# 1nc v. wayne state wn

## Off-case

### 1nc

#### The United States federal government should close the prison camp at Guantanamo Bay and transfer detainees to federal detention centers in the contiguous United States; institute human practices at the new facility including the end of torture, physical violence and allow media access to the new facility and establish periodic review boards.

**Obama transferring from drones to detention and intel gathering now**

**Corn 13** (David, Washington Bureau Chief, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?”, 5/23/13, <http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties>)

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes. The New York Times received the customary pre-speech leak and reported: A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists. Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted. These moves may not satisfy civil-liberties-minded critics on the right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?) Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis. With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism. But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

**Shutting down detention leads a shift to drones and alternative rendition.**

**Chensney 11** (Robert M. Chesney, 5/1/2011, Prof at U Texas Law School, served on Detention Task Force with the Justice Department, <http://lawdigitalcommons.bc.edu/bclr/vol52/iss3/2/> ‘Who May Be Held? Military Detention through the Habeas Lens’)

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon—i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of “control” may be quite weak).210 From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government.211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view it is no surprise that lethal drone strikes have increased dramatically over the past two years, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan.212 Decisions regarding the calibration of a detention system—the management of the convergence process, if you will—thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### Review boards solve

**ROSENBERG, 13** Staff writer. http://www.miamiherald.com/2013/07/21/v-fullstory/3512527/pentagon-prepares-parole-board.html#storylink=cpy

Seventy-one Guantánamo captives will get parole-board-style hearings at the U.S. Navy base in Cuba, the Pentagon said Sunday, refusing to say when the panels will meet, whether the media can watch and which of the long-held captives will go first. The disclosure followed a flurry of emails sent after 10 p.m. Friday by Pentagon bureaucrats notifying attorneys for some of the 71 captives that preparations were underway to hold the so-called Periodic Review Boards ordered by President Barack Obama years ago. Retired Rear Adm. Norton C. Joerg, a former senior Navy lawyer during the Bush administration, advised the lawyers that the new six-member panels do not decide whether the Pentagon is lawfully imprisoning their captive client. Rather, the panel members “assess whether continued law of war detention is necessary to protect against a continuing significant threat to the security of the United States,” Joerg said. Joerg offered no explanation for the late-night notices that came amid a long-running hunger strike by prisoners at the base in Cuba over their conditions of detention. As of Sunday, the military said 46 detainees were sufficiently malnourished to require nasogastric feedings, currently conducted after dark in consideration of Ramadan. Once the daily fasting hours are over, according to prison spokesmen, Navy medical forces offer to let a force-fed hunger striker drink a nutritional supplement before shackling him into a chair, snaking a tube up his nose and into his stomach to deliver the drink. The International Committee of the Red Cross had been urging the Obama administration to get on with the reviews.Still, neither Joerg nor a Pentagon spokesman, Army Lt. Col. Todd Breasseale, would not say if the first hearing might be held by mid-September and whether there’s a target day for completion. Breasseale would only say the first would be held “when conditions dictate.” Also left unclear is whether the panel members will go to Guantánamo to hear from the captive, or watch by a video-link between the prison and Washington, D.C., that already exists for federal judges to hear from prisoners in habeas corpus petitions. The six members of the panel represent the Pentagon and separately the Joint Chiefs of Staff, the Director of National Intelligence and the Departments of State, Justice and Homeland Security. Breasseale did say that Joerg was processing 71 of the prison’s 166 captives for reviews. They include: • 46 captives currently held as “indefinite detainees,” a category created by an Obama Task force in 2010 of captives considered too dangerous to release but for whom there was no evidence that could justify a criminal trial; • 25 other captives who in 2010 were listed as candidates for trials by military commissions or civilian courts. Since then, the chief war crimes prosecutor, Army Brig Gen. Mark Martins, has decided to pursue fewer cases, citing a federal court ruling that “providing material support for terrorism” is not a war crime applicable to Guantánamo’s current detainee population. “Our number may be reduced if charges are referred to a military commission,” Breasseale said in response to a series of questions to Joerg on Saturday. “Likewise, our number could increase if convictions are overturned or charges are withdrawn.” The Pentagon plans to deliver notices to board-eligible detainees at Guantánamo this week, according to one attorney who was contacted by the Defense Department and asked if he would participate in the process. The attorney spoke to the Miami Herald on condition he not be identified in this article. Breasseale would not say whether reporters will be allowed to watch, or photograph, the hearings even if the detainee desires media coverage. Pentagon officials also would not discuss specific cases. But, based on the categories, the 71 men whose files will be reviewed include five members of the Taliban whose release is sought as part of an Afghanistan peace accord. The so-called Taliban elders are “indefinite detainees” at Guantánamo along with seven other Afghans, 26 Yemenis, three Saudis, two Kuwaitis, two Libyans, a Kenyan, a Moroccan and a Somali. Other captives who currently could argue for release as once-considered candidates for trial, include: • A 42-year-old, one-eyed prisoner known as “Abu Zubaydah” who was one of the CIA’s first war on terror prisoners. He’s Palestinian Zayn al Abdeen Mohammed al Hussein whom agents captured critically wounded in Pakistan, held naked in a dog cage and waterboarded 83 times to find out what he knew about al-Qaida before delivering him to Guantánamo in 2006. • An Indonesian man named Riduan Isomuddin, 49, better known “Hambali,” whom the CIA profiled a decade ago as a senior leader of Southeast Asia’s Jemaah Islamiya, the Islamic Group blamed for the 2002 Bali bombings that killed over 200 people. Hambali was captured in Thailand in 2003 but has never been charged with a crime. • Saudi Mohammed al Qahtani, 37,who was considered at one time for prosecution as the wannabe 20th hijacker in the Sept. 11 plot. Agents subjected him to such cruel interrogation at Guantánamo that a senior Pentagon lawyer in the Bush years concluded that the U.S. tortured him, and forbade his inclusion in the 9/11 death-penalty tribunal. Of Guantánamo’s 166 captives, six detainees are awaiting death-penalty trials and three are convicted of war crimes. So they don’t get parole hearings. Another 86 are theoretically cleared for release, and also ineligible for the reviews. But they have no release date because the Obama administration has been unable or unwilling to issue waivers to overcome Congressional restrictions on releases. So the flurry of emails over the weekend produced some skepticism among Guantánamo defense attorneys. “For the Periodic Review Boards to be taken seriously, the U.S. government should begin releasing the men that were cleared for release by the previous interagency entity years ago,” said Ramzi Kassem, law professor at the City University of New York and attorney for several Guantánamo prisoners. The panels follow the work of a federal task force President Barack Obama ordered in 2009 to sift through Guantánamo detainee files. That process produced a list of 48 indefinite detainees in January 2010. But two of those men have since died — one had a heart attack, according to the prison, and the other was found hanging by a bed sheet in a communal prison’s recreation yard in what the military said was a suicide. So now there are 46 indefinite detainees. Although that’s the same number of hunger strikers designated for forced-feedings on Sunday, a Miami Herald project to identify those being tube-fed at Guantánamo has revealed a cross-section of captives, including those cleared for release.

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**Low risk of terrorist attack on US-studies prove**

**Shinkman 12** (Paul D., Washington newsman, naturalized Capitol Hill citizen, now national security reporter at US News & World Report. Formerly with WTOP News, “Study: U.S. at 'Low' Risk of Terror Attack,” U.S.News & World Report LP, December 5, 2012, http://www.usnews.com/news/articles/2012/12/05/study-america-has-relatively-low-chance-of-terrorist-attack-)

In an era of terrorist plots and WMD proliferation, this news may come as a slight relief: Among countries with the highest risk of terrorist attacks, the United States ranks "relatively low," according to a new study. The University of Maryland collected data on 104,000 instances of terrorism in 158 nations, and ranked the likelihood of each country witnessing a terrorist attack within its borders. Iraq, Pakistan and Afghanistan earn the top positions. The U.S. slides in at No. 41. "In global terms, this is a relatively low level of activity," according to the study, first reported by The Washington Times . "North America is the least-likely region to be involved in a terrorist attack, though this is not the general impression among many of its residents," says Steve Killelea with the Institute for Economics and Peace, which published the study using statistics and analysis from the University of Maryland's National Consortium for the Study of Terrorism and Responses to Terrorism . "The fatality rate in the U.S. is 19 times lower than Western Europe," he tells the Times. "Still, the level of terrorism elsewhere is too high. We're hoping the index can prompt a practical debate about the future of terrorism and some appropriate policy responses." Major U.S. allies land much higher on the list. Britain is ranked 28th, behind Turkey and Israel, which are 19th and 20th, respectively. The Philippines just squeaks into the top 10, right behind Russia at No. 9.

A violent war on terror is the only way to solve—nonviolent solutions empirically fail

Hanson 10—Senior Fellow, Hoover. Former visiting prof, classics, Stanford. PhD in classics, Stanford (Victor Davis, The Tragic Truth of War, 19 February 2010, http://www.victorhanson.com/articles/hanson021910.html, AMiles)

