# 1AC

### Shaw Affirmative

#### Information secrecy IS the status quo ---- the executive has labeled themselves as the Predator Empire, operating under the framework of presumptive guilt, refusing to delineate the distinction between livelihoods of individuals and their “personalities” --- this exemplifies an unaccountable politics of purity that can cast its power, both inclusion and exclusion, to communities abroad and at home

Shaw 2013 (Ian G. R. Shaw, Professor of Human Geography at the University of Glasgow, “Predator Empire: The Geopolitics of US Drone Warfare”, Geopolitics, DOI:10.1080/14650045.2012, 2013)

The Double Tap

The debate over whether or not drone strikes are a “success” is usually focused on their ability to target and eliminate “militants”. This **technological enframing** **fails to consider what** **everyday life** is

like for the broader populations that live under the drones53**.** Two recent publications are noteworthy in this respect: a 2010 report headed by Christopher Rogers of CIVIC 54, which interviewed over 160 Pakistani Civilians suffering direct losses from the U.S. strikes, and an extensive 2012 report released by The Stanford International Human Rights and Conflict Resolution Clinic and the Global Justice Clinic at the New York University School of Law 55, which interviewed 130 people, including victims, witnesses, and other experts. Both reports provide firsthand testimony by those civilian populations living on the fleshy side of the disposition matrix.

Stanford and NYU’s report has four main findings. First, civilians are routinely killed, often in so-called “double tap” strikes that kill anyone that tends to the dead and wounded in the wake of an attack. The Bureau of Investigative Journalism claims that at least 50 civilians and “first responders” had been killed after they rushed to help victims of drone strikes 56. One interviewee, Hayatullah Ayoub Khan, recounted a particularly harrowing experience57. A drone missile was fired at a car around 300 meters in front of him while driving. Hayatullah exited his vehicle and slowly approached the wreckage, cautious that he might be a victim of a follow-up strike. He walked close enough to the car to see a flailing arm inside. The injured occupant “yelled that he should leave immediately because another missile would likely strike”. Hayatullah did as instructed, returning to his car just as a second missile struck the survivor. The second finding from Stanford and NYU is that beyond direct physical and monetary damage, the constant hovering of drones has lead to a deeply entrenched psychological malaise amongst civilians. Many community members now shy away from social gatherings, including important tribal meetings and funerals, with some parents even electing to keep their children away from school. Third, there is scant evidence that the strikes have made the U.S. “safer”. The “evidence suggests that US strikes have facilitated recruitment to violent non-state armed groups, and motivated further violent attacks”58. Finally, the CIA’s program of targeted killings undermines respect for, and adherence to, international law and sets a dangerous precedent.

The death of innocent people is a common theme among interviewees in both reports. CIVIC interviewed Guy Nawaz, a resident of North Waziristan who was watering his fields when he heard the screech and boom of a Hellfire: “I rushed to my house when I heard the blast. When I arrived I saw my house and my brother’s house completely destroyed and all at home were dead”59. Eleven of his family were killed, including his wife, two sons and two daughters, as well as his older brother, his wife and four children. He continued, “We were living a happy life and I didn’t have any links with the Taliban. My family members were innocent... I wonder, why was I victimized?”60 Safia lost her 30 year-old husband and 7 year-old son when a militant vehicle was struck by a drone as it passed her house. She said that “I hope the Taliban are all killed. But I hope the drone attacks are stopped immediately. They are not effective against the Taliban hideouts. USA and Pakistan should realize the fact that for the last 5-6 years the drone attacks have been taking place but no Taliban has left extremism or terrorism”61. Stories of emotional and psychological trauma were frequently recounted in both reports, with medical professionals diagnosing the **“anticipatory anxiety”** and “Post-Traumatic Stress Disorder” (PTSD) many civilians now suffer with. As Safdar Dawar, President of the Tribal Union of Journalists explains 62:

If I am walking in the market, I have this fear that maybe the person walking next to me is going to be a target of the drone. If I’m shopping, I’m really careful and scared. If I’m standing on the road and there is a car parked next to me, I never know if that is going to be the target. Maybe they will target the car in front of me or behind me. Even in mosques, if we’re praying, we’re worried that maybe one person who is standing with us praying is wanted. So, wherever we are, we have this fear of drones.

