### T

#### “Resolved” is governmental

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” is obligatory

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 full effect---must be tangible increase in restrictions

**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

#### Increase denotes a specific change

**Ripple 87** (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

#### War powers refers to specifically enumerated authority—anything else is vague

**Bradley, 10** - \* Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship>)

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### “Topic relevance” isn't enough—only a precise and limited rez creates deliberation on a point of mutual difference

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the **broad topic** of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. **Vague understanding** results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

#### 3. Key to education on particulars of the presidency—prior question to informed criticism

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

\*Card modified for gendered language, we prefer the gender neutral term person AND His references the president who self identifies as male

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File:1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man (ethical person) who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

#### 4. Key to meaningful dialogue—monopolizing strategic ground makes discussion one-sided and subverts any role of the neg

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.

**Focus on legal process is key; theoretical discussion won’t suffice. Only policy relevant debate about specific proposals holds the government accountable for their hypocrisy and teaches us the language of the war-machine**

Ewan E. **Mellor** – European University Institute, Political and Social Sciences, Graduate Student, Paper Prepared for BISA Conference 20**13**, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, online

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

### DA

#### First is Uniqueness-

#### A) Al-Qaeda’s capabilities are degraded- they still have operational intent though

McLaughlin 2013 [John McLaughlin was a CIA officer for 32 years and served as deputy director and acting director from 2000-2004. He currently teaches at the Johns Hopkins University's School of Advanced International Studies and is a Non-Resident Senior Fellow at the Brookings Institution July 12, 2013 “Terrorism at a moment of transition” http://security.blogs.cnn.com/2013/07/12/terrorism-at-a-moment-of-transition/]

On targets, jihadists are now pulled in many directions. Many experts contend they are less capable of a major attack on the U.S. homeland. But given the steady stream of surprises they’ve sprung – ranging from the 2009 “underwear bomber” to the more recent idea of a surgically implanted explosive – it is hard to believe they’ve given up trying to surprise us with innovations designed to penetrate our defenses.¶ We especially should remain alert that some of the smaller groups could surprise us by pointing an attacker toward the United States, as Pakistan’s Tehrik e Taliban did in preparing Faizal Shazad for his attempted bombing of Times Square in 2010.¶ At the same time, many of the groups are becoming intrigued by the possibility of scoring gains against regional governments that are now struggling to gain or keep their balance – opportunities that did not exist at the time of the 9/11 attacks.¶ Equally important, jihadists are now learning from their mistakes, especially the reasons for their past rejection by populations where they temporarily gained sway.¶ Documents from al Qaeda in the Islamic Maghreb, discovered after French forces chased them from Mali, reveal awareness that they were too harsh on local inhabitants, especially women. They also recognized that they need to move more gradually and provide tangible services to populations – a practice that has contributed to the success of Hezbollah in Lebanon.¶ We are now seeing a similar awareness among jihadists in Syria, Tunisia, Libya, and Yemen. If these “lessons learned” take hold and spread, it will become harder to separate terrorists from populations and root them out.¶ Taken together, these three trends are a cautionary tale for those seeking to gauge the future of the terrorist threat.¶ Al Qaeda today may be weakened, but its wounds are far from fatal. It is at a moment of transition, immersed in circumstances that could sow confusion and division in the movement or, more likely, extend its life and impart new momentum.¶ So if we are ever tempted to lower our guard in debating whether and when this war might end, we should take heed of these trends and of the wisdom J. R. R. Tolkien has Eowyn speak in “Lord of the Rings”: "It needs but one foe to breed a war, not two ..."

#### B) Intelligence services work now – but added pressure could cause critical lapses

Washington Post 12-1-13 (“Feinstein, Rogers: Terror Threat Against U.S. Has Grown as al-Qaeda’s Dynamic Shifts,” <http://www.washingtonpost.com/politics/feinstein-rogers-terror-threat-against-us-has-grown-as-al-qaedas-dynamic-shifts/2013/12/01/cd6a32cc-5ac5-11e3-a49b-90a0e156254b_story.html>, Mike)

The terrorism threat against the United States is increasing and Americans are not as safe as they were a year or two ago, the leaders of the House and Senate intelligence committees said Sunday. Sen. Dianne Feinstein (D-Calif.) said there are more terrorist groups than ever, with more sophisticated and hard-to-detect bombs. “There is huge malevolence out there,” she said. Rep. Mike Rogers (R-Mich.) said there is enormous pressure on U.S. intelligence services “to get it right, to prevent an attack.” Rogers said that job is getting more difficult because al-Qaeda is changing, with more affiliates around the world — groups that once operated independently but have now joined with al-Qaeda. He also said terrorists are adopting the idea that “maybe smaller events are okay” and still might achieve their goals. “That makes it exponentially harder for our intelligence services to stop an event like that from happening,” he said in a joint interview on CNN’s “State of the Union” that aired Sunday. Although the lawmakers offered no specifics about what led them to their conclusions, Feinstein spoke generally of “a real displaced aggression in this very fundamentalist jihadist Islamic community, and that is that the West is responsible for everything that goes wrong and that the only thing that’s going to solve this is Islamic sharia law and the concept of the caliphate.” The caliphate is an Islamic state led by a religious and political leader, or caliph, who is considered a successor of the prophet Mohammad and who governs by sharia law. Rogers said al-Qaeda groups have changed their means of communication as a result of leaks about U.S. surveillance programs, making it harder to detect potential plots in the early planning stages. “We’re fighting amongst ourselves here in this country about the role of our intelligence community,” Rogers said. “That is having an impact on our ability to stop what is a growing number of threats. And so we’ve got to shake ourselves out of this pretty soon and understand that our intelligence services are not the bad guys.”

#### Second are the links-

#### A) Pacifism – the 1AC evidence is so rhetorically powerful it proves that the War on Terror is un-ending – A violent struggle is the only way to solve – the aff undermines that

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)

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.

#### B) The logical outcome of the aff would be trial or release - either would be the largest security breach in history – it undermines the entire fight against terrorism

-Destroys courthouse, jail, and judge security

-Causes court clogging

-Increases risk of terror attack at the trial or against the public

-Causes waves of litigation

-Prison transfers are a huge risk

-Valuable intelligence leaks

-Testimony in trial reveals US means of evidence collection

-Successful prosecutions don’t set a precedent

-Doesn’t increase soft power

Mukasey former U.S. Attorney General ‘9 (Michael, “Civilian Courts Are No Place to Try Terrorists,” <http://online.wsj.com/article/SB10001424052748704107204574475300052267212.html>, Mike)

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the Sept. 11, 2001 terrorist attacks, and other detainees allegedly involved. The Justice Department claims that our courts are well suited to the task. Based on my experience trying such cases, and what I saw as attorney general, they aren't. That is not to say that civilian courts cannot ever handle terrorist prosecutions, but rather that their role in a war on terror—to use an unfashionably harsh phrase—should be, as the term "war" would suggest, a supporting and not a principal role. The challenges of a terrorism trial are overwhelming. To maintain the security of the courthouse and the jail facilities where defendants are housed, deputy U.S. marshals must be recruited from other jurisdictions; jurors must be selected anonymously and escorted to and from the courthouse under armed guard; and judges who preside over such cases often need protection as well. All such measures burden an already overloaded justice system and interfere with the handling of other cases, both criminal and civil. Moreover, there is every reason to believe that the places of both trial and confinement for such defendants would become attractive targets for others intent on creating mayhem, whether it be terrorists intent on inflicting casualties on the local population, or lawyers intent on filing waves of lawsuits over issues as diverse as whether those captured in combat must be charged with crimes or released, or the conditions of confinement for all prisoners, whether convicted or not. Even after conviction, the issue is not whether a maximum-security prison can hold these defendants; of course it can. But their presence even inside the walls, as proselytizers if nothing else, is itself a danger. The recent arrest of U.S. citizen Michael Finton, a convert to Islam proselytized in prison and charged with planning to blow up a building in Springfield, Ill., is only the latest example of that problem. Moreover, the rules for conducting criminal trials in federal courts have been fashioned to prosecute conventional crimes by conventional criminals. Defendants are granted access to information relating to their case that might be useful in meeting the charges and shaping a defense, without regard to the wider impact such information might have. That can provide a cornucopia of valuable information to terrorists, both those in custody and those at large. Thus, in the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman and others that I presided over in 1995 in federal district court in Manhattan, the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators, regardless of whether they are charged as defendants. One of those co-conspirators, relatively obscure in 1995, was Osama bin Laden. It was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to bin Laden in Khartoum, Sudan, where he then resided. He was able to learn not only that the government was aware of him, but also who else the government was aware of. It is not simply the disclosure of information under discovery rules that can be useful to terrorists. The testimony in a public trial, particularly under the probing of appropriately diligent defense counsel, can elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts. The alternative is to lengthen criminal trials beyond what is tolerable by vetting topics in closed sessions before they can be presented in open ones. In June, Attorney General Eric Holder announced the transfer of Ahmed Ghailani to this country from Guantanamo. Mr. Ghailani was indicted in connection with the 1998 bombing of U.S. Embassies in Kenya and Tanzania. He was captured in 2004, after others had already been tried here for that bombing. Mr. Ghailani was to be tried before a military commission for that and other war crimes committed afterward, but when the Obama administration elected to close Guantanamo, the existing indictment against Mr. Ghailani in New York apparently seemed to offer an attractive alternative. It may be as well that prosecuting Mr. Ghailani in an already pending case in New York was seen as an opportunity to illustrate how readily those at Guantanamo might be prosecuted in civilian courts. After all, as Mr. Holder said in his June announcement, four defendants were "successfully prosecuted" in that case. It is certainly true that four defendants already were tried and sentenced in that case. But the proceedings were far from exemplary. The jury declined to impose the death penalty, which requires unanimity, when one juror disclosed at the end of the trial that he could not impose the death penalty—even though he had sworn previously that he could. Despite his disclosure, the juror was permitted to serve and render a verdict. Mr. Holder failed to mention it, but there was also a fifth defendant in the case, Mamdouh Mahmud Salim. He never participated in the trial. Why? Because, before it began, in a foiled attempt to escape a maximum security prison, he sharpened a plastic comb into a weapon and drove it through the eye and into the brain of Louis Pepe, a 42-year-old Bureau of Prisons guard. Mr. Pepe was blinded in one eye and rendered nearly unable to speak. Salim was prosecuted separately for that crime and found guilty of attempted murder. There are many words one might use to describe how these events unfolded; "successfully" is not among them. The very length of Mr. Ghailani's detention prior to being brought here for prosecution presents difficult issues. The Speedy Trial Act requires that those charged be tried within a relatively short time after they are charged or captured, whichever comes last. Even if the pending charge against Mr. Ghailani is not dismissed for violation of that statute, he may well seek access to what the government knows of his activities after the embassy bombings, even if those activities are not charged in the pending indictment. Such disclosures could seriously compromise sources and methods of intelligence gathering. Finally, the government (for undisclosed reasons) has chosen not to seek the death penalty against Mr. Ghailani, even though that penalty was sought, albeit unsuccessfully, against those who stood trial earlier. The embassy bombings killed more than 200 people. Although the jury in the earlier case declined to sentence the defendants to death, that determination does not bind a future jury. However, when the government determines not to seek the death penalty against a defendant charged with complicity in the murder of hundreds, that potentially distorts every future capital case the government prosecutes. Put simply, once the government decides not to seek the death penalty against a defendant charged with mass murder, how can it justify seeking the death penalty against anyone charged with murder—however atrocious—on a smaller scale? Even a successful prosecution of Mr. Ghailani, with none of the possible obstacles described earlier, would offer no example of how the cases against other Guantanamo detainees can be handled. The embassy bombing case was investigated for prosecution in a court, with all of the safeguards in handling evidence and securing witnesses that attend such a prosecution. By contrast, the charges against other detainees have not been so investigated. It was anticipated that if those detainees were to be tried at all, it would be before a military commission where the touchstone for admissibility of evidence was simply relevance and apparent reliability. Thus, the circumstances of their capture on the battlefield could be described by affidavit if necessary, without bringing to court the particular soldier or unit that effected the capture, so long as the affidavit and surrounding circumstances appeared reliable. No such procedure would be permitted in an ordinary civilian court. Moreover, it appears likely that certain charges could not be presented in a civilian court because the proof that would have to be offered could, if publicly disclosed, compromise sources and methods of intelligence gathering. The military commissions regimen established for use at Guantanamo was designed with such considerations in mind. It provided a way of handling classified information so as to make it available to a defendant's counsel while preserving confidentiality. The courtroom facility at Guantanamo was constructed, at a cost of millions of dollars, specifically to accommodate the handling of classified information and the heightened security needs of a trial of such defendants. Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania. In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

#### C) Authority – We will win this link or go for framework – Aff’s restriction of the President’s authority to detain causes attacks on the homeland.

