### Off

On” means directly targeted at and focused on the President's War Power's Authority. A topical aff must reduce the President's War Power Authority in targeted killing

Oxford Dictionary online, 12 [The World’s most trusted Dictionary, http://oxforddictionaries.com/definition/american\_english/on]

5. having (the thing mentioned) as a target, aim, or focus: *five* air raids on the city*,* thousands marching on Washington ,*her* eyes were fixed on his dark profile

Violation – the affirmative doesn’t place a restriction on presidential war powers authority. They just ban targeted killing

Voter for ground because they allow the aff to claim broad advantages that have nothing to do with the topic

At best they’re FXt because the ban would implicitly result in a restriction on war powers authority

### Off

The affirmative represents a strategy of lip service restraint re-affirms executive power granting legitimacy to sovereign manipulation of law

**Posner & Vermeule 10** Eric A. Posner [Kirkland & Ellis Distinguished Service Professor of Law] AND Adrian Vermeule [Jr. Professor of Law at Harvard Law School] “The Executive Unbound: After the Madisonian Republic”, Oxford: Oxford University Press, USA, 2010 [Questia] pp 3-5

Some commentators argue that the federal courts have taken over Congress’s role as aninstitutional check. It is true that the Supreme Court has shown little compunction about striking down statutes (although usually state statutes), and that it rejected some of the legal theories that the Bush administration used to justify its counterterrorism policies. However, the Court remains a marginal player. The Court ducked any legal rulings on counter terror policies until the 2004 Hamdi decision, and even after the Boumediene decision in 2008, no detainee has been released by final judicial order, from Guantánamo or elsewhere, except incases where the government chose not to appeal the order of a district judge. The vast majorityof detainees have received merely another round of legal process. Some speculate that judicialthreats to release detainees have caused the administration to release them preemptively. Yetthe judges would incur large political costs for actual orders to release suspected terrorists, andthe government knows this, so it is unclear that the government sees the judicial threats ascredible or takes them very seriously. The government, of course, has many administrativeand political reasons to release detainees, quite apart from anything the courts do. So the executive submits to judicial orders in part because the courts are careful not to give orders that the executive will resist.¶ In general, judicial opposition to the Bush administration’s counterterrorism policies took the form of incremental rulings handed down at a glacial pace, none of which actually stopped any of the major counterterrorism tactics of that administration, including the application of military power against Al Qaeda, the indefinite detention of members of Al Qaeda, targeted assassinations, the immigration sweeps, even coercive interrogation. The (limited)modifications of those tactics that have occurred resulted not from legal interventions but from policy adjustments driven by changed circumstances and public opinion, and by electoral victory of the Obama administration. However, the Obama administration has mostly confirmed and in some areas even expanded the counterterrorism policies of the Bush administration. Strong executive government is bipartisan. The 9/11 attack provided a reminder of just how extensive the president’s power is. The executive claimed the constitutional authority to, in effect, use emergency powers. Because Congress provided redundant statutory authority, and the Supreme Court has steadfastly refused to address the ultimate merits of the executive’s constitutional claims, these claims were never tested in a legal or public forum. But it is worth trying to imagine what would have happened if Congress had refused to pass the Authorization for Use of Military Force and the Supreme Court had ordered the¶ executive to release detainees in a contested case. We think that the executive, backed up as it was by popular opinion, would have refused to obey. And, indeed, for just that reason, Congress would never have refused its imprimatur and the Supreme Court would never have stood in the executive’s way. The major check on the executive’s power to declare an emergency and to use emergency powers is—political. The financial crisis of 2008–2009 also revealed the extent of executive power. Acting together, the Fed, the Treasury, and other executive agencies spent hundreds of billions of dollars, virtually nationalizing parts of the financial system. Congress put up a fuss, but it could not make policy and indeed hardly even influenced policy. Congress initially refused to supply a blank check, then in world-record time changed its mind and gave the blank check, then watched helplessly as the administration adopted policies different from those for which it said the legislation would be needed. Courts played no role in the crisis except to ratify executive actions in tension with the law.2'

The justifications for restrictions presuppose that the suspension of legal rights is the exception and not, for many people, the rule. This logic perpetuates the logic of legal black holes that subject us to the state of exception

**Fabbri 9** Lorenzo Fabbri [PhD in Romance Studies, professor of Italian @ University of Minnesota –areas of research Biopolitics, Continental Philosphy, Humanities, Italian Studies, Critical Theory, Film Studies, and Post-Colonial Studies] ¶ “Chronotopologies of the Exception: Agamben and Derrida before the Camps”¶ Diacritics, Volume 39, Number 3, Fall 2009, pp. 77-95 (Article) Published by The Johns Hopkins University Press

I begin with Bruce Ackerman who in “The Emergency Constitution” tried to demarcate ¶ an unmistakable threshold between the normal functioning of a constitutional democracy and its exceptional suspension. After having separated these two realms, Ackerman ¶ concerns himself with determining the actor who should have the authority to switch ¶ from normality to exceptionality (and vice versa). From this perspective he argues for ¶ the necessity of a statutory reform that would unmistakably preserve the legislature authority over the exception threshold, and therefore prevent the executive from turning ¶ a transitional emergency regime into a permanent police state. However imperative or ¶ praiseworthy such an attempt may be, I argue that Ackerman’s legalist framework fails ¶ to notice that the exception is not something that—sometimes and somewhere, in a local ¶ and transitory context—needs to be enforced in order to deal with national emergencies. ¶ Following Adrian Vermeule, my first critical intervention consists in showing that any ¶ defense of classic legalism overlooks the inevitable existence, within a system of rights, ¶ of legal black and grey holes that always allow for negotiations with the rule of law. ¶ Against Vermeule, I claim that these loopholes are not created by the judicial discretion ¶ inscribed in administrative law, but provoked by the naked formality of laws, i.e., by the ¶ very form of law. Inspired by Jacques Derrida’s description of the textual structure of our ¶ relation to law and Agamben’s identifying the state of exception as the paradigm of government, I argue that spectacular exceptions granted to the executive when emergencies ¶ transpire should not distract us from the micro-exceptions that are produced every time ¶ the meaning of a certain law is decided upon. In other words, the executive’s reactions ¶ to national crises should not prevent us from acknowledging that, for certain segments ¶ of the population, freedom is normally, and strategically, negated. After highlighting the ¶ structural affinities between Derrida and Agamben’s topologies of the exception, I will ¶ show why, according to Agamben, deconstruction’s eternal and tactical negotiation with a ¶ law recognized to always be in force without any fixed meaning is insufficient. In order to ¶ improve our position in the struggle against an emergency that has always been the rule, ¶ the task before us is the creation of truly extra-juridical spaces that might function as real ¶ exceptions to sovereign power.

The 1ac concerns itself with appearance and the spectacle of the law - this legitimizes state violence.

Giorgio Agamben 2000 [Phd., Baruch Spinoza Chair at European Graduate School EGS, is a professor of aesthetics at the University of Verona, Italy and teaches philosophy at the Collège International de Philosophie in Paris and at the University of Macerata in Italy] “Means Without End: Notes on Politics”, p. 93-95)

Because human beings neither are nor have to be any essence, any nature, or any specific destiny, their condition is the most empty and the most insub­stantial of all: it is the truth. What remains hidden from them is not something behind appearance, but rather appearing itself, that is, their being nothing other than a face. The task of politics is to return appearance itself to appearance, to cause appearance itself to appear. The face, truth, and exposition are today the objects of a global civil war, whose battlefield is social life in its en­tirety, whose storm troopers are the media, whose victims are all the peoples of the Earth. Politicians, the media establishment, and the advertising industry have under­stood the insubstantial character of the face and of the community it opens up, and thus they transform it into a miserable secret that they must make sure to control at all costs. State power today is no longer founded on the monopoly of the legitimate use of violence — a mo­nopoly that states share increasingly willingly with other nonsovereign organizations such as the United Nations and terrorist organizations; rather, it is founded above all on the control of appearance (of doxa). The fact that politics constitutes itself as an autonomous sphere goes hand in hand with the separation of the face in the world of spectacle — a world in which human communication is being separated from itself. Exposition thus transforms itself into a value that is accumulated in images and in the media, while a new class of bureaucrats jealously watches over its management.