Both reports are an important challenge to the legitimization of drone warfare, especially in light of recent figures by a Washington Post-ABC News poll that found 83 percent of those Americans surveyed “approve” of the use of drones against suspected terrorists overseas63. The near-impossibility of travel to FATA by journalists and researchers outside or inside of Pakistan means that these reports give a rare glimpse of life on the ground. These shared stories of the women, children, and men of FATA “disturbs and disrupts the hegemonic foreign policy gaze”64, and refocuses the lens of the White House’s geographical imagination. Drone warfare in Pakistan, just like the “war on terror” more generally, is not a universal experience65: it is differentially distributed and violently uneven, split between suburban pilots that sit in air-conditioned trailers and scan video screens, adjusting their “soda straw” digital view of the world with a joystick, and the everyday experiences told by the people of FATA. While not wanting to overstate the case, these stories are important for rehumanising the abstract discourses of security strategy and the bureaucratic spaces of the disposition matrix.

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**Advantage [2/\_\_]**

The Predator Empire

The Biopolitics of the Predator Empire

In this section I explore how “life” is the target for the Predator Empire. Although I do not want to downplay the role the American military plays in coordinating and performing violence across the globe, my focus is on the CIA’s **drone wars because the evidence from the NSC and DSG suggests** a diffuse (**if by no means singular**) drift towards the dronification of national security. So too does the National Counterterrorism Center’s disposition matrix and John Brennan’s “playbook”66 establish a permanent precedent for extrajudicial strikes that exist outside of Title 10 authorities67. This means that the CIA will in all likelihood remain heavily invested in targeted killings for decades to come, despite 9/11 Commission recommendations that paramilitary activities are transferred to the Department of Defense 68. The agency’s 2,000-strong Counterterrorist Center has transformed itself from an intelligence gathering machine to a major player in “kinetic operations”69. But who counts as a “target” is at times ambiguous. As I previously explored in the above NSS and NSC, there is a deliberate widening of the net surrounding who counts as an affiliate. If, as Dillon and Reid suggest, “**The history of security is a history of the** changing problematisation **of what it is to be a political subject and politically subject**”70, then the discursive baptism of the affiliate marks a new, if not unprecedented political subject. This is further complicated because affiliate are not always identifiable individuals such as an al-Qa’ida leader in North Waziristan. Instead, and as I will argue in the remainder of this section, affiliates can be threatening patterns of life that are coded, catalogued, and eliminated.

As the name directly implies, targeted killings usually involve a known target. In February 2011, John Rizzo, the 63-year-old former General Counsel of the CIA, discussed the agency’s practice of targeted killings71. Analysts and ‘targeters’ located in the CIA’s Counterterrorism Center select individuals for “neutralization” based on intelligence reports. This report must then clear a team of lawyers before it signed off by the Counsel. But this isn’t always the normal bureaucratic practice. In the summer of 2008, former CIA Director Michael Hayden successfully lobbied President Bush to dispense with drone targeting constraints that were restricted to known individuals72: “For the first time the CIA no longer had to identify its target by name; now the ‘signature’ of a typical al Qaeda motorcade, or of a group entering a known al Qaeda safe house, was enough to authorize a strike”73. The devil here is in the detail. Unlike “personality strikes”, where the person’s identity is located on one of the CIA’s classified kill lists or the disposition matrix, **a signature is constructed from** observing and cataloguing a pattern of life**—**coding the behavior and geography **of individuals; targeting their very lifeworld**. This new targeting regime may have led to a rapid escalation of drone strikes and an increase of the number of people that were killed in Pakistan. Between 2004 and 2007 there were 10 drone attacks, but between the pivot year of 2008 and 2012, this figure leapt to 333 74. In Table 1, I have calculated the percentages of militant “leaders” killed in drone strikes in order to illustrate the decreasing number of high-level “commanders” that are subject to the CIA’s strikes. While this in itself does not prove that personality strikes have given way to signature killings, it does at least suggest the widening net of those subject to drone attacks in Pakistan.