John Yoo 12 Law Professor @ Cal Liebert, Hugh (Editor); McDowell, Gary L. (Editor); Price, Terry L. (Editor). Jepson Studies in Leadership : Executive Power in Theory and Practice. p 224-8.

http://site.ebrary.com/lib/uiowa/Doc?id=10538928&ppg=224

We can see these dynamics at work in Obama’s initial policies on the war on terrorism, issues on which I worked during my service in the Bush administration. **Obama set his own course on controversial issues such as the detention, interrogation, and trial of terrorists, at first pleasing the base of the Democratic Party, but then tacking back toward Bush policies as he became aware,** I believe, **of the security challenges abroad**. **During his first week** as commander in chief, for example, President **Obama ordered the closure of** detention facilities at **Guantánamo** Bay 43 and terminated the CIA’s special authority to question terrorists using tough interrogation methods that critics have claimed amount to torture. 44 He suspended the military commissions that were in the middle of the trials of al-Qaeda leaders for war crimes. 45 His Department of Justice, led by Attorney General Eric Holder, decided it would no longer use the phrase “enemy combatant” to describe terrorists nor describe the struggle with al-Qaeda as a “war.” 46 Obama released several secret Bush legal memos, some of which I worked on, regarding detention and interrogation policy, and went head-to-head on May 21, 2009, with former Vice President Dick Cheney in dueling speeches over whether the Bush administration policies on interrogation had proven effective. 47 While **these actions** certainly pleased the left wing of the Democratic Party, they also **threatened to handicap our intelligence agencies in preventing future terrorist attacks.** In issuing these executive orders, **Obama favored the law enforcement approach to fighting terror**ism that prevailed before September 11, 2001**. He** also **dried up the most valuable sources of intelligence on al-Qaeda that**, according to former CIA Director Michael Hayden, **largely came out of the tough interrogation of high-level operatives.** 48 The question President Obama should have asked immediately after the inaugural parade was: “What will happen after we capture the next Khalid Sheikh Mohammed or Abu Zubaydah?” More **careful review of terrorism policy would have made clear that the civilian law enforcement system cannot prevent terrorist attacks**. **What is needed are the tools to gain vital intelligence,** which is why, under President Bush, the CIA could hold and interrogate high-value al-Qaeda leaders. On the advice of his intelligence advisers, the president could authorize coercive interrogation methods like those used by Israel and Great Britain in their anti-terrorism campaigns. He could even authorize waterboarding, which Bush did three times in the years after 9/11. 49 President Obama’s stay of all military commission trials, and the transfer to the criminal justice system of the only al-Qaeda operative held by the military on U.S. soil, might have led to the shuttering of commissions entirely. 50 Military commission trials, however, have been used in most American wars, and their rules and procedures are designed to protect intelligence sources and methods from revelation in open court. Obama ordered that al-Qaeda leaders be protected from “outrages on personal dignity” and “humiliating and degrading treatment” in accordance with the Geneva Conventions. 51 Obama might even declare terrorists to be equal to prisoners of war under the Geneva Conventions. The Bush administration, by contrast, was well supported by legal and historical precedent in its decision to classify terrorists like pirates: illegal combatants who do not fight on behalf of a nation and refuse to obey the laws of war. 52 The CIA must now conduct interrogations according to the rules of the Army Field Manual, which prohibits coercive techniques, threats and promises, and the good-cop, bad-cop routines used in police stations throughout America. 53 President Bush had already banned torture or physical abuse in 2002 (the Bush administration concluded that waterboarding was neither), 54 but President Obama’s new order amounts to requiring— on penalty of prosecution— that CIA interrogators be polite. 55 Coercive measures are unwisely banned with no exceptions, regardless of the danger confronting the country. **Eliminating the Bush system entirely risks losing timely information from captured al-Qaeda terrorists**. Every prisoner will have the right to a lawyer (which they will surely demand), the right to remain silent, and the right to a speedy trial. 56 The first thing any lawyer will do is tell his client to shut up. The Khalid Sheikh Mohammeds or Abu Zubaydahs of the future will not respond to verbal questioning or trickery— which is precisely why the Bush administration felt compelled to use more coercive measures in the first place. Our **soldiers** and agents **in the field will have to run more risks to secure physical evidence at the point of capture and maintain a chain of custody that will stand up to the standards of a civilian court**. **Relying on the civilian justice system not only robs us of the most effective intelligence tool to avert future attacks, it** also **provides an opportunity for our enemies to obtain intelligence on us**. **If terrorists are now to be treated as ordinary criminals, their defense lawyers will insist that the government produce in open court all U.S. intelligence on their clients along with the methods used** by the CIA and NSA **to get it.** **A defendant’s constitutional right to demand the government’s files often forces prosecutors to offer plea bargains to spies rather than risk disclosure of intelligence secrets.** Zacarias Moussaoui, the only member of the 9/11 cell arrested before the attack, turned his trial into a circus with such demands. He was convicted after four years of pretrial wrangling only because he chose to plead guilty. 57 Efforts to use the criminal justice system to try al-Qaeda leaders will only lead to more of the same, but with far more valuable intelligence at stake. It is naïve to say, as Obama did in his inaugural speech, that we can “reject as false the choice between our safety and our ideals.” 58 **That highflying rhetoric means that we must give al-Qaeda**— a hardened enemy committed to our destruction— **the same rights as garden-variety criminals at the cost of losing critical intelligence about real, future threats**. All government policies involve tradeoffs between competing values, and the Obama administration cannot wish them away by claiming they don’t exist. **As Obama has matured in office and learned more about the nation’s security environment,** however, **he has adopted policies that suggest more continuity with the past**. As of mid-2010, Obama had decided against ending the NSA’s electronic surveillance program, which allows the warrantless interception of suspected terrorist communications entering or leaving the country. 59 **The new administration** not only kept in place, but even **expanded, the use of un~~man~~ned aircraft to kill** suspected **al-Qaeda leaders** in civilian areas— a far greater deprivation of civil liberties than detention, interrogation, and trial by the military. 60 In May 2009, **Obama reversed his decision to suspend military commissions,** and even though he has proposed the transfer of enemy combatants from Guantánamo Bay to the United States, he also conceded that many will not be tried in civilian courts but will instead be detained as prisoners of war. 61 In 2011, the administration finally accepted that al-Qaeda leaders would not be tried in New York City, Guantánamo Bay would remain open, and military commissions would restart— thanks in part to congressional funding bans on relocating any terrorists to the United States. None of these policies would be legal unless the United States were at war. Continuing a war that he inherited, Obama bears similarity not to FDR or even to Lincoln, to whom the president compares himself, but to Eisenhower. Ike was another president whose personal popularity outstripped the public support for his policies. The Eisenhower administration continued the basic strategy developed by his immediate predecessor, Harry Truman, to address the dire security challenge posed by the Cold War. Eisenhower initially campaigned on the grounds that the strategy of containment resigned millions to communist dictatorship, and his future secretary of state, John Foster Dulles, promised “rollback” of Soviet control of Eastern Europe. 62 Once in office, however, Eisenhower retained the fundamental strategy of containment, though with a lower defense budget and without triggering an all-out war. As John Lewis Gaddis has shown, he changed the means from symmetric to asymmetric force, but he remained true to Truman’s fundamental choice of containing the Soviet Union around its periphery. 63 Similarly, President Obama has come to recognize the wisdom of the goals of the Bush administration’s terrorism policies. Further, it should be clear that these policies are rooted in a broad view of presidential power. Obama has continued the American occupation of Iraq and even increased deployment to Afghanistan, based on the view of his national security team— not of Congress— that the battle against terrorism must be won there. 64 Continuing the NSA’s warrantless wiretapping power is primarily the result of the president’s decision to carry out signals intelligence against an enemy. Extensive use of Predator drones is a tactic carried out by the military pursuant to the president’s commander in chief authority. Suspending military commissions at Guantánamo, which had received congressional authorization in 2006, could only be done pursuant to the president’s Article II powers under the Constitution. 65 Even ordering the CIA to follow military rules in interrogating enemy combatants depends wholly on the president’s authority to command the military and determine operational tactics and strategy. Congress itself refused to place the CIA under the rules of the Army Field Manual on interrogation**. In making and implementing these terrorism policies, Obama has done nothing less than exercise many of the executive’s broader powers in times of emergency or war**. Counterterrorism policy also shows the effectiveness of Congress’s powers. A signal element of Obama’s plan was closing Guantánamo Bay and transferring the remaining detainees to the U.S. prison system. Congress responded by banning the use of any funds to allow any Guantánamo Bay detainee to enter the United States. 66 Obama’s buildup in Afghanistan would be impossible without congressional funding for the new deployments, and his policies on targeted killings with Predator drones or NSA surveillance could not continue without Congress’s financial support. Any effort to recharacterize the status of enemy combatants or to try them in civilian courts **would be tested** in the federal courts and could reach the U.S. Supreme Court. **Both branches have the ability to impede, if not** totally obstruct**,** President **Obama’s policies against the leading external security threat of our** day. Obama may have made his decisions on terrorism too swiftly after his inauguration. He may have opened the door to further terrorist acts on U.S. soil by shattering some of the nation’s most critical defenses. Or he may be right in reversing some of the Bush-era measures, if current classified threat assessments report that the chances of a terrorist attack have sharply declined. What remains important is that Obama, like Bush, has relied on his constitutional authority to make policy on everything from the number of troops in Afghanistan, to warrantless wiretapping, to use of Predator drones**. If Obama wishes to guide the nation successfully through its period of economic crash and foreign threat, he must draw on the mainspring of presidential power as deeply as did his greatest predecessors**. **The early part of his presidency shows signs that he has learned this lesson reluctantly**.

#### Third is the impact-

#### A) Terrorism Causes Extinction

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

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

#### B) Nuclear terrorism is feasible --- high risk of theft and attacks escalate

Vladimir Z. Dvorkin 12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

**C) Solving the root causes of terrorism is impossible because of expansive jihadist demands---the aff’s attempt at reconciliation collapses causes global violence**

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 100-2

While different U.S. policies may be more or less important at differ- ent times, most experts agree that it is American actions (“what we do”), not American values (“who were are”) that have made the United States the target of salafist jihad. While in his ideal world Bin Laden would cer- tainly like to see the United States ditch its barbaric culture and convert to Islam, that is low on his list of concerns. As he himself has pointed out, if Al Qaeda were offended primarily by the licentiousness Western societies practice at home, it would have attacked Sweden. ¶ The problem is that while salafists might theoretically leave the United States alone if we left them alone, their concerns are vast and their hostility to liberal values is profound. Salafism is not a universalist ideology in the way that Communism was. (That is not to say its devotees do not dream of a world completely under God’s rule—they do—only that the cultural barriers preventing, say, an Argentinean from adopting the religion of Qutb are far greater than the barriers preventing him from adopting the religion of Marx.) But neither is salafism easy to avoid. Bin Laden has said the United States can escape “this ordeal” of terrorism if “it leaves the Arabian Peninsula, and stops its involvement in Palestine, and in all the Islamic world.” Unfortunately, Zawahiri, his second in command, has defined the Islamic world as stretching from “Eastern Turkestan [ Xinjiang, in western China] to Andalusia [Spain and Portugal].” Azzam has gone further, including among the territory that must be “returned to us so that Islam will reign again” sub- Saharan African countries like Chad, Eritrea, and Somalia and Asian nations like Burma and the Philippines. Salafists want to restore the caliphate that once ruled much of the Islamic world. But even at its eighth- century peak, the caliphate only stretched from In- dia to Spain. Under Al Qaeda’s more expansive definition, it seems to include every country or region once under Muslim rule. To comply with those terms, the United States would have to **retreat** virtually **to the Western Hemisphere.** ¶ Needless to say, for the United States to withdraw from a swath of territory stretching from West Africa to Southeast Asia would constitute a geostrategic revolution. American power is the guarantor of last resort for the government of Pakistan, which has nuclear weapons, a volatile border with nuclear- armed India, and salafist elements in its security services. It plays the same role in Jordan and Egypt, the lynchpins of peace between Israel and the Arab world. And, of course, America protects the Saudi monarchy, whose kingdom sits atop one quarter of the world’s proven oil reserves. As the Bush administration has rightly recognized, these relation- ships are unsustainable in their current form, and America’s long-t erm safety requires that its clients evolve in a democratic direction, even if it means they prove less compliant. But were the jihadist movement to force the United States to withdraw its military, political, or economic influence ¶ from these crucial areas—producing governments with dramatically dif- ferent orientations—**the consequences for American security, the world economy, and regional peace could be grave**. ¶ And a withdrawal from the Muslim world would not only imperil American interests, it would also imperil American values. Al Qaeda may not hate us for “who we are”—unless “who we are” obligates us to oppose what might be called “religious cleansing,” the violent purification of large swaths of the globe. After all, **if the U**nited **S**tates **withdrew from its war against salafism, salafism would still be at war**. Al Qaeda’s ultimate goal is not to expel the United States from Islamic lands; it is to establish a new caliphate that ushers in God’s rule on earth. And the many enemies of that effort—non- Muslims, apostate Muslims, liberated female Muslims, gay and lesbian Muslims—would still blemish the Islamic world, representing jahiliyyah in its myriad sinful forms. ¶ Where those enemies have no army to defend them, the result has been terror. Where they do, the result has been endless war. It is a virtual axiom of international politics that salafists will try to seize control of any local conflict—from the Philippines to Chechnya to Kashmir to Iraq—that pits Sunni Muslims against their neighbors. And the more they succeed, the less likely it is that such a conflict will end. Many Muslims, including many non-s alafist Islamists, also support Muslim insurgencies around the world. In Iraq, they may support attacks on American troops. But since they see jihad as a means to some concrete goal, political compromise is possible. Salafists, however, who see jihad as a means to usher in a messianic age, will accept no outcome that leaves Muslims under non- Muslim rule, because such a compromise threatens the path to paradise.