This presentation of legitimacy continues crumbling the distinction between democracy and totalitarianism and reinforces death-centered thanatopolitics causeing genocide on the global scale.

**Hall 7** Lindsay Anne Hall [MA Political Science] “Death, Power, and the Body: A Bio-political Analysis of Death and Dying” May 7, 2007 (Research paper presented to faculty of the Virginia Polytechnic Institute and State University)¶ http://scholar.lib.vt.edu/theses/available/etd-05152007-134833/unrestricted/etd.pdf

Agamben, on the other hand, addresses the intertwinement of medicine, death, ¶ and power through his analysis of the modern individualís exposure to death. According ¶ to Agamben, Western culture has become “thanatopolitical,” which means that it is ¶ dominated by a politics of death that leaves us more and more exposed to both death and ¶ operations of power. For Agamben, death has become indistinct. It is both meaningful ¶ and meaningless, both individual and anonymous, both visible and invisible. Moreover, ¶ because modern society increasingly exposes individuals to death, liberal democracy ¶ becomes increasingly indistinguishable from totalitarian regimes, an issue I will explore ¶ in more detail in Chapter Three. While the issues that I am addressingólife sustaining ¶ technologiesóare merely one symptom of the greater problem that Agamben is himself ¶ concerned with, I hope that shedding more light on this particular space of power can ¶ allow us to think about and eventually challenge the greater politics of death operating in ¶ modern society.¶ In this study I will focus specifically on reconsidering the relations of power ¶ surrounding the decision to stop preserving life in the particular space of the hospital ¶ room. According to Foucaultís view, terminating life is nearly unthinkable in a biopolitical society. Thus, as Benjamin Noys elaborates, we ìtry so hard to preserve life, ¶ even at the cost of terrible suffering, because death is the limit to [bio-political] powerî ¶ (2005, 54). For Foucault, death has become ìshameful,î it is paramount to giving up, to ¶ letting go, or to admitting defeat (all things given a negative connotation in Western ¶ society) (2003c, 247). In this study I would like to reconsider these claims through ¶ Giorgio Agambenís argument that death has become more political as the boundary ¶ between life and death has become blurred. Such a state of being, he claims, exposes the ¶ body to death, and yetóas I am primarily concerned withóìsaturatesî the body with ¶ power (Agamben 1995, 164). ¶ As suggested by this synopsis, I am using Foucault as the starting point for my ¶ study. Though I ultimately bring in Agamben who question aspects of his analysis of ¶ power, I begin my first chapter with an in depth account of the ways in which Foucault ¶ believed power to be exercised upon the body. In this chapter I begin to hammer out the ¶ theoretical framework that I will then both use and challenge in order to analyze the ¶ space of the hospital room as a space of power. In The Birth of the ClinicóFoucaultís ¶ only sustained analysis of the medical disciplineóhe claimed that the body was suddenly ¶ made ìexhaustively legibleî with the birth of modern medicine. More precisely, he ¶ claims that it was ìfrom the integration of death into medicineÖthat Western man could ¶ [at last] constitute himself in his own eyes as an object of science,î grasping himself ¶ within his own language, and giving himself his own discursive existence (Foucault ¶ 1973, 197). In his later writings on power, however, Foucault gives this constitutive ¶ capacity of individuals to sexuality, not death, and as I have previously suggested, ¶ Foucault begins to look at death as a limit to power itself. Throughout this study I have ¶ attempted to reconcile this seeming contradiction in Foucaultís work through the work of ¶ Giorgio Agamben. ¶ My second chapter is an examination of what Agamben terms the ìzone of ¶ indistinctionî between life and death. For Agamben, the line between life and death has ¶ become increasingly blurred by a whole series of ìwaveringsî around both the time of¶ death and the question of who decides on this time. As Agamben claims, this decision is ¶ increasingly taken up by the medical profession, thus in the conclusion of this chapter I ¶ return to Foucaultís only sustained engagement with medical power, The Birth of the ¶ Clinic. In this section I argue that Agambenís analysis of the intertwinement between the ¶ medical discipline and power might benefit from some of the historical insights provided ¶ in Foucaultís analysis. While Agamben centers his analysis on post-World War II ¶ society, Foucaultís work demonstrates that the entanglement of medicine and sovereign ¶ power have a far longer history than perhaps Agamben realizes or is willing to engage ¶ with. ¶ In the third and final chapter of this study I examine how death is politicized. As ¶ Agamben argues, death is not a natural or biological moment but a political decision. In ¶ order to tackle the nature of this decision I look at the work of Peter Singer who ¶ compares two seemingly contradictory ethics, the ethics of the sanctity of life and the ¶ quality of life ethic. An Agambenean analysis of these ethics however, suggest some ¶ problems that Singer may have not been able to articulate because he fails to take into ¶ account the political nature of death. One of the criticisms that has been lodged against ¶ Singer is that his ethics closely parallels Nazi eugenics programs in which the medical ¶ establishment made decisions on whose life was worth living. This criticism bridges the ¶ gap between Singerís work and the point I have been making through this piece- biopower is intimately enmeshed with sovereignty. ¶ Foucault saw this combination at work primarily in totalitarian regimes. ¶ However, as Agamben argues, the distinctions between totalitarian regimes and ¶ democracies are crumbling. I argue in my Conclusion that modern power is increasingly ¶ an amalgamation between the bio-political and the thanatopolitical. For power can both ¶ manage life and expose us to death. What is crucial to take from this analysis is that we ¶ must formulate some sort of individual resistance to this power, even though techniques ¶ of modern bio-power (bureaucratic planning, statistical analysis, population control) may ¶ xpose us to death as a population rather than as individuals. This resistance must be ¶ something greater than simply a call for physician assisted suicide or an appeal for ¶ individual ownership of our bodies, it must first center on an engagement with what ¶ about life is really worth preserving.

Our alternative is to shake out the rug from under the 1ac's mode of legal analysis - this is preferable to actualizing new and less oppressive societal formulations.

Singer 84 - Associate Professor of Law (Joseph William Singer, Associate Professor of Law at Boston University, 1984, [“The Player and the Cards: Nihilism and Legal Theory,” Yale Law Journal (94 Yale L.J. 1)

What shall we do then about legal theory? I think we should abandon the idea that what we are supposed to be doing is applying or articulating a rational method that will tell us once and for all (or even for our generation) what we are supposed to believe and how we are supposed to live. We should no longer view the project of giving a "rational foundation" for law as a worthwhile endeavor. If morality and law are matters of conviction rather than logic, we have no reason to be ashamed that our deeply felt beliefs have no "basis" that can be demonstrated through a rational decision procedure or that we cannot prove them to be "true" or "right." Rorty has distinguished between two broad types of theory: systematic and edifying. n165 Systematic philosophers build systems of thought that they claim explain large bodies of material, guide theoretical development, and generate answers to difficult questions. Systematizers can be either normal or revolutionary philosophers. The normal systematizers work within established tradition; the revolutionary systematizers seek to replace the established paradigm with a new, better, or truer paradigm of thought. Both try to establish a framework that will set bounds on the legitimate content of discourse. Edifying philosophers, on the other hand, seek to shake the rug out from under existing normal or abnormal systems of thought. They seek to make us doubt the necessity and coherence of our views. They seek to free us from feeling that we have "gotten" the answer and that we no longer need to question ourselves about what we stand for. Edifying philosophers do not seek to induce people to give up their moral views. They do not [\*58] argue against profound political commitment. Rather, they strive to make us realize that our views are matters of commitment rather than knowledge. n166 Legal scholars can perform an edifying role by broadening the perceived scope of legitimate institutional alternatives. n167 One way to do this is to demonstrate the contingent and malleable nature of legal reasoning and legal institutions. The greatest service that legal theorists can provide is active criticism of the legal system. Criticism is initially reactive and destructive, rather than constructive. But our mistaken belief that our current ways of doing things are somehow natural or necessary hinders us from envisioning radical alternatives to what exists. To exercise our utopian imagination, it is helpful first to expose the structures of thought that limit our perception of what is possible. Judges rationalize their decisions as the results of reasoned elaboration of principles inherent in the legal system. Instead of choosing among available descriptions, theories, vocabularies, and course of action, the official who feels "bound" reasons from nonexistent "grounds" and hides from herself the fact that she is exercising power. n168 By systematically and constantly criticizing the rationalizations [\*59] of traditional legal reasoning, we can demonstrate, again and again, that a wider range of alternatives is available to us. I therefore advocate the persistent demonstration in all doctrinal fields that both the legal rules in force and the arguments that are presented to justify and criticize them are incoherent. n169 They are incoherent because they are constructed in ways that make it impossible for them to satisfy their own claims to determinacy, objectivity and neutrality. n170 Legal theory is at war with itself. This kind of criticism would be useful even if we could not imagine a satisfactory alternative to traditional legal theory. Such criticism reminds us that legal theory cannot answer the question of how we are going to live together. We are going to have to answer that question ourselves.