To illustrate how easily innocent civilians can get caught up in a signature strike, recall the 2010 CIVIC report once again. In one story, the Taliban visited the residence of a man named Daud Khan and demanded lunch. The father reluctantly consented, fearing reprisal if he refused the fighters: “The very next day our house was hit... My only son Khaliq was killed. I saw his body, completely burned”. In this case, it seems that Khan’s son had unwittingly become “affiliated” with the Taliban. Due to the unavoidable intermingling of such militants with the lives of ordinary people, it is likely that signature strikes could have killed many innocent people. According to the 2012 Stanford and NYU report, a signature strike probably place on March 17, 2011. The CIA fired at least two missiles into a large gathering—a jirga led by a decorated public servant—near a bus depot in the town of Datta Khel, North Waziristan. The U.S. insists that all were militants. And yet, the overwhelming evidence suggests that most of the 42 people killed were civilians 75. Of the four suspected Taliban militants identified by the Associated Press in this strike, only one has ever been identified by name. As a 2011 Washington Post report notes, “**Independent information** about who the CIA kills in signature strikes in Pakistan is **scarce**”76. Other officials in the U.S. State Department have complained that the classified criteria used by the CIA to construct a “signature” are too lax: “The joke was that when the CIA sees ‘three guys doing jumping jacks,’ the agency thinks it’s a terrorist training camp”77.

Table 1 about here Table 2 about here

Of course, drones continue to target known individuals on kill lists, performing a well-rehearsed “reduction of places and people to an abstract space”78, but at least since 2008 the Predator Empire has enforced a distinctive twist on a biopolitical logic based on targeting patterns of life. While there is much variation on what counts as biopolitics79, it was a term first coined by Michel Foucault in Society Must Be Defended: Lectures at the Collège de France80, a series that Chris Philo describes as the “decisive hinge” in Foucault’s “switch from being a critical historian of the body to being the critical historian of population”81. In classical theories of sovereignty, the sovereign can “either have people put to death or let them live’ 82, and its power over life “is exercised only when the sovereign can kill”83. This sovereign power became supplemented by a new “right to make live and let die”84 in the nineteenth-century. This transformation involved a shift from disciplinary technologies that targeted “man-as-body” (what Foucault calls an “anatomo-politics”) to regulatory mechanisms at the level of “man-as-species” (what Foucault calls a “biopolitics”). Biological processes such as fertility rates became political problems and sites of intervention, where the aim is was to “establish a sort of homeostasis”85 within the population which “consists in making live and letting die” and “achieving an overall equilibrium that protects the security of the whole from internal dangers”86. All of might be termed “State control of the biological”87.

Dillon and Reid88 extend Foucault’s biopolitics of the population to a biopolitics of the molecular. They argue that as the life sciences changed over the last century, so too did the “bios” of biopolitics, becoming ever more processual, spontaneous, and based on codes (such as DNA). This “recombinant biopolitics” fed directly into the visions of Rumsfeld’s “Revolution in Military Affairs” to create a new organizing principle “concerned with surveillance and the accumulation and analysis of data concerning behaviour, the patterns which behaviour displays and the profiling of individuals within the population”89. Under this new metaphysics of power, in which “power/knowledge is very much more concerned to establish profiles, patterns and probabilities” 90, information is a weapon and securing territory is no longer viewed with the same importance as securing patterns of life.

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**Advantage [3/\_\_]**

For Foucault, this means that dangerousness, what is to be secured, is no longer an actualized danger, but is located within behavioral potentialities. Or as Bruce Braun suggests, “Today, security’s principal answer to the problem of ‘unknown unknowns’ is the speculative act of pre-emption, which takes as its target potential rather than actual risks”91. Consequently, dangerous signatures or patterns of life are assessed on their very potential to become dangerous.

In the tribal areas of Pakistan, for example, most people killed by U.S. drones have not been al-Qa’ida fighters. In fact, the number of al-Qa’ida militants eliminated has been just 8% under the Obama administration92. This means that a far greater number of people who played no part in the attacks of September 11, 2001 have been vaporized by Hellfire missiles. Former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, went so far as to question whether “killings carried out in 2012 can be justified as in response to [events] in 2001”93. The presumptive “guilt” of many of those killed in Pakistan today is thus constructed around the so-called “immanent” threat they pose to the U.S. Homeland: a pre-emptive, future-oriented biopolitics that exists in an exceptional space outside of centuries of international humanitarian law. These Pakistani “affiliates”—which include the Pakistan Taliban and Haqqani Network members, are part of a much wider expansion of who count as affiliates in a globalizing drone war.