### ASU Case

#### Their epistemology oversimplifies Islamophobia in the U.S. – it ignores the reality that there are pre-meditated acts of violence that happen – regardless of causality they are inevitable

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.50-52, Mike)

To resolve this anomaly, Esposito came forward to claim that Islamist movements were nothing other than movements of democratic reform. Only orientalist prejudice, of the kind dissected by Said, prevented American observers from seeing past external form to this inner quality. Americans would “have to transcend their narrow, ethnocentric conceptualization of democracy” to comprehend “Islamic democracy that might create effective systems of popular participation, though unlike the Westminster model or the American system.”21 This idea—that Americans suffered from an ethnocentric understanding of democracy—soon reverberated throughout Middle Eastern studies. Historian Richard Bulliet, on-and-off director of the Middle East Institute at Columbia University (and self-described “consultant to the Department of State”)22 declared (in a Washington conference) that the defining of democracy was part of “a world hegemonic discourse of Western cultural imperialism.” He urged “the reshaping of the concept of democracy within world terms in which there is a dialogue of discourse and not simply a Western hegemonic discourse.”23 Armed with this indictment of American ethnocentrism, academic experts could now assert that every Islamist state or movement was either democratic or potentially democratic. Historian John Voll, Esposito’s closest collaborator (whom Esposito would bring to Georgetown from another remote outpost, the University of New Hampshire) appeared before a congressional committee in 1992, where he pleaded on behalf of Sudan—a place without political parties, ruled by a military junta in league with an Islamist ideologue. Voll described the Sudanese regime as “an effort to create a consensual rather than a conflict format for popular political participation,” and then delivered this opinion: “It is not possible, even using exclusively Western political experience as basis for definition, to state that if a system does not have two parties, it is not democratic.”24 And so American congressmen were instructed by the president-elect of MESA that a country with no political parties, presided over by a coup-plotting general, ridden by civil war, with a per capita gross domestic product of $200, still might qualify somehow as a democracy. This was not deliberate self-parody; it was merely Esposito’s logic advanced ad absurdum. As for Islamist violence, this was deemed beyond the bounds of approved research. Dwelling upon it would only reinforce stereotypes. After all, announced Esposito, “most” Islamic movements had reached the conclusion that violence was “counterproductive.” “They speak of the need to prepare people for an Islamic order rather than to impose it.”25 Therefore, promised Esposito, the violence that had marred the 1980s would recede, and “the nineties will prove to be a decade of new alliances and alignments in which the Islamic movements will challenge rather than threaten their societies and the West.”26 Yet despite these assurances, there seemed to be no shortage in the 1990s of Islamists still prepared to live up to orientalist expectations. Acolytes of shaykhs angry at America continued to plant massive bombs—inside the World Trade Center in New York, near an American barracks in al-Khobar, outside American embassies in Nairobi and Dar Es Salaam. Tourists in Luxor, bus riders in Tel Aviv, and pedestrians in Algiers all became the targets of lethal and indiscriminate attacks. Not all of the Islamists—perhaps not even “most” of them—had heard that violence was “counterproductive.” Whenever such an act occurred, scholars who had promised a waning of the violence entered a state of denial. After the World Trade Center bombing, Columbia’s Richard Bulliet organized a conference—not to explain the appearance of terrorism in his city, but to confront “a new anti-Semitism” against Muslims, driven by “the propensities of the non-elite news media to over-publicize, hype, and sell hostility to Islam.” These media were the real fanatics. “Some Muslims from New York are going to be tried for seditious conspiracy to commit criminal acts,” he warned ominously. “A guilty verdict will send a chill of fear throughout America.”27 This was typical of the hyperbole popularized by Said—and it was just as misplaced. When “some Muslims” eventually were found guilty, there was no chill of fear, and no new anti-Semitism. Americans, in their basic fairness and respect for due process, saw the bombing trial as a straightforward criminal case. In their coverage of the arrests and trial, “non-elite” journalists and commentators again outperformed the tabloid academics, who had been indoctrinated by Said to expect only the worst from America beyond the campus. From the Islamists, these same scholars expected only the best. Islamists were either moderate or moderating, moving steadily toward a rational accommodation with changing reality. The Palestinian Hamas was a case in point. In 1993, Foreign Affairs opened its pages to Bulliet, who considered the “possibility that a Hamas campaign of violence could cause the Rabin government to fall and return the Likud Party to power.” Given the track record of Hamas, this did look like a cause for concern. “But that outcome seems unlikely,” Bulliet reassured his readers, “since it would amount to Israel playing into the hands of the spoilers. Violence, therefore, will probably be deemed too great a risk by Hamas leaders.”28 The prophet did prophesy falsely: two years later, a violent campaign of suicide bombings by Hamas did return the Likud to power, with implications for the balance of the decade. Academics blinded by the paradigms of Said and Esposito continued to be surprised not only by America, where they lived, but by the Middle East, which they studied. Still, the expectations of their academic milieu remained very predictable, and as long as they met them, they remained safe and secure behind its impenetrable defenses.

#### That means our 1NC link-turns their aff even if we don’t win a substantive link to the DA – the aff is the self-fulfilling prophecy

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.84-88, Mike)

Did Middle Eastern studies meet any existential need? In 1979, MESA’s Board described academic Middle Eastern studies as “one of this country’s greatest resources for understanding and learning to live with an ever more vital part of the world.”2 Twenty years later, it was difficult to say just whom this resource purported to serve, except itself. Not only had its champions made serious errors of estimation regarding some of the most central issues in Middle Eastern affairs. They simultaneously fenced themselves off from effective interaction with those Americans entrusted with meeting existential needs: the U.S. government. The rise of antigovernment zealotry in Middle Eastern studies would have astonished the founders. For many of them, initial interest in the contemporary Middle East had been stirred by their military or civilian service during the Second World War. When the region became a war theatre, recalled one observer, “calls came from various government departments and agencies: the State Department, the War Department (G-2), Signal Corps, Naval Intelligence, the Office of Strategic Services (OSS), the Office of War Information, and the like.” The war put Americans in the Middle East, and also brought about “the realization of the immense scientific deficit which had accumulated over a long period of time through the neglect of the modern Near East by the social sciences and not a few of the humanistic disciplines.”3 After the war, private foundations worked to make good the “deficit.” But the academics also subjected the government to heavy lobbying. In 1949, the Committee on Near Eastern Studies pointed enviously to the postwar decision of the British government to subsidize university programs on the Middle East.4 In 1950, the executive secretary of the American Council of Learned Societies determined that even at the best American universities, “the academic structure is almost as West European centered as it was when Mecca was practically as far away as the moon.” This could be repaired “only with the expenditure of large social capital, and that, in our political structure, means Federal Government funds.” In particular, there was “no reason why there should not be government fellowships in Near Eastern studies precisely as there are government fellowships in atomic science. The one is just as important to the national security as the other.”5 But all of these pleas failed utterly. J. C. Hurewitz, then at Columbia, recalled that Washington urged the expansion of the field, but did so “without even a gesture of fiscal generosity.” Congress was paralyzed by “diehard isolationists” and Senator Joseph McCarthy.6 For a full decade into the Cold War, academics cajoled and implored government for support—and got nowhere. Only after the Soviets launched Sputnik in 1957 did education lobbyists find an opening. America, they argued, had fallen behind Russia in education, including international education. Academic lobbyists joined with sympathetic congressmen and officials to propose “emergency” funding of education under the rubric of national defense. Some conservative congressmen remained doubtful. Senator Strom Thurmond, for one, opposed the bill, citing its “unbelievable remoteness from national defense considerations.”7 But the bill became law— the National Defense Education Act of 1958—and “defense education” quickly developed into another federal semi-entitlement, which carried no obligation for any specific contribution to America’s defense. Title VI of the act provided for the support of language and area studies, and the appropriation, administered by what was then called the Department of Health, Education, and Welfare, made possible the expansion of area studies centers. These functioned autonomously not only from other university departments; they also enjoyed autonomy from the government. In 1962, heads of centers called for an extension and enlargement of the act. In doing so, they praised the “statesmanlike and educationally informed way” in which Title VI was administered, allowing the universities to move forward “while preserving their own freedom of action and maintaining their own distinctive character.”8 The president of the American Council of Education was even more straightforward: “The Federal Government has provided its share of the financing of language and area centers without impairing the autonomy of the institutions receiving the funds; in short, Federal funds have been given without Federal control.”9 From its inception, Title VI was administered as a no-strings-attached benefit. Later, the “defense” designation was dropped altogether. But the early leaders of Middle Eastern studies were also men (there were few women) of a patriotic disposition, who could be counted upon to help out. Having served their country during the Second World War, they felt no aversion to maintaining their contacts in Washington. This was not an “old boy” network, but a “new boy” network, of people who had come together for the first time in the defining experience of their generation. Despite widely different social and ethnic origins, they shared camaraderie and an implicit trust, and a worldview shaped by the recent conflict. In these years, as Bernard Lewis later put it, “the choices before us still retained something of the clarity, even the starkness, which they had kept through the war years and which they have subsequently lost.”10 Something of the ambiance is conveyed by Hurewitz’s account of how he gained access to classified and nonclassified intelligence material for his book Middle East Politics: The Military Dimension (1969). A telephone call to an old OSS acquaintance; a serendipitous coincidence of interests; a security clearance and contract; and publication of the results after a speedy review—it was all fairly easygoing.11 Certainly government expected to reap benefits in the form of enhanced understanding, but it was believed that these would accumulate slowly, through a generalized diffusion of knowledge. Universities could do what they always did, but with far greater resources. And in the 1960s, money was so easy that only new centers competed for funds; centers, once funded, enjoyed automatic renewal of their grants. The gap between Washington and academe began to open during the years of radical politicization of the campus in the mid-1960s. The U.S. Army– sponsored Project Camelot, meant to mobilize area studies for in-country counterinsurgency research, evoked a strong backlash in academe, the Department of State, and Congress. (Project Camelot began its operations in Chile. But according to its plan, the project would have eventually included Army-sponsored social science research in Iran, Egypt, and Turkey.) The Department of Defense had overreached. But the episode became a narrow prism through which academics continued to view relations with government. Even when the circumstances that produced Project Camelot disappeared, many academics instinctively regarded any government initiative as a potential Project Camelot, and reacted accordingly. As it turned out, the idea of a pervasive Department of Defense “penetration” of academe was a myth; as a 1973 survey of area specialists revealed, “the radical caucuses’ concern about the dread impact of military support for academic area research seems numerically to be unjustified.”12 But suspicions in academe fed upon themselves, and the divide widened. By the time Richard Nixon entered the White House in 1969, area studies no longer rested on a Washington consensus, and Nixon’s administration immediately set out to eliminate support for all area studies centers, including those devoted to the Middle East. In his 1970 budget message, Nixon listed the National Defense Education Act as one of the “less productive and outmoded programs.” In the words of MESA’s president at the time, this “led to one of the greatest lobbying efforts ever conducted by educators in this county,” involving university presidents, center directors, and area studies associations.13 Friends in Congress managed to ward off the attack, but not before the administration succeeded in halving the budget (funding of Middle East centers was halved almost exactly). Funds were restored in 1972, but in 1973, the Department of Education halved the number of area studies centers and cut the number of Middle East centers from twelve to seven.14 In 1974, the administration zero-budgeted Title VI and again proposed to eliminate the program. Henry Kissinger and Senator Daniel Patrick Moynihan intervened with Nixon, but it was Congress that saved the day. In the new climate, the government required that all center grants be awarded exclusively through a competition, and that 15 percent of center funding be used for “outreach” beyond the campus.15 By the time Edward Said sat down to write Orientalism in 1975, the leaders of Middle Eastern studies knew something he did not know or preferred to ignore: the days of relaxed reliance on Washington were over. Even before the Middle Eastern studies “establishment” came under assault from the left, it found itself under attack by the right, which identified no real benefit from university-based programs and centers. This view also percolated through the bureaucracy. In 1979, a RAND report on area studies noted that government analysts displayed an “attitude of condescension or flat dismissal toward academics, who ‘don’t really know what is going on’ or—as in the common State Department view—are engaged in research that is not directly relevant to policymaking.”16 In 1981, a RAND report on Title VI singled out Middle East scholars for their lack of communication with policymakers: “We found in talking with faculty at area centers that their own training often makes it difficult for them to translate scholarly research into an applied format useful to policymakers. This is particularly true for humanities faculty who presently dominate some of the largest Middle Eastern centers.”17 Fortunately for the Middle East centers, they were part of the wider framework of Title VI, which was on its way to becoming a secure semi-entitlement, backed up by the full weight of the higher education lobby. In the first years of Ronald Reagan’s presidency, one last attempt was made to zero-budget Title VI. The academics rushed to persuade Secretary of Defense Caspar Weinberger to intervene on their behalf, which he did, and the appropriation was saved once again at the eleventh hour.18 Since that time, Title VI funding has remained constant in some years and has increased in others. But the frustration in Washington also remained constant, and in some from the existence of so many federally subsidized centers, programs, scholars, and students devoted to the Middle East. Their efforts were often clumsy, and their authors demonstrated an imperfect grasp of the workings of academe. More importantly, government seemed unaware of the revolution that had taken place in Middle Eastern studies. These had come to be dominated by the American generation formed by the Vietnam war, and an Arab generation formed by the 1967 Arab-Israeli war and the Palestinian awakening. Many of the insurgents, in their bid for academic power, had denounced established scholars for their alleged complicity with the American government. Once in power, they proceeded to erect high ramparts between the field and Washington, and to patrol them with a zealotry that would lead many officials to write off academe altogether.