Victory has usually been defined throughout the ages as forcing the enemy to accept certain political objectives. “Forcing” usually meant killing, capturing, or wounding men at arms. In today’s polite and politically correct society we seem to have forgotten that nasty but eternal truth in the confusing struggle to defeat radical Islamic terrorism. What stopped the imperial German army from absorbing France in World War I and eventually made the Kaiser abdicate was the destruction of a once magnificent army on the Western front — superb soldiers and expertise that could not easily be replaced. Saddam Hussein left Kuwait in 1991 when he realized that the U.S. military was destroying his very army. Even the North Vietnamese agreed to a peace settlement in 1973, given their past horrific losses on the ground and the promise that American air power could continue indefinitely inflicting its damage on the North. When an enemy finally gives up, it is for a combination of reasons — material losses, economic hardship, loss of territory, erosion of civilian morale, fright, mental exhaustion, internal strife. But we forget that central to a concession of defeat is often the loss of the nation’s soldiers — or even the threat of such deaths. A central theme in most of the memoirs of high-ranking officers of the Third Reich is the attrition of their best warriors. In other words, among all the multifarious reasons why Nazi Germany was defeated, perhaps the key was that hundreds of thousands of its best aviators, U-boaters, panzers, infantrymen, and officers, who swept to victory throughout 1939–41, simply perished in the fighting and were no longer around to stop the allies from doing pretty much what they wanted by 1944–45. After Stalingrad and Kursk, there were not enough good German soldiers to stop the Red Army. Even the introduction of jets could not save Hitler in 1945 — given that British and American airmen had killed thousands of Luftwaffe pilots between 1939 and 1943. After the near destruction of the Grand Army in Russia in 1812, even Napoleon’s genius could not restore his European empire. Serial and massive Communist offensives between November 1950 and April 1951 in Korea cost Red China hundreds of thousands of its crack infantry — and ensured that, for all its aggressive talk, it would never retake Seoul in 1952–53. But aren’t these cherry-picked examples from conventional wars of the past that have no relevance to the present age of limited conflict, terrorism, and insurgency where ideology reigns? Not really. We don’t quite know all the factors that contributed to the amazing success of the American “surge” in Iraq in 2007–08. Surely a number of considerations played a part: Iraqi anger at the brutish nature of al-Qaeda terrorists in their midst; increased oil prices that brought massive new revenues into the country; General Petraeus’s inspired counterinsurgency tactics that helped win over Iraqis to our side by providing them with jobs and security; much-improved American equipment; and the addition of 30,000 more American troops. But what is unspoken is also the sheer cumulative number of al Qaeda and other Islamic terrorists that the U.S. military killed or wounded between 2003 and 2008 in firefights from Fallujah to Basra. There has never been reported an approximate figure of such enemy dead — perhaps wisely, in the post-Vietnam age of repugnance at “body counts” and the need to create a positive media image. Nevertheless, in those combat operations, the marines and army not only proved that to meet them in battle was a near death sentence, but also killed thousands of low-level terrorists and hundreds of top-ranking operatives who otherwise would have continued to harm Iraqi civilians and American soldiers. Is Iraq relatively quiet today because many who made it so violent are no longer around? Contemporary conventional wisdom tries to persuade us that there is no such thing as a finite number of the enemy. Instead, killing them supposedly only incites others to step up from the shadows to take their places. Violence begets violence. It is counterproductive, and creates an endless succession of the enemy. Or so we are told. We may wish that were true. But military history suggests it is not quite accurate. In fact, there was a finite number of SS diehards and kamikaze suicide bombers even in fanatical Nazi Germany and imperial Japan. When they were attrited, not only were their acts of terror curtailed, but it turned out that far fewer than expected wanted to follow the dead to martyrdom. The Israeli war in Gaza is considered by the global community to be a terrible failure — even though the number of rocket attacks against Israeli border towns is way down. That reduction may be due to international pressure, diplomacy, and Israeli goodwill shipments of food and fuel to Gaza — or it may be due to the hundreds of Hamas killers and rocketeers who died, and the thousands who do not wish to follow them, despite their frequently loud rhetoric about a desire for martyrdom. Insurgencies, of course, are complex operations, but in general even they are not immune from eternal rules of war. Winning hearts and minds is essential; providing security for the populace is crucial; improving the economy is critical to securing the peace. But all that said, we cannot avoid the pesky truth that in war — any sort of war — killing enemy soldiers stops the violence. For all the much-celebrated counterinsurgency tactics in Afghanistan, note that we are currently in an offensive in Helmand province to “secure the area.” That means killing the Taliban and their supporters, and convincing others that they will meet a violent fate if they continue their opposition. Perhaps the most politically incorrect and Neanderthal of all thoughts would be that the American military’s long efforts in both Afghanistan and Iraq to kill or capture radical Islamists has contributed to the general safety inside the United States. Modern dogma insists that our presence in those two Muslim countries incited otherwise non-bellicose young Muslims to suddenly prefer violence and leave Saudi Arabia, Yemen, or Egypt to flock to kill the infidel invader. A more tragic view would counter that there was always a large (though largely finite) number of radical jihadists who, even before 9/11, wished to kill Americans. They went to those two theaters, fought, died, and were therefore not able to conduct as many terrorist operations as they otherwise would have, and also provided a clear example to would-be followers not to emulate their various short careers. That may explain why in global polls the popularity both of bin Laden and of the tactic of suicide bombing plummeted in the Middle Eastern street — at precisely the time America was being battered in the elite international press for the Iraq War. Even the most utopian and idealistic do not escape these tragic eternal laws of war. Barack Obama may think he can win over the radical Islamic world — or at least convince the more moderate Muslim community to reject jihadism — by means such as his Cairo speech, closing Guantanamo, trying Khalid Sheikh Mohammed in New York, or having General McChrystal emphatically assure the world that killing Taliban and al-Qaeda terrorists will not secure Afghanistan. Of course, such soft- and smart-power approaches have utility in a war so laden with symbolism in an age of globalized communications. But note that Obama has upped the number of combat troops in Afghanistan, and he vastly increased the frequency of Predator-drone assassination missions on the Pakistani border. Indeed, even as Obama damns Guantanamo and tribunals, he has massively increased the number of targeted assassinations of suspected terrorists — the rationale presumably being either that we are safer with fewer jihadists alive, or that we are warning would-be jihadists that they will end up buried amid the debris of a mud-brick compound, or that it is much easier to kill a suspected terrorist abroad than detain, question, and try a known one in the United States. In any case, the president — immune from criticism from the hard Left, which is angrier about conservative presidents waterboarding known terrorists than liberal ones executing suspected ones — has concluded that one way to win in Afghanistan is to kill as many terrorists and insurgents as possible. And while the global public will praise his kinder, gentler outreach, privately he evidently thinks that we will be safer the more the U.S. marines shoot Taliban terrorists and the more Hellfire missiles blow up al-Qaeda planners. Why otherwise would a Nobel Peace Prize laureate order such continued offensive missions? Victory is most easily obtained by ending the enemy’s ability to resist — and by offering him an alternative future that might appear better than the past. We may not like to think all of that entails killing those who wish to kill us, but it does, always has, and tragically always will — until the nature of man himself changes.

**The result is nuclear terrorism**

GSN 8-6 – Global Security Newswire, August 6, 2010, “WMD terrorism remains grave threat, U.S. says,” online: http://www.globalsecuritynewswire.org/gsn/nw\_20100806\_6521.php]

**The possibility that a terrorist organization might launch a WMD attack remains one of the "gravest threats" to the security of the United States and its allies, the U.S. State Department said** yesterday in its annual terrorism report (see [GSN](http://www.globalsecuritynewswire.org/gsn/nw_20100607_5394.php), June 8). The ["Country Reports on Terrorism 2009"](http://www.state.gov/s/ct/rls/crt/2009/index.htm) addressed the threat of terrorism involving chemical, biological, radiological and nuclear weapons and Washington's response to those dangers. **The State Department noted that al-Qaeda and other extremist groups have expressed interest in acquiring nuclear weapons.** "The **diffusion of** scientific and technical **information regarding the assembly of nuclear weapons,** some of which is now available on the Internet, **has increased the risk that a terrorist organization in possession of sufficient fissile material could develop its own crude nuclear weapon**," the report says. "The complete production of a nuclear weapon strongly depends on the terrorist group’s access to special nuclear materials as well as engineering and scientific expertise."

**Extinction**

Toon et al 7 – Owen B. Toon, 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

#### a. Interpretation and violation---the affirmative should defend the desirability of topical government action

#### Most predictable—the agent and verb indicate a debate about hypothetical government action

Jon M **Ericson 3**, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action through governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### “Resolved” is legislative

Jeff **Parcher 1**, 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. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### “Should” requires defending federal action

Judge Henry **Nieto 9**, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### Substantial means in full existence and in effect---means the plan’s increase in restrictions must be tangible

**Words & Phrases 64** (40 W&P 759)

The words "outward, open, actual, risible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not bidden; exposed to view; free from concealment dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 111. App. 308, 31R

#### Indefinite Detention means the government authority to detain without a trial

**US LEGAL 13** [US Legal Forms Inc., Indefinite Detention Law and Legal Definition http://definitions.uslegal.com/i/indefinite-detention/]

Indefinite detention is the practice of detaining an arrested person by a national government or law enforcement agency without a trial. It may be made by the home country or by a foreign nation. Indefinite detention is a controversial practice, especially in situations where the detention is by a foreign nation. It is controversial because it seems to violate many national and international laws. It also violates human rights laws. Indefinite detention is seen mainly in cases of suspected terrorists who are indefinitely detained.The Law Lords, Britain’s highest court, have held that the indefinite detention of foreign terrorism suspects is incompatible with the Human Rights Act and the European Convention on Human Rights. [Human Rights Watch] In the U.S., indefinite detention has been used to hold terror suspects. The case relating to the indefinite detention of Jose Padilla is one of the most highly publicized cases of indefinite detention in the U.S. In the U.S., indefinite detention is a highly controversial matter and is currently under review. Organizations such as International Red Cross and FIDH are of the opinion that U.S. detention of prisoners at Guantanamo Bay is not based on legal grounds. However, the American Civil Liberties Union is of the view that indefinite detention is permitted pursuant to section 412 of the USA Patriot Act.

#### A general subject isn’t enough—debate requires a specific point of difference in order to promote effective exchange

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Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity 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 of issues, there is no debate. Controversy invites decisive choice between competing positions. 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 live 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? Does 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? How 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 card, 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 are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a 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. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. 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 a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean Iliad 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, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. 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, cyber-warfare, disinformation, or what? What does it mean to be “mightier" 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 Laurania 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 treaty 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.

#### b. Vote neg

#### 1. Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Topical fairness requirements are key to meaningful dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework ///**

**that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

## Indefinite Detention

### 1nc otherization inevitable

#### Otherization in specific instances is good, such as when there is an imminent violent attack – some degree of inclusion/exclusion is inevitable – history proves our argument

**Rasch 5** (William, “Lines in the Sand: Enmity as a Structuring Principle” The South Atlantic Quarterly 104:2, Spring 2005.)