The very condition that makes a biopolitics possible in the first place then—life—has become a force to be coded and secured. As Dillon describes it, “The biopolitics of security today is precisely this political emergency of emergence instituting a regime of exception grounded in the endless calibration of the infinite number of ways in which the very circulation of life threatens life rather than some existential friend/enemy distinction”94. The appearance of the affiliate in the NSS and NSC marks the emergence of a far more process-based, even epidemiological understanding of danger, where the “threat” is located in what individuals could become in the future, and security is defined as anticipating and eliminating the emergence of such danger. For Dillon, this erasure of the concept of “man” by targeting “life” means that “it is no longer adequate to judge lifelike bodies in terms of the essence of that existential otherness definite of the enemy alone, for every-body is a continuously emergent body-in-formation comprised of contingently adaptive rather than fixed properties”95. The “evental”96 nature of this “emergent emergency” helps explains the conditions surrounding the CIA’s shift in targeting practices from personality strikes to signature strikes and the changing object of national security from al-Qa’ida the organization to al-Qa’ida affiliates. In both cases the targets for the Predator Empire are not simply actualized forms of danger, but virtualized forms of emergence that may become threats in the future97.

The Spatial Topology of the Predator Empire

According to research by Nick Turse, the U.S. military operates 1,100 bases across the planet98. Many of these sites exist in shadow because they are used for paramilitary operations by Special Forces and the CIA. These bases range in size and location, but a recent and favored strategy of the U.S. military has been to construct skeletal “lily pads” that are scattered in remote outposts across the globe. Chalmers Johnson, author of the book Blowback, wrote back in 2004 that “[t]his vast network of American bases on every continent except Antarctica actually constitutes a new form of empire – an empire of bases with its own geography not likely to be taught in any high school geography class”99. While this “new form of empire” has been growing for decades, the proliferation of remotely piloted aircraft certainly marks a new phase in its evolution—the Predator Empire. Everywhere and nowhere, drones have become sovereign tools of life and death, where with “the lives and deaths of subjects become rights only as a result of the will of the sovereign”100.

The Predator Empire is underpinned by an expanding geography of drone bases in and around the “areas of concern” mentioned in the NSS and NSC. There are now at least 60 bases used for U.S. military and CIA drones—from medium sized Predators and Reapers to experimental systems such as the “Sentinel” that was captured by Iran. As part of their surveillance of Iraq, Afghanistan, Pakistan, Somalia, Yemen, Libya, and Mali, U.S. drones have flown out of Saudi Arabia, Ethiopia, Djibouti, the Seychelles, Niger, and many more 101. These geographic locations are intended to develop overlapping circles of surveillance. The jewel in the crown in this new form of empire is Camp Lemonnier in Djibouti, which is sandwiched between Somalia and Yemen. This secretive 500-acre base is the first ever camp dedicated solely to tracking and eliminating al-Qa’ida and its “affiliates”102. Around 16 drones either take off or land every day at the base, which has its origins as an outpost in the French Foreign Legion. Activities at Camp Lemonnier increased in 2010 after 8 Predators were delivered, turning the camp into a fully-fledged drone base. The CIA first shipped its Predators to the camp in 2002 103, and it now acts in collaboration with the secretive Joint Special Operations Command. A total of 3,200 U.S. troops, civilians, and contractors are assigned to the camp where they “train foreign militaries, gather intelligence and dole out humanitarian aid across East Africa as part of a campaign to prevent extremists from taking root”104. In short, Camp Lemonnier is the concrete symbol of a Predator Empire no longer bound to Pakistan or Afghanistan, and expanding across the Africa.

But despite this concrete presence, the CIA’s fleet of secret drones has little interest in securing “territory” in the traditional sense, seeking instead to secure and eliminate patterns of life that threaten. In Security, Territory, Population105 Foucault details how **biopower is not exercised across territory** per se 106, but through spaces of circulation or a “milieu” of human and nonhuman multiplicities that constitute life-in-the-making. Similarly he wrote that the last domain of biopolitics is “control over relations between the human race, or human beings insofar as they are a species, insofar as they are living beings, and their environment, the milieu in which they live”107. Here, Foucault refers to both natural and manmade environments, where mastery of the environment is translated into mastery of the population. Sloterdijk goes so far as to state that “The 20th century will be remembered as the period whose decisive idea consisted in targeting not the body of the enemy, but his environment”108. Indeed, securing the atmosphere has continually transformed understandings of space, power, and sovereignty 109. The question is therefore how is the environment a biopolitical target for the Predator Empire? How is the environment understood and controlled? Unlike forms of environmental intervention that leave a gigantic “footprint” in the soil of the earth, such as the counterinsurgency pursued in Iraq, the Predator Empire pursues a **different kind of spatial biopolitics**; a virtual intervention where what is captured is not “hearts and minds” but endless streams of information that are broadcast back to the Homeland. This suggests that **the direction of power is not just an outward projection**—as with the geographic expansionism that traditionally defines “American power projection” across the globe. Rather, it also suggests an inward power collection: defined here as the power to incorporate, to bring closer.