### Off

Drones are comparatively the best option – reduced reliance causes a shift to ground operations which increases civilian casualties

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No civilian death is acceptable, of course. Each one is tragic. But any assessment of civilian deaths from drone strikes needs to be compared with the potential damage from alternative tactics. Unless we are to forgo the pursuit of al-Qaeda terrorists entirely, U.S. forces must confront them either from the air or on the ground, in some of the remotest places on Earth. As aerial attacks go, drones are far more precise than manned bombers or missiles. That narrows the choice to drone strikes or ground assaults. Sometimes ground assaults go smoothly. Take the one that killed Osama bin Laden. It was executed by the best-trained, most-experienced soldiers in the world. Killed were bin Laden; his adult son Khalid; his primary protectors, the brothers Abu Ahmed al-Kuwaiti and Abrar al-Kuwaiti; and Abrar’s wife Bushra. Assuming Bushra qualifies as a civilian, even though she was helping to shelter the world’s most notorious terrorist, civilian deaths in the raid amounted to 20 percent of the casualties. In other words, even a near-perfect special-ops raid produced only a slight improvement over the worst estimates of those counting drone casualties. Many assaults are not that clean. In fact, ground combat almost always kills more civilians than drone strikes do. Avery Plaw, a political scientist at the University of Massachusetts, estimates that in Pakistani ground offensives against extremists in that country’s tribal areas, 46 percent of those killed are civilians. Plaw says that ratios of civilian deaths from conventional military conflicts over the past 20 years range from 33 percent to more than 80 percent. “A fair-minded evaluation of the best data we have available suggests that the drone program compares favorably with similar operations and contemporary armed conflict more generally,” he told The New York Times. When you consider the alternatives—even, and perhaps especially, if you are deeply concerned with sparing civilians—you are led, as Obama was, to the logic of the drone.

Reliance on ground operations forces the US into multiple wars – turns the case causes more backlash

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Once the pursuit of al-Qaeda is defined as “law enforcement,” ground assaults may be the only acceptable tactic under international law. A criminal must be given the opportunity to surrender, and if he refuses, efforts must be made to arrest him. Mary Ellen O’Connell believes the Abbottabad raid was an example of how things should work. “It came as close to what we are permitted to do under international law as you can get,” she said. “John Brennan came out right after the killing and said the seals were under orders to attempt to capture bin Laden, and if he resisted or if their own lives were endangered, then they could use the force that was necessary. They did not use a drone. They did not drop a bomb. They did not fire a missile.” Force in such operations is justified only if the suspect resists arrest—and even then, his escape is preferable to harming innocent bystanders. These are the rules that govern police, as opposed to warriors. Yet the enemies we face will not change if the war on terror ends. The worst of them—the ones we most need to stop—are determined suicidal killers and hardened fighters. Since there is no such thing as global police, any force employed would likely still come from, in most cases, American special-ops units. They are very good at what they do—but under law-enforcement rules, a lot more people, both soldiers and civilians, are likely to be killed. It would be wise to consider how bloody such operations can be. When Obama chose the riskiest available option for getting bin Laden in Abbottabad—a special-ops raid—he did so not out of a desire to conform to international law but because that option allowed the possibility of taking bin Laden alive and, probably more important, because if bin Laden was killed in a ground assault, his death could be proved. The raid went well. But what if the seal raiding party had tripped Pakistan’s air defenses, or if it had been confronted by police or army units on the ground? American troops and planes stood ready in Afghanistan to respond if that happened. Such a clash would likely have killed many Pakistanis and Americans, and left the countries at loggerheads, if not literally at war. There’s another example of a law-enforcement-style raid that conforms to the model that O’Connell and other drone critics prefer: the October 1993 Delta Force raid in Mogadishu, which I wrote about in the book Black Hawk Down. The objective, which was achieved, was to swoop in and arrest Omar Salad and Mohamed Hassan Awale, two top lieutenants of the outlaw clan leader Mohammed Farrah Aidid. As the arrests were being made, the raiding party of Delta Force operators and U.S. Army rangers came under heavy fire from local supporters of the clan leader. Two Black Hawk helicopters were shot down and crashed into the city. We were not officially at war with Somalia, but the ensuing firefight left 18 Americans dead and killed an estimated 500 to 1,000 Somalis—a number comparable to the total civilian deaths from all drone strikes in Pakistan from 2004 through the first half of 2013, according to the Bureau of Investigative Journalists’ estimates. The Somalia example is an extreme one. But the battle that erupted in Mogadishu strikes me as a fair reminder of what can happen to even a very skillful raiding party. Few of the terrorists we target will go quietly. Knowing they are targets, they will surely seek out terrain hostile to an American or UN force. Choosing police action over drone strikes may feel like taking the moral high ground. But if a raid is likely to provoke a firefight, then choosing a drone shot not only might pass legal muster (UN rules allow lethal force “when strictly unavoidable in order to protect life”) but also might be the more moral choice.

### Adv 1

They destroy otherness - independent impact, their Todres evidence assumes that to be "other" and "differant" is bad - this means the affs strategy to come to terms with difference must be one of assimilation.

1.) The Maoist Turn:

a.) How progressive of you, right on! the 1AC is apt in describing the ethical injustice of indefinite detention, but leaves out how it is pertinent FOR THEM - this destroys their solvency and the potential for coalitions.

Halberstam 13 - Professor of English and Director of The Center for Feminist Research at University of Southern California. (Jack, http://www.minorcompositions.info/wp-content/uploads/2013/04/undercommons-web.pdf, The Undercommons: Fugitive Planning and Black Study) -modified