Accepting Cohen’s invitation means deciding on a fundamental distinction that runs through all political philosophy and that has risen once again to the surface in the radical responses to the emerging global order that some want to call Pax Americana and others simply Empire. It is a distinction that Carl Schmitt was keenly aware of; indeed, an unambiguous decision for one alternative over the other structures his entire thought.1 That distinction is between good and evil, or, in the world of ‘‘those’’ about whom Cohen sings, between the presupposition of primordial peace and the presupposition of a war of all against all. In The Concept of the Political, Schmitt concludes that ‘‘all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being.’’2 This anthropological fiction—and Schmitt is aware of the claim’s fictional status—serves as the logical premise that secures Schmitt’s definition of the political as the friend/enemy distinction. We live in a world, he says, in which associations with likeminded others are our only means of security and happiness. Indiscriminate concourse of all with all cannot be the foundation for necessary political discriminations. Thus, the anthropological presupposition of evil, guilt, and violence is designed to expose what Schmitt sees as the duplicity of liberal theory, which consists in using the promise of formal equality to camouflage political power by displacing it in the realms of economics and morality. Liberal theory denies original enmity by assuming the innate goodness of the human being.Those—communitarians and liberals alike— who say there is no war presuppose a counterfactual ‘‘ontological priority of non-violence,’’ a ‘‘state of total peace’’ 3 that invites universal inclusion based on the ‘‘essential homogeneity and natural virtue of mankind.’’ 4 If, in such a benign state of nature, violence were to break out, such violence would be considered a perversion and, if all else were to fail, would have to be extirpated by an even greater violence. To cite John Locke, this ‘‘State of perfect Freedom’’ and universal ‘‘Equality,’’ governed solely by reason and natural law, can be disturbed only by an ‘‘Offender’’ who ‘‘declares himself to live by another Rule, than that of reason and common Equity.’’ Such a ‘‘Criminal’’ has ‘‘declaredWar against allMankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whomMen can have no Society nor Security.’’ 5 The political, on this view, emerges only as the result of the Fall—that is, emerges only to fight the war against war, a war always initiated by a sinful or bestial other. It seeks to make itself superfluous by restoring or, more progressively, establishing for the first time this natural order of peace. Should one demur and find the perfect state to be less than advertised, then one’s demurral would most assuredly be recognized not as legitimate political opposition, but rather as evidence of greed, moral perversity, or some other pathological behavior. With its pacific presuppositions, liberalism, according to Schmitt, dissolves the specificity of the political and hides the necessarily asymmetric power relations that mark all political maneuverings. By way of an anthropological sleight of hand, liberalism represents itself as an ethos, a moral and economic emancipation, and not as what it really is, namely, a powerpolitical regime with traditional power-political aims. For Schmitt, distinctions, rather than the effacement of distinctions, structure the space within which we live, including the space of the political. Only within structured space, space literally marked by human activities, by human groupings and the boundaries they draw, do terms achieve their meanings. Norms, he repeatedly stated, are derived from situations, normal situations; they are not derived logically from underived first principles. Categories like ‘‘liberty’’ and ‘‘equality’’ can have political significance only when defined and delineated within the sphere of the political. They are neither natural nor innately human qualities; they are not self-evident truths. Consequently, Schmitt’s suspicion of liberalism, pacifism, or any other -ism that denies an initial and therefore ever-present potential war of all against all is a suspicion of those who wish to make their operative distinctions invisible, and thus incontestable, by claiming the immorality or illegality of all distinction. Schmitt’s insistence, then, on our ‘‘evil’’ nature is evidence neither of his existential misanthropy nor even, necessarily, of his conservative authoritarianism, but rather of his desire to secure the autonomy and necessity of that human mechanism called ‘‘the political.’’ To the question of whether there is a war, Schmitt emphatically answers ‘‘yes’’—by which he means to affirm not armed conflict or bloodshed as a virtue in and of itself, but rather the necessity of the view that the proverbial state of nature is, as Hobbes knew, a state marked by imperfection, and that this imperfection manifests itself as violence and the guilt associated with it. Schmitt, then, starts fromthe premise of imperfection and acknowledges an ontological priority of violence. If, he reasons, one starts with the rather biblical notions of sin and guilt, not natural innocence, then homogeneity, being contingent, historical, and not the least natural, must be predicated on heterogeneity. That is, citizenship or participation or community must be constructed, not assumed, and can only be local, circumscribed, not global. One recognizes one’s own in the face of the other and knows the comfort of inclusion only as the necessary result of exclusion—though in modern, functionally differentiated society, those inclusions and exclusions may be multiple, contradictory, and not necessarily tied to place. ‘‘An absolute human equality,’’ Schmitt writes in his Crisis of Parliamentary Democracy, ‘‘would be an equality without the necessary correlate of inequality and as a result conceptually and practically meaningless, an indifferent equality. . . . Substantive inequalities would in no way disappear from the world and the state; they would shift into another sphere, perhaps separated from the political and concentrated in the economic, leaving this area to take on a new, disproportionately decisive importance.’’ 6 This, Schmitt’s, is not a popular sentiment, even if it echoes somewhat the Marxist distinction between a political and a social democracy, between a formal and substantial equality. But if one acknowledges that at least within modernity all inclusion requires exclusion, that inclusions and exclusions in addition to being unavoidable are also contingent and malleable, then rather than react with dismay, one might see in this ‘‘logical fact,’’ if fact it is, both the condition for the possibility of dissent and the condition for the possibility of recognizing in the one who resists and disagrees a fellow human being and thus legitimate political opponent, not a Lyon or Tyger or other Savage Beast. **For it is not that exclusions are miraculously made absent once distinctions are not formally drawn.** On the contrary, **unacknowledged distinctions, and those who are distinguished by them, simply go underground**, become invisible, **and grow stronger, more absolute, in their violent and explosive force.** When the retrograde and condemned distinction between the ‘‘Greek’’ and the ‘‘barbarian’’ becomes a simple, sanguine affirmation of humanity, this ideal affirmation actually turns out to be nothing other than a distinction drawn between all those who, by their right behavior, show themselves to be truly ‘‘human’’ and those who, alas, by their perverse dissent, have revealed themselves to be evildoers, to be ‘‘inhuman.’’ Deliberate, visible, ‘‘external’’ distinctions that demarcate a space in which a ‘‘we’’ can recognize its difference from a ‘‘they,’’ preferably without marking that difference in a necessarily asymmetrical manner, are to be preferred, in Schmitt’s world, to the invisible and unacknowledged distinctions that mark those who are exemplary humans from those who, by their political dissent, show themselves to be gratuitously perverse. For reasons, then, of making difference visible, Schmitt favors lines drawn in the sand, or, in the ‘‘mythical language’’ used in The Nomos of the Earth, ‘‘firm lines’’ in the ‘‘soil,’’ ‘‘whereby definite divisions become apparent,’’ and, above them, on the ‘‘solid ground of the earth,’’ ‘‘fences, enclosures, boundaries, walls, houses, and other constructs,’’ so that the ‘‘orders and orientations of human social life become apparent’’ and the ‘‘forms of power and domination become visible.’’7 In Nomos, Schmitt describes the now much maligned and seldom mourned European nation-state systemas ‘‘the highest form of orderwithin the scope of human power’’ (187). Historically, the territorial state developed as a response to the religious civil wars of the sixteenth and early seventeenth centuries. Once thought of as a unity called Christendom, Europe became fractured by the events of the Reformation and Counter- Reformation. The old asymmetrical distinction between believers and nonbelievers that governed the relationship not only between Christians and non-Christians, but also between Christian orthodoxy and heresy, now threatened to regulate the distinction between Catholics and Protestants. Yet, miraculously (one might be tempted to say), with the conclusion of religious warfare in 1648, a symmetrical relationship among the European nation-states prevailed—in theory, if not always in fact. It is this symmetrical ordering of internally differentiated Europe that Schmitt highlights. In effect—and Hobbes had already described it in these terms—the war of all individuals against all individuals in the state of nature, which perennially threatens to resurface within the state as civil discord, is elevated into a war of all states against all states in a second-order state of nature. In theory and practice, then, the individual is protected from arbitrary and irrational, because incalculable, violence by states acting as moral persons living in an unregulated but serendipitously achieved balance of power. We might best update Schmitt’s description of this order as an ideally anarchic, self-regulating coexistence of antagonistic powers, an emergent, horizontal self-organization of sovereign systems with no one system serving as sovereign over all the others—a plurality of states that refused to coalesce into one single state but rather achieved relative security without relinquishing autonomy. The ‘‘medium’’ of this self-organization was violence (war); yet, by virtue of mechanisms of reciprocity, by virtue, that is, of a similarly emergent self-regulation of violence called international law (the jus publicum Europaeum of which Schmitt sings his praises), the conduct of warfare among European states was restrained and controlled. Thus, the nation-state way of organizing earlymodern Europe served as the katechon, the political as restrainer, establishing relative stability and peace to stave off chaos and civil war. How is this possible? Despite its internal self-differentiation, Europe still saw itself as a unity because of a second major distinction, the one between Europe and the New World, where New World denotes the entire non-European world, but especially the newly ‘‘discovered’’ regions of the globe following Columbus’s three voyages. This distinction was asymmetrical; on the one side we find Christianity and culture, on the other only pagan ‘‘barbarians.’’ How did Europeans mark this difference between a self-differentiated ‘‘us’’ and a homogenous ‘‘them’’? Through violence. Only now, violence was regulated hierarchically by the traditional ‘‘just war’’ doctrine. Schmitt clearly marks the difference between symmetrical and asymmetrical modes of warfare (thus the difference between warfare ‘‘this side’’ versus the ‘‘other side’’ of so-called amity lines that separated Old Europe from the New World) as the difference between wars fought against ‘‘just enemies’’ and those fought for a ‘‘just cause.’’ The former recognize a commonality among combatants that allows for reciprocity; the latter does not. Wars fought against enemies one respects as occupiers of the same cultural ‘‘space,’’ no matter how subdivided, allows for the desirable constraints on the conduct of war. Wars fought against infidels, pagans, and barbarians, whether these barbarians deny the one God, the laws of nature, the truth of reason, or the higher morality of liberalism, are wars fought against those who are not to be respected or accorded the rights granted equals.8 To be in possession of truth, no matter how much that truth is debated internally, allows one to stand over against the other as a conglomerated unity. This self-differentiated unity can assume the restrained and restraining order of civilization because it has inoculated itself against outbreaks of ‘‘natural’’ and lawless violence by displacing them in the New World. America, as Hobbes and others imagined it, was the preeminent site of the feared state of nature; thus Europe was spared any recurrence of the civil wars that had previously ravaged it. What Schmitt describes as an enviable achievement—that is, the balanced order of restrained violence within Europe—presupposed the consignment of unrestrained violence to the rest of the world. That is, desired restraint was founded upon sanctioned lack of restraint. If Schmitt, by concentrating on the development of European international law after the religious civil wars, highlights an admirable local result of a disagreeable global process, this can be attributed to his explicit Eurocentrism. But even non- Eurocentrics may be dismayed by the twentieth-century reintroduction of unrestricted violence within Europe itself.The epitome of this return of the repressed may be the midcentury death camp, as Giorgio Agamben maintains, 9 but its initial breakthrough is the Great War of the century’s second decade. For how else can one explain that a traditional European power struggle that started in 1914 as a war fought for state interest should end in 1918–19 as a war fought by ‘‘civilization’’ against its ‘‘barbarian’’ other? And how else can one explain that we have been so eager to replicate this distinction in every war we have fought ever since? If, in other words, we are rightly horrified by the distinction between civilized and uncivilized when it is used to describe the relationship of Old Europe and its colonial subjects, and if we are rightly horrified by the distinction between the human and the in- or subhuman when it is used to discriminate against blacks, Jews, Gypsies, and other so-called undesirables, then why do we persist today in using these very distinctions when combating our latest enemies? Is it merely ironic or in fact profoundly symptomatic that those who most vehemently affirm universal symmetry (equality, democracy) are also more often than not the ones who opt for themost asymmetrical means of locating enemies and conducting war—that is, just wars fought for a just cause? But how are we to respond? For those who say there is no war and who yet find themselves witnessing daily bloodshed, Adornoian asceticism (refraining from participating in the nihilism of the political) or Benjaminian weak, quasi, or other messianism (waiting for the next incarnation of the historical subject [the multitudes?] or the next proletarian general strike [the event?]) would seem to be the answer. To this, however, those who say there is a war can respond only with bewilderment. Waiting for a ‘‘completely new politics’’ 10 and completely new political agents, waiting for the event and the rightmoment to name it, or waiting for universal ontological redemption feelsmuch like waiting for the Second Coming, or,more accurately, for Godot. And have we not all grown weary of waiting? The war we call ‘‘the political,’’ whether nihilist or not, happily goes on while we watch Rome burn. As Schmitt wrote of the relationship of early Christianity to the Roman Empire, ‘‘The belief that a restrainer holds back the end of the world provides the only bridge between the notion of an eschatological paralysis of all human events and a tremendous historical monolith like that of the Christian empire of the Germanic kings’’ (60).One does not need to believe in the virtues of that particular ‘‘historicalmonolith’’ to understand the dangers of eschatological paralysis. But as Max Weber observed firsthand, ascetic quietude leads so often, so quickly, and so effortlessly to the chiliastic violence that knows no bounds;11 and as we have lately observed anew, the millennial messianism of imperial rulers and nomadic partisans alike dominates the contemporary political landscape. The true goal of those who say there is no war is to eliminate the war that actually exists by eliminating those Lyons and Tygers and other Savage Beasts who say there is a war. This war is the truly savage war. It is the war we witness today. No amount of democratization, pacification, or Americanization will mollify its effects, because democratization, pacification, and Americanization are among the weapons used by those who say there is no war to wage their war to end all war. What is to be done? **If you** are one who **say**s **there is a war**, and if you say it not **because you** glory in it but because **you fear it** and hate it, **then your goal is to limit it and its effects, not eliminate it, which merely intensifies it, but limit it by drawing clear lines within which it can be fought, and clear lines between those who fight it and those who don’t, lines between friends, enemies, and neutrals, lines between combatants and noncombatants.** There are, of course, legitimate doubts about whether those ideal lines could ever be drawn again; nevertheless, the question that we should ask is not how can we establish perpetual peace, but rather a more modest one: Can symmetrical relationships be guaranteed only by asymmetrical ones? According to Schmitt, historically this has been the case. ‘‘The traditional Eurocentric order of international law is foundering today, as is the old nomos of the earth. This order arose from a legendary and unforeseen discovery of a new world, from an unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to themoon discovering a new and hitherto unknown planet that could be exploited freely and utilized effectively to relieve their struggles on earth’’ (39). We have since gone to the moon and have found nothing on the way there to exploit. We may soon go to Mars, if current leaders have their way, but the likelihood of finding exploitable populations seems equally slim. Salvation through spatially delimited asymmetry, even were it to be desired, is just not on the horizon. And salvation through globalization, that is, through global unity and equality, is equally impossible, because today’s asymmetry is not so much a localization of the exception as it is an invisible generation of the exception from within that formal ideal of unity, a generation of the exception as the difference between the human and the inhuman outlaw, the ‘‘Savage Beast, with whom Men can have no Society nor Security.’’ We are, therefore, thrown back upon ourselves, which is to say, upon those artificial ‘‘moral persons’’ who act as our collective political identities.They used to be called states.What theywill be called in the future remains to be seen. But, if we think to establish a differentiated unity of discrete political entities that once represented for Schmitt ‘‘the highest form of order within the scope of human power,’’ then we must symmetrically manage the necessary pairing of inclusion and exclusion without denying the ‘‘forms of power and domination’’ that inescapably accompany human ordering.We must think the possibility of roughly equivalent power relations rather than fantasize the elimination of power from the political universe. This, conceivably, was also Schmitt’s solution.Whether his idea of the plurality of Großräume could ever be carried out under contemporary circumstances is, to be sure,more than a little doubtful, given that the United States enjoys a monopoly on guns, goods, and the Good, in the form of a supremely effective ideology of universal ‘‘democratization.’’ Still, we would do well to devise vocabularies that do not just emphatically repeat philosophically more sophisticated versions of the liberal ideology of painless, effortless, universal equality.The space of the political will never be created by a bloodless, Benjaminian divine violence. Nor is it to be confused with the space of the simply human. To dream the dreams of universal inclusion may satisfy an irrepressible human desire, but it may also always produce recurring, asphyxiating political nightmares of absolute exclusion.