**Advantage [4/\_\_]**

The drone continues to transform U.S. biopower by bringing distant “areas of concern” such as the tribal areas of Pakistan into the gaze of pilots, targeters, and analysts in Creetch Air Force Base in Nevada. This power to make the faraway intimate is “a non-symmetrical power topology which sometimes coincides with a geographically materialized power topology and sometimes does not”110. Predators “fold” space with an unparalleled level of aeromobility, reducing the importance that geographic distance and obstacles have in separating “there” from “here”. This power topology is not strictly exercised across space then, but rather, it is the capacity to crumple an environment by digitizing it. As Allen states, “The use of real-time technologies to create a simultaneous presence in a diversity of settings is, for instance, just one way in which relations of presence and absence may be reconfigured so that the gap between ‘here and there’ is bridged relationally, and distance itself is no longer understood simply as a metric”111. The 2012 DSG makes it clear that physical boots on the ground are not part of the strategic environment of the future. The Predator Empire therefore marks the continuing evolution from a reliance on a topographic, ground-intensive empire to a topological, aerial empire. Airpower and aeromobilities has always been a central tenet of U.S. military strategy of course. As Adey summarizes, “From the air raids of the Blitz to the newest unmanned reconnaissance aircraft, aeromobilities provide both promise and possibility, as well as dread, terror, destruction and death’112. And while it is undeniable that the CIA’s ghost war requires an expanding network of drone bases, such a Droneworld is not the end point of power—it is the architecture for the coding, cataloging, and eliminating of life in “real time”, on a scale that is historically unprecedented. It is within the unique topological spatiality of the Predator Empire that targeting killings become ever more decentralized across the planet, even as the power to take life is centralized in the hands of the executive branch of government.

When Obama stated that “We will not apologize for our way of life, nor will we waver in its defense” in his inaugural address, he appealed to a biopolitics that is the hallmark of our geopolitical condition. The distinctiveness and coherence of “friend” and “enemy” has seemingly melted away into more amorphous patterns of life that are located across Pakistan, Yemen, Somalia, and North Africa. Although Foucault goes to create lengths detailing how biological life is included in politics, and how technologies exist “to control the series of random events that can occur in a living mass”113, he also asks how ‘is it possible for a political power to kill, to call for deaths, to demand deaths, to give the order to kill...? 114 He answers quite specifically with racism as “the precondition for exercising the right to kill”115. Certainly, the Pashtun residents in the tribal areas of Pakistan are caught in a net of violent colonial language116 and laws117 inherited from the British Raj. But such violence must constantly be performed and is thus reliant on the technologies and spatialities of state power 118. The civilians living and dying in Pakistan, whose families and friends were interviewed in the 2010 CIVIC report and the 2012 Stanford and New York University report, are exposed to an unaccountable surveillance apparatus that scrutinizes their patterns of life from thousands of miles away. Their vulnerability is inseparable from the topological spatial power of the Predator Empire.

#### Lee and I take a position that the Executive of the United States federal government should be statutorily restricted from committing any targeted killings

**Advantage [5/\_\_]**

#### This network of secrecy precludes an effective debate about drones --- engaging the policy-intricacies of executive drone power is anti-thetical to patting oneself on their back, and in the context of the topic the affirmative is necessary to bring to discussion debates that happen in closed doors and is “a noise that few listen to” ---- our affirmative is a form of informing an increasingly disconnected public about the spread of drones to law enforcement