These kinds of examples get to the heart of Moten and Harney’s world of the undercommons – the undercommons is not a realm where we rebel and we create critique; it is not a place where we “take arms against a sea of troubles/and by opposing end them.” The undercommons is a space and time which is always here. Our goal – and the “we” is always the right mode of address here – is not to end the troubles but to end the world that created those particular troubles as the ones that must be opposed. Moten and Harney refuse the logic that stages refusal as inactivity, as the absence of a plan and as a mode of stalling real politics. Moten and Harney tell us to listen to the noise we make and to refuse the offers we receive to shape that noise into “music.” In the essay that many people already know best from this volume, “The University and the Undercommons,” Moten and Harney come closest to explaining their mission. Refusing to be for or against the university and in fact marking the critical academic as the player who holds the “for and against” logic in place, Moten and Harney lead us to the “Undercommons of the Enlightenment” where subversive intellectuals engage both the university and fugitivity: “where the work gets done, where the work gets subverted, where the revolution is still black, still strong.” The subversive intellectual, we learn, is unprofessional, uncollegial, passionate and disloyal. The subversive intellectual is neither trying to extend the university nor change the university, the subversive intellectual is not toiling in misery and from this place of misery articulating a “general antagonism.” In fact, the subversive intellectual enjoys the ride and wants it to be faster and wilder; she does not want a room of his or her own, she wants to be in the world, in the world with others and making the world anew. Moten insists: “Like Deleuze. I believe in the world and want to be in it. I want to be in it all the way to the end of it because I believe in another world in the world and I want to be in that. And I plan to stay a believer, like Curtis Mayfield. But that’s beyond me, and even beyond me and Stefano, and out into the world, the other thing, the other world, the joyful noise of the scattered, scatted eschaton, the undercommon refusal of the academy of misery.” The mission then for the denizens of the undercommons is to recognize that when you seek to make things better, you are not just doing it for the Other, you must also be doing it for yourself. While men may think they are being “sensitive” by turning to feminism, while white people may think they are being right on by opposing racism, no one will really be able to embrace the mission of tearing “this shit down” until they realize that the structures they oppose are not only bad for some of us, they are bad for all of us. Gender hierarchies are bad for men as well as women and they are really bad for the rest of us. Racial hierarchies are not rational and ordered, they are chaotic and nonsensical and must be opposed by precisely all those who benefit in any way from them. Or, as Moten puts it: “The coalition emerges out of your recognition that it’s [messed] up for you, in the same way that we’ve already recognized that it’s fucked up for us. I don’t need your help. I just need you to recognize that this shit is killing you, too, however much more softly, you stupid motherfucker, you know?” coalition unites us in the recognition that we must change things or die. All of us. We must all change the things that are fucked up and change cannot come in the form that we think of as “revolutionary” – not as a masculinist surge or an armed confrontation. Revolution will come in a form we cannot yet imagine. Moten and Harney propose that we prepare now for what will come by entering into study. Study, a mode of thinking with others separate from the thinking that the institution requires of you, prepares us to be embedded in what Harney calls “the with and for” and allows you to spend less time antagonized and antagonizing. Like all world-making and all world-shattering encounters, when you enter this book and learn how to be with and for, in coalition, and on the way to the place we are already making, you will also feel fear, trepidation, concern, and disorientation. The disorientation, Moten and Harney will tell you is not just unfortunate, it is necessary because you will no longer be in one location moving forward to another, instead you will already be part of “the “movement of things” and on the way to this “outlawed social life of nothing.” The movement of things can be felt and touched and exists in language and in fantasy, it is flight, it is motion, it is fugitivity itself. Fugitivity is not only escape, “exit” as Paolo Virno might put it, or “exodus” in the terms offered by Hardt and Negri, fugitivity is being separate from settling. It is a being in motion that has learned that “organizations are obstacles to organising ourselves” (The Invisible Committee in The Coming Insurrection) and that there are spaces and modalities that exist separate from the logical, logistical, the housed and the positioned. Moten and Harney call this mode a “being together in homelessness” which does not idealize homelessness nor merely metaphorize it. Homelessness is the state of dispossession that we seek and that we embrace: “Can this being together in homelessness, this interplay of the refusal of what has been refused, this undercommon appositionality, be a place from which emerges neither self-consciousness nor knowledge of the other but an improvisation that proceeds from somewhere on the other side of an unasked question?” I think this is what Jay-Z and Kanye West (another collaborative unit of study) call “no church in the wild.”

b.) Absent this discussion, the affirmative occupies the position of the Maoist - the impact is imperialism and a reproduction of the harms of the 1ac.

the Rey Chow, Comparative Literature—Brown University, 1993

Writing Diaspora, p. 15-16

The Orientalist has a special sibling whom I will, in order to highlight her significance as a kind of representational agency, call the Maoist. Arif Dirlik, who has written extensively on the history of political movements in twentieth-century China, sums up the interpretation of Mao Zedong commonly found in Western Marxist analyses in terms of a "Third Worldist fantasy"—"a fantasy of Mao as a Chinese reincarnation of Marx who fulfilled the Marxist promise that had been betrayed in the West."'6 The Maoist was the phoenix which arose from the ashes of the great disillusionment with Western culture in the 1960s and which found hope in the Chinese Communist Revolution.17 In the 1970s, when it became possible for Westerners to visit China as guided and pampered guests of the Beijing establishment, Maoists came back with reports of Chinese society's absolute, positive difference from Western society and of the Cultural Revolution as "the most important and innovative example of Mao's concern with the pursuit of egalitarian, populist, and communitarian ideals in the course of economic modernization" (Harding, p. 939). At that time, even poverty in China was regarded as "spiritually ennobling, since it meant that [the] Chinese were not possessed by the wasteful and acquisitive consumerism of the United States" (Harding, p. 941). Although the excessive admiration of the 1970s has since been replaced by an oftentimes equally excessive denigration of China, the Maoist is very much alive among us, and her significance goes far beyond the China and East Asian fields. Typically, the Maoist is a cultural critic who lives in a capitalist society but who is fed up with capitalism—a cultural critic, in other words, who wants a social order opposed to the one that is supporting her own undertaking. The Maoist is thus a supreme example of the way desire works: What she wants is always located in the other, resulting in an iden-tification with and valorization of that which she is not/does not have. Since what is valorized is often the other's deprivation—"having" poverty or "having" nothing—the Maoist's strategy becomes in the main a rhetorical renunciation of the material power that enables her rhetoric. In terms of intellectual lineage, one of the Maoist's most important ancestors is Charlotte Bronte's Jane Eyre. Like Jane, the Maoist's means to moral power is a specific representational position—the position of powerlessness. In their reading of Jane Eyre, Nancy Armstrong and Leonard Tennenhouse argue that the novel exemplifies the paradigm of violence that expresses its dominance through a representation of the self as powerless: Until the very end of the novel, Jane is always excluded from every available form of social power. Her survival seems to depend on renouncing what power might come to her as teacher, mistress, cousin, heiress, or missionary's wife. She repeatedly flees from such forms of inclusion in the field of power, as if her status as an exemplary subject, like her authority as narrator, depends entirely on her claim to a kind of truth which can only be made from a position of powerlessness. By creating such an unlovely heroine and subjecting her to one form of harassment after another, Bronte demonstrates the power of words alone. This reading of Jane Eyre highlights her not simply as the female underdog who is often identified by feminist and Marxist critics, but as the intellectual who acquires power through a moral rectitude that was to become the flip side of Western imperialism's ruthlessness. Lying at the core of Anglo-American liberalism, this moral rectitude would accompany many territorial and economic conquests overseas with a firm sense of social mission. When Jane Eyre went to the colonies in the nineteenth century, she turned into the Christian missionary. It is this understanding—that Bronte's depic-tion of a socially marginalized English woman is, in terms of ideological production, fully complicit with England's empire-building ambition rather than opposed to it—that prompted Gayatri Spivak to read Jane Eyre as a text in the service of imperialism. Referring to Bronte's treatment of the "madwoman" Bertha Mason, the white Jamaican Creole character, Spivak charges Jane Eyre for, precisely, its humanism, in which the "native subject" is not created as an animal but as "the object of what might be termed the terrorism of the categorical imperative." This kind of creation is imperialism's use/travesty of the Kantian metaphysical demand to "make the heathen into a human so that he can be treated as an end in himself."19 In the twentieth century, as Europe's former colonies became independent, Jane Eyre became the Maoist. Michel de Certeau describes the affinity between her two major reincarnations, one religious and the other political, this way: The place that was formerly occupied by the Church or Churches vis-4-vis the established powers remains recognizable, over the past two centuries, in the functioning of the opposition known as leftist. [T]here is vis-A-vis the established order, a relationship between the Churches that defended an other world and the parties of the left which, since the nineteenth century, have promoted a different future. In both cases, similar functional characteristics can be discerned. . . The Maoist retains many of Jane's awesome features, chief of which are a protestant passion to turn powerlessness into "truth" and an idealist intolerance of those who may think differently from her. Whereas the great Orientalist blames the living "third world" natives for the loss of the ancient non-Western civilization, his loved object, the Maoist applauds the same natives for personifying and fulfilling her ideals. For the Maoist in the 1970s, the mainland Chinese were, in spite of their "backwardness," a puritanical alternative to the West in human form—a dream come true.

