and thoughtful tools?13

### AT CI – Topic Area

#### Topic relevance doesn’t solve - there are devils in the details - vague understanding results in unfocused deliberation and poor decision-making that makes finding solutions impossible which means the link turns the case

Litwak 12

(Brian, Candidate for Doctor of Jurisprudence, University of North Carolina School of Law, “ ,” NATIONAL SECURITY LAW BRIEF Vol. 2, No. 2, http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1034andcontext=nslb, accessed 10-14-13)

C. Criticisms of the WPR To promulgate a workable solution to the WPR, it is first necessary to discuss the present criticisms of the statute. Several salient criticisms emerge from the resounding sea of disapprovals the WPR has accumulated throughout its long and oft-attacked history. As discussed earlier, the first and most transparent criticism of the WPR stems from widespread (virtually unanimous) and long standing presidential refusal to comply with both the WPR’s text and spirit.72 The logical corollary is that the WPR has failed to prevent the President from unilaterally deploying armed forces abroad.73 Instead of fostering an environment conducive to collaboration between the political branches when deciding to introduce forces into hostilities, the WPR has instead allowed the Executive to fashion creative arguments to exploit the poor statutory drafting of the WPR and to evade the WPR’s central purpose. While these criticisms demonstrate an overall failure of the WPR to achieve its articulated goal, several other flaws in the WPR remain.74 Another unforeseen consequence of the WPR’s statutory language, fatal to its proper operation, has been a reversal in the originally contemplated roles of the President and Congress. Since the “hostilities” report pursuant to Section 1543a(1) is the only provision to set the sixty-day clock ticking,75 presidents have continually refused to specify under which Section 1 543(a)provision they are filing.76 The consequence of presidential circumvention of this poorly drafted statutory language has transformed the “automaticity” of the sixty-day limiting provision into a “procedural edifice [that] turned out to be a house of cards.”77 The house of cards collapsed when the assumption that presidents would specify what section a report was filed under turned out to be a fallacy. Originally thought to be the obligation of the President to specify the relevant subsection, it was never contemplated that Congress would be statutorily compelled to declare that hostilities were in effect.78 This role reversal—having Congress, not the President, being forced to implement the resolution by declaring hostilities are afoot—renders the self-activating nature of resolution inapposite.

#### Uniquelly true of the war powers authority – a limited topic allows for an engaged public that can expose the hypocrisy of the federal government – only focus on specific policy questions can actualize change by making it relevant to policy-makers – the aff is more likely to cause disengagement and moral quietude than actual change

Mellor 13

The Australian National University, ANU College of Asia and the Pacific, Department Of International Relations,   
“Why policy relevance is a moral necessity: Just war theory, impact, and UAVs,” European University Institute, Paper Prepared for BISA Conference 2013, DOA: 8-14-13