#### Voting neg on any of our offense solves the aff – guarantees critical theory gets injected to the debate space and captures their spillover claims

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.121-124, Mike)

If the Middle East had lost its importance to the United States, one could leave it at that. But the Middle East continues to preoccupy Americans. Whether the subject is energy or human rights, missile defense or nuclear proliferation, Iran or Iraq, Islamism or Israel, terrorism or weapons of mass destruction, the Middle East engenders public debate and compels policymaking at the highest levels. Indeed, it is one of the few parts of the world where the United States could find itself even more deeply involved over the next two decades. American understanding of the Middle East—an understanding in perpetual need of improvement—could still be enhanced by an improvement in the performance of Middle Eastern studies. What will it take to heal Middle Eastern studies, if they can be healed at all? The usual mantra among academics is that the field has to submit even more reverentially to the disciplines and their theories. The mandarins proclaim that “scholars of Middle East politics must prove their credentials by the demonstrable theoretical relevance of their work,” in the first instance by “showing that generally available theoretical claims and categories are applicable in Middle Eastern settings.”2 These theories are powerful totems—far more powerful than the realities of the Middle East, which are distant and remote from the American campus. In such a climate, there is a strong incentive to put theoretical commitments before empirical observation. Even though this has been the source of repeated error, breaking out of the circle involves professional risk of a high order. To put the Middle East before theorizing about the Middle East is to run the risk of being denounced as a disciplinary naïf or a “latent” orientalist. In striking contrast, there is no professional cost for substantive error in interpreting the actual Middle East. Indeed, leaders of the field do it all the time without any negative consequences. Yet the salvation of Middle Eastern studies lies precisely in looking past the rapid turnover of theories in the social sciences to the Middle East itself in all its theory-defying complexity. Certainly this must be the lesson of the debacles of the last twenty years, all of which originated precisely in the effort to slavishly apply irrelevant or faulty paradigms to the region. The academics are naturally reluctant to cast Middle Eastern studies as a spoiler of the social sciences, and it is always safer to take a seat in the chorus. But reducing the Middle East to a set of proofs will not only perpetuate the marginality of Middle Eastern studies. It will rob the field of its potential for contributing to the great debates, present and future, over the place of the Middle East in a globalized world. Nor will Middle Eastern studies in America pull out of the doldrums if their leaders persist in totally negating the very rich patrimony of scholarly orientalism. For all the limitations of this tradition, it inculcated high standards of cultural literacy and technical proficiency. It also cultivated an appreciation of the uniqueness of Islamic civilization in its Middle Eastern setting. As a result, the study of Islam in the orientalist tradition enjoyed cultural prestige. Its greatest practitioners commanded respect throughout their own societies and among learned Middle Easterners. In contrast, the post-orientalists have made Middle Eastern studies into a mere dependency of the social sciences and relegated themselves to the dubious duty of proving the universality of the latest theories propounded by the trendiest academic celebrities. Orientalism had heroes. Middle Eastern studies have none, and they never will, unless and until scholars of the Middle East restore some continuity with the great tradition. The obstacles to this shift are formidable. The field of Middle Eastern studies is strewn with living monuments to recent excesses. Walk down the hall of any Middle East center, read the names on the doors, and recall the controversies and fads of America at end-of-century. Not everyone can be reinvented, not everyone can reinvent. But Americans reinvented Middle Eastern studies at least twice before, forty years ago in response to Title VI, and twenty years ago in response to the appearance of Orientalism. Middle Eastern studies are due for another reinvention. As in the past, so this time, it is generational change that will renew and reinvigorate the field. The mission will probably be accomplished by people who are under forty, who are not implicated in the excesses of the recent past, and who understand how perilously close to the precipice they have been led. Their task will be a formidable one. The climate that now prevails in Middle Eastern studies is best described in these words: A young scholar depends on this network for his or her subventions, to say nothing of employment and the possibility of publication in the established journals. To venture unfriendly critiques of the recognized scholars or of their work, in this field more than in the fields of general history or literature, is to risk too much. . . . And the moment a voice is heard that challenges this conspiracy of silence, ideology and ethnic origins become the main topic.3 This was Edward Said, writing in 1981. Are these words any less true today, now that Said’s disciples govern Middle Eastern studies? It might even be said that they are truer than ever. The role of the secure, senior scholars is therefore crucial. They now have the obligation of going back to ask how and why they went wrong. Lisa Anderson and James Bill, political scientists, had the standing and the courage to admit that they and their colleagues persistently failed to explain the Middle East. The regeneration of Middle Eastern studies will proceed more rapidly if more senior scholars come forward from all of the disciplines, to debate and criticize the state of the field and reexamine the validity of their own theories, paradigms, and methodologies. To the founders’ credit, they did just that twenty-five years ago, when their own constructs began to fail. At that time, Leonard Binder, as MESA president, mobilized the now-defunct Research and Training Committee of MESA to analyze the state of the field. Even Said found merit in the resulting book, The Study of the Middle East (1976), precisely because it revealed Middle Eastern studies to be “an embattled field,” surrounded by “a general air of crisis.”4 Where is the air of crisis today? The leaders of Middle Eastern studies instead radiate smugness, shake their heads at the tumult in the public arena, and retreat ever more deeply into their own secluded world, with its rigid etiquette of theory and its peculiar mannerisms of political posturing. Complacency pervades the senior ranks. Today it is almost impossible to imagine MESA, under such leadership, initiating a collective soul searching. MESA now functions as a kind of union or lobby that boosts the image of Middle Eastern studies and circles the wagons against any criticism. What about those supposed hothouses of innovation, the Social Science Research Council and the Ford Foundation? The SSRC, which marched Middle Eastern studies down every dead end in the 1980s and 1990s, has now convened a “Regional Advisory Panel” for the Middle East and North Africa, to survey the state of the field around the world and “set up new and different kinds of networks between scholars who work on the region.” 5 Its opening gambit has been to ponder whether there even is a Middle East to study—yet another inauspicious beginning on Third Avenue. As for the Ford Foundation, it has become a virtual colony of the most radical post-orientalists. In 1997, the foundation entrusted the post-orientalist fashion designers at New York University with developing a “demonstration model for renewing the field of Middle Eastern studies.”6 Ford’s most recent major contribution to the field, made in 1999, was a $300,000 grant to the “progressive” activists of MERIP, the “leftover left,” to enable them “to reach a wider audience in the media, policy and education arenas.”7 In its dogged pursuit of the latest trend, Ford is often the first foundation to put its money down. And it is usually the last foundation to acknowledge its losses. The next breakthroughs will not come from within these institutions. The professional associations and the big foundations, where rewards derive solely from adherence to consensus, are notoriously slow at responding to changing reality. The breakthroughs will come from individual scholars, often laboring on the margins. As the dominant paradigms grow ever more elaborate, inefficient, and insufficient, they will begin to shift. There will be more confessions by senior scholars, and more defections by their young protégés. The question is whether anything can or should be done from outside academe to accelerate the process.

#### Their Islamophobia claims are too sweeping --- our authors are epistemologically sound and the West isn’t inevitably tainted

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(Christian, “Limits of Integration Policy: Britain and Her Muslims,” Journal of Ethnic and Migration Studies, Volume 35, Issue 3)

The Runnymede report defines Islamophobia as certain ‘closed’ views of Islam, which are distinguished from ‘open views’ in terms of eight binary oppositions, such as ‘monolithic/diverse’, ‘separate/interacting’, or ‘inferior/different’ (the first adjective always marking a ‘closed’, the second an ‘open’ view). This makes for an elastic definition of Islamophobia, with little that could not be packed into it. Consider the eighth binary opposition, ‘Criticism of West rejected/considered’. If ‘criticisms made by Islam of “The West” (are) rejected out of hand’, there is an instance of Islamophobia, the non-biased attitude being that ‘criticisms of “the West” and other cultures are considered and debated’. Is it reasonable to assume that people enter debate by putting their point of view to disposition? Under such demanding standards, only an advocate of Habermasian communicative rationality would go free of the charge of Islamophobia. However, the real problem is to leave unquestioned the exit position, ‘criticism of the West’. In being sweeping and undifferentiated, such a stance seems to be no less phobic than the incriminated opposite. If the point of the Runnymede report is to ‘counter Islamophobic assumptions that Islam is a single monolithic system’, it seems inconsistent to take for granted a similarly monolithic ‘criticism of “the West”’, which the ‘West’ is asked to ‘consider and debate’. There is a double standard here, in that ‘the West’ is asked to swallow what on the other side would qualify as phobia.

#### Islamophobia has zero causal explanatory power as a method and can’t solve it because it’s so nebulous

Bleich 11, professor of political science – Middlebury (Erik, “What Is Islamophobia and How Much Is There? Theorizing and Measuring an Emerging Comparative Concept,” American Behavioral Scientist, 55(12) p. 1581-1600)

Islamophobia is a widely used concept in public and scholarly circles. It was originally developed in the late 1990s and early 2000s by political activists, nongovernmental organizations (NGOs), public commentators, and international organizations to draw attention to harmful rhetoric and actions directed at Islam and Muslims in Western liberal democracies. For actors like these, the term not only identifies anti- Islamic and anti-Muslim sentiments, it also provides a language for denouncing them. In recent years, Islamophobia has evolved from a primarily political concept toward one increasingly deployed for analytical purposes. Researchers have begun using the term to identify the history, presence, dimensions, intensity, causes, and consequences of anti-Islamic and anti-Muslim sentiments. In short, Islamophobia is an emerging comparative concept in the social sciences. Yet, there is no widely accepted definition of the term. As a result, it is extremely difficult to compare levels of Islamophobia across time, location, or social group, or to levels of analogous categories such as racism, anti-Semitism, or xenophobia. Without a concept that applies across these comparative dimensions, it is also virtually impossible to identify the causes and consequences of Islamophobia with any precision.

#### Secular policymaking is compatible with Islamic doctrine and doesn’t link to their offense --- doesn’t require one to discard religion entirely

Asghar Ali Engineer 2k, Indian reformer-writer and social activist internationally known for his work on liberation theory in Islam, “Islam and Secularism,” October 15, http://andromeda.rutgers.edu/~rtavakol/engineer/secular.htm