Targeted killing doesn’t include drone signature strikes – means aff can’t solve

Kenneth Anderson 11, Professor at Washington College of Law, American University, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters,” August 29 2011, http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains:¶ The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there.¶ High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say.¶ Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.)¶ This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

### Adv 2

Their endorsement of technostrategic discourse results in a sanitization of atrocities and disempowers everyday citizens.

Cohn 87 (Carol Cohn, Director of the Consortium on Gender, Security and Human Rights, 87, BULLETIN OF ATOMIC SCIENTISTS, JUNE, VOLUME 43, pp. 17–24, http://www.buildfreedom.com/tl/tl07aa.shtml) NAR

IT DID NOT TAKE LONG to learn the language of nuclear war and much of the specialized information it contained. My focus quickly changed from mastering technical information and doctrinal arcana, to an attempt to understand more about how the dogma I was learning was rationalized. Since underlying rationales are rarely discussed in the everyday business of defense planning, I had to start asking more questions. At first, although I was tempted to use my newly acquired proficiency in technostrategic jargon, I vowed to speak English. What I found, however, was that no matter how well informed my questions were, no matter how complex an understanding they were based upon, if I was speaking English rather than expert jargon, the men responded to me as though I were ignorant or simple-minded, or both. A strong distaste for being patronized and a pragmatic streak made my experiment in English short-lived. I adopted the vocabulary, speaking of "escalation dominance," "preemptive strikes," and one of my favorites, "sub-holocaust engagements." This opened my way into long, elaborate discussions that taught me a lot about technostrategic reasoning and how to manipulate it. But the better I became at this discourse, the more difficult it became to express my own ideas and values. While the language included things I had never been able to speak about before, it radically excluded others. To pick a bald example: the word "peace" is not a part of this discourse. As close as one can come is. "strategic stability," a term that refers to a balance of numbers and types of weapons systems--not the political, social, economic, and psychological conditions that "peace" implies. Moreover, to speak the word is to immediately brand oneself as a soft-headed activist instead of a professional to be taken seriously. If I was unable to speak my concerns in the language, more disturbing still was that I also began to find it harder even to keep them in my own head. No matter how firm my commitment to staying aware of the bloody reality behind the words, over and over, I found that I could not keep human lives as my reference point. I found that I could go for days speaking about nuclear weapons, without once thinking about the people who would be incinerated by them. It is tempting to attribute this problem to the words themselves--the abstractness, the euphemisms, the sanitized, friendly, sexy acronyms--then one would only need to change the words; get the military planners to say "mass murder" instead of "collateral damage," and their thinking would change. The problem, however, is not simply that defense intellectuals use abstract terminology that removes them from the reality of which they speak. There is no reality behind the words. Or, rather, the "reality" they speak of is itself a world of abstractions. Deterrence theory, and much of strategic doctrine, was invented to hold together abstractly, its validity judged by internal logic. These abstract systems were developed as a way to make it possible to, in Herman Kahn's phrase, "think about the unthinkable"--not as a way to describe or codify relations on the ground. So the problem with the idea of "limited nuclear war," for example, is not only that it is a travesty to refer to the death and suffering caused by any use of nuclear weapons as "limited," or that "limited nuclear war" is an abstraction that obfuscates the human reality beneath any use of nuclear weapons, it is also that limited nuclear was itself an abstract conceptual system, designed, embodied, and achieved by computer modeling. In this abstract world, hypothetical, calm, rational actors have sufficient information to know exactly what size nuclear weapon the opponent has used against which targets, and adequate command and control to make sure that their response is precisely equifreedomted to the attack. No field commander would use the tactical nuclear weapons at his disposal at the height of a losing battle. Our rational actors would have absolute freedom from emotional response to being attacked, from political pressures from the populace they would act solely on the basis of perfectly informed mathematical calculus of megatonnage. To refer to limited nuclear war is to enter a system that is de facto abstract and grotesquely removed from reality. The abstractness of the entire conception system makes descriptive language utterly beside the point.

The end result of their endorsement of technostrategic discourse is a system of nuclearism which results in global war and destroys value to life.

Chernus 86 (Ira, Associate Professor of Religious Studies, UC Boulder, Dr. Strangegod: On the Symbolic Meaning of Nuclear Weapons, p 136-140)