**This** section of the paper **considers** more generally **the need for** just war **theorists to engage with policy debate** **about the use of force**, **as** **well as to engage with the** more **fundamental moral and philosophical principles** of the just war tradition. **It draws on** John **Kelsay’s** **conception of just war thinking as being a social practice**,35 **as well as on** Michael **Walzer’s understanding of the role of the social critic in society**.36 It argues that the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.”37 Kelsay argues that: **[T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force** . . . **citizens who choose to speak in just war terms express commitments** . . . [i**]n the process of giving and asking for** **reasons for going to war**, **those who argue** in just war terms **seek to influence policy** **by persuading others that their analysis provides a way to express and fulfil the desire that military actions be** both **wise and just.38** He also argues that “**good just war thinking involves continuous and complete deliberation**, in the sense that one attends to all the standard criteria at war’s inception, at its end, and **throughout the course of the conflict**.”39 **This** is important as it **highlights the need for** just war **scholars to engage** **with the ongoing operations in war and the specific policies that are involved**. **The question of** **whether a particular** war is just or unjust, and the question of whether a particular **weapon (like drones**) **can be used in accordance with the jus in bello criteria**, only **cover a part of the overall justice of the war**. **Without an engagement with the reality of war**, **in** **terms of the policies used** in waging it, **it is impossible to engage with the “moral reality of war,”40 in terms of being able to discuss it and judge it in moral terms** Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. The just war theorist, **as a social critic, must be involved with his or her own society and its practices**. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 the just war **theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted**.**42 It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to** **demonstrate** its **hypocrisy** **and to show the gap that exists** between its practice and its values.43 **The tradition** itself **provides a set of** **values and principles and**, as argued by Cian O’Driscoll, **constitutes a “language of engagement**” **to spur participation in public and political debate**.44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 **These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force**.46 **By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis. Engaging with the reality of war requires** recognising that war is, as Clausewitz stated, **a continuation of policy**. **War**, according to Clausewitz, **is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued**.47 **Engagement and political debate are morally necessary** **as the alternative is disengagement and moral quietude**, **which is a sacrifice of the obligations of citizenship**.48 **This engagement must bring** just war **theorists into contact with the policy makers** **and** **will require work that is** accessible and **relevant to policy makers**, **however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power.** **By engaging in detail** **with the policies being pursued** and their concordance or otherwise with **the principles of the just war tradition the policy-makers will be forced to account for their decisions and justify them in just war language.** **In contrast to the view**, **suggested** by Kenneth **Anderson, that “the public cannot be made part of the debate**” **and that “[w]e are** necessarily **committed into the hands of our political leadership**”,49 it is incumbent upon just war theorists to ensure that the public are informed and are capable of holding their political leaders to account. **To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility**. As Walzer has argued, it is precisely because it is “our country” that we are “especially obligated to criticise its policies.”51 This paper has discussed the empirics of the policies of drone strikes in the ongoing conflict with those associate with al Qaeda. It has demonstrated that there are significant moral questions raised by the just war tradition regarding some aspects of these policies and it has argued that, thus far, just **war scholars have not paid sufficient attention or engaged in sufficient detail with the policy implications of drone use.** **As such it has been argued that it is necessary for just war theorists to engage more directly with these issues and to ensure that their work is policy relevant**, **not in a utilitarian sense of abdicating from speaking the truth in the face of power**, **but by forcing policy makers to justify** their **actions according to the principles of the just war tradition, principles which they invoke themselves in formulating policy.** **By highlighting hypocrisy and providing the tools and language** **for the interpretation of action**, **the just war tradition provides the basis for the public engagement and political activism that are necessary for democratic politics.52**

### AT Bleiker

**Discursive focus trades off with focus on structural change—it becomes a psychological substitute for action.**

**Kidner 2k**

Psychology professor, David, Nature and Psyche, p 66-7

Noam Chomsky has noted that if "it's too hard to deal with real problems,' some academics tend to "go off on wild goose chases that don't matter ... [or] get involved in academic cults that are very divorced from any reality and that provide a defense against dealing with the world as it actually is." An emphasis on language can serve this sort of defensive function; for the **study of discourse enables one to stand aside** from issues **and avoid** any **commitment to a cause** or ideal, **simply** presenting all sides of a debate and **pointing out** the **discursive strategies** involved. **As the physical world** appears to **fade into** mere **discourse**, so **it comes to seem less real** than the language used to describe it; and environmental **issues lose** the dimensions of **urgency** and tragedy and become instead the proving grounds for ideas and attitudes. Rather than walking in what Aldo Leopold described as a "world of wounds," the discursive theorist can study this world dispassionately, safely insulated from the emotional and ecological havoc that is taking place elsewhere. Like experimentalism, this is a schizoid stance that exemplifies rather than challenges the characteristic social pathology of our time; and it is one that supports Melanie Klein's thesis that **the internal object world can serve as a psychotic substitute for an external "real" world that is** either absent or **unsatisfying**." Ian Craib's description of **social constructionism as a "social psychosis"** therefore **seems** entirely **apt**. But what object relations theorists such as Klein fail to point out is the other side of this dialectic that withdrawing from the external world and substituting an internal world of words or fantasies, because of the actions that follow from this state of affairs, makes the former even less satisfying and more psychologically distant, so contributing to the vicious spiral that severs the "human" from the "natural" and abandons nature to industrialism.