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Conclusions

By introducing the term Predator Empire I do not want to suggest that U.S. extrajudicial killings are in any way “new”. Rather, I want to show how U.S. national security strategy is transforming alongside the rise of the drone; creating the geopolitical conditions for a permanent war waged from the heart of Washington D.C. The Predator, manufactured by General Atomics, was the first drone used by the U.S. for a targeted killing in Afghanistan in 2002. Since then, the CIA’s model of extrajudicial assassination has moved from the periphery to the center of a dronified form of state violence. This is a battle that is spearheaded by bureaucrats and White House officials that wear suits rather than uniforms, and wage war with spreadsheets rather than rifles. It is a different kind of empire, one in which U.S. bases resemble outposts like Camp Lemonnier in Djibouti. This shift is encapsulated in the 2011 National Counterterrorism Strategy and the 2012 Defense Strategic Guidance. These documents mobilize an amorphous “everywhere war”119 against vaguely defined “affiliates”. Of course, the “war on terror” has always been a type of governmentality 120 that inserts itself into the population, whether at airports, borders 121, or other security checkpoints, where biometric scanning segregates “legitimate mobilities” from “illegitimate mobilities”122. The CIA’s signature **strikes extend and rework this form of algorithmic calculation to target threatening patterns of life**. And this is realized by a topological power that folds the spaces of the affiliate into the surveillance machinery of the Homeland.

The Predator Empire thus marks the continuation of biopolitics by other means—namely an aerial ghost war that is central to U.S. national security. These targeted killings represent the crystallization of what could be called America’s “one percent war”: **a war that only affects around one percent of the U.S. population: those profiting in the military-industrial complex and those pilots sitting in cubicles staring at “Death TV”.** The other 99 percent remain alienated from a nebulous and permanent war waged by robots in the borderlands of the planet. This has the effect of creating two geographic and imaginary distances: **between drone pilots and their targets**, and between the **Predator Empire and the public**. And with so much of the violence performed by the CIA’s paramilitary wing, an official [refusal to acknowledge] ~~silence~~ drowns out any murmurings that surface in an otherwise subdued Congress. So too does the replacement of human troops with robotic warriors reduce the threshold of going to war. Beginning on April 23rd, 2011, American drones began six months of strikes against Qaddafi’s faltering regime in Libya. Crucially they were not authorized by the so-called Congressional “War Powers Resolution” designed to curb executive power. Peter Singer writes that “Choosing to make the operation [robotic] ~~unmanned~~ proved critical to initiating it without Congressional authorization”, adding “Like it or not, the new standard we’ve established ... is that presidents need to seek approval only for operations that send people into harm’s way — not for those that involve waging war by other means”125.

Looking forward, the consequences of this dronification of state violence are only coming into focus, although I think three outcomes are almost certain. First of all, consider “drone creep”: the use of drones in everyday settings by the police and other civilian agencies. One of the biggest trends in recent years has been the adoption of drone technology for law enforcement, particularly within the U.S. where Predator drones are used by Customs and Border Patrol along the borders with Mexico and Canada. And at the end of 2011, U.S. police in North Dakota made their first arrest with the aid of a Predator drone. This type of police surveillance is set to increase after the recent passage of The Federal Aviation Administration Reauthorization Act in 2012.

This expansion feeds into a wider drone “arms race” across the globe. In 2012 the Government Accountability Office revealed that over 75 countries have now acquired some form of drone, with the U.S. and Israel remaining the global export leaders.

Perhaps the emergence of drone-on-drone warfare is just around the corner; after all, there is no shortage of political will, nor is there a shortage of non-state actors that will redefine the rules of the game.

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**Advantage [6/\_\_]**

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Second, in the hunt for affiliates in FATA, the CIA’s drone strikes continue to alienate the larger Pakistani population127. Tom Engelhardt describes drones as “blowback weapons” with Nick Turse adding: “Over the last decade, a more-is-better mentality has led to increased numbers of drones, drone bases, drone pilots, and drone victims, but not much else. Drones may be effective in terms of generating body counts, but they appear to be even more successful in generating animosity and creating enemies”128. Even if al-Qa’ida and its affiliates have indeed “metastasized” across Africa, moving from the tribal areas of Pakistan to new fronts in Somalia, Yemen, and the Sahel, this geographic shift must be seen as the inevitable outcome of an expanding Predator Empire. Bruce Riedel, a former CIA analyst and Obama counterterrorism adviser was blunt in his diagnosis of targeted killings: “The problem with the drone is it’s like your lawn mower. You’ve got to mow the lawn all the time. The minute you stop mowing, the grass is going to grow back”129. But perhaps this is the very point: blowback sustains a permanent war.