## Public Memory

### 1nc util

#### Maximizing all lives is the only way to affirm equality

**Cummiskey 90** – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor, AG)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

### 1nc realism

#### You can’t change the international system

**Mearsheimer 1** [professor of political science at University of Chicago, *The Tragedy of Great Power Politics*, pg. 361]

The optimists' claim that security competition and war among the great powers has been burned out of the system is wrong. In fact, all of the major states around the globe still care deeply about the balance of power and are destined to compete for power among themselves for the foreseeable future. Consequently, realism will offer the most powerful explanations of international politics over the next century, and this will be true **even if the debates among academic** and policy **elites are dominated by non-realist theories**. In short, the real world remains a realist world. States still fear each other and seek to gain power at each other's expense, because international anarchy-the driving force behind greatpower behavior-did not change with the end of the Cold War, and there are few signs that such change is likely any time soon. States remain the principal actors in world politics and there is still no night watchman standing above them. For sure, the collapse of the Soviet Union caused a major shift in the global distribution of power. But it did not give rise to a change in the anarchic structure of the system, and without that kind of profound change, there is no reason to expect the great powers to behave much differently in the new century than they did in previous centuries.Indeed, considerable evidence from the 1990s indicates that power politics has not disappeared from Europe and Northeast Asia, the regions in which there are two or more great powers, as well as possible great powers such as Germany and Japan. There is no question, however, that the competition for power over the past decade has been low-key. Still, there is potential for intense security competion among the great powers that might lead to a major war. Probably the best evidence of that possibility is the fact that the United States maintains about one hundred thousand troops each in Europe and in Northeast Asia for the explicit purpose of keeping the major states in each region at peace.

# 2nc v. wayne state wn

## cp

### 2nc rendition turn

#### Individuals who were indefinitely detained COULD get transferred to Bagram

**Huffington Post** 9-15**-09** (“Is Bagram Obama’s New Secret Prison” <http://www.huffingtonpost.com/andy-worthington/is-bagram-obamas-new-secr_b_287215.html>)

However, while this is a genuinely disturbing development, because it suggests that the Obama administration is essentially following President Bush's lead by unilaterally rewriting the Conventions, presumably to allow it to continue exploiting prisoners of war for their supposed intelligence value (even though the DoD explained, in its proposal, that "intelligence value, by itself, is not a basis for internment"), only one major media outlet -- the New Yorker -- has picked up on a disturbing disclosure in the Times' coverage of the story on Sunday. I reported this in an article yesterday, when I explained that there was something deeply suspicious about the officials' statement that: the importance of Bagram as a holding site for terrorism suspects captured outside Afghanistan and Iraq has risen under the Obama administration, which barred the Central Intelligence Agency from using its secret prisons for long-term detention. As I explained yesterday, this "seems to confirm, in one short sentence, that, although the CIA's secret prisons have been closed down, as ordered by President Obama, a shadowy 'rendition' project is still taking place, with an unknown number of prisoners being transferred to Bagram instead."

## Wot da

### 2nc a/t: terror rhetoric

**Otherization inevitable – that was on case**

**The word “terrorism” is an accurate description of reality – avoiding the word encourages support of bloody atrocities**

John **O’Sullivan**, Editor-in-chief of the United Press International, National Review Online, 9-25-**01**

[http://www.nationalreview.com/jos/josprint092501.html]

It is terrorists hijacking planes who put themselves on a different and lower level to other people — not the journalists who report their actions with attempted objectivity. Terrorism is a part of contemporary reality. To gloss over it is to paint a false picture. And insofar as that false picture erases the real distinction between, say, a politician whose power derives from votes and one whose power derives from bombs, then a serious distortion enters into reporting.

Nor is this a hypothetical criticism. Much reporting of the conflicts in Northern Ireland, Colombia, and the Basque country has blurred exactly that distinction.

Finally, let us look at Mr. Jukes's underlying justification that "one man's terrorist is another man's freedom fighter." By a nice coincidence this argument was justly characterized on Saturday in Canada's *National Post* as "an adolescent sophistry" by the Canadian poet and journalist, George Jonas.

Simply put, the sophistry consists of confusing a terrorist's cause with his methods.

A terrorist is a man who murders indiscriminately, distinguishing neither between innocent and guilty nor between soldier and civilian. He may employ terrorism — planting bombs in restaurants, or hijacking planes and aiming them at office towers-in a bad cause or in a good one.

He may be a Nazi terrorist, or an anti-Nazi terrorist, a Communist or an anti-Communist, pro-Palestinian or pro-Israel. We may want to defeat his political cause or see it triumph. For his methods, however, the terrorist is always to be condemned. Indeed, to describe him objectively is to condemn him — even if his cause is genuinely a fight for freedom with which we sympathize.

Therein lies Mr. Jukes's trial and temptation.

Those who sympathize with the terrorist's cause — whether they are Islamic fundamentalists seeking America's withdrawal from Saudi Arabia, or Spanish citizens in the Basque country who want an independent Basque state, or Irish Americans seeking Britain's withdrawal from Northern Ireland — are tempted to overlook or deny his methods. They do not want to acknowledge that someone is killing innocent people in the name of a cause they passionately support. They wish to banish such an uncomfortable truth from their minds. So they do not like to see him accurately described as a terrorist. It makes them feel guilty about the support and sympathy they give him; it may even make them reconsider that support.

When Reuters decided not to call the perpetrators of the World Trade Center attack "terrorists," it took a step towards making people feel less guilty about aiding or sympathizing with such evil. It was a small step, but an unnecessary one. And it should be retraced.

**We must fight and win the WOT – Even if ideology is important, war is necessary in the short term**

Ralph **Peters**, Former Military Officer and Author, Parameters, Summer 20**04**

It is not a matter of whether attrition is good or bad. It’s necessary. Only the shedding of their blood defeats resolute enemies. Especially in our struggle with God-obsessed terrorists—the most implacable enemies our nation has ever faced—there is no economical solution. Unquestionably, our long-term strategy must include a wide range of efforts to do what we, as outsiders, can to address the environmental conditions in which terrorism arises and thrives (often disappointingly little—it’s a self-help world). But, for now, all we can do is to impress our enemies, our allies, and all the populations in between that we are winning and will continue to win.

The only way to do that is through killing.

The fifth edition of the *Shorter Oxford English Dictionary* defines to “attrit” as to “wear down in quality or quantity by military attrition.” That sounds like the next several years, at least, of the War on Terror. The same dictionary defines “attrition” as “the gradual wearing down of an enemy’s forces in sustained warfare.” Indeed, that is exactly what we shall have to do against religious terrorists. There is no magic maneuver waiting to be plotted on a map. While sharp tactical movements that bring firepower to bear will bring us important successes along the way, this war is going to be a long, hard slog.

The new trenches are ideological and civilizational, involving the most fundamental differences human beings can have—those over the intentions of God and the roles of men and women. In the short term, we shall have to wear down the enemy’s forces; in the longer term, we shall have to wear down the appeal of his ideas. Our military wars of attrition in the 21st century will be only one aspect of a vast metaphysical war of attrition, in which the differences between the sides are so profound they prohibit compromise.

As a result of our recent wars and lesser operations, we have the best-trained, best-led, best-equipped, and most experienced ground forces in the world in our Army and Marine Corps. Potential competitors and even most of our traditional allies have only the knowledge of the classroom and the training range, while we have experience of war and related operations unparalleled in our time. We have the most impressive military establishment, overall, in military history.

Now, if only we could steel ourselves to think clearly and speak plainly: There is no shame in calling reality by its proper name. We are fighting, and will fight, wars of attrition. And we are going to win them.

**Regulating speech only leads to the proliferation of the restricted term**

Judith **Butler**, Professor of Comparative Literature UC-Berkeley, 19**97**

[*Excitable Speech*]

Paradoxical production of speech by censorship works in implicit and inadvertent ways. Thus, it becomes important to distinguish between explicit and implicit censorship. The latter refers to implicit operations of power that rule out in unspoken ways what will remain unspeakable. In such cases, no explicit regulation is needed in which to articulate this constraint. The operation of implicit and powerful forms of censorship suggests that the power of censor is not exhausted by explicit state policy or regulation. Such implicit forms of censorship may be, in fact, more efficacious than explicit forms in enforcing a limit on speakability. Explicit forms of censorship are exposed to a certain vulnerability precisely through being more readily legible. The regulation that states what it does not want stated thwarts its own desire, conducting a performative contradiction that throws into question that regulation capacity to means and do what it says, that is, its sovereign pretension. Such regulation introduces the censored speech into public discourse, thereby establishing it in a state of contestations is, as the scene of public utterance that is sought to preempt.

A case and point was discussed in the previous chapter: the congressional statute passed in October of 1994 put into law the “don’t ask, don’t tell” policy on homosexual self-declaration in the military. The statute did not constrain reference to homosexuality in the military, but proliferated such references in its own supporting documentation and in the public debates fostered on the issue. The point of the statute was not only to limit the “cornering out” of military personnel, but to establish that such self-ascriptive speech constitutes either a form of homosexual conduct or a sign that a propensity to engage in homosexual conduct is likely. The military thus engaged in a rather protracted discussion on the matter of what is to be considered “homosexual” and how speech and conduct is to be distinguished, and whether it can or should be. The regulation of the term “homosexual” is thus not a simple act of censorship or silencing. The regulation redoubles the term it seeks to constrain, and can only effect this constraint through this paradoxical redoubling. The term is not itself unspeakable, but only becomes unspeakable in those contexts in which one uses it to describe oneself and fails to make an adequate or convincing distinction between that ascription of a status and the intention to engage in homosexual conduct.

Thus, the effort to constrain the term culminates in its very proliferation – an unintended effect of legal discourse. The term not only appears in the regulation as that discourse to be regulated, but reappears in the public debate over its fairness and value specifically as the conjured or imagined act of self-ascription that is explicitly exploited by the regulation.