### 2NC Switch Side Good

#### it avoids a state of exception

Mitzen 11

Dr. Jennifer, Associate Professor of Political Science at Ohio State University and Michael Newell, PhD student in Political Science at the Maxwell School of Citizenship and Public Affairs, “Crisis Authority, the War on Terror and the Future of Constitutional Democracy,” JUROS Arts & Humanities Vol. 2, http://libeas01.it.ohio-state.edu/ojs/index.php/juros/article/download/1265/1791

As Benjamin Wittes notes, the “presidential power model has failed,” and “Only Congress can ultimately write the law of this long war” (Wittes, 2008). The pursuit of terrorist policies through the exception has not resulted in clear, transparent and legally correct outcomes because the exception has been entirely controlled by “unilateral presidential actions” (Wittes, 2008). Instead, Congress “can build comprehensive legal systems and do so in the name of the political system as a whole” (Wittes, 2008). What this would entail would be a “law of terrorism” that would “at once restrain and empower the executive branch” in its actions in the War on Terror (Wittes, 2008). Simply allowing the executive to continue to unilaterally decide the fate of suspected terrorists and anti-terrorism policy will prove Agamben correct: that the American system of checks on power has been replaced with the primacy of the executive. It should then be Congress’ goal to step forward and outline the exact legal policies in the War on Terror, allowing President Obama this role will only prolong the elements of the exception that Agamben has given such dire warnings about.¶ Conclusion¶ The state of exception has been the standard response to crises for American presidents and other world leaders since the emergence of constitutional law and democratic government. Its creation and longevity as a political and legal tool should not be surprising. Constitutional democracies were not and are not designed to have laws and rules governing every potential complication that the country could face. Instead, it has been consistently argued that exceptional times require exceptional measures. The use of these measures when the public is ready and willing to accept the securitizing speech-act almost invariably lead to breaches of the law, and in Agamben’s opinion the expansion of executive authority. The War on Terror has seemingly reinforced Agamben’s argument, as the breadth and magnitude of legal issues resulting from this war have made the legal recovery extremely complicated.¶ However, some scholars suggest that the War on Terror has actually undermined the ability of the sovereign to invoke the state of exception, stating that instead:¶ In so far as it pursues this end, the effect of such commentary is to compound efforts to curtail the experience of deciding on/in the exception – efforts that are already well under way at Guantánamo Bay. For notwithstanding all the liberal heartache that they provoke, the law and legal institutions of Guantánamo Bay are working to negate the exception (Johns, 2005).¶ Johns suggests that the policies of the War on Terror are leading towards a tendency to condemn the state of exception and crisis authority. Johns bases his argument in the abundance of legal scholarship calling for “a newly fashioned emergency regime” that would “rescue the concept [of emergency power] from fascist thinkers like Carl Schmitt” (Johns, 2005). This logic would suggest that Agamben’s prediction is not coming true, that the executive will now be limited by what actions they can pursue during future crises and that the legal authority acquired by the executive during the War on Terror has been ceded back to its designated proprietors.¶ But for Johns to be proven right, it requires a change in long established habits. Citizens cannot expect the executive to singularly react to any complication the country faces. Indeed, Agamben’s warnings and the results of the War on Terror suggest that doing so will continue to produce dissatisfying results at best, immoral quagmires at worst. For democracy and constitutional governance to survive, it is the responsibility of officials and citizens alike to adapt existing legal structures to novel threats, and to not rely on executive mandate alone.

# 1NR

### Impact

**Animal oppression= rc of racism, sexism, warfare, and genocide. This makes animal liberation a radical challenge to all forms of hierarchy**

Steven **Best**, Chair of Philosophy at UT-EP, **2007**

[*JCAS* 5.2]