We would examine here whether these assertions are true and whether Islam is really incompatible with secularism. Firstly, we should make a distinction between what is theological and what is historical. The concept that religion and politics cannot be separated is more historical than theological. In fact the Holy Qur'an, as we have pointed out elsewhere too, does not give any concept of the State; it only gives the concept of the society. The Qur'an is concerned with morality rather than polity. An upright conduct, justice, truth, benevolence, compassion and human dignity are very basic to the Holy Scripture. It repeatedly asserts these values. Thus it clearly means that these values are very fundamental to an Islamic society rather than to a State.¶ The view that religion cannot be separated from politics in Islam is due this primary concern with these Islamic values. It was thought by early Islamic `Ulama and jurists that if religion was separated from politics, the rulers would totally neglect these fundamental Islamic values and would behave in a manner which would only satisfy their greed for power. In fact in those days there was no concept of secularism as a philosophy of humanism. The `Ulama were afraid that if religion and politics were separated there would be absolutely no check on the conduct of the rulers. In fact, one does not find clear articulation to this effect (that religion cannot be separated from politics in Islam) in any early Islamic source. This formulation itself is of nineteenth century origin when colonial powers began to impose secular laws in Islamic countries i.e. the laws which were not basically derived from Shari`ah.¶ In the early Islamic period there were no other laws than the Shari`ah laws. And since there was no such concept of the State in Qur'an, the Islamic State itself is a historical construct. The structure of Islamic State evolved over a period of time. The Qur'an and Hadith were the primary sources for the new State. It is important to note that before Islam there was no State in Mecca or Medina. There was only a senate of tribal chiefs who took collective decisions and it was tribal chiefs who enforced those decisions in their respective tribal jurisdiction. There were obviously no written laws but only tribal customs and traditions. Any decision had to be taken within the framework of these customs. There was no other source of law.¶ However after Islam appeared on the social horizon of Mecca, the scenario began to change. In Medina the Prophet (PBUH) laid the framework of governance through what is known as Mithaq-e-Madina (Covenant of Medina). This Covenant also basically respects tribal customs to which adherents of Judaism, Islam and pre-Islamic idol worshippers belonged. Each tribe, along with the religious tradition it belonged to, was treated as an autonomous unit in the Covenant, which has been described in full details by Ibn Ishaque, the first biographer of the Holy Prophet. Thus the Covenant of Medina respected both the tribal as well as religious autonomy of the inhabitants of the town. It can also be said to be the first constitution of the state in making. The Covenant laid down certain principles which are valid even today in a secular state. When the covenant was drawn up by the Prophet of Islam, Shari`ah as a body of law had not evolved. In this important Medinan document what is most important is that the Prophet (PBUH) did not compel the different tribes of Jews and idol worshippers to follow the Islamic law.¶ A state structure began to evolve only after the death of the Holy Prophet when vast areas of other territories were conquered and new problems began to arise. During the Prophet's time the governance was limited to almost a city. He did not live long after the conquest of Mecca. But after his death the jurisdiction of the state expanded much beyond the frontiers of Arabia. During the Prophet's time people were more concerned with day today problems of marriage, divorce, inheritance etc. on one hand, and those of problems like theft, robbery, murder and some similar problems for which the Qur'an and the Prophet were inerrant source of guidance. The people asked the Prophet for guidance and followed his pronouncements or the Qur'anic injunctions voluntarily. There was no state machinery to enforce it. There was neither any police force nor any regular military. There was no separate judiciary either. As far as the Prophet was concerned he was legislator, an enforcer of laws (executive) and also a judge (representing judiciary). He combined all three functions.¶ Thus it will be seen that there was no regular state structure during the Prophet's own time as he was a unique personality who could combine all these functions for judicious governance, in addition to being a source of law. However, the death of the Prophet (PBUH) created a vacuum and no other person could fill it. Also, as pointed out above, the conquest of other territories created more complex problems. Now there was need for enforcement of laws as people in far off places with no commitment to Islam would not follow the laws voluntarily as they did in Medina in the Prophet's time. Thus a police force was needed to enforce the laws. Also, during the Prophet's time people volunteered for fighting against enemies of Islam and there was no need for a paid regular army. Now after his death need was felt for paid regular army. The border areas had to be guarded constantly. There were no such borders before.¶ The corpus of Shari`ah was being evolved and for new situations guidance could no more be had from the Prophet. One either had to look for verses in the Qur'an or in Hadith which Prophet's companions remembered or one had to resort to analogy keeping analogous situations in mind. That was how the corpus of the Shari`ah law evolved slowly. The primitive Islamic state was democratic in spirit and the Caliphs often consulted their colleagues and companions of the Prophet while making any decision so as to conform to the Qur'anic values. Thus Qur'an and Hadith then were the main sources of law. But in secular matters like building up institutions like army or police or bureaucracy, they did not hesitate to borrow concepts from other sources like Roman or Persian. Thus Hazrat Umar borrowed the concept of Diwan (i.e. maintaining records of salaries to a paid army and bureaucracy). Similarly the Caliphs were called upon to legislate on matters like land ownership, suspension of certain punishments during times of emergency like famine etc.¶ The conquests, internal strife among the Muslims, struggle for power among different tribes, groups and personalities and many other factors created strong pressures so much so that the institution of Caliphate itself did not survive. It was ultimately replaced by monarchy and dynastic rule. This was totally against the spirit of the Qur'an. These changes became inevitable under the fast developing situation. The Islamic jurists had to come to terms with these new developments and to legitimise them somehow. Once the institution of Caliphate was replaced by dynastic rule, it could never be restored throughout Islamic history. The monarchy and dynastic rule persisted until the Western colonial rule took over.¶ It was under colonial rule that Muslims began to discover the virtues of democracy and saw in the Caliphate a 'golden period of Islamic democracy.' It is true that during the dynastic rule Shari`ah law could not be ignored and the rulers had to keep the `Ulama in good humour. However, they often found ways to go around and violate the spirit of the Shari`ah law. But they never ceased to pay obeisance to it. But the situation changed drastically with the onset of colonial rule during the nineteenth century in the Islamic world. Many laws were enforced by the colonial rulers which were secular in origin. The Western countries themselves were once governed by the Church and it was the Church law which was supreme. But the reformation changed all that and the struggle against the Church gave rise to the concept of secularism. Thus there was intense fight between the Church and the ruling princes who desired independence from the hegemony of the Church. The emerging bourgeois class too wanted to be free of the sacred rule and saw immense benefits in secularisation of politics and society. Thus it took more than three centuries in the West for secularisation of society and marginalisation of religion and religious institution. When the colonial rule was established in Asian and African countries many of which happened to be Islamic countries, the process of secularisation had traversed a great distance in the metropolitan countries.¶ Thus the colonial countries posed a great challenge to Islam in the colonised countries through their technological supremacy. The religious leaders and intellectuals in these countries found refuge in the 'glory of the past' and some were overwhelmed by the supremacy of the West and began to advocate secular modernisation. Many reform movements thus were born in Islamic countries. Jamaluddin Afghani and Muhammad Abduh of Egypt were among them. Some others, however, totally rejected secularism of the West and launched intense efforts to revive the past. Revivalist and reformist movements jostled with each other for social and political space. Among those who faced the Western challenge there were those who rejected religion altogether and adopted secular humanism of the West. However, they remained in small minority.¶ Islamic societies, however, found it more challenging to adopt change and adjust to it smoothly. Many sociologists ascribe this resistance to change inherent to the teachings of Islam. This, however, is not true. No religion including Islam is prone or opposed to change. The causes of resistance to change lie in the society, not in religion. In fact most of the Muslim societies were led by feudal lords and failed to produce modern bourgeois class. In these societies there was no well-entrenched mercantile or industrial class. It is as much truer of Indian Muslims as of other Muslim countries. The Hindus, on the other hand, had centuries old merchant class, which smoothly adjusted itself to modern industrial capitalism. Thus those who took to modern industrial capitalism felt need for secularisation and social change. The pressures for change were result of the changing ground reality for them.¶ The Muslims, on the other hand, felt no such need for change, as there was no well-entrenched mercantile class to feel the need for effecting smooth change over to modernity. Also, in most of the Muslim countries, including India, Islam was embraced by weaker and poorer sections of society, for it appealed to those sections due to its emphasis on equality and justice. Those sections had no felt need for modernisation and they remained under the tight grip of traditional `Ulama who were anyway opposed to the process of secularisation.¶ Also, unlike other religions, Muslims had well-developed Shari`ah law which was unanimously accepted as divine in origin. Most of the religious leaders thus rejected the very concept of secular law as unacceptable. The `Ulama, as pointed out above, had strong grip over the hearts and minds of the poor and illiterate masses and used the social base to oppose any change. The feudal lords, too, had not much use for secularism and readily struck an alliance with the `Ulama giving them full support. Thus the `Ulama strongly resisted any change in the Shari`ah laws. Not only that, they would not even admit of any reform. Those like Muhammad Abduh and others who advocated ijtihad (creative interpretation of Shari`ah laws in view of modernisation and change) were marginalised. Those important socio-economic factors cannot be ignored while discussing Islam and secularism.¶ Before we proceed further I would like to throw some light on some inherent limitations of secularism also. In nineteenth century rationalism became a dogma. The rationalists and secularists almost began to worship reason and dismissed religion with contempt. In fact the rationalists have been as contemptuous of religion as the faithfuls have been of secularism. Both have refused to admit limitations of their respective positions. One can say that as there are religious fundamentalists there are rational or secular fundamentalists also. These secular fundamentalists have no respect for believers whom they consider as nothing less than 'superstitious'. Even certain cultural practices are considered as such. Some of them even refuse to admit the emotional richness of life.¶ There has to be a balance between reason and faith. Faith is as important to human existence as reason is. Reason, in fact, is a tool humans use to achieve their goal. Reason can never become absolute though its usefulness as a tool cannot be minimised. Faith, on the other hand, is not tool but belief in higher values. These values are fundamental to a meaningful life on this earth. Reason at best ensures 'successful' life but not meaningful one. It is faith in values like compassion, justice, equality, non-violence etc. which make human life meaningful. Thus a creative synthesis between reason and faith is absolutely necessary for successful and meaningful life on this earth. Sacral and secular should not be treated as two poles or antagonistic contradiction. They are rather complimentary to each other.¶ The faithfuls should also bear in mind that faith should not mean blind imitation of the past traditions. Faith has to be in values, not in past traditions. As absolute secularism could lead to a life devoid of meaning and responsibility towards fellow human beings absolute faith also could lead to blind surrender to an authority which leads to highly exploitative practices. One has to guard against such possibility by employing ones rational faculty. In other words while reason would not become arrogant, faith should not become blind.¶ If understood in this sense one will not find any contradiction between reason and faith and between religion and secularism. Islam is also compatible with secularism, seen from this perspective. If secularism is interpreted as an atheistic philosophy, no believer in religion would accept it, let alone a believer in Islam. Islam, as pointed out above, lays strong emphasis on belief in God and unity of God. Muslims believe in divine revelation of Qur'an and in Muhammad being Messenger of Allah. One need not challenge these beliefs in the name of secularism. Secularism should be taken in political rather than philosophical sense. Secularism in political sense creates social and political space for all religious communities.¶ The nineteenth century rationalism and modernism is itself under challenge today. Our period is characterised as post-modernist period in which religious pluralism rather than rejection of religion is accepted. Post-modernism recognises limitations of reason and accepts validity of religious ethos. We are now in a world which is far removed from struggle between the Church and lay people. Church has also accepted the inevitability of secularisation of society. It no longer enjoys the hegemonic position it enjoyed before reformation. It has also apologised for persecution of scientists for discovering new scientific truths. It has also accepted the concepts of democracy and human rights. There is, thus, no serious contradiction between Church and secularism.¶ Islam, it must be noted, has no concept of organised church. No single religious authority is considered absolute. There has been, on the other hand, the concept of consensus (ijma`) among the `Ulama (the learned men of Islam) which is quite democratic. In fact consensus has been considered as one of the sources of Islamic law in the Sunni Islam. Also, there is concept of ijtihad which infuses the spirit of dynamism and movement, though, of late, the 'Ulama have refrained from using it for change. However, pressures are building up in Islamic societies for using the concept of ijtihad. All Islamic societies are in throes of change and modernisation. Islamic laws are no more a stagnant pool of old traditions. Changes are being effected.¶ As there is no organised church in Islam the 'Ulama are divided on the issues of modernisation and change. In Iran too intense struggle is on between the conservatives and the reformists. In Saudi Arabia too the process of change is for anyone to see though the monarchy is quite cautious and wants to carry the orthodox `Ulama along. But social pressures are building up in the Saudi society in favour of change and modernisation. Even in Afghanistan the Taliban rule is more coercive than consensual. The Taliban enjoy political and not social hegemony.¶ Islam admits of freedom of conscience and democratic rights and there are no two opinions about it. Islam also officially accepts religious pluralism in as much as it is Qur'anic doctrine to hold other prophets in equal esteem. The Holy Prophet provided equal social and religious space to all religions present in Medina, as pointed out above, through the Covenant of Medina. The leaders of Jami`at al-`Ulama in India rejected the concept of two nations and supported the composite nationalism on the basis of this Covenant. Religious pluralism and composite nationalism, which is the very spirit of secularism today in India, is not incompatible to Islam at all. All Islamic leaders of India have accepted Indian secularism. Even the Jama`at-e-Islami-e-Hind has not only accepted Indian democracy and secularism but has set up a democratic and secular front.¶ The other characteristic of secular democracy is a respect for human dignity and human rights. The Qur'an expressly upholds both. It is true some rulers in the Islamic world reject the concept of human rights as Western in origin and not fit for their society. But it is to preserve their own absolute and unchallenged rule rather than upholding Islamic doctrinal position. It is cultural and political rather than religious problem. There are different political systems in different Islamic countries from monarchy to military dictatorship to limited democracy to democracy. But it will be naïve to blame Islam for this. One has to look into the political history of the country rather than search for its causes in to Islamic doctrines. Islamic doctrines do not nurture any concept of absolutism as perhaps no other religion does. In fact the Qur'an's emphasis is on consultation (shura), and even the Prophet used to consult his companions in secular matters.¶ It will thus be seen that Islam is not incompatible to secularism if it does not mean rejection of religious faith. Throughout the world today there is increasing emphasis on harmonious coexistence of different religious faiths and Islam had inculcated this spirit from the very beginning of revelation of the Qur'an. The doctrine that religion and politics cannot be separated in Islam is a later historical construct rather than the Qur'anic doctrine. It is human construct rather than a divine revelation. One of the important aspects of modern secularism is of course separation of religion from the state. While the state should not interfere in religious autonomy, religious authorities should not poke their nose in affairs of the state. The Indian `Ulama had accepted this position with good conscience throughout freedom struggle and it was on this basis that they became allies of the Indian National Congress.

#### -- Evaluate consequences – allowing violence for the sake of moral purity is evil

Isaac 2 (Jeffrey C., Professor of Political Science – Indiana-Bloomington, Director – Center for the Study of Democracy and Public Life, Ph.D. – Yale, Dissent Magazine, 49(2), “Ends, Means, and Politics”, Spring, Proquest)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the **clean conscience** of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about **unintended consequences** as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### -- Extinction mandates consequentialism

Bok 88 (Sissela, Professor of Philosophy – Brandeis College, Applied Ethics and Ethical Theory, Ed. Rosenthal and Shehadi, p. 202-203)

The same argument can be made for Kant’s other formulations of the Categorical Imperative: “So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means”; and “So act as if you were always through actions a law-making member in a universal Kingdom of Ends.” No one with a concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one’s conscience would be, as Rawls said, “irrational, crazy.” And to say that one did not intend such a catastrophe, but that one merely failed to stop other persons from bringing it about would be beside the point when the end of the world was at stake.For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to take such a responsibility seriously

—perhaps to the point of deceiving, bribing, even killing an innocent person, in order that the world not perish.