**Terrorism is inevitable – by being prepared for it the damage can be delayed and lessened – the negative makes the world as safe as possible**

**Buffalo News** (New York), **May 10, 2002**

[“Homeland Security”, lexis]

Ridge is right in his assessment of two truths about terrorism – that it is inevitable, and that the threat has become permanent. But that does not mean that the risk can’t be lessened, or the damage limited, by preparedness.

Homeland security measures must aim to make terrorism as difficult, and therefore as rarely successful, as possible. They must include development of skillful and rapid local, state and federal responses to such tragedies whenever and wherever they occur, to limit both the effect of attacks and the extent of the wider-ranging terror they are meant to cause. And while other government agencies, particularly diplomats and the military, work to eliminate the sources and causes of terrorism abroad, homeland security agencies must seek the capability to warn of and inhibit impending attacks here.

The next attack on America is likely to involve conventional explosives, which are relatively easy to deliver. But terrorists’ willingness to deliver and use weapons of any sort against American targets offers additional reason for concern about “BNC” – biological, nuclear or chemical – attacks, including “dirty” bombs that use conventional explosives to scatter radioactive waste materials.

That threat underlies the American campaign to end Saddam Hussein’s regime in Iraq – and its potential to develop weapons of mass destruction – and U.S. concern over possible biological weapons development in Iran, Libya and Syria. It’s also why the world has a stake in finding a way to bring peace to the Middle East before a terrorist attacks Israel or the United States with more than a homemade bomb wrapped around his body.

The potential link between terrorism and weapons of mass destruction is increasingly likely and worrisome. Because of that threat, America rightly pursues military efforts abroad to root out terrorist networks and exerts diplomatic pressure on other nations to curtail support of terrorists.   
As Ridge hammers out the details of his strategy, though, there can be no lessening of congressional and public support for the effort to close security gaps and make the American homeland as safe as humanly possible.

**It is impossible to stop defining “terrorism”**

Michael **Kinsley**, editor of Slate, 20**01**

[“Defining Terrorism”]

The most accurate definition of terrorism may be the famous Potter Stewart standard of obscenity: “I know it when I see it.”

Unfortunately, that kind of frankness would rob the term of its moral power – and, more important of course, most of its propaganda power as well.

Now may seem like an odd moment to be worrying that one person’s terrorist is another person’s freedom fighter. If ever there was a man of violence who didn’t pose this issue, it was Osama Bin Laden. Bin Laden is triply easy to classify. First, the attack of Sept. 11, assuming he was responsible for it, was a murderous scale that makes quibbling over definitions seem absurd. Second, his political vision is the opposite of freedom: a repressive clerical state. Third, his method is “terrorism” in the narrowest definitional sense. It is designed to spread terror, almost apart from any larger goal.

#### Terrorism is a moral evil that obliterates the possibility for politics—there’s no compromise solution

ELSHTAIN 2007 (Jean Bethke Elshtain is the Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago, The Price Of Peace: Just War in the Twenty-First Century, Edited by Charles Reed and David Ryall)

‘Terrorism’ is twisted beyond recognition if we claim that it applies to anyone anywhere fighting for a cause, with labels applied whether one ‘dislikes’ it or not. Terrorists are those who kill unarmed people they consider their ‘objective enemies’, no matter what those people may or may not have done. ‘Terrorist’ and ‘terrorism’ entered ordinary language to designate a specific phenomenon: killing directed against all ideological enemies indiscriminately and often outside the context of a legal war between combatants fighting under the legitimate authority of a state. According to the logic of terrorism, those designated enemies – as Osama bin Laden calls all ‘Americans, Jews and infidels’, for example – can legitimately be killed no matter what they are doing, where they are, whether they are young or old, male or female, healthy or infirm. It suffices for them to be Jews, or Americans or infidels – just as it sufficed under totalitarian terror to be a Jew, a Slav, a class enemy and the like. The enemy is always depicted without nuance and includes all members of a condemned and despised category, no matter what they are doing, where they are, or whether, indeed, they do or do not bear arms or can in any way resist. As noted above, terror first entered Western political vocabulary during the French Revolution. Those who guillotined thousands in the Place de la Concorde in Paris were pleased to speak of ‘revolutionary terror’ as justice. Since the French Revolution, a complex, subtle and generally accepted international language has emerged to make critical distinctions between different kinds of violent acts. Combatants are distinguished from non-combatants. A massacre is different from a battle. An ambush is different from a fire-fight.When Americans look back with sadness and shame at horrors like the My Lai massacre during the VietnamWar, that is what they have in mind. Those who called the slaughter of more than four hundred unarmed men, women and children a ‘battle’ were regarded as having taken leave of their senses, perhaps because they were so determined to justify anything that America did in the Vietnam War that they had lost their moral moorings. A terrorist sows terror. Terror subjects its victims or would-be victims to paralysing fear. The political theorist Michael Walzer notes: Terrorism’s purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. If one wishes fear to spread and intensify over time, it is not desirable to kill specific people identified in some particular way with a regime, a party, or a policy. Death must come by chance.3 Walzer develops this theme further when he writes: In a sense, indeed, terrorism is worse than rape or murder commonly are, for in the latter cases the victim has been chosen for a purpose; he or she is the direct object of attack, and the attack has some reason, however twisted or ugly it may be. The victims of a terrorist attack are third parties, innocent bystanders; there is no special reason for attacking them; anyone else within a large class of (unrelated) people will do as well. The attack is directed indiscriminately against the entire class. Terrorists are like killers on a rampage, except that their rampage is not just expressive of rage or madness; the rage is purposeful and programmatic. It aims at a general vulnerability: kill these people in order to justify those . . . This, then, is the peculiar evil of terrorism – not only the killing of innocent people but also the intrusion of fear into everyday life.4 Terrorism is, then, the random murder of the innocent because of who they are rather than anything they have done – because they are in some way associated with, or members of, the enemy the terrorist seeks to destroy. The reference to innocence, of course, is not to moral innocence, for none among us can claim that. It refers instead to our inability to defend ourselves from murderous attacks as we go about everyday life. In other words, civilians are not combatants. Terrorists who engage in the random slaughter of innocents are not interested in the subtleties of diplomacy or in compromise solutions to political questions. At times, targets – pizza parlours, restaurants, buses – are random, too. They are targets of convenience. Sometimes the targets are selected – the World Trade Center – but who is within them at a particular moments is a matter of indifference. Terrorists have, as political theorist Hannah Arendt argued, taken leave of politics. They have embraced what she calls the ‘instrumentalities of violence’ rather than the complexities of generating political power to struggle for doable social and political change.5

### 2nc a/t: discourse doesn’t shape reality

**Turn – terrorists have religious motivations that make discourse and compromise meaningless – the only way to win is to kill them before they kill us**

**Peters, 04**

(Ralph, Retired Army Officer, “In Praise of Attrition,” Parameters, Summer)

Trust me. We don’t need discourses. We need plain talk, honest answers, and the will to close with the enemy and kill him. And to keep on killing him until it is unmistakably clear to the entire world who won. When military officers start speaking in academic gobbledygook, it means they have nothing to contribute to the effectiveness of our forces. They badly need an assignment to Fallujah. Consider our enemies in the War on Terror. Men who believe, literally, that they are on a mission from God to destroy your civilization and who regard death as a promotion are not impressed by elegant maneuvers. You must find them, no matter how long it takes, then kill them. If they surrender, you must accord them their rights under the laws of war and international conventions. But, as we have learned so painfully from all the mindless, left-wing nonsense spouted about the prisoners at Guantanamo, you are much better off killing them before they have a chance to surrender. We have heard no end of blather about network-centric warfare, to the great profit of defense contractors. If you want to see a superb—and cheap—example of “net-war,” look at al Qaeda. The mere possession of technology does not ensure that it will be used effectively. And effectiveness is what matters. It isn’t a question of whether or not we want to fight a war of attrition against religion-fueled terrorists. We’re in a war of attrition with them. We have no realistic choice. Indeed, our enemies are, in some respects, better suited to both global and local wars of maneuver than we are. They have a world in which to hide, and the world is full of targets for them. They do not heed laws or boundaries. They make and observe no treaties. They do not expect the approval of the United Nations Security Council. They do not face election cycles. And their weapons are largely provided by our own societies. We have the technical capabilities to deploy globally, but, for now, we are forced to watch as Pakistani forces fumble efforts to surround and destroy concentrations of terrorists; we cannot enter any country (except, temporarily, Iraq) without the permission of its government. We have many tools—military, diplomatic, economic, cultural, law enforcement, and so on—but we have less freedom of maneuver than our enemies. But we do have superior killing power, once our enemies have been located. Ultimately, the key advantage of a superpower is superpower. Faced with implacable enemies who would kill every man, woman, and child in our country and call the killing good (the ultimate war of attrition), we must be willing to use that power wisely, but remorselessly. We are, militarily and nationally, in a transition phase. Even after 9/11, we do not fully appreciate the cruelty and determination of our enemies. We will learn our lesson, painfully, because the terrorists will not quit. The only solution is to kill them and keep on killing them: a war of attrition. But a war of attrition fought on our terms, not theirs. Of course, we shall hear no end of fatuous arguments to the effect that we can’t kill our way out of the problem. Well, until a better methodology is discovered, killing every terrorist we can find is a good interim solution. The truth is that even if you can’t kill yourself out of the problem, you can make the problem a great deal smaller by effective targeting. And we shall hear that killing terrorists only creates more terrorists. This is sophomoric nonsense. The surest way to swell the ranks of terror is to follow the approach we did in the decade before 9/11 and do nothing of substance. Success breeds success. Everybody loves a winner. The clichés exist because they’re true. Al Qaeda and related terrorist groups metastasized because they were viewed in the Muslim world as standing up to the West successfully and handing the Great Satan America embarrassing defeats with impunity. Some fanatics will flock to the standard of terror, no matter what we do. But it’s far easier for Islamic societies to purge themselves of terrorists if the terrorists are on the losing end of the global struggle than if they’re allowed to become triumphant heroes to every jobless, unstable teenager in the Middle East and beyond. Far worse than fighting such a war of attrition aggressively is to pretend you’re not in one while your enemy keeps on killing you. Even the occupation of Iraq is a war of attrition. We’re doing remarkably well, given the restrictions under which our forces operate. But no grand maneuvers, no gestures of humanity, no offers of conciliation, and no compromises will persuade the terrorists to halt their efforts to disrupt the development of a democratic, rule-of-law Iraq. On the contrary, anything less than relentless pursuit, with both preemptive and retaliatory action, only encourages the terrorists and remaining Baathist gangsters.

### 2nc new impact

**Nuclear war would cause authoritarianism, racism, xenophobia, sexism, and religious intolerance**

**FME 2006** (For Mother Earth, “The Effects of Nuclear Weapons,” Last Modified 4-17-06, http://www.motherearth.org/nuke/begin2.php)

To understand the effects of a nuclear war it is important to distinguish it from conventional war or a natural disaster. In particular, all the factors that would make it possible to cope with a normal emergency situation would be lacking: limited damage, a relatively small number of casualties, surviving political or social leadership, a desire to perform common emergency work rather than look after ones own family, large reservoirs of external, easily mobilized skilled workers, material resources, and organizational skills.

The massive and simultaneous destruction of economic and human resources would result in an inability to provide immediate and sufficient human and material aid to damaged areas. There will be no time to adapt and to innovate as nations did in World War II. More importantly, the lack of outside aid would create a sense of individual and common isolation. Aid symbolizes a reconnection with a larger, normal world. This connection helps provide the impetus for rebuilding the damaged society, creating a sense of vitality and ability to dispel the continuing perception of isolation. It also has an important function for binding together society, restating a common thread of hope and shared aspirations.