Third, the Predator Empire will continue to violate national sovereignty on a number of fronts, as the technology challenges the very sanctity of territory 130. Indeed, it is difficult to keep track of an expanding battlespace spreads horizontally across Africa, and vertically into the earth's upper atmospheres. Furthermore, the drone war appears to be in direct contravention of international humanitarian law on numerous fronts131. U.S. strikes in Pakistan, Yemen, Somalia, and Libya have all taken place in the shadow of law, and set a dangerous precedent that will no doubt be emulated across the globe by a range of state and non-state actors. Indeed, the legal violations of the Predator Empire are mirrored in its territorial violations: both are locked together in a legal-lethal space132. Perhaps the significance held by ground bases, such as Camp Lemonnier, will begin to erode as aircraft carriers enjoy a renewed importance as the Predator Empire migrates along the Pacific Ocean towards China133. Drones are under development by the U.S. Navy that can take off and land autonomously from a carrier. This, combined with increasing developments in “swarm” technology, as well as an escalation of Special Operations forces, sets the stage for a world in which a highly mobile force, answerable only to the executive branch, can drop down from the sky at a minute’s notice—sometimes with a kick at the door, other times with a Hellfire.

While the Predator Empire may be assembled with dozens rather than hundreds of flight orbits, it is essential that the wholesale psychological damage that is being wrought upon thousands of people is never eclipsed by a technological enframing that so often shields the unbearable humanity of it all. Targeted killings are quickly becoming a “post-political” background issue and a noise that few listen to. This is why the civilian voices from Pakistan and elsewhere need to be heard, since they signify the fundamental "worldly" damage caused by drone strikes, well beyond the "surgical" metaphors that circulate in official state narratives. Indeed, Washington’s permanent war is not even an ethical issue for most of the public: it is simply “common sense” to use Predators to solve problems. An intervention is therefore needed to reposition what counts as human security away from this entrenched logic of “death-as-success".

**Advantage [7/\_\_]**

#### The devils are in the details --- understanding details about policy is critical for us to better debate about the implications of unaccountable profiling and introduction of violence --- it can help us create a community of acknowledgement which is key

Hughes 2012 (Evin, Georgia Southern Univ. [Float Like a Plane, Sting Like a Bomb: The Ethics of US Drone Attacks](http://nmcenter.org/attachments/awards_pieces/19/The_Ethics_of_US_Drone_Attacks.docx) [www.ncte.org/library/NCTEFiles/About/Awards/.../Hughes\_Evin.pdf](http://www.ncte.org/library/NCTEFiles/About/Awards/.../Hughes_Evin.pdf). edited for gendered/able-ist language)

What Ali was able to do through his nonviolent rhetoric that is still relevant to this day was successfully make millions of people “bear witness” to the violence and irrationality of war. For example, say you are watching the news with a roommate and the news anchor, within her nicely lit and air conditioned studio, talks in a monotone about the deaths of civilians in a Pakistani market by a drone strike, and your roommate immediately changes the channel, not giving the terrible story another thought. Your roommate doesn’t understand the gravity of that devastation any more than the news anchor does; neither understands the significant socio-economical problems that the drone strike has caused in that area. How about the [person] sitting behind the joystick, the Nintendo-war-controller, pressing the buttons to release the Hellfire missiles like Mario firing at Bowser? Though the drone operator of all people probably knows the extent of the devastation [they are] causing, [they refuse] to think about it, [they hide] the truth from [them]selves. The drone “pilot,” the unenthusiastic anchor, your roommate—they are all complicit. Shoshana Felman, influential in raising issues connected with Holocaust testimony and what is called the “crisis of witnessing,” says that those that misunderstand or hide what they see are unable to take that information and “translate…[it]…spontaneously and simultaneously into meaning” (Felman 212). Famous psychologists Sigmund Freud and Jacques Lacan described this as disavowal—a defense mechanism in which a person refuses to recognize the reality of a traumatic perception (Evans 44). Through speeches recited on college campuses, Ali urged thousands of students to bear witness to the problems of integration and segregation, hate, and the Vietnam War. In one such speech, he links the violence in Vietnam caused by the war to the violence in the states; he stated that he would rather fight what was going on in a legal way. Not by war in a foreign country, but by nonviolent resistance right here in the United States. “Whatever the punishment, whatever the persecution is for standing up for my beliefs, even if it means facing machine-gun fire that day, I’ll face it…” (Hauser 187). Through 6 this speech, Ali led as example to all those students in the crowd, to all those seeing and not choosing to accept reality, to all those in disavowal. What Felman proposes is a community of [acknowledgement] ~~seeing~~: a space into which “we can bring into consciousness what is unconscious in us”—like the college auditoriums and classrooms where Ali conducted his speeches—to analyze and make sense of events as a community (Amy 67). It is the very nature of the violence of the “war on terror” that does not allow a community of [acknowledgement] ~~seeing~~. The media-attack on these countries by ingratiating news anchors take the American people and place them onto a platform where they are unable to reach a community of seeing, unable to argue the ethics of this war. We are divided, separated from the truth. Democratic representatives John Conyers, Dennis Kuncinich and many more, were calling for a truth as a community of officials when they wrote letters to the president demanding for him to publicly release the criteria on which be would elect people to be attacked by drones on his infamous kill list (Heuvel)—there has been no more coverage of the letters in the media. Unless we become conscious as a community of the truth of the violence we are creating, unless we bear witness and develop a community of seeing, we are doomed to be “locked into violences we cannot escape” (Amy 69).