While a welcome advance over the anthropocentric conceit that only humans shape human actions, the environmental determinism approach typically fails to emphasize the crucial role that *animals* play in human history, as well as how the human *exploitation of animals* is a key cause of hierarchy, social conflict, and environmental breakdown. A core thesis of what I call “animal standpoint theory” is that animals have been *key driving and shaping forces of human thought, psychology, moral and social life, and history* overall. More specifically, animal standpoint theory argues that *the oppression of human over human has deep roots in the oppression of human over animal*.¶ In this context, Charles Patterson’s recent book, *The Eternal Treblinka: Our Treatment of Animals and the Holocaust*, articulates the animal standpoint in a powerful form with revolutionary implications. The main argument of *Eternal Treblinka* is that the human domination of animals, such as it emerged some ten thousand years ago with the rise of agricultural society, was the first hierarchical domination and laid the groundwork for patriarchy, slavery, warfare, genocide, and other systems of violence and power. A key implication of Patterson’s theory is that human liberation is implausible if disconnected from animal liberation, and thus humanism -- a *speciesist* philosophy that constructs a hierarchal relationship privileging superior humans over inferior animals and reduces animals to resources for human use -- collapses under the weight of its logical contradictions. ¶ Patterson lays out his complex holistic argument in three parts. In Part I, he demonstrates that animal exploitation and speciesism have direct and profound connections to slavery, colonialism, racism, and anti-Semitism. In Part II, he shows how these connections exist not only in the realm of ideology – as conceptual systems of justifying and underpinning domination and hierarchy – but also in systems of technology, such that the tools and techniques humans devised for the rationalized mass confinement and slaughter of animals were mobilized against human groups for the same ends. Finally, in the fascinating interviews and narratives of Part III, Patterson describes how personal experience with German Nazism prompted Jewish to take antithetical paths: whereas most retreated to an insular identity and dogmatic emphasis on the singularity of Nazi evil and its tragic experience, others recognized the profound similarities between how Nazis treated their human captives and how humanity as a whole treats other animals, an epiphany that led them to adopt vegetarianism, to become advocates for the animals, and develop a far broader and more inclusive ethic informed by universal compassion for all suffering and oppressed beings.¶ **The Origins of Hierarchy**¶ "As long as men massacre animals, they will kill each other" –Pythagoras¶ It is little understood that the first form of oppression, domination, and hierarchy involves human *domination over animals* Patterson’s thesis stands in bold contrast to the Marxist theory that the *domination over nature* is fundamental to the domination over other humans. It differs as well from the social ecology position of Murray Bookchin that *domination over humans* brings about alienation from the natural world, provokes hierarchical mindsets and institutions, and is the root of the long-standing western goal to “dominate” nature. In the case of Marxists, anarchists, and so many others, theorists typically don’t even mention human domination of animals, let alone assign it causal primacy or significance. In Patterson’s model, however, the human subjugation of animals is the first form of hierarchy and it paves the way for all other systems of domination such as include patriarchy, racism, colonialism, anti-Semitism, and the Holocaust.As he puts it, “the exploitation of animals was the model and inspiration for the atrocities people committed against each other, slavery and the Holocaust being but two of the more dramatic examples.”¶ Hierarchy emerged with the rise of agricultural society some ten thousand years ago. In the shift from nomadic hunting and gathering bands to settled agricultural practices, humans began to establish their dominance over animals through “domestication.” In animal domestication (often a euphemism disguising coercion and cruelty), humans began to exploit animals for purposes such as obtaining food, milk, clothing, plowing, and transportation. As they gained increasing control over the lives and labor power of animals, humans bred them for desired traits and controlled them in various ways, such as castrating males to make them more docile. To conquer, enslave, and claim animals as their own property, humans developed numerous technologies, such as pens, cages, collars, ropes, chains, and branding irons.¶ The domination of animals paved the way for the domination of humans. The sexual subjugation of women, Patterson suggests, was modeled after the domestication of animals, such that men began to control women’s reproductive capacity, to enforce repressive sexual norms, and to rape them as they forced breeding in their animals. Not coincidentally, Patterson argues, slavery emerged in the same region of the Middle East that spawned agriculture, and, in fact, developed as an extension of animal domestication practices. In areas like Sumer, slaves were managed like livestock, and males were castrated and forced to work along with females. ¶ In the fifteenth century, when Europeans began the colonization of Africa and Spain introduced the first international slave markets, the metaphors, models, and technologies used to exploit animal slaves were applied with equal cruelty and force to human slaves. Stealing Africans from their native environment and homeland, breaking up families who scream in anguish, wrapping chains around slaves’ bodies, shipping them in cramped quarters across continents for weeks or months with no regard for their needs or suffering, branding their skin with a hot iron to mark them as property, auctioning them as servants, breeding them for service and labor, exploiting them for profit, beating them in rages of hatred and anger, and killing them in vast numbers – all these horrors and countless others inflicted on black slaves were developed and perfected centuries earlier through animal exploitation. ¶ As the domestication of animals developed in agricultural society, humans lost the intimate connections they once had with animals. By the time of Aristotle, certainly, and with the bigoted assistance of medieval theologians such as St. Augustine and Thomas Aquinas, western humanity had developed an explicitly hierarchical worldview – that came to be known as the “Great Chain of Being” – used to position humans as the end to which all other beings were mere means. ¶ Patterson underscores the crucial point that the domination of human over human and its exercise through slavery, warfare, and genocide typically begins with the denigration of victims. But the means and methods of dehumanization are derivative, for *speciesism provided the conceptual paradigm that encouraged, sustained, and justified western brutality toward other peoples*. “Throughout the history of our ascent to dominance as the master species,” Patterson writes, “our victimization of animals has served as the model and foundation for our victimization of each other. The study of human history reveals the pattern: first, humans exploit and slaughter animals; then, they treat other people like animals and do the same to them.” Whether the conquerors are European imperialists, American colonialists, or German Nazis, western aggressors engaged in *wordplay before swordplay*, vilifying their victims – Africans, Native Americans, Filipinos, Japanese, Vietnamese, Iraqis, and other unfortunates – with opprobrious terms such as “rats,” “pigs,” “swine,” “monkeys,” “beasts,” and “filthy animals.” ¶ Once perceived as brute beasts or sub-humans occupying a lower evolutionary rung than white westerners, subjugated peoples were treated accordingly; once characterized as animals, they could be hunted down like animals. The first exiles from the moral community, animals provided a convenient discard bin for oppressors to dispose the oppressed. The connections are clear: “For a civilization built on the exploitation and slaughter of animals, the `lower’ and more degraded the human victims are, the easier it is to kill them.” Thus, colonialism, as Patterson describes, was a “natural extension of human supremacy over the animal kingdom. For just as humans had subdued animals with their superior intelligence and technologies, so many Europeans believed that the white race had proven its superiority by bringing the “lower races” under its command. ¶ There are important parallels between speciesism and sexism and racism in the elevation of white male rationality to the touchstone of moral worth. The arguments European colonialists used to legitimate exploiting Africans – that they were less than human and inferior to white Europeans in ability to reason – are the very same justifications humans use to trap, hunt, confine, and kill animals. Once western norms of rationality were defined as the essence of humanity and social normality, by first using non-human animals as the measure of alterity, it was a short step to begin viewing odd, different, exotic, and eccentric peoples and types as non- or sub-human. Thus, the same criterion created to exclude animals from humans was also used to ostracize blacks, women, and numerous other groups from “humanity.” The oppression of blacks, women, and animals alike was grounded in an argument that biological inferiority predestined them for servitude. In the major strain of western thought, alleged rational beings (i.e., elite, white, western males) pronounce that the Other (i.e., women, people of color, animals) is deficient in rationality in ways crucial to their nature and status, and therefore are deemed and treated as inferior, subhuman, or nonhuman. Whereas the racist mindset creates a hierarchy of superior/inferior on the basis of skin color, and the sexist mentality splits men and women into greater and lower classes of beings, the speciesist outlook demeans and objectifies animals by dichotomizing the biological continuum into the antipodes of humans and animals. As racism stems from a hateful white supremacism, and sexism is the product of a bigoted male supremacism, so speciesism stems from and informs a violent *human supremacism* -- namely, the arrogant belief that humans have a natural or God-given right to use animals for any purpose they devise or, more generously, within the moral boundaries of welfarism and stewardship, which however was Judaic moral baggage official Chistianithy left behind.