Economic destruction, loss of political leadership (especially at the local level), and the need to mobilize resources for relief and recovery would present extraordinary demands on weakened political institutions. In the interest of implementing survival programs, legal norms and practices would have to be suspended for prolonged periods in many areas. The character of political institutions and authority would almost certainly change, especially if hostilities or the threat of hostilities persisted. Both old and new political structures would be likely to suffer from greatly reduced credibility. Decentralization of political power and more authoritarian methods of political, social, and economic control would be probable responses to post-attack conditions.

However, even before any outbreak of nuclear war, the presence of nuclear weapons has an enormous potential to distort social and economic priorities. Each of the nuclear weapons states has spent billions of dollars on constructing, maintaining and protecting its nuclear weapons. It is not necessary to point out that this money could have been better spent on providing health care, education or other public services.

The development of nuclear weapons also makes it necessary to create an unaccountable "nuclear elite", made up of scientists, military and civil servants, who work largely in secret to control the development, testing and deployment of nuclear weapons. This makes the presence of nuclear weapons incompatible with a democratic society.

It is possible to link an increased importance of the military, and a general increase in militarism, to a growth of xenophobia, racial and religious intolerance, as well as male chauvinism.

#### The plan collapses intelligence gathering --- sources dry up when their intelligence is used in court --- destroys the heart of counter-terror policy

Delery Et.al. ’12 - Principal Deputy, Assistant Attorney General, Civil Division, DOJ

Principal Deputy, Assistant Attorney General, Civil Division, STUART F. DELERY

Defendants' Motion to Dismiss, United States' Statement of Interest, Case 1:12-cv-01192-RMC Document 18 Filed 12/14/12 Page 1 of 58, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 12/14/2012

Third. Plaintiffs' claims raise the specter of disclosing classified intelligence information in open court. The D.C. Circuit has recognized that "the difficulties associated with subjecting allegations involving CIA operations and covert operatives to judicial and public scrutiny" are pertinent to the special factors analysis. Wilson, 535 F.3d at 710. In such suits, "'even a small chance that some court will order disclosure of a source's identity could well impair intelligence gathering and cause sources to close up like a clam."'1 Id. (quoting Tenet v. Doe, 544 U.S. 1,11 (2005)). And where litigation of a plaintiffs allegations "would inevitably require an inquiry into "classified information that may undermine ongoing covert operations,"\* special factors apply. Wilson, 535 F.3d at 710 (quoting Tenet, 544 U.S. at 11). See also Vance, 2012 WL 5416500 at "8 ("When the state-secrets privilege did not block the claim, a court would find it challenging to prevent the disclosure of secret information.11); Lebron, 670 F.3d at 554 (noting that the "chilling effects on intelligence sources of possible disclosures during civil litigation and the impact of such disclosures on military and diplomatic initiatives at the heart of counterterrorism policy1' are special factors); Arar, 585 F.3d at 576 (holding that the risk of disclosure of classified information is a special factor in the "extraordinary rendition" context).

#### Intelligence sharing is key to NATO effectiveness—solves war

Martin J. Ara 11, Lieutenant, United States Navy M.S., London School of Economics, AND Thomas Brand Lieutenant, Colonel, German Army B.S., University of the German Federal Armed Forces Munich, , AND Brage Andreas Larssen, Major, Norwegian Army B.S., Norwegian Military Academy, Oslo, December 2011, “HELP A BROTHER OUT: A CASE STUDY IN MULTINATIONAL INTELLIGENCE SHARING, NATO SOF,” <http://www.dtic.mil/dtic/tr/fulltext/u2/a556078.pdf>

\*Note: SOF = Special Operation Forces

NATO’s essential purpose is to safeguard the freedom and security of all its members via political and military means in accordance with the North Atlantic Treaty and the principles of the United Nations Charter.3 “There is a common perspective among a variety of defense and security establishments around the world that the nature of the current and future security environment we face presents complex and irregular challenges that are not readily apparent and are difficult to anticipate.”4 SOF is being singled out and recognized as a key component of the North Atlantic Treaty Organization (NATO) alliance in the fight against contemporary and future threats, because SOF is “ideally suited to [the] ambiguous and dynamic irregular environment” facing NATO.5¶ SOF has traditionally been considered a national asset. NATO had no history of utilizing SOF in the Alliance when NATO nations first assumed responsibility for the conflicts in the Balkans. However the lessons learned during those conflicts were not applied due to a lack of a central NATO SOF entity until the NATO Riga summit of 2006. On December 22, 2006, Admiral William McRaven was appointed Director of the NATO SOF Coordination Center (NSCC) and ordered to start the transformation process. Three years later, on March 1, 2010, the NATO SOF Headquarters (NSHQ) was formally established as a three-star headquarters within the Alliance in Mons, Belgium.6¶ According to its mission statement, the purpose of NSHQ is twofold. First, it must optimize the employment of SOF by the Alliance. NSHQ further describes this as “the intention to make the employment of SOF as perfect, efficient, and effective as possible, so as to deliver to the Alliance a highly agile Special Operations capability across the range of military operations.”7 Second, it must provide a command capability when so directed by Supreme Allied Commander Europe (SACEUR). NSHQ further describes this as “the ability to deploy a robust C4I capability and enablers for the support and employment of SOF in NATO operations.”8 To be able to carry out successful special operations in support of the current and future operating environments, the Alliance needs adequate interoperability, command and control, and intelligence structures. ¶ Even amongst the closest allies, challenges in intelligence sharing remain. During the early years of Operation Iraqi Freedom, British operators were denied access to intelligence fused by the U.S. that the British had gathered themselves. The issue became so contentious that it had to be raised by British and Australian Prime Ministers with the U.S. President to be resolved.9 Having realized that intelligence sharing is always a compromise between the need to share and the need to protect (even with the best-designed organizations, much less a large, multinational, bureaucratic organization), the NSHQ has developed an innovative approach to solving its intelligence deficiencies. It has created its own organic intelligence collection, analysis, and exploitation capability. It has also acquired its own equipment and created a robust NATO SOF training facility and training program to supplement intelligence flow to NATO SOF forces.!¶ B. BACKGROUND ¶ Special operations often test the limits of both equipment and personnel. This extremity introduces a significant degree of uncertainty or “fog of war.” Success in special operations dictates that the uncertainty associated with the enemy, weather, and terrain must be minimized through access to best available intelligence.10 Most special operations conducted nationally benefit from access to the best national intelligence available. However, because of classification issues, special operations by international coalitions often lack access to the best available intelligence. This absence increases the likelihood of operational failure and further risks the personal safety of the operators. ¶ NATO (and many of the individual member states) foresees a future threat environment shaped by unconventional threats such as transnational crime, terrorist attacks, and the proliferation of weapons of mass destruction.11 There are so many similarities in threats projected by the NATO member states and by official NATO strategy it is easy to conclude that a common enemy exists: transnational problems require transnational solutions. The complexities in the international order and the “significant challenges to the intelligence system [that] arise in targeting groups such as al-Qaeda due to their networked and volatile structure”12 make multinational intelligence sharing requisite. There is much to gain from multinational cooperation. The expected continued decline in military budgets and limited SOF human resources make burden-sharing and proper division of labor even more appropriate. ¶ C. PURPOSE AND SCOPE ¶ Intelligence is a decisive factor, sometimes the decisive factor, in special operations. As such, the NSHQ’s ultimate success will rely on its ability to solve some of the perennial problems related to intelligence sharing within coalitions. The newly established NSHQ in Mons, Belgium serves as an excellent testing ground to analyze SOF intelligence sharing issues within a coalition. NSHQ is attempting to streamline and optimize the intelligence available to NATO SOF units.

#### NATO prevents global nuclear war

Zbigniew Brzezinski 9, former U.S. National Security Advisor, the Robert E. Osgood Professor of American Foreign Policy at Johns Hopkins University's School of Advanced International Studies, September/October 2009, “An Agenda for NATO,” Foreign Affairs

And yet, it is fair to ask: Is NATO living up to its extraordinary potential? NATO today is without a doubt the most powerful military and political alliance in the world. Its 28 members come from the globe’s two most productive, technologically advanced, socially modern, economically prosperous, and politically democratic regions. Its member states’ 900 million people account for only 13 percent of the world’s population but 45 percent of global GDP.

NATO’s potential is not primarily military. Although NATO is a collective-security alliance, its actual military power comes predominantly from the United States, and that reality is not likely to change anytime soon. NATO’s real power derives from the fact that it combines the United States’ military capabilities and economic power with Europe’s collective political and economic weight (and occasionally some limited European military forces). Together, that combination makes NATO globally significant. It must therefore remain sensitive to the importance of safeguarding the geopolitical bond between the United States and Europe as it addresses new tasks.

The basic challenge that NATO now confronts is that there are historically unprecedented risks to global security. Today’s world is threatened neither by the militant fanaticism of a territorially rapacious nationalist state nor by the coercive aspiration of a globally pretentious ideology embraced by an expansive imperial power. The paradox of our time is that the world, increasingly connected and economically interdependent for the first time in its entire history, is experiencing intensifying popular unrest made all the more menacing by the growing accessibility of weapons of mass destruction - not just to states but also, potentially, to extremist religious and political movements. Yet there is no effective global security mechanism for coping with the growing threat of violent political chaos stemming from humanity’s recent political awakening.

The three great political contests of the twentieth century (the two world wars and the Cold War) accelerated the political awakening of mankind, which was initially unleashed in Europe by the French Revolution. Within a century of that revolution, spontaneous populist political activism had spread from Europe to East Asia. On their return home after World Wars I and II, the South Asians and the North Africans who had been conscripted by the British and French imperial armies propagated a new awareness of anticolonial nationalist and religious political identity among hitherto passive and pliant populations. The spread of literacy during the twentieth century and the wide-ranging impact of radio, television, and the Internet accelerated and intensified this mass global political awakening.

In its early stages, such new political awareness tends to be expressed as a fanatical embrace of the most extreme ethnic or fundamentalist religious passions, with beliefs and resentments universalized in Manichaean categories. Unfortunately, in significant parts of the developing world, bitter memories of European colonialism and of more recent U.S. intrusion have given such newly aroused passions a distinctively anti-Western cast. Today, the most acute example of this phenomenon is found in an area that stretches from Egypt to India. This area, inhabited by more than 500 million politically and religiously aroused peoples, is where NATO is becoming more deeply embroiled.

Additionally complicating is the fact that the dramatic rise of China and India and the quick recovery of Japan within the last 50 years have signaled that the global center of political and economic gravity is shifting away from the North Atlantic toward Asia and the Pacific. And of the currently leading global powers—the United States, the EU, China, Japan, Russia, and India—at least two, or perhaps even three, are revisionist in their orientation. Whether they are “rising peacefully” (a self-confident China), truculently (an imperially nostalgic Russia) or boastfully (an assertive India, despite its internal multiethnic and religious vulnerabilities), they all desire a change in the global pecking order. The future conduct of and relationship among these three still relatively cautious revisionist powers will further intensify the strategic uncertainty.

Visible on the horizon but not as powerful are the emerging regional rebels, with some of them defiantly reaching for nuclear weapons. North Korea has openly flouted the international community by producing (apparently successfully) its own nuclear weapons - and also by profiting from their dissemination. At some point, its unpredictability could precipitate the first use of nuclear weapons in anger since 1945. Iran, in contrast, has proclaimed that its nuclear program is entirely for peaceful purposes but so far has been unwilling to consider consensual arrangements with the international community that would provide credible assurances regarding these intentions. In nuclear-armed Pakistan, an extremist anti-Western religious movement is threatening the country’s political stability.