The similarities between the Bomb and other religious realities tell us part of what we need to know. But we must also ask how our new God differs from all previous gods, for only then can we see clearly how it affects us in unprecedented ways. One point, which has been implicit in our previous discussion, must now be brought out explicitly: this God is a machine, a technological device invented by human beings. Yet the machine, being infinitely more powerful than the humans who invented it, has become a Frankenstein's Monster, independent of its creators and capable of turning violently upon them. And "them" is now, of course, all of us. We have the choice of either cooperating or resisting when the machine acts; because of its many appealing symbolic qualities, we generally cooperate. We become partners in the machine's actions and thus, in a very real sense, parts of the machine. We are all soldiers in the front-line trenches, but the Bomb is our commander and we do its bidding. This is especially clear in the concept of MAD; the citizens of all superpowers become linked together in a single machine, which demands more and more sacrifices; the actions of one side must (according to this theory) necessarily evoke corresponding actions from the other side. The way in which we prepare for war reflects and foreshadows the way we shall wage war: "In a push-button war involving nuclear missiles, there will be no direct contact between adversaries. The techniques of war are fast becoming as impersonal and mechanized as pulling a lever to start a production chainbelt. In such a setting, the best soldier is not the 'hero' but the 'automaton.' "1 We voluntarily become automatons, mere parts of a machine, in part because of our age-old mythic dream of being heroes and our mythic desire to embody in ourselves the power inherent in the divine machine. What Moss says of the Strategic Air Command bomber pilot may be true for all of us: "He is equally remote from the human will that makes a decision on using or not using the bomb, and the human suffering that its use would cause. He sees himself as part of a complex instrument, an agent between someone else's will and its effect, a living button. His pride is to function in this role perfectly. He has a sense of importance."2 Ultimately, though, in our symbolic perception, it may very well be the Bomb itself whose will we obey, for how can any human will dare to interfere with that of the divine? Even the greatest national leaders are merely parts of the machine. And, as we have seen, our importance becomes not merely social or political, but in fact sacred and cosmic in scope. At the same time, psychic numbing reinforces the pattern effected by symbolic meaning. For if we are in fact "dead in life," already suffused with the death taint of the Bomb, then it is that much easier to see ourselves as machines and to take pride in being perfectly functioning machines. Of course, this sense of the mechanization of human life was hardly created by the nuclear age. Here, as in so many other instances, the Bomb is both a reflection and a shaper of our relationship with reality. But the elevation of a machine to a central place in our symbolic world—the deification of a machine—surely makes it much more likely that we shall see ourselves as automatons. Moreover, the technologically induced problem offers itself as a solution. As this machine God intensifies our psychic numbing, we seek to escape that numbing by finding meaning in a symbolic form of immortality that is itself technological, as Lifton suggests: "Everyone in this age participates in a sense of immortality derived from the interlocking human projects we call science and technology."3 Thus, as technology absorbs those provinces of life that were previously considered spiritual, it may be fair to say that technology has become the soul of the body of humanity.4 Yet we cannot be totally content with being machines. In fact, as we saw previously, the existentialist movement may be said to have started with Dostoevski's revolt against being a mere piano key, a part of a machine. The sense of dehumanization and the sheer boredom—the flatness of life—which afflicts automatons can be challenged only in situations of great intensity. Russian roulette may easily become, as in the film The Deer Hunter, a primary symbol for the modern world's escape from the dehumanization of a technological God. The intensity of risk is combined with the joy of being entertained in a theater of life-and-death. But for the ultimate "kick," the stakes must be ultimately high. Thus the machine deity leads us to give ourselves over to it in a game of global Russian roulette in which we all hold the pistol. And apparently we do so willingly. Machines must inevitably see all the world as a machine: "The more a man acts on the basis of a self-image that assumes he is powerless, an impotent cog in a huge machine, the more likely he is to drift into a pattern of dehumanized thinking and action toward others."5 "We have become masters of the impersonal and the inanimate. Our energy and even our emotions have gone into things; the things serve us but come between us, changing the relationship of man to man. And the things take on an authority that men accept without protest. The impersonality is epidemic. It is almost as though we feared direct contact, almost as though the soul of man had become septic."6 Thus we find our identity not by relating to other individuals as individuals, but by seeing ourselves merely as a part of "the crowd" or "the nation," whose emblem and savior is the Bomb, the ultimate machine. We lose the subtleties and nuances of human complexity and see the world in absolutes, "us versus them." We view human relationships in terms of the mythic, apocalyptic vision, a vision whose ultimate promise is the annihilation of "their" machine and unlimited license for "our" machine to do whatever it wants. In fact, the ultimate goal of machine people is always to have total dominance, unlimited autonomy to manipulate the environment—both human and natural—in endless technological ways. Thus the machine God also shapes our relationship with our physical and material environment, leading us to the environmental crisis that we now face. Again, the fouling of the air, water, and land was hardly begun in the nuclear age, but the symbolism of the Bomb makes it much more difficult to escape from this predicament too. Behind our callousness toward the natural realm there is not only a desire for quick and easy profit, but a more fundamental view of ourselves as radically separated from nature. In the battle of the machines to dominate the elements, we are clearly on the side of the machines—we are the machines—and this battle is seen in radically dualistic, even apocalyptic, terms. Thus, having no meaningful relationship with nature, we are free, perhaps even compelled, to manipulate it endlessly. The transformation of raw materials into manufactured goods thus becomes our primary goal and value; if the Bomb is God, then the GNP is chief of the angels. Yet our commitment to material goods as highest good may have a more complex significance. It is fostered not only by the symbol of the Bomb as divine controller, manipulator, and dominator, but also by the psychic numbing that the Bomb creates. If we dare not think about the true reality of our lives—the sword of Damocles that constantly threatens total extinction at a moment's notice—then we must divert ourselves, making the other, numbed level so complex and interesting that we shall not have time to think about the truth. And we must make ourselves so comfortable that we shall not care to deal with the danger. Thus the Bomb and the economy are interlocked not only from a strictly economic point of view (though most people do believe that more bombs are good for the economy, despite the doubts raised by economists), but also from the psychological and symbolic standpoints. The Bomb, the economy, and our lives all form parts of one interlocking machine, offering us enough satisfactions that we refuse to ask about the deeper meaning of the machine's life. When this question threatens to arise, the diversions of life as theater of the absurd and global Russian roulette are there to entertain us and soothe our doubts. Thus we desperately desire the security that we hope to gain from total domination and manipulation of our world, but we simultaneously demand the insecurity that will make life interesting and entertaining. And we certainly get this insecurity, for we have based our hopes of security on a God that, as we have seen, cannot provide it. We hope to dominate the Enemy with a weapon that by its very nature cannot offer the freedom that we seek through domination. We are caught in a vicious circle in which the quest for security can only breed the anxiety of insecurity. But machines can't feel anxiety, so it may be easier, for this reason too, to live as a machine. Finally, then, we come to treat not only the natural world and our fellow human beings as machines, but ourselves as well. We offer ourselves, our thoughts and feelings, to the machine and the nation that embodies it, and we perceive those feelings and thoughts as parts of the unreality that surrounds us: "Faced with the prospect of the destruction of ~~man~~kind, we feel neither violent nor guilty, as though we were all involved in a gigantic delusion of negation of the external as well as of our internal reality." 7 We allow ourselves to be numbed, finding it the easiest way to cope with an impossible situation, and thus we commit "partial suicide," which in turn allows us to continue preparing for total suicide on a global scale. We commit ourselves to a machine that is infinitely violent and must wreak its violence on us if it is to be used on others. Therefore, as much as we fear the Enemy, we must fear ourselves in equal measure, and this fear of ourselves reinforces the numbing. So we find powerlessness attractive, even as we chase the delusion of ultimate power, for we know that this dream of ultimate power is ultimately suicidal and thus we want to perceive ourselves as weak—incapable of, or at least not responsible for, pushing the button. Caught in this contradiction, along with so many others, we escape by immersing ourselves in the air of unreality, of craziness, surrounding it all, and thus the circle is completed: at every turn, the symbolism of the Bomb as God, which makes nuclear weapons so attractive to us, reinforces the tendency toward numbing, and numbing reinforces our commitment to the Bomb as God.

### 2nc

### Chow

die for your cause, I don't think so,

Nadia C 7 (November 9th, 2007, http://www.crimethinc.com/texts/selected/asfuck.php)

Face it, **your politics are boring as fuck.** **You know it's true**. Otherwise, **why does everyone cringe when you say the word? Why has attendance at your** anarcho-communist **theory discussion group meetings fallen to an all-time low**? Why has the oppressed proletariat **not come to its senses and joined you in your fight for world liberation?** Perhaps, after years of struggling to educate them about their victimhood, you have come to blame them for their condition. They must want to be ground under the heel of capitalist imperialism; otherwise, why do they show no interest in your political causes? **Why haven't they joined you yet in chaining yourself to mahogany furniture, chanting slogans at carefully planned and orchestrated protests, and frequenting anarchist bookshops? Why haven't they sat down and learned all the terminology necessary for a genuine understanding of the** complexities of Marxist economic **theory**? The truth is**, your politics are** boring to them because they really are **irrelevant**. They know that **your antiquated styles of protest—**your marches, hand held signs, and gatherings—**are now powerless to effect real change because they have become such a predictable part of the status quo.** They know that **your post-Marxist jargon is off-putting because it really is a language of mere academic dispute, not a weapon capable of undermining systems of control**. They know that your infighting, your splinter groups and endless quarrels over ephemeral theories can never effect any real change in the world they experience from day to day. They know **that no matter who is in office, what laws are on the books, what "ism"s the intellectuals march under, the content of their lives will remain the same**. They—we—know that our boredom is proof that these "politics" are not the key to any real transformation of life. For **our lives are boring enough already!** And you know it too. **For how many of you is politics a responsibility?** Something you engage in because you feel you should, when in your heart of hearts there are a million things you would rather be doing? Your volunteer work—is it your most favorite pastime, or do you do it out of a sense of obligation? Why do you think it is so hard to motivate others to volunteer as you do? Could it be that it is, above all, a feeling of guilt that drives you to fulfill your "duty" to be politically active? Perhaps you spice up your "work" by trying (consciously or not) to get in trouble with the authorities, to get arrested: not because it will practically serve your cause, but to make things more exciting, to recapture a little of the romance of turbulent times now long past. Have you ever felt that you were participating in a ritual, a long-established tradition of fringe protest, that really serves only to strengthen the position of the mainstream? Have you ever secretly longed to escape from the stagnation and boredom of your political "responsibilities"? It's no wonder that no one has joined you in your political endeavors. Perhaps you tell yourself that it's tough, thankless work, but somebody's got to do it. The answer is, well, NO. **You actually do us all a real disservice with your tiresome, tedious politics**. For in fact, **there is nothing more important than politics.** NOT the politics of American "democracy" and law, of who is elected state legislator to sign the same bills and perpetuate the same system**. Not the politics of the "I got involved with the radical left because I enjoy quibbling over trivial details and writing rhetorically about an unreachable utopia**" anarchist. Not the politics of any leader or ideology that demands that you make sacrifices for "the cause." **But the politics of our everyday lives**. **When you separate politics from the immediate, everyday experiences of individual men and women, it becomes completely irrelevant**. Indeed, **it becomes the private domain of wealthy, comfortable intellectuals, who can trouble themselves with such dreary, theoretical things**. When you involve yourself in politics out of a sense of obligation, and make political action into a dull responsibility rather than an exciting game that is worthwhile for its own sake, **you scare away people whose lives are already far too dull for any more tedium.** **When you make politics into a lifeless thing, a joyless thing, a dreadful responsibility, it becomes just another weight upon people**, rather than a means to lift weight from people. And thus **you ruin the idea of politics for the people to whom it should be most important.** For everyone has a stake in considering their lives, in asking themselves what they want out of life and how they can get it. But **you make politics look to them like a miserable, self-referential,** pointless middle class/**bohemian game**, a game with no relevance to the real lives they are living out. **What should be political? Whether we enjoy what we do to get food and shelter. Whether we feel like our daily interactions with our friends**, neighbors, **and coworkers are fulfilling**. Whether we have the opportunity to live each day the way we desire to. And "**politics" should consist not of merely discussing these questions, but of acting directly to improve our lives in the immediate present. Acting in a way that is** itself entertaining**, exciting, joyous—because political action that is tedious, tiresome,** and oppressive **can only perpetuate tedium, fatigue, and oppression in our lives**. No more time should be wasted debating over issues that will be irrelevant when we must go to work again the next day. No more predictable ritual protests that the authorities know all too well how to deal with; **no more boring** ritual **protests which will not sound like a thrilling way to spend a Saturday afternoon to potential volunteers**—clearly, those won't get us anywhere. **Never again shall we "sacrifice ourselves for the cause." For we ourselves**, happiness in our own lives and the lives of our fellows, **must be our cause!** After we make politics relevant and exciting, the rest will follow. But **from a dreary, merely theoretical** and/**or ritualized politics, nothing valuable can follow.** This is not to say that we should show no interest in the welfare of humans, animals, or ecosystems that do not contact us directly in our day to day existence. But the foundation of **our politics must be concrete**: it must be immediate, it must be obvious to everyone why it is worth the effort, it must be fun in itself. **How can we do positive things for others if we ourselves do not enjoy our own lives?** To make this concrete for a moment: an afternoon of collecting food from businesses that would have thrown it away and serving it to hungry people and people who are tired of working to pay for food—that is good political action, but only if you enjoy it. If you do it with your friends, if you meet new friends while you're doing it, if you fall in love or trade funny stories or just feel proud to have helped a woman by easing her financial needs, that's good political action. On the other hand, **if you spend the afternoon typing an angry letter** to an obscure leftist tabloid **objecting to** a columnist's **use of the term** "anarcho-syndicalist," **that's not going to accomplish shit, and you know it.**