**This makes animal liberation a moral imperative.**

Steven **Best**, Chair of Philosophy at UT-EP, **no date given**

[http://www.animalliberationfront.com/Philosophy/ARNewEnlightenment.htm]

So, as for those who have burned their paper-thin veneer of detached, objective scholarly commitment and ripped off the straightjacket of academic normalization, I stand alone. Or at least among a crowd large enough to dance on the head of a pin. Some academics have written about animal and earth liberation issues, and some defend animal liberation tactics amidst beer-induced bravado, but few make the transition from scholarship of animal liberation to public advocacy, which I think is crucial. And of course I have in mind here a particularly type of peddle-to-the-metal advocacy that flouts corporate/speciesist laws and defends pretty much whatever it takes to break down the doors that hold animals captive to the most brutal bastards Satan could conjure up, including criminal action and sabotage tactics – and of course the ALF will emblazon the night with a fire bomb but not harm a hair on a vivisector’s head, apropos to their nonviolent credo. But the peaceniks regurgitate the repressive and speciesist discourse of the corporate-state complex and demonize the tough tactics all-too often needed to liberate an animal as “terrorist” or “violence.” But no sooner do they bray these platitudes of betrayal do they sink in the quicksand of hypocrisy and inconsistency. For any schoolchild knows that sometimes sabotage and even “violence” are necessary to stop evil.