#### Reps don’t cause violence

Reiter 95 DAN REITER is a Professor of Political Science at Emory University and has been an Olin post-doctoral fellow in security studies at Harvard “Exploring the Powder Keg Myth” International Security v20 No2 Autumn 1995 pp 5-34 JSTOR

A criticism of assessing the frequency of preemptive wars by looking only at wars themselves is that this misses the non-events, that is, instances in which preemption would be predicted but did not occur. However, excluding non-events should bias the results in favor of finding that preemptive war is an important path to war, as the inclusion of non-events could only make it seem that the event was less frequent. Therefore, if preemptive wars seem infrequent within the set of wars alone, then this would have to be considered strong evidence in favor of the third, **most skeptical view of preemptive war**, because even when the sample is rigged to make preemptive wars seem frequent (by including only wars), they are still rare events. Below, a few cases in which preemption did not occur are discussed to illustrate factors that constrain preemption.¶ The rarity of preemptive wars offers preliminary support for the third, most skeptical view, that the preemption scenario does not tell us much about how war breaks out. Closer examination of the three cases of preemption, set forth below, casts doubt on the validity of the two preemption hypotheses discussed earlier: that hostile images of the enemy increase the chances of preemption, and that belief in the dominance of the offense increases the chances of preemption. In each case there are motives for war aside from fear of an imminent attack, indicating that such fears may not be sufficient to cause war. In addition, in these cases of war the two conditions hypothesized to stimulate preemption—hostile images of the adversary and belief in the military advantages of striking first—are present to a very high degree. This implies that these are insubstantial causal forces, as they are associated with theoutbreak of war only when they are present to a very high degree. This reduces even further the significance of these forces as causes of war. To illustrate this point, consider an analogy: say there is a hypothesis that saccharin causes cancer. Discovering that rats who were fed a lot of saccharin and also received high levels of X-ray exposure, which we know causes cancer, had a higher risk for cancer does not, however, set off alarm bells about the risks of saccharin. Though there might be a relationship between saccharin consumption and cancer, this is not demonstrated by the results of such a test.

#### The civic engagement they create to will lead us to try to solve environmental problems leads to the imposition of carbon tariffs on imports from China to increase local production and reduce cheap imports

#### Shekar 08, feminist activist & journalist from India, (Preeti Mangala, “Who gains from the green economy? Making sure the "green wave" doesn't leave out communities of color,” ColorLines Magazine, March, Volume 11, Number 2)

In these efforts lay a hopeful vision—that the crises-ridden worlds of economics and environmentalism would converge to address the other huge crisis—racism in the United States. It is what some of its advocates call a potential paradigm shift that, necessitated by the earth’s climate crisis, can point the way out of “gray capitalism” and into a green, more equitable economy. The engine of this model is driven by the young and proactive leadership of people of color who intend to build a different solution for communities of color. Van Jones, president of the newly formed Green for All campaign, talks about how earlier waves of economic flourishes didn’t much impact Black communities. “When the dotcom boom went bust, you didn’t see no Black man lose his shirt,” he points out, only half joking. “Black people were the least invested in it.” Climate change is the 21st century’s wake-up call to not just rethink but radically redo our economies. Ninety percent of scientists agree that we are headed toward a climate crisis, and that, indeed, it has already started. With the urgent need to reduce carbon emissions, the clean energy economy is poised to grow enormously. This sector includes anything that meets our energy needs without contributing to carbon emissions or that reduces carbon emissions; it encompasses building retrofitting, horticulture infrastructure (tree pruning and urban gardening), food security, biofuels and other renewable energy sources, and more. It’s becoming clear that investing in clean energy has the potential to create good jobs, many of them located in urban areas as state and city governments are increasingly adopting public policies designed to improve urban environmental quality in areas such as solar energy, waste reduction, materials reuse, public transit infrastructures, green building, energy and water efficiency, and alternative fuels. According to recent research by Raquel Pinderhughes, a professor of Urban Studies at San Francisco State University, green jobs have an enormous potential to reverse the decades-long trend of unemployment rates that are higher for people of color than whites. In Berkeley, California, for example, unemployment of people of color is between 1.5 and 3.5 times that of white people, and the per capita income of people of color is once again between 40 to 70 percent of that of white people. Pinderhughes defines green-collar jobs as manual labor jobs in businesses whose goods and services directly improve environmental quality. These jobs are typically located in large and small for-profit businesses, nonprofit organizations, social enterprises, and public and private institutions. Most importantly, these jobs offer training, an entry level that usually requires only a high school diploma, and decent wages and benefits, as well as a potential career path in a growing industry. Yet, though green economics present a great opportunity to lift millions of unemployed, underemployed or displaced workers—many of them people of color—out of poverty, the challenge lies in defining an equitable and workable development model that would actually secure good jobs for marginalized communities. “Green economics needs to be eventually policy-driven. If not, the greening of towns and cities will definitely set in motion the wheels of gentrification,” Pinderhughes adds. “Without a set of policies that explicitly ensures checks and measures to prevent gentrification, green economics cannot be a panacea for the ills of the current economy that actively displaces and marginalizes people of color, while requiring their cheap labor and participation as exploited consumers.” Sustainable South Bronx is among the leading local organizations designing innovative green economic development projects. These precedents should form the core of state and federal green development and jobs programs. In 2001, Majora Carter, who grew up in the area, one of the most polluted in the country, founded the organization with a focus on building a Greenway along the banks of the South Bronx riverfront. The Greenway will create bike and walk paths along two prominent waterfronts, but the plan also calls for policies that calm local traffic, especially that of the dozens of diesel fuel trucks that use the South Bronx as a thoroughfare. They started with a $1.25 million federal transportation grant to transform a decrepit portion of the riverbank into Hunts Points Riverside Park. Within seven years, they’ve raised nearly $30 million from public and private sources for related projects. In 2003, Sustainable South Bronx started Project BEST (Bronx Environmental Stewardship Training) to train local residents, largely young adults, in green collar jobs. The program has become one of the nation’s most successful, boasting a 90 percent job placement rate. Project BEST includes 10 weeks of training in a wide range of green activities, including riverbank and wetlands restoration, urban horticulture, green roof installation and maintenance and hazardous waste clean up. Graduates leave the program with six official certifications as well as what Sustainable South Bronx calls a “powerful environmental justice perspective.” “We wanted to make sure that people had both the personal and financial stake in the betterment of the environment,” said Carter. “They already knew the public health impacts, being a repository for the dirty economy. What they didn’t know was that they could also be direct beneficiaries.” The program helps people find work afterward, and tracks graduates for at least three years to measure their progress. Thus, Sustainable South Bronx builds a constituency for the green economy by creating chances for people to live in it. These communities have to be prepared not just to become practitioners in the new economy, but also as political actors who propose and fight for legislative solutions. The organization has worked with other groups in New York to influence the City’s economic and environmental plans, using legislation to move development ideas that would save the public money as well as providing jobs and improving the environment. Their idea that building green roofs, for example, would prevent the city from having to maintain large water purification systems is slowly finding its way into the Bloomberg Administration’s PlaNYC. A recent City Council decision also beefs up the public participation requirements for particular elements of Plan NYC. Green development should give the people who have been most abandoned by the gray economy a sense of their own power as well as cleaning up the environment. Carter argues that, in addition to good programs on the ground, there also need to be agreements between communities, government and businesses to ensure that all these new trainees can get real jobs. “It means that people are brought in early on in the planning of some of these businesses and the way that our communities will relate to them. It’s not just assuming that people in poor communities aren’t interested in seeing an economy that works for them and with them.” Carter supports political action that results in bond measure, tax incentives and rebate to support that kind of investment, calling these sources a kind of “insurance” for the green future: “It’s a new green deal we’re talking about.” What remains to be seen is how green economics will transition out of current prevalent models of ownership and control. A greener version of capitalism could possibly address some of the repercussions of a consumption economy and the enormous waste it generates. But critics and activists also worry that a “replacement mindset” is largely driving the optimism and energy of greening our industries and jobs. Hybrid cars replace conventional cars, and organic ingredients are promised in a wide variety of products from hand creams to protein bars. Many mainstream environmental festivals like the popular Green Festival held in San Francisco, Washington, D.C. and Chicago, have yet to embrace a democratic diversity. Peddling wonderful green products and services that will reduce your ecological footprint, are accessible, alas, only to elite classes that are predominantly white. “An authentic green economics system is one that would mark the end of capitalism,” notes B. Jess Clarke, editor of Race, Poverty and the Environment. And one that would ensure labor rights and organizing, collective ownership and equality are all at the heart of it, he adds. “The real green movement has not started yet.” A movement toward economic justice requires the mobilizing and organizing of the poorest people for greater economic and political power. A good green economic model would surely be one where poor people’s labor has considerable economic leverage. “Wal-Mart putting solar panels on its store roofs is not a solution,” says Clarke. “We need real solutions and strong measures—**carbon taxes on imports from China** would considerably reduce the incentive of cheap imports and make a push to produce locally.” “Green economics can create a momentum—a political moment akin to the civil rights movement. But unless workers are organized, any success is likely to be marginal. So the key problem is in organizing a political base,” adds Clarke. Green economics, then, is not just a green version of current economic models but a fundamental transformation, outlines Brian Milani, a Canadian academic and environmental expert who has written extensively on green economics. He writes in his book Designing the Green Economy: “Green economics is the economics of the real world—the world of work, human needs, the earth’s materials, and how they mesh together most harmoniously. It is primarily about ‘use value,’ not ‘exchange value’ or money. It is about quality, not quantity, for the sake of it. It is about regeneration—of individuals, communities, and ecosystems—not about accumulation, of either money or material.” The $125 million promised through the Green Jobs Act is admittedly a drop in the bucket as far as the amount of financing and infrastructure needed to implement green jobs, activists say. Among the Democratic presidential candidates, all of whom have proposals for clean energy investment, talk has run into the billions of dollars for green economic stimulus. So who will pay to get the green economy going and train a green workforce? Throughout history we have freely released carbon and other greenhouse gasses into the atmosphere and not had to pay a penny for the privilege. Industrial polluters and utilities may face fines for toxic emissions or releasing hazardous waste, but there has been no cost for emitting carbon as a part of day-to-day business. However, we have come to find that the atmosphere is a limited resource, and it’s getting used up fast. By limiting the total amount of carbon that can be released, and making industries pay for their pollution, global warming policies finally recognize that the atmosphere has value and must be protected. The policy with the most momentum in the U.S. and around the world is to “cap and trade” the amount of carbon that can be emitted every year. With this policy, the government sets a hard target for CO2 emissions, and then companies have to trade credits to get back the right to emit that carbon, no longer for free. One often overlooked fact, though, is that under a “cap and trade” policy, a tremendous amount of money could change hands—the Congressional Budget Office estimates that the new value created by such a policy ranges from $50–$300 billion each year. So far, public debate has focused on setting targets and caps, but the question of who will benefit from those credits has largely been ignored. In fact, many proposals have simply given these valuable new property rights away to polluters for them to sell to each other, because they were the ones who were polluting to begin with. Under an important variant of the “cap and trade” policy called “cap and auction,” the government not only limits the total carbon emissions, but it also captures the value of those carbon credits for public purposes by requiring that all polluters must bid for and buy back the right to emit. A 100-percent auction of permits would give the public ready access to the ongoing funds we will need to reinvest in social equity and bring down poor people’s energy bills, or to support new research, or to launch new projects that not only establish training for green jobs, but create those jobs themselves, rebuilding the infrastructure of our communities for a clean energy economy. However, there can be a lot of slippage between the green economy and green jobs that actually go to workers of color, especially in today’s anti-affirmative action context. In one pilot program, nearly two dozen young people of color were trained to install solar panels, but only one got a job. Ultimately, employers can’t be told who to hire, though there are some ideas about providing incentives, like requiring companies to show they hire locally and diversely before public institutions will invest their assets there. “Green for All,” the campaign launched in September 2007 by the Ella Baker Center and other partners like Sustainable South Bronx and the Apollo Alliance, is currently among the leading advocates pushing for policy that would ensure a racially just framework for green economics to grow and flourish, without which, green economics can end up being just a greening consumption. With a goal to bring green-collar jobs to urban areas, this campaign positions itself as an effort to provide a viable policy framework for emerging grassroots, green economic models. The campaign’s long-term goal is to secure $1 billion by 2012 to create “green pathways out of poverty” for 250,000 people by greatly expanding federal government and private sector commitments to green-collar jobs. “A big chunk of the African-American community is economically stranded,” Van Jones said in The New York Times last fall as the campaign began. “The blue-collar, stepping-stone, manufacturing jobs are leaving. And they’re not being replaced by anything. So you have this whole generation of young Blacks who are basically in economic free fall.” The challenge of making the green economy racially equitable means addressing the question of how to build an infrastructure that includes not just training programs but also the development of actual good jobs and the hiring policies that make them accessible. How can we guarantee that all these new green jobs will go to local residents? As one activist admitted, “There’s just no good answer to this so far.” Many of the answers will have to come in the doing, and the details, as green industry continues to take shape. There are plenty of ideas about how to create equitable policies, as outlined in the report “Community Jobs in the Green Economy” by the Apollo Alliance and Urban Habitat. They include requiring employers who receive public subsidies to set aside a number of jobs for local residents and partner with workforce intermediaries to hire them. Some cities are already requiring developers to reserve 50 percent of their construction jobs for local businesses and residents. Cities can also attach wage standards to their deals with private companies that are pegged to a living wage. In Milwaukee, after two freeway ramps were destroyed downtown, a coalition of community activists and unions won a community benefits agreement from the city to require that the new development include mass transit, green building and living wages for those jobs. As we have learned in many progressive struggles, communities need to be mobilized and actively involved in generating inclusive policies and pushing policymakers to ensure that green economic development will be just and equitable. Bracken Hendricks, a senior fellow at the Center for American Progress and co-author of Apollo’s Fire: Igniting America’s Clean Energy Economy, says the green economy movement is still in its early stages of building public support. “There is not yet an organized constituency representing the human face of what it means to face climate change. There is an urgent need for a human face, an equity constituency, to enter into the national debate on climate change.”