## Indefinite Detention

### 2nc no impact to aff

**Democracy checks**

**O’Kane 97 –** Prof Comparative Political Theory, U Keele (Rosemary, “Modernity, the Holocaust and politics,” Economy and Society 26:1, p 58-9, AG)

Modern bureaucracy is not 'intrinsically capable of genocidal action' (Bauman 1989: 106). Centralized state coercion has no natural move to terror. In the explanation of modern genocides it is chosen policies which play the greatest part, whether in effecting bureaucratic secrecy, organizing forced labour, implementing a system of terror, harnessing science and technology or introducing extermination policies, as means and as ends. As Nazi Germany and Stalin's USSR have shown, furthermore, those chosen policies of genocidal government turned away from and not towards modernity. The choosing of policies, however, is not independent of circumstances. An analysis of the history of each case plays an important part in explaining where and how genocidal governments come to power and analysis of political institutions and structures also helps towards an understanding of the factors which act as obstacles to modern genocide. But it is not just political factors which stand in the way of another Holocaust in modern society. Modern societies have not only pluralist democratic political systems but also economic pluralism where workers are free to change jobs and bargain wages and where independent firms, each with their own independent bureaucracies, exist in competition with state-controlled enterprises. In modern societies this economic pluralism both promotes and is served by the open scientific method. By ignoring competition and the capacity for people to move between organizations whether economic, political, scientific or social, Bauman overlooks crucial but also very 'ordinary and common' attributes of truly modern societies. It is these very ordinary and common attributes of modernity which stand in the way of modern genocides.

### 2nc otherization inevitable – top level

#### Extend 1NC Rasch – otherization is the best way to stop violence in specific instances – absent otherization against a violent enemy – distinctions will continue to exist and otherization will shift to other individuals – if there is a limit to the war like the war on terror that is a far superior option than completely eliminating war and allowing endless state violence.

#### That is the alternative – endless state violence because universality is impossible – beginning at conflict is the only way to adequately understand the world because that enables the prevention of replicating violence – on the other hand –

#### Rejecting otherization causes paranoid backlash causing that form of violence

**Reinhard 4** – Professor of Comparative Literature, UCLA (Kenneth, Towards a Political-Theology of the Neighbor, http://www.cjs.ucla.edu/Mellon/Towards\_Political\_Theology.pdf, AG)

A world not anchored by the “us” and “them” binarisms that flourished as recently as the Cold War is one subject to radical instability, both subjectively and politically, as Jacques Derrida points out in The Politics of Friendship: The effects of this destructuration would be countless: the ‘subject’ in question would be looking for new reconstitutive enmities; it would multiply ‘little wars’ between nation-states; it would sustain at any price so-called ethnic or genocidal struggles; it would seek to pose itself, to find repose, through opposing still identifiable adversaries – China, Islam? Enemies without which … it would lose its political being … without an enemy, and therefore without friends, where does one then find oneself, qua a self? (PF 77) If one accepts Schmitt’s account of the political, the disappearance of the enemy results in something like global psychosis: since the mirroring relationship between Us and Them provides a form of stablility, albeit one based on projective identifications and repudiations, the loss of the enemy threatens to destroy what Lacan calls the “imaginary tripod” that props up the psychotic with a sort of pseudo-subjectivity, until something causes it to collapse, resulting in full-blown delusions, hallucinations, and paranoia. Hence, for Schmitt, a world without enemies is much more dangerous than one where one is surrounded by enemies; as Derrida writes, the disappearance of the enemy opens the door for “an unheard-of violence, the evil of a malice knowing neither measure nor ground, an unleashing incommensurable in its unprecedented – therefore monstrous – forms; a violence in the face of which what is called hostility, war, conflict, enmity, cruelty, even hatred, would regain reassuring and ultimately appeasing contours, because they would be identifiable” (PF 83).

#### They can’t access any of their generic ‘otherization bad’ offense—enmity is inevitable–the only question is whether or not terror is a better threat to respond to than some constructed enemy

**Harris 4** – Essayist for Policy Review (Lee, Policy Review is one of America's leading conservative journals. It was founded by the Heritage Foundation and was for many years the foundation's flagship publication. In 2001, the publication was acquired by the Stanford, California-based Hoover Institution, though it maintains its office on Washington, D.C.'s Dupont Circle. “Civilization and its Enemies”, <http://www.freerepublic.com/focus/f-news/1260214/posts>, MT)

Forgetfulness occurs when those who have been long accustomed to civilized order can no longer remember a time in which they had to wonder whether their crops would grow to maturity without being stole or whether their children would be sold into slavery by a victorious foe. Even then it is necessary for parents, and even grandparents, to have forgotten as well, so that there is no living link between the tranquility of the present generation and those dismal periods in which the world behaved very much in accordance with the rules governing Thomas Hobbes’ state of nature, where human life was “solitary, poore, nasty, brutish and short.” When parents have forgotten what that world was like, they can hardly be expected to teach their children how it was or what one had to do in order to survive in it. Civilized people forget that in order to produce a civilization there must be what German sociologist Norbert Elias ahs called “the civilizing process,” and that this process, if it is to be successful, must begin virtually at our birth, and hence many long years before the child can have any say about the kind of training that he would have preferred. They forget that the civilizing process we undergo must duplicate that of our neighbors, if we are to understand each other in our day-to0-day intercourse. If you are taught to spit at a man who offers to shake your hand, and do when I offer mine, we will not easily get along. Civilized people forget how much work it is not to kill one’s neighbors, simply because this work was done by our ancestors so that it could be willed to us as an heirloom. They forget that in time of danger, in the face of the enemy, they must trust and confide in each other, or perish. They forget that to fight an enemy it is necessary to have a leader whom you trust, and how, at such times, this trust is a civic duty and not evidence of one’s credulity. They forget, in short, that there has ever been a category of human experience called the enemy. That, before 9/11, was what had happened to us. The very concept of the enemy had been banished from our moral and political vocabulary. An enemy was just a friend we hadn’t done enough for yet. Or perhaps there had been a misunderstanding, an oversight on our part-something that we could correct. Our first task therefore is to try to grasp what the concept of the enemy really means. The enemy is someone who is willing to die in order to kill you. And **while it is true that the enemy always hates us for a reason, it is his reason and not ours**. He does not hate us for our faults any more than for our virtues. ~~He~~ sees a different world from ours, and in he world he sees, we are ~~his~~ enemy. That is hard for us to comprehend, but we must if we are to grasp what the concept of the enemy means. For Himmler, the Jewish children whom he ordered the SS to murder were the enemy because they would grow up to avenge the death of their fathers, who had been the enemy before them. We have killed their parents; they will want to kill our children. Hence we have no choice but to kill them first. The fact that they had done nothing themselves, and were incapable of doing anything themselves, was irrelevant. This is how mankind always thought of the enemy- as the one who, if you do not kill him first, will sooner or later kill you///

. And those who see the world this way see it very differently from those who do not. This is the major fact of our time. We are caught in the midst of a conflict between those for whom the category of the enemy is essential to their way of organizing all human experience and those who have banished even the idea of the enemy from both public discourse and even their innermost thoughts. But those who abhor thinking of the world through the category of the enemy must still be prepared to think about the category of the enemy. That is, even if you refuse to think of anyone else as an enemy, you must acknowledge that there are people who do in fact think this way. Yet even this minimal step is a step that many of our leading intellectuals refuse to take, despite the revelation that occurred on 9/11. they want to see 9/11 as a means to an end and not an end in itself. But 9/11 was an end in itself, and that is where we must begin. Why do they hate us? They hate us because we are their enemy.…It is the enemy who defines us as his enemy, and in making this definition he changes us, and changes us whether we like it or not. We cannot be the same after we have been defined as an enemy as we were before. That is why those who uphold the values of the Enlightenment so often refuse to recognize that those who are trying to kill us are their enemy. They hope that by pretending that the enemy is simply misguided, or misunderstood, or politically immature, he will cease to be an enemy. This is an illusion. To see the enemy as someone who is merely an awkward negotiator of sadly lacking in savoir faire and diplomatic aplomb is perverse. It shows contempt for the depth and sincerity of his convictions, a terrible mistake to make when you are dealing with someone who wants you dead. We are the enemy of those who murdered us on 9/11. **And if you are an enemy, then you have an enemy**. When you recognize it, this fact must change everything about the way you see the world.

**Turn - embrace of the other turns their end goals – creates a mentality of the unjust enemy – friend/enemy ethic is key**

**Prozorov 06** (Sergei, Professor of International Relations at Petrozavodsk State University, Russia, “Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism,” Millenium Vol 35 no 1, December 2006, 75-99, dml)

What interests us in this modality of the friend–enemy distinction is the explicit requirement of equality between opponents in the common space of the ‘regulated contest of forces’. Indeed, the ontological equality of the self and the enemy is a fundamental characteristic of Schmitt’s thought that strongly contrasts with the asymmetric constellation of the self–other interaction in the ‘poststructuralist ethics’ of Levinas and Derrida.29 While for the latter the asymmetrical relation, whereby the Other calls the Self in question, is a prerequisite for the assumption of a genuinely ethical ‘responsibility’, for Schmitt any asymmetry, privileging either the Self or the Other, paves the way for absolute enmity and the actualisation of the ‘most extreme possibility’ of existential negation. For Schmitt, being called in question by the Other is not in itself an ethical but simply a horrifying experience of the possibility of violent death. What makes the encounter with the Other contingently ethical is precisely the possibility of the resolution of this asymmetry in the establishment of an empirical equality that actualises the equality that is always already inscribed in the transcendental function of the friend–enemy distinction: after all, in Schmitt’s ontology of radical alterity any two subjects are equal simply by virtue of beingwhollydifferent from each other.30 Schmitt’s normative preference for the Westphalian modality of enmity is therefore conditioned both by its correspondence to the ontological condition of equality-in-alterity and the desire to avoid the absolutisation of hostility that is inherent in any asymmetrical self–other interaction. What made possible the actualisation of ontological equality in the Westphalian period was the exclusion of all substantive (moral, economic or aesthetic) criteria, on the basis of which the properties or actions of any party could be deemed ‘unjust’, thus permitting the appropriation of the justa causa by the other party. In contrast, the ultrapolitical constellation, discussed by Zizek, is marked precisely by the presence of positive normative content in the positions of the opponents, whose incommensurability precludes the existence of a common ground between them. In this constellation, the Self inevitably perceives the Other not as a legitimate existential equal, but as a pure negation of the normative principles of the Self, the otherness of the Other reduced to a mere denial of the Self. Insofar as these normative principles are treated by the Self as unproblematic and unchallengeable, the enemy, viewed in solely negative terms of their refusal, becomes not merely the adversary in a regulated contest but an object of hate and revulsion, or, in Schmitt’s terms, an inimicus rather than a hostis.