Let’s face facts: academics on the whole are a cowardly bunch of self-serving narcissists, spineless sycophants who eschew controversy and pathetically ingratiate themselves with administrators and bureaucrats. First, they are normalized into silence and conformity in order to win their bid for tenure, a highly political process that dispatches iconoclasts, non-conformists, and proponents of radical or controversial ideas. After enduring 5 years of submissiveness and self-repression, newly tenured professors theoretically have the right to speak their minds freely, but by then they often are thoroughly conditioned and co-opted, and there are always further rewards and punishments dangled in front of them, meted out according to the speech-acts they choose. These superfluous gasbags and oxygen thieves could possibly redeem themselves if they began each day by studying the spine-shivering words of Dr. Martin Luther King (who didn’t fear losing his life, let alone a job): “Cowardice asks the question: Is it safe? Expediency asks the question: Is it politic? Vanity asks the question: Is it popular? But conscience asks the question: Is it right? And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it simply because it is right.”

### Alt

**AND, the alternative also solves all of our other criticisms of agamben as well as creating actualizable political praxis to bring about change. The affirmative’s decontextualized agambenian claims allows everyone to just ignore them – only prioritizing anthropocentrism can solve the failures of his thought. This is also a unique da to any permutations.**

**CALARCO 2K6**

[Jamming the Anthropological Machine, Matthew, google]

As I noted at the outset of this essay, I believe Agamben offers us some of the most persuasive accounts of the limits of these forms of current political thinking. And there are moments throughout his work where he gives instances of how his alternative thought of politics can be actualized in concrete circumstances. But **even the most charitable reading of Agamben’s work must acknowledge that,** in terms of the kinds of questions posed by neo-humanists or deconstructionists, **much remains to be worked out at both the theoretical and concrete political level, should he wish to engage in such a debate. And if the scope of this discussion were limited to an anthropocentric politics, I would argue that the questions and criticisms raised by neo-humanists and deconstructionists are impossible to circumvent. Humanism, democracy, and human rights are complicated and rich historical constructs, with the intrinsic potential for extensive and remarkably progressive reforms.**¶ **And yet, if the question of the animal were taken seriously here, and the political discussion were moved to that level as well, the stakes of the debate would change considerably. Who among those activists and theorists working in defense of animals seriously believes that humanism, democracy, and human rights are the sine qua non of ethics and politics? Even those theorists who employ the logic of these discourses in an extensionist manner so as to bring animals within the sphere of moral and political considerability do not seem to believe that an ethics and politics that genuinely respect animal life can be accomplished within the confines of the traditions they use.**¶ **On this political terrain, neo-humanist arguments concerning the merits of the democratic tradition have little if any weight. Even if one were to inscribe animal rights within a democratic liberatory narrative of expansion and perfectibility, such gestures can only appear tragicomic in light of the massive institutionalized abuse of animals that contemporary democracies** not only tolerate but **encourage on a daily basis. And in many democracies, the support of animal abuse goes much further. Currently, militant animal activists in the United States who engage in economic sabotage and property destruction in the name of stopping the worst forms of animal abuse are** not just criticized (and in many cases without sound justification), but are **placed at the top of the list of “domestic terrorists” by the FBI and subject to outrageously unjust penalties** and prison sentences. In view of the magnitude of such problems, **animal activists are currently embroiled in a protracted debate over the merits of a reformist (welfarist) versus a stricter and more radical rightist (incrementalist) approach to animal issues**, and over which approach is more effective in the contemporary political and legal contexts. **However, the real question seems to me to lie elsewhere—precisely in the decision to be made between the project of radicalizing existing politics to accommodate non-human life (neo-humanism and deconstruction) and that of working toward the kind of coming politics advocated by Agamben that would allow for an entirely new economy of human/animal relations**. While **Agamben’s thought is sometimes pejoratively labeled by critics as utopian** inasmuch as it seeks a complete change in our political thinking and practices without offering the concrete means of achieving such change, **from the perspective of the question of the animal, the tables can easily be turned on the critics. Anyone who argues that existing forms of politics can be reformed or radicalized so as to do justice to the multiplicity of forms of non-human life is clearly the unrealistic and utopian thinker, for what signs or sources of hope do we have that humanism and democracy (both of which are grounded in an agent-centered conception of subjectivity) can be radicalized or reformed so as to include and give direct consideration to beings beyond the human**?[3]