#### Independently, The way they go about recapturing public space for critique establishes a powerful movement that undermines free trade

\*\*This card also proves link to Chinese Carbon Tariffs cuz they try to fix problems of Free trade which movements would perceive to be emissions from China according to 1NC/Block ev

#### Giroux 10 – THEIR AUTHOR - , Chair in Communications at McMaster University, 7-12-10 (Henry, “The Disappearing Intellectual in the Age of Economic Darwinism,” http://www.truth-out.org/the-disappearing-intellectual-age-economic-darwinism61287)

In my view, academics have not only a moral and pedagogical responsibility to unsettle and oppose all orthodoxies, to make problematic the commonsense assumptions that often shape students' lives and their understanding of the world, but also to energize them to come to terms with their own power as individual and social agents. Higher education, in this instance, as Pierre Bourdieu, Paulo Freire, Stanley Aronowitz, and other intellectuals have reminded us, cannot be removed from the hard realities of those political, economic and social forces that both support it and consistently, though in diverse ways, attempt to shape its sense of mission and purpose.[20] Politics is not alien to higher education, but central to comprehending the institutional, economic, ideological and social forces that give it meaning and direction. Politics also references the outgrowth of historical conflicts that mark higher education as an important site of struggle. Rather than the scourge of either education or academic research, politics is a primary register of their complex relation to matters of power, ideology, freedom, justice and democracy. Talking heads who proclaim that politics have no place in the classroom can as Jacques Ranciere points out "look forward to the time when politics will be over and they can at last get on with political business undisturbed," especially as it pertains to the political landscape of the university.[21] In this discourse, education as a fundamental basis for engaged citizenship, like politics itself, becomes a temporary irritant to be quickly removed from the hallowed halls of academia. In this stillborn conception of academic labor, faculty and students are scrubbed clean of any illusions about connecting what they learn to a world "strewn with ruin, waste and human suffering."[22] As considerations of power, politics, critique and social responsibility are removed from the university, balanced judgment becomes code, as the famous sociologist C. Wright. Mills points out, for "surface views which rest upon the homogeneous absence of imagination and the passive avoidance of reflection. A ... vague point of equilibrium between platitudes."[23] Under such circumstances, the university and the intellectuals that inhabit it disassociate higher education from larger public issues, remove themselves from the task of translating private troubles into social problems and undermine the production of those public values that nourish a democracy. Needless to say, pedagogy is always political by virtue of the ways in which power is used to shape various elements of classroom identities, desires, values and social relations, but that is different from being an act of indoctrination. Writing about the role of the social sciences, Mills had a lot to say about public intellectuals in the academy and, in fact, directly addressed the argument that such intellectuals had no right to try to save the world. He writes: I do not believe that social science will 'save the world' although I see nothing at all wrong with 'trying to save the -world' - a phrase which I take here to mean the avoidance of war and the re-arrangement of human affairs in accordance with the ideals of human freedom and reason. Such knowledge as I have leads me to embrace rather pessimistic estimates of the chances. But even if that is where we now stand, still we must ask: if there are any ways out of the crises of our period by means of intellect, is it not up to the social scientist to state them? ... It is on the level of human awareness that virtually all solutions to the great problems must now lie.[24] A large number of faculty exist in specialized academic bubbles cut off from both the larger public and the important issues that impact society. While extending the boundaries of specialized scholarship is important, it is no excuse for faculty to become complicit in the transformation of the university into an adjunct of corporate and military power. Too many academics have become incapable of defending higher education as a vital public sphere and unwilling to challenge those spheres of induced mass cultural illiteracy and firewalls of jargon that doom critically engaged thought, complex ideas and serious writing for the public to extinction. Without their intervention as engaged intellectuals, the university defaults on its role as a democratic public sphere capable of educating an informed public, a culture of questioning and the development of a critical formative culture connected to the need, as Cornelius Castoriadis puts it, "to create citizens who are critical thinkers capable of putting existing institutions into question so that democracy again becomes society's movement."[25] For education to be civic, critical and democratic rather than privatized, militarized and commodified, educators must take seriously John Dewey's notion that democracy is a "way of life" that must be constantly nurtured and defended.[26] Democracy is not a marketable commodity[27] and neither are the political, economic and social conditions that make it possible. If academics believe that the university is a space for and about democracy, they need to profess more, not less, about eliminating inequality in the university, supporting academic freedom, preventing the exploitation of faculty, supporting shared modes of governance, rejecting modes of research that devalue the public good and refuse to treat students as merely consumers. Academics have a distinct and unique obligation, if not political and ethical responsibility, to make learning relevant to the imperatives of a discipline, scholarly method, or research specialization. But more importantly, academics as engaged scholars can further the activation of knowledge, passion, values and hope in the service of forms of agency that are crucial to sustaining a democracy in which higher education plays an important civic, critical and pedagogical role. If democracy is a way of life that demands a formative culture, educators can play a pivotal role in creating forms of pedagogy and research that enable young people to think critically, exercise judgment, engage in spirited debate and create those public spaces that constitute "the very essence of political life."[28] Economic Darwinism shapes more than economies; it also produces ideas, values, power, morality and regimes of truth. Most importantly, regardless of its arrogance, it has to legitimate its power and theater of cruelty. Challenging its modes of legitimation and misrepresentations at the point of production is precisely an important task and mode of politics that should be addressed by critical intellectuals. Central ideological issues pushed by the advocates of neoliberalism extending from the myth of free markets, free trade, the limitless power of individual responsibility, the evils of the welfare state, the necessity of low taxes, the economic benefits of a permanent war economy, deregulation, privatization and commodification, along with the danger of giving the government any sense of public responsibility should be challenged head on in numerous venues by critical intellectuals. As David Harvey points out, academics have a "crucial role to play in trying to resist the neoliberalization of the academy, which is largely about organizing within the academy ... creating spaces within the academy, where things could be said, written, discussed and ideas promulgated. Right now those spaces are more under threat then they have been in many years."[29] All the more reason for academics to view the academy as a viable sphere worth struggling over. Intellectuals outside of the academy can also work to use their specific skills at various points of production to raise consciousness and the level of intellectual discourse in the spirit of creating agents capable of challenging and seeing beyond the existing neoliberal mode of economic Darwinism. Such actions not only help intellectuals to engage in self-critical reflection, play a viable role in creating the conditions for emergent critical public spheres, but they also contribute to a formative culture of change that enables the development of a **broad anti-capitalist movement**. What Harvey is rightfully suggesting is that academics can do more than "teach the conflicts" and provide the conditions that enable young people to speak truth to power. They can also organize within the academy to prevent the ongoing militarization and neoliberalization of higher education. They can work together with staff, students, part-time faculty, and other interested parties to form unions, embrace a notion of democratic governance and help to position the university as public sphere that can become a vital resource in which people can think, engage in critical dialog, organize and connect to a broader public and movements eager for economic and social transformation. Academics can work to develop diverse intellectual institutes, sites and organizations both within and outside of North America to contest the right-wing media machine and its army of anti-public intellectuals. Intellectuals trade in ideas, help to raise consciousness and are crucial to offering new coordinates for how to think about freedom, justice, equality, sustainability and the elimination of human suffering. Jacques Ranciere is informative here in his call for intellectuals to engage in a form of dissensus, which he defines as an attempt to modify the coordinates of the visible and ways of perceiving experience. Dissensus is an attempt "to loosen the bonds that enclose spectacles within a form of visibility.... within the machine that makes the "state of things" seem evident, unquestionable."[30] Ideas matter not only because they can promote self-reflection, but because they can reconstitute our sense of agency, imagination, hope and possibility. And it is precisely in their ability to extend the reach and understanding of how ideas, power and politics work not simply in the interest of domination, but also critical hope and collective struggle that the importance of ideas and the role of intellectuals matter in such dark times. As the commercial machinery and repressive apparatuses run by the neoliberal and right-wing zombies undermine public space and condemn more and more people to the status of disposable populations, **it is** all the more **crucial that academics**, artists, and other intellectuals **mobilize** their resources in order to fight the loss of vision and the exhaustion of politics that has paralyzed American society for decades. As stated in the manifesto from "Left Turn," the key here is to "link struggles that have for decades been seen as discrete, with a **broad anti-capitalist project** whose objective is the radical transformation of economic, political, personal and social relations."[31] It is precisely over the creation of alternative democratic public spheres that such a struggle against neoliberal, economic Darwinism can and should be waged by academics, intellectuals, artists, and other cultural workers. Higher education, labor unions, the alternative media and progressive social movements offer important sites for academics and other intellectuals to form alliances, reach out to a broader public and align with larger social movements. Critical intellectuals must do whatever they can to nurture formative critical cultures and social movements that can dream beyond the "mad-agency that is power in a new form, death-in-life."[32] At the same time, they must challenge all aspects of the neoliberal disciplinary apparatus - from its institutions of power to its pedagogical modes of rationality - in order to make its politics, pedagogy and hidden registers of power visible. Only then will the struggle for the renewal of peace and justice become possible.

#### That causes trade wars, causes overwhelming protectionism, and collapses global free trade.

#### Richardson 08, Energy & Security Specialist at the Institute of Southeast Asian Studies, 2-27-8 (“Michael, “FEARS OF FIGHT IN GREEN EU AIM,” Canberra Times)

The European Union aims to become the world's leader in the fight against global warming and climate change. But in doing so, it may trigger a ''green'' trade war of retaliation and litigation from China, India and other leading carbon polluters in lower-cost Asian economies that refuse to follow the new environmental and energy-use standards set by Europe and perhaps soon by the United States as well. If this were to happen, it would complicate the Rudd Government's plan to make Australia an honest broker between developed and developing countries in the contentious international negotiations on climate change. It would also **undermine the multilateral trading system** policed by the World Trade Organisation and add momentum to protectionist pressures that already pose a significant challenge to the open international trade regime that has helped bringprosperity to the Asia-Pacific region. The stage was set last month for a fraught round of negotiations over the next few years on pricing energy and changing production processes in major industries around the world when the EU's executive arm, European Commission, presented its detailed proposals for cutting greenhouse gas emissions in Europe. These established individual country targets for the 27 member states to reduce Europe-wide emissions by 20 per cent by 2020 from 1990 levels and ensure that by then 20 per cent of energy comes from renewable sources, such as wind, solar and biofuels, up from 8.5 per cent now. If ratified by the European Parliament and the Council of Ministers, a key enforcement mechanism will be the EU's beefed-up emissions trading scheme. It will be expanded to cover almost half the European economy. Rather than cut emissions themselves, governments or companies will have the option to invest in reductions outside the EU, receiving credits for about a quarter of the total cut. However, from 2013, energy- intensive industries such as steel- making, cement, paper, glass, chemicals and aluminium producers will have to pay for permits to produce carbon dioxide, the main greenhouse gas warming the planet. To ensure that these industries do not shift production to Asia or other regions with less stringent regulations to protect theenvironment, the European Commission wants to oblige importers to pay the same greenhouse gas emission charges for non-European goods as domestic producers, in effect imposing hefty ''green'' tariffs on ''dirty'' imports. ''We want industry to remain in Europe,'' commissionpresident Jose Manuel Barroso said. ''We don't want to export our jobs to other parts of theworld.'' The US appears to be moving toward a similar system to pricing, capping and trading carbon emissions. However, China, India and other big emerging Asian economies are extremely reluctant to put this kind of mandatory restriction on their industries, fearing it will drive up costs and give competing economies an edge in foreign markets. They are likely to retaliate against environmental protection measures imposed by the West or challenge them in the WTO. This would strain the WTO's dispute settling mechanisms and ''create divisions along North-South lines,'' India's ambassador to the WTO, Ujal Singh Bhatia, warns.

#### That breaks down our ability to have contact with different people in different places – Flips all of the case and destroys international cooperation needed to solve things like nuclear war.