### K

I think if I have learned one thing from the 1ac it is that they are either incredibly inherrent or they do not solve - the whole

Schlag ‘90 (Pierre, professor of law at the University of Colorado, Stanford Law Review, lexis, AM)

In fact, normative legal thought is so much in a hurry that it will tell you what to do even though there is not **the slightest chance** that you might actually be in a position to do it. For instance, when was the last time you were in a position to put the difference principle n31 into effect, or to restructure [\*179] the doctrinal corpus of the first amendment? "In the future**, we should.** . . ." When was the last time you were in a position to rule whether judges should become pragmatists, efficiency purveyors, civic republicans, or Hercules surrogates? Normative legal thought doesn't seem overly concerned with such worldly questions about the character and the effectiveness of its own discourse. It just goes along and proposes, recommends, prescribes, solves, and resolves. Yet despite its obvious desire to have worldly effects, worldly consequences, normative legal thought remains seemingly unconcerned that for all **practical purposes,** its only consumers are legal academics and perhaps a few law students -- persons who are virtually never in a position to put any of its wonderful normative advice into effect.

The courts are so slow and cumbersome and have a history of failure - star this card.

Scheppele 12—Professor of Sociology and Public Affairs @ Princeton University [Kim Lane Scheppele (Dir. of the Program in Law and Public Affairs @ Princeton University), “The New Judicial Deference,” Boston University Law Review, 92 B.U.L. Rev. 89, January 2012]

In this Article, I will show that American courts have often approached the extreme policies of the anti-terrorism campaign by splitting the difference between the two sides—the government and suspected terrorists. One side typically got the ringing rhetoric (the suspected terrorists), and the other side got the facts on the ground (the government). In major decisions both designed to attract public attention and filled with inspiring language about the reach of the Constitution even in times of peril, the Supreme Court, along with some lower courts, has stood up to the government and laid down limits on anti-terror policy in a sequence of decisions about the detention and trial of suspected terrorists. But, at the same time, these decisions have provided few immediate remedies for those who have sought the courts' protection. As a result, suspected terrorists have repeatedly prevailed in their legal arguments, and yet even with these court victories, little changed in the situation that they went to court to challenge. The government continued to treat suspected terrorists almost as badly as it did before the suspected terrorists "won" their cases. And any change in terrorism suspects' conditions that did result from these victorious decisions was slow and often not directly attributable to the judicial victories they won. Does this gap between suspected terrorists' legal gains and their unchanged fates exist because administration officials were flouting the decisions of the courts? The Bush Administration often responded with sound and fury and attempted to override the Supreme Court's decisions or to comply minimally with them when they had to. n6 But, as this Article will show, these decisions did not actually require the government to change its practices very quickly. The decisions usually required the government to change only its general practices in the medium term. Judges had a different framework for analyzing the petitioners' situation than the petitioners themselves did; judges generally couched their decisions in favor of the suspected terrorists as critiques of systems instead of as solutions for individuals. In doing so, however, courts allowed a disjuncture between rights and remedies for those who stood before them seeking a vindication of their claims. Suspected terrorists may have won [\*92] in these cases—and they prevailed overwhelmingly in their claims, especially at the Supreme Court—but courts looked metaphorically over the suspects' heads to address the policies that got these suspects into the situation where the Court found them. Whether those who brought the cases actually got to benefit from the judgments, either immediately or eventually, was another question. Bad though the legal plight of suspected terrorists has been, one might well have expected it to be worse. Before 9/11, the dominant response of courts around the world during wars and other public emergencies was to engage in judicial deference. n7 Deference counseled courts to stay out of matters when governments argued that national security concerns were central. As a result, judges would generally indicate that they had no role to play once the bullets started flying or an emergency was declared. If individuals became collateral damage in wartime, there was generally no judicial recourse to address their harms while the war was going on. As the saying goes, inter arma silent leges: in war, the law is mute. After 9/11, however, and while the conflict occasioned by those attacks was still "hot," courts jumped right in, dealing governments one loss after another. n8 After 9/11, it appears that deference is dead. [\*93] But, I will argue, deference is still alive and well. We are simply seeing a new sort of deference born out of the ashes of the familiar variety. While governments used to win national security cases by convincing the courts to decline any serious review of official conduct in wartime, now governments win first by losing these cases on principle and then by getting implicit permission to carry on the losing policy in concrete cases for a while longer, giving governments a victory in practice. n9 Suspected terrorists have received [\*94] from courts a vindication of the abstract principle that they have rights without also getting an order that the abusive practices that have directly affected them must be stopped immediately. Instead, governments are given time to change their policies while still holding suspected terrorists in legal limbo. As a result, despite winning their legal arguments, suspected terrorists lose the practical battle to change their daily lives. Courts may appear to be bold in these cases because they tell governments to craft new policies to deal with terrorism. But because the new policies then have to be tested to see whether they meet the new criteria courts have laid down, the final approval may take years, during which time suspected terrorists may still be generally subjected to the treatment that courts have said was impermissible. Because judicial review of anti-terrorism policies itself drags out the time during which suspected terrorists may be detained, suspected terrorists win legal victories that take a very long time to result in change that they can discern. As a result, governments win the policy on the ground until court challenges have run their course and the courts make decisions that contribute to the time that the litigation takes. This is the new face of judicial deference. This Article will explore why and how American courts have produced so many decisions in which suspected terrorists appear to win victories in national security cases. As we will see, many judges have handled the challenges that terrorism poses for law after 9/11 by giving firm support, at least in theory, to both separation of powers and constitutional rights. Judges have been very active in limiting what the government can do, requiring substantial adjustments of anti-terrorism policy and vindicating the claims of those who have been the targets. But the solutions that judges have crafted—often bold, ambitious, and brave solutions—nonetheless fail to address the plights of the specific individuals who brought the cases. This new form of judicial deference has created a slow-motion brake on the race into a constitutional abyss. But these decisions give the government leeway to tackle urgent threats without having to change course right away with respect to the treatment of particular individuals. New deference, then, is a mixed bag. It creates the appearance of doing something—an appearance not entirely false in the long run—while doing far less in the present to bring counter-terrorism policy back under the constraint of constitutionalism.