#### No offense—we only endorse enmity when there’s a real threat

**Odysseos 2** – Senior Lecturer in International Relations at the University of Sussex, UK (Louiza “Dangerous Ontologies: The Ethos of Survival and Ethical Theorizing in International Relations” Review of International Studies, Vol. 28, No. 2 (Apr., 2002), pp. 403-418 Published by: Cambridge University Press, JSTOR, p. 411-413, MT)

This antithesis revokes the notion of transcendence by restricting the occurrence of the state of nature to the moment when the political distinction between friend and enemy is made. For Schmitt, the distinction between friend and enemy is decided only in the extreme case, that is, it is an exception rather than the norm. The enemy is not omnipresent but can only be decided as an enemy if he poses an existential threat. The enemy, Schmitt writes, is 'the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible'.50 However, the enemy is not defined as every other one encounters in coexisting; on the contrary, Schmitt's reference to 'enemy' is to the public enemy, decided upon by the state and restricted to another collectivity. 'An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity.'51 The enemy is *hostis*, not *inimicus*, and, therefore, everyday political adversaries cannot be 'enemies'. The political antithesis of friend/enemy is only drawn when a distinct political entity is faced with the possibility of dying and of killing. By allowing the political to coalesce around the extreme case, Schmitt challenged the possibility of transcending the state of nature in international politics and, hence, called into question the very possibility that the liberal practice of law and the establishment of international institutions could promote peace and prevent war. If the state of nature can be transcended then 'the political' is threatened.52 The affirmation of the primacy of 'the political' in the extreme case eliminates, then, the possibility of transcendence. The impossibility of transcendence is further strengthened by the fact that, although every distinction draws upon other distinctions to reinforce itself, the political distinction remains autonomous. The friend/enemy distinction may be asserted without such recourse to the moral, the aesthetic, the economic, the religious: the state is able to distinguish who is the enemy solely by judging whether the other 'intends to negate his opponent's way of life and therefore must be repulsed'.53 Thus, 'the political' has an objective and autonomous nature in the thinking of Schmitt, such that it can distinguish and act with regard to the friend/enemy distinction without needing to refer to other antitheses, such as moral or aesthetic considerations. With regards to 'morality', moreover, 'the political' is conceived as the moment of decision between friend/enemy, which is exempt from all justifications, where there is 'justification by mere existence'.54 The existential threat of the enemy makes the political devoid of all other concerns: 'the political' does not need to justify its existence by reference to other concerns. It is justified by the mere existence of an existential threat. The enemy raises the question of whether the collectivity, the 'we', wants to take responsibility for its existence. Again, the affirmation of 'the political' animates and validates the responsibility to survive. It is the collectivity's continued survival that justifies, 'by mere existence', the possibility of physical killing. Once the decision is taken, the enemy's presence accentuates the fact that the political entity has a responsibility to survive. Again, it must be noted that survival is not merely existential but ethical.55 Since this existentially threatening moment is not embodied in an omnipresent enemy, as in Hobbes's thought, but rather is the exception to the rule, it cannot be transcended. It is important, at this stage, to note briefly that in IR Schmitt's thought has the view that survival is an existential concern. Yet, misreading Schmitt, political realists claimed that the existentially threatening other is that which evacuates 'the political' from any need for justification. Schmitt, inadvertently, enabled political realism to assume a stance against 'ethics', largely understood as morality. In thinkers influenced by Schmitt, such as Hans Morgenthau and Henry Kissinger,56 this presumed non-ethics became itself prescriptive in a prohibitive way: that the enemy is not to be accorded ethical significance.57 Extrapolating further, the realist conception became that, in international politics, 'the ethical' is a realm best left alone, lest it obscure the political decision of who the enemy is in the extreme case. Schmitt reinstated the state of nature by restricting its occurrence in the extreme case, that is, when a collectivity is faced with an existential threat, whence springs its responsibility to survive. For Schmitt, the autonomy of 'the political' is based on the recognition of the existentially threatening enemy, which brings to the fore the collectivity's responsibility to survive and by recourse to which the distinction between friend/enemy is drawn. In realism, however, the argument for the autonomy of the political distinction is taken to prescribe that 'the ethical' should not be allowed to obscure 'the political'. In political realism, then, the autonomy of 'the political', or 'the international', becomes divorced from its ethico-relational justification, namely, the state's responsibility towards the group's survival. To reiterate, Schmitt's refutation of the possibility of transcendence and his reformulation that 'the state of nature' occurs only in an extreme case, perpetuates and refines the ethos of survival as the mode of encountering and being with others at the interstate level. The ethos of survival as the relationality established by the acceptance of the dangerous ontology is discussed in greater detail below.

# 1nr v. wayne state wn

## f/w

**Clash KT Advocacy/Turns Case**

**Clash and in-depth deliberation create more effective decision making and advocacy skills---ensures that the aff’s advocacy is improved and more effectively carried out**

Ryan **Galloway 7**, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

In addition to the basic equity norm, dismissing the idea that debaters defend the affirmative side of the topic encourages advocates to falsely value affirmative speech acts in the absence of a negative response. There may be several detrimental consequences that go unrealized in a debate where the affirmative case and plan are not topical. Without ground, debaters may fall prey to a siren’s call, a belief that certain critical ideals and concepts are axiological, existing beyond doubt without scrutiny. Bakhtin contends that in dialogical exchanges “the greater the number and weight” of counter-words, the deeper and more substantial our understanding will be (Bakhtin, 1990). The matching of the word to the counter-word should be embraced by proponents of critical activism in the activity, because these dialogical exchanges allow for improvements and modifications in critical arguments. Muir argues that “debate puts students into greater contact with the real world by forcing them to read a great deal of information” (1993, p. 285). He continues, “[t]he constant consumption of material…is significantly constitutive. The information grounds the issues under discussion, and the process shapes the relationship of the citizen to the public arena” (p. 285). Through the process of compreh

ensive understanding, debate serves both as a laboratory and a constitutive arena. Ideas find and lose adherents. Ideas that were once considered beneficial are modified, changed, researched again, and sometimes discarded altogether. A central argument for open deliberation is that it encourages a superior consensus to situations where one side is silenced. Christopher Peters contends, “The theory holds that antithesis ultimately produces a better consensus, that the clash of differing, even opposing interests and ideas in the process of decision making…creates decisions that are better for having been subjected to this trial by fire” (1997, p. 336). The combination of a competitive format and the necessity to take points of view that one does not already agree with combines to create a unique educational experience for all participants. Those that eschew the value of such experience by an axiological position short-circuit the benefits of the educational exchange for themselves, their opponents, as well as the judges and observers of such debates.

### 2NC A/T: C/I of ‘Resolved’

#### ( ) Resolved means an immediate legislative question

Robert ‘15

[General Henry M. Robert, US Army, 1915  [http://www.bartleby.com/176/4.html](http://www.bartleby.com/176/4.html#_blank)]

A motion is a proposal that the assembly take certain action, or that it express itself as holding certain views. It is made by a member's obtaining the floor as already described and saying, "I move that" (which is equivalent to saying, "I propose that"), and then stating the action he proposes to have taken. Thus a member "moves" (proposes) that a resolution be adopted, or amended, or referred to a committee, or that a vote of thanks be extended, etc.; or "That it is the sense of this meeting (or assembly) that industrial training," etc. Every resolution should be in writing, and the presiding officer has a right to require any main motion, amendment, or instructions to a committee to be in writing. When a main motion is of such importance or length as to be in writing it is usually written in the form of a resolution; that is, beginning with the words, "Resolved, That," the word "*Resolved* " being underscored (printed in italics) and followed by a comma, and the word "That" beginning with a capital "T." If the word "Resolved" were replaced by the words "I move," the resolution would become a motion. A resolution is always a main motion. In some sections of the country the word "resolve" is frequently used instead of "resolution." In assemblies with paid employees, instructions given to employees are called "orders" instead of "resolutions," and the enacting word, "Ordered" is used instead of "Resolved." [continues] After a question has been stated by the chair, it is before the assembly for consideration and action. All resolutions, reports of committees, communications to the assembly, and all amendments proposed to them, and all other motions except the Undebatable Motions mentioned in 45, may be debated before final action is taken on them, unless by a two-thirds vote the assembly decides to dispose of them without debate. By a two-thirds vote is meant two-thirds of the votes cast, a quorum being present. In the debate each member has the right to speak twice on the same question on the same day (except on an appeal), but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor. No one can speak longer than ten minutes at a time without permission of the assembly. Debate must be limited to the merits of the immediately pending question — that is, the last question stated by the chair that is still pending; except that in a few cases the main question is also open to debate [[45](http://www.bartleby.com/176/45.html#_blank)]. Speakers must address their remarks to the presiding officer, be courteous in their language and deportment, and avoid all personalities, never alluding to the officers or other members by name, where possible to avoid it, nor to the motives of members.

#### Resolved expresses a legislative decision

WP ‘64

[Words and Phrases, Permanent Edition. 1964]

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### More evidence -

PARCHER 2001

(Jeff, Fmr. Debate Coach at Georgetown University, February, http://www.ndtceda.com/archives/200102/0790.html)

(1) 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. Frimness 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 statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. 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 desireablility 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 committtee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary 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. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

### 2NC A/T: C/I of ‘Federal Government’

#### More evidence – the federal government is the central governing authority of the United States

AHD ‘92

[The American Heritage Dictionary. 1992]

Federal Government: Of, relating to, or being a form of government in which a union of states recognizes the sovereignty of a central authority while retaining certain residual powers of government.

### 2NC Rez = Stasis

#### The resolution is the stasis – adhering to it is the only to foster discussion over the restriction of presidential war powers

**O’Donnell 4** (Dr. Tim O’Donnell, Former Director of Debate at UMW, Blue Helmet Blues: United Nations Peacekeeping and the United States, Ed. Stefan Bauschard & Jean-Paul Lacy, <http://groups.wfu.edu/debate/MiscSites/DRGArticles/DRGArtiarticlesIndex.htm>, PhD at Pittsburgh)

The answer, I believe, resides deep in the rhetorical tradition in the often overlooked notion of stasis. Although the concept can be traced to Aristotle’s Rhetoric, it was later expanded by Hermagoras whose thinking has come down to us through the Roman rhetoricians Cicero and Quintillian. Stasis is a Greek word meaning to “stand still.” It has generally been considered by argumentation scholars to be the point of clash where two opposing sides meet in argument. Stasis recognizes the fact that interlocutors engaged in a conversation, discussion, or debate need to have some level of expectation regarding what the focus of their encounter ought to be. To reach stasis, participants need to arrive at a decision about what the issue is prior to the start of their conversation. Put another way, they need to mutually acknowledge the point about which they disagree. What happens when participants fail to reach agreement about what it is that they are arguing about? They talk past each other with little or no awareness of what the other is saying. The oft used cliché of two ships passing in the night, where both are in the dark about what the other is doing and neither stands still long enough to call out to the other, is the image most commonly used to describe what happens when participants in an argument fail to achieve stasis. In such situations, genuine engagement is not possible because participants have not reached agreement about what is in dispute. For example, when one advocate says that the United States should increase international involvement in the reconstruction of Iraq and their opponent replies that the United States should abandon its policy of preemptive military engagement, they are talking past each other. When such a situation prevails, it is hard to see how a productive conversation can ensue. I do not mean to suggest that dialogic engagement always unfolds along an ideal plain where participants always can or even ought to agree on a mutual starting point. The reality is that many do not. In fact, refusing to acknowledge an adversary’s starting point is itself a powerful strategic move. However, it must be acknowledged that when such situations arise, and participants cannot agree on the issue about which they disagree, the chances that their exchange will result in a productive outcome are diminished significantly. In an enterprise like academic debate, where the goals of the encounter are cast along both educational and competitive lines, the need to reach accommodation on the starting point is urgent. This is especially the case when time is limited and there is no possibility of extending the clock. The sooner such agreement is achieved, the better. Stasis helps us understand that we stand to lose a great deal when we refuse a genuine starting point. How can stasis inform the issue before us regarding contemporary debate practice? Whether we recognize it or not, it already has. The idea that the affirmative begins the debate by using the resolution as a starting point for their opening speech act is nearly universally accepted by all members of the debate community. This is born out by the fact that affirmative teams that have ignored the resolution altogether have not gotten very far. Even teams that use the resolution as a metaphorical condensation or that “affirm the resolution as such” use the resolution as their starting point. The significance of this insight warrants repeating. Despite the numerous differences about what types of arguments ought to have a place in competitive debate we all seemingly agree on at least one point – the vital necessity of a starting point. This common starting point, or topic, is what separates debate from other forms of communication and gives the exchange a directed focus.