#### Seita 97, Law Professor at Albany Law School, J.D. from Stanford, M.B.A. from Stanford, (Alex, “Globalization and the Convergence of Values,” Cornell International Law Journal, 30 Cornell Int'l L.J. 429)

In an indirect way, the cultural impact of economic globalization stimulates political globalization. Economic globalization has long introduced aspects of foreign cultures - especially American culture - either directly by the sale of merchandise such as movies and musical recordings, or indirectly through exposure to foreigners. n77 More than in the past, the opening of new markets through economic globalization has brought a flood of people and companies into foreign lands. Personal contact, always **so important in understanding other human beings**, has made foreigners less inscrutable. More business personnel are assigned to overseas offices, more consumers travel abroad as tourists, and more students study in foreign countries. n78 Local residents are more likely than ever before to work for, do business with, or personally know foreigners. In some cases, this transnational encounter may lead to a personal [\*454] affinity with or an **in-depth understanding** of foreign cultures. n79 [\*455] Further, economic globalization has generated an interest in learning foreign languages, primarily English. Perhaps irreversibly, English has become the international language of business and science, with a broader usage than any other language. n80 At the same time, the ability to speak a foreign language other than English gives one a competitive advantage in doing business in nonEnglish-speaking countries. n81 Doing business with foreigners, in their country or in one's own, requires that one communicate with them, cooperate with them, and be exposed to their political and business values. n82 The political values of democracy and human rights, as well as aspects of foreign cultures, are often inseparable (though secondary) components of economic globalization. Thus, countries that seek to benefit from economic globalization must frequently tolerate political globalization and exposure to foreign cultures. As people know more about foreign cultures, some familiarity with foreign political values is bound to arise. II. Technology's Vital Role in Converging Values The advanced communication technology that links much of the world together continues to be crucial to the convergence of economic and political values. This technology is utilized primarily by business entities to facilitate economic globalization. n83 Modern technology has also tended to promote democracy and human rights by making it easier and cheaper for [\*456] people to communicate without censorship across national boundaries. Communication technology not only exposes a national population to foreign ideas, but also concurrently exposes domestic conditions to a global audience. This has occurred because economic globalization involves communication technologies with multiple uses. The same technology that transmits a business proposal may also communicate politically embarrassing or other non-business information. These multiple uses of advanced technology cannot easily be separated from each other, making it difficult to restrict the technology to purely business purposes. A country that wishes to participate in international business cannot isolate itself from all uses of communication technologies unrelated to business dealings. n84 The internet n85 is a recent communication medium with tremendous potential for linking people across national boundaries, furthering mutual interests of the international community, and a myriad of other uses. n86 The internet will become, or may already be, an important or even critical technological medium for business, as well as for scientific research and consumer enjoyment. n87 The internet is the essential part of the "informa- [\*457] tion superhighway," a source of information that promises to change fundamentally human lives. n88 E-mail and computer file transmission on the internet can potentially provide a more powerful (e.g., faster, cheaper, more convenient) business tool than such conventional devices as the postal service, telephones, and faxes. Internet users can transmit and download data, articles, images, movies, speeches, sound recordings, and other information. n89 By providing a forum for the transfer of such information, the internet will help protect the freedoms of expression and choice for followers of any ideological persuasion. n90 Unfortunately, however, it may shield criminal, obscene, [\*458] racist, and terrorist activities as well. n91 A government might attempt to control the content of information transfers. It could screen large numbers of telephone calls, faxes, or computer data; it could restrict access to or intercept messages on the internet. Total censorship, however, would bring a halt to international business. n92 Firms might object if government surveillance is too pervasive. For example, companies might not want government officials to be privy to proprietary information. n93 A certain amount of freedom of communication is therefore assured if a country wishes to be part of a global economy: international firms will leave a nation if censorship prohibitively increases the cost of doing business. This will remain true even if governments attempt to censor communications using the most advanced and cost-effective surveillance technology available. n94 [\*459] Communication technologies not essential to international business transactions also serve to bolster humanitarian political values. International news reporting utilizes communication technologies to broadcast major domestic events of all types on a worldwide screen. There are numerous journalists, broadcasters, and commentators whose professional livelihood depends upon bringing newsworthy stories to a foreign, if not international, audience. While most publicized stories may not involve political events, many do. The competitive members of the news media are unlikely to let stories of outrageous acts completely escape the attention of the international public. Furthermore, these news articles may be read by anyone in the world who has access to the internet. n95 At the same time, news stories alone would not generate international repercussions against repressive governments if purely theoretical political values were involved. There must be influential constituencies that place high priority on the existence of democracy and human rights, that seek to spread those values, and that are galvanized into action upon news of deplorable political conditions. Neither value would flourish unless there were constituencies, either domestic or abroad, that strongly supported it. The presence of democratic governments and strong protections for human rights in the industrialized countries means that these values are expressed to some degree in their business transactions with other countries. n96 Sizable populations in the industrialized countries also attempt to support democracy and human rights abroad through private means. n97 Moreover, as the living standards of developing countries improve, the citizenry of these countries seem to expect more democratization (first) and [\*460] human rights (later). n98 III. The Importance of Globalization Because globalization promotes common values across nations and can make foreign problems, conditions, issues, and debates as vivid and captivating as national, state, and local ones, it contributes to a sense of **world community**. n99 It develops a **feeling of empathy** for the conditions of people abroad, enlarging the group of human beings that an individual will identify with. Globalization thus helps to bring alive persons in foreign lands, making them **fellow human beings** who simply live in different parts of the world rather than abstract statistics of deaths, poverty, and suffering. The convergence of basic political and economic values is thus **fundamentally important** because it helps to establish a **common bond a**mong people in different countries, facilitating **understanding and encouraging cooperation**. All other things being equal, the commonality among countries - whether in the form of basic values, culture, or language - enhances their attractiveness to each other. n100 In addition, convergence increases [\*461] the possibility that a transformation of attitude will take place for those who participate in transnational activities. People will begin to regard foreigners in distant lands with the same concern that they have for their fellow citizens. n101 They will endeavor to help these foreigners obtain basic political rights even though the status of political rights in other countries will have no tangible beneficial impact at home. n102 Convergence does not mean that there is a single model of a market economy, a single type of democracy, or a single platform of human rights. They exist in different forms, and nations may have different combinations of these forms. n103 [\*462] A. The Perspective of One Human Race The convergence of fundamental values through globalization has profound consequences because it increases the chance that a new perspective will develop, one which views membership in the human race as the most significant societal relationship, except for nationality. n104 A person owes his or her strongest collective loyalties to the various societies with which he or she most intensely identifies. Today, this societal identification can be based on numerous factors, including nationality, race, religion, and ethnic group. n105 While it is unlikely that nationality will be surpassed as the most significant societal relationship, globalization and the convergence of values may eventually convince people in different countries that the second most important social group is the human race, and not a person's racial, religious, or ethnic group. n106 One of the first steps in the formation of a society is the recognition by prospective members that they have common interests and bonds. An essential commonality is that they share some fundamental values. A second is that they identify themselves as members belonging to the same community on the basis of a number of common ties, including shared fundamental values. A third commonality is the universality of rights - the active application of the "golden rule" - by which members expect that all must be entitled to the same rights as well as charged with the same responsibilities to ensure that these rights are protected. Globalization promotes these three types of commonalities. Globalization establishes common ground by facilitating the almost universal acceptance of market economies, the widespread emergence of democratic governments, and the extensive approval of human rights. The most visible example is economic. With the end of the Cold War, the free market economy has clearly triumphed over the command economy in the battle of the [\*463] economic paradigms. Because some variant of a market economy has taken root in virtually all countries, there has been a convergence of sorts in economic systems. n107 Further, because it often requires exposure to and pervasive interaction with foreigners - many of whom share the same fundamental values - globalization can enlarge the group that one normally identifies with. Globalization makes many of its participants empathize with the conditions and problems of people who in earlier years would have been ignored as unknown residents of remote locations. This empathy often leads to sympathy and support when these people suffer unfairly. Finally, the combination of shared values and identification produce the third commonality, universality of rights. n108 Citizens of one country will often expect, and work actively to achieve, the same basic values in other countries. They will treat nationals of other nations as they would wish to be treated. The effects of shared values, identification, and universality of rights in globalization could have a pivotal long-term effect - the possibility that a majority of human beings will begin to believe that they are truly part of a single global society - the human race. This is not to say that people disbelieve the idea that the human race encompasses all human beings. Of course, they realize that there is only one human species. Rather, the human race does not usually rank high on the hierarchy of societies for most people. Smaller societies, especially those based on nationality, race, religion, or ethnicity, command more loyalty. n109 The idea of the human race, the broadest and all-inclusive category of the human species, is abstract and has little, if any, impact on the lives of human beings. To believe in the singular importance of the human race requires an attitudinal shift in which a person views the human race seriously. [\*464] This may occur because the convergence of values does not only mean that the people of different countries will share the same basic values. It may also lead to the greater promotion of these values for the people of other countries. Historically and certainly today, America and the other industrial democracies have attempted to foster democracy and human rights in other countries. n110 While some part of this effort has been attributable to "self interest," it has also been due to the empathy that the industrialized democracies have had for other countries. n111 The magnitude of these efforts in the future, as in the past, will depend not solely upon the available financial and human resources of the industrialized democracies. It will also depend upon their national will - a factor undoubtedly influenced by the intensity with which the people of the industrialized democracies identify with people in foreign lands. The perspective that the human race matters more than its component divisions would accelerate cooperative efforts among nations to attack global problems that adversely affect human rights and the quality of human life. n112 Obviously, there is no shortage of such problems. Great suffering still occurs in so many parts of the world, not just from internal armed conflicts, n113 but also from conditions of poverty. n114 There are severe health problems in much of the world which can be mitigated with relatively little cost. n115 There are the lives lost to the AIDS epidemic, and [\*465] the deaths and disabilities caused by land mines. n116 Russia, a nuclear superpower that could end life on this planet, has severe social, economic, and political problems. n117 Making the human race important would not just promote liberal democratic values but would also reduce human suffering and perhaps eliminate completely the risk of nuclear war. B. General Convergence of Values Assuming that the formation of a single human society is a possible outcome, two broad questions should be answered: what kind of human society is being created, and is this society desirable. The answer to the latter question will depend on an evaluator's subjective judgment of the society that is being formed. Undoubtedly, the great majority of human beings would abhor a world society that was being created by the conquests of a totalitarian government. Presumably, most Americans (and many citizens of other countries) would reject even a benevolent, democratic global society in which a world government dominated by other countries dictated laws that governed the lives of all human beings. If either outcome were present, many would call for a halt to globalization. Thus the direction that globalization follows is critical for assessing its appeal. What globalization has brought is a general convergence of fundamental economic and political systems among many nations. These systems are not identical. There are still innumerable differences among countries with market economies, democratic governments, and respectful of human rights. n118 The practices of one country may be intolerable to another coun- [\*466] try. n119 Furthermore, it is unlikely and probably undesirable that economic and political systems will ever exactly converge. Nor is it foreseeable that the nations of the world will coalesce into one. Even among the industrialized democracies, there are enough dissimilarities in market economies, democratic governments, and attitudes towards human rights that make some believe that the differences between these nations outweigh the similarities. For example, Japan is frequently characterized as having a producer-oriented market economy, as compared with the consumer-oriented market economy of the United States. n120 In general, the members of the European Union more extensively regulate their economies than the United States, engaging at times in social engineering that seems contrary to market principles as interpreted by Americans. n121 In the area of criminal justice, the United States is virtually alone in permitting the death penalty and imprisons a much higher percentage [\*467] of its population than other industrialized democracies. n122 Nonetheless, the basic economic and political systems of different countries clearly share more similarities than ever before. When asked to characterize their existing economic and political systems, more people in more countries than ever before will respond that they have a "market" economy, that their government is "democratic," and that they protect "human rights." Importantly, the convergence of values seems to be accompanying the convergence of systems. Certainly, most people in the industrialized democracies would view their existing economic and political systems as expressing the foundational values of their societies - the values that define their society. n123 The convergence of values along liberal demo- [\*468] cratic lines means that nations are better situated to negotiate wealth-maximizing trade agreements and to resolve political disputes peacefully. But in countries in transition from authoritarian to liberal democracy, many people may not yet fully accept their newly established economic and political systems as reflecting fundamental values of what is correct, proper, or right. Whether these transitional countries continue to establish or possess liberal democracies will depend upon how well the systems of liberal democracy work, an outcome that the industrialized democracies should strive vigorously to achieve. Workable systems can evolve into entrenched values. Obviously, the implantation of the values of liberal democracy in Russia is of paramount concern. n124 Nurturing a democratic Russia is in the vital national interest of the United States (and the rest of the world) for very practical reasons - only Russia and the United States possess sufficient nuclear weapons to end human civilization. n125 Whether by unilateral or multilateral extensions of financial assistance or political inclusion, the industrialized democracies should do their utmost to make Russia a strong liberal democracy. Economic aid should be generous, and Russia should be incorporated into the activities of the industrialized democracies as much as possible. n126 Not all basic values are converging and nor, perhaps, should they. Religious values are not converging in the sense that the same general religion, such as Christianity, is taking root in a preponderance of countries. n127 Nevertheless, the convergence of economic and political values means that there is a greater basis for cooperation. For that reason, the [\*469] "West" n128 - that is, the United States and the other industrialized democracies - should support the process of value convergence. Sharing the same values creates similar expectations and a common ground for understanding. The more prevalent reliance upon market forces to direct production and consumption means that nations are more likely to trade with and invest in each other. The relative sameness of political values, for example, the prevelant use of negotiation rather than military force in settling disputes, means that nations can have greater trust in and less to fear from each other.The similarity of basic values also means that the different peoples of humanity are one step closer to viewing themselves primarily as part of one human society - the human race - though represented by different governments.