#### The executive will arbitrarily define words - means even if you don't find my analysis compelling military lawyers are much smarter than that.

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

Exposing the law as violence is necessary to create space for rethinking that makes social relations outside violence possible

Neocleous 3

[Mark, Teaches politics @ Brunel, Imagining the state, Philadelphia: Open University Press, 6-7)

The last point should indicate to the reader that this is a polemical book about a polemical topic. As such, I should be clear about my intentions. If a hidden agenda seems nasty, then an exposed one looks downright impudent.13 Writers these days increasingly like to stand aside from the affray. This is nowhere more obvious than in books in which affray is a central issue-namely books on issues such as the state, power and capital. On the one hand, this is no doubt due to the fate of the academy in contemporary capitalism-academic research assessment exercises which seem to have knocked the political stuffing out of seemingly political writers (best not write anything too political about this political topic, in case it damages one's promotion prospects). On the other hand, it is also clearly connected to the demise of any coherence the Left once had. Writers on the Left appear to be happier to retreat into ever more exegetical work on text after text, with little sense as to the purpose of reading political writers in the first place. Or, worse, they have bought into the stunningly naive socio-political claim that we have moved into a world in which there is politics without enemies.4 (And if there are no enemies, then there is no ground for any fundamental disagreement and thus no real need to say anything interesting at all.) Too many intellectuals on the Left have thus developed an instrumental inability to think beyond the instructions and parameters provided for them by the state and one of its key ideological apparatuses - the university. So let me say that this book is written from outside the statist political imaginary (or at least as much as one can be outside it), and also against it. To write against the statist imaginary is thus intended as an act of resistance - though admittedly not the bravest act of resistance one might imagine, since the state aims to dominate the thought of even those who oppose it (indeed, one might say especially those who oppose it). Pierre Bourdieu has argued that `to endeavour to think the state is to risk either taking over, or being taken over by, the thought of the state','~ and as I argue in Chapter 2, as part of its administration of civil society the state aims to structure the way we view the world by generating the categories through which citizens come to imagine collective identity and thus their own political subjectivity. One of the implications of this is that the statist political imaginary has assisted the state in setting limits on the theoretical imagination, acting as a block on the possibility of conceiving of a society beyond the state.This is a book that tries to think the state without either taking over or being taken over by the thought of the state. It therefore rests on a different political imaginary, one which I mention here and return to only briefly at the very end of the book, which arises out of the tradition of the oppressed which teaches us that the `state of exception' in which we live is not the exception but the rule. As Walter Benjamin recognized, to write against the state of exception in this way is to aim to bring about a real state of emergency which imagines the end of the state, and thus an end to the possibility of fascism.

### 1nr

#### This is disempowering and turns us into passive bodies to be mobilidized for destruction.

Salter 85. M.G. Salter, lecturer in criminal law at the University of Birmingham, “The Rule of Power in the Language of Law,” The Liverpool Law Review Vol.VII(1) [1985] pg. 45

Through this linguistic patterning of administered time, the student is kept under the continual assessment of normalising judgments that examine, compare and contrast in order to accumulate a knowledge. Even the measurers are themselves externally measured, graded and assessed. Between staff, considerations of tactics determine aspects of discourse. Rarely is complete openness and honesty strategic.

Power also operates through legal discourse to assemble specific relations between people through individualising and collectivising them into pre-given categories. We can see this within the landlord tenant relationship. Even in their legal battles and formal agreements the relations between landlords and tenants are pre-determined through such notions as property, ownership and possessory rights. These shape the formation of intentions and the consequences of action. Legal battles for "student rights", "tenants rights" or those for blacks, consumers and women, take place upon a language already worked by power and for which the determination of what "tenancy'~ "rights" etc.~ means has already happened.

It is therefore inadequate to see these effects of power as mere rituals without penetrating deeper into the rules of operation that make possible and govern such elements of discourse. These rules set up an order of succession between different speakers' contributions, they determine who has the right to follow whom~ to interrupt, overrule~ qualify remarks~ re-interpret in "the light of broader policy considerations" and which positions may be taken upon what has been said by previous speakers and the status of statements made. Power also determines the effect of these modifications upon the subsequent authority of the overruled speaker.

Not only is the "who" prescribed in advance, but the "how" of these overrulings, qualifications, re-interpretations etc. If a statement by the Attorney-General over the use of the Emergency Powers legislation during violent strikes and unlawful picketing is subsequently to be qualified, this cannot be done in just any fashion. Power thus enforces what it has already established as the "proper" manner of any qualification. This has already pre-defined what specific element can~ in that particular qualifying discourse~ be related to what other~ if it is to count as a successful use of a particular ritualised tactic. Breach of these rules established under certain laws of co,possibility leads not to a successful "qualification" of the Attorney-General's earlier statement~ but to something else -perhaps an unintended public humiliation of a senior member of government.

In our academic discourse the power of the legal professions to impose a particular form and content for "their" qualification has already structured the occasion of any possible discourse. Both inside and outside academia power has already declared which qualified person, occupying which certified occupation for how many years can give an authoritative rendition of any particular law. (8) Also it pre-determines from what place this must be offered and according to which rituals of circumstance - accompanying gestures, style and body positions - to maintain the authority of the speaker. (9)

A law of compossibility has then laid down rules whose historical interplay determine why the appearance and disappearance of a particular discourse could not have occurred otherwise. The effects of their operation is to assemble and hold together not only a particular legal theme, but also a group of subjects whose status empowers them to speak and command an audience upon this theme. For example, the legality of bail conditions imposed upon pickets is not a theme for anyone at any time or place. Whether student, lecturer, defence lawyer, trade union leader or picket, mastery of these rules by the subject they create within the field they open up is a pre-condition for successful practical action within it. This is certainly true when the sites are the adversarial, and therefore highly tactical, atmospheres of court rooms, television debates or picket lines.

Such mastery and command does not make a person master of the rules themselves. It is still power that is heard when language speaks; they are no-onets personal possession or plaything. They are outcomes of chosen practices they themselves have made possible. It does not then appear to be a question of a "ruling class" which owns and therefore has certain power at its free disposal consciously to secure its rule over a dominated class. If anything the relationship is that power rules through establishing the meaning of particular social relationships. One has power like one has a cold, i.e. we are had by it and must make the best of it, develop resistance, fight the symptoms that aggravate us, discover, understand and use its effects to our advantage. No-one is exempt. The unfinished rituals power establishes generate our legal and ethical codes as well as the social relationships of their field of application. These relationships themselves create potentially violent tensions whose threat and reality support the widely felt need for such codes and law.

Power operates as much through the understanding as the speaking of legal discourse. Thus even the individual's understanding of law is made to "run on time" according to preset and administered rhythms. The intelligibility of laws governing, say, official secrets and labour relations, are constantly established through what is written and said in and about them. This constituted intelligibility is not in itself dependent upon administrative and labour practices. Instead, the dependency of its theme is articulated through language which makes constant but selective use of these relations. It does so in order to lay down a way in which these relations can be authoritatively addressed through it. As a lawyer I should be able to understand these laws better than those to whom they directly apply. Of course, it is a different matter to consider what this established intelligibility then means for administrators and trade unionists.

Power therefore delimits and holds together a select audience for particular legal discourses. The authoritative legal version which I may attempt to render is cornered by a particular profession and expressed upon non-legal and external practices such as journalism~ trade unionism, policing, law courts and prisons. From such constituted/constituting sources legal discourse has inscribed upon it~ and inserted within it~ an implicit philosophy of life, system of ethics and criteria for "sound judgement". These are not essentially or exclusively legal in character, but are bound up with the evolution of modernist societies and their struggles with unaccountable feudal and royal power. For example, the struggle for the rule of law has always been a power-struggle between competing potential law makers, for access to and control over law making machinery and then for the gaining of universal social recognition of the laws that have been made. There can also be a struggle within academia between and among students and lecturers over the weight given to purely academic matters, research, professional training etc., that occur against external government financial and relevancy criteria.