**Advantage [8/\_\_]**

#### The refusal to deliberate over drone policy risks public apathy because of the invisible nature of drone warfare ---- the affirmative brings an opportunity to re-engage the public to challenge presidential action

Druck 2012 [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

The practical effects of this move toward a technology-driven, and¶ therefore limited, proxy style of warfare are mixed. On the one hand,¶ the removal of American soldiers from harm’s way is a clear benefit,124¶ as is the reduced harm to the American public in general. For that,¶ we should be thankful. But there is another effect that is less easy to¶ identify: public apathy. By increasing the use of robotics and decreasing the probability of harm to American soldiers, modern warfare has¶ “affect[ed] the way the public views and perceives war” by turning it¶ into “the equivalent of sports fans watching war, rather than citizens¶ sharing in its importance.”125 As a result, the American public has¶ slowly fallen victim to the numbing effect of technology-driven warfare; when the risks of harm to American soldiers abroad and civilians¶ at home are diminished, so too is the public’s level of interest in foreign military policy.126¶ In the political sphere, this effect snowballs into both an uncaring¶ public not able (or willing) to effectively mobilize in order to challenge presidential action and enforce the WPR, and a Congress whose¶ own willingness to check presidential military action is heavily tied to¶ public opinion.127 Recall, for example, the case of the Mayaguez,¶ where potentially unconstitutional action went unchecked because¶ the mission was perceived to be a success.128 Yet we can imagine that¶ most missions involving drone strikes will be “successful” in the eyes of the public: even if a strike misses a target, the only “loss” one needs to¶ worry about is the cost of a wasted missile, and the ease of deploying¶ another drone would likely provide a quick remedy. Given the political risks associated with making critical statements about military action, especially if that action results in success,129 we can expect even¶ less congressional WPR enforcement as more military engagements¶ are supported (or, at the very least, ignored) by the public. In this¶ respect, the political reaction to the Mayaguez seems to provide an example of the rule, rather than the exception, in gauging political reactions within a technology-driven warfare regime.¶ Thus, when the public becomes more apathetic about foreign affairs as a result of the limited harms associated with technology-driven¶ warfare, and Congress’s incentive to act consequently diminishes, the¶ President is freed from any possible WPR constraints we might expect¶ him to face, regardless of any potential legal issues.130 Perhaps unsurprisingly, nearly all of the constitutionally problematic conflicts carried out by presidents involved smaller-scale military actions, rarely¶ totaling more than a few thousand troops in direct contact with hostile forces.131 Conversely, conflicts that have included larger forces,¶ which likely provided sufficient incentive for public scrutiny, have¶ generally complied with domestic law.132¶ The result is that as wars become more limited,133 unilateral presidential action will likely become even more unchecked as the triggers¶ for WPR enforcement fade away. In contrast with the social and political backlash witnessed during the Civil War, World War I, the Vietnam¶ War, and the Iraq War, contemporary military actions provide insufficient incentive to prevent something as innocuous and limited as a¶ drone strike. Simply put, technology-driven warfare is not conducive¶ to the formation of a substantial check on presidential action.134

**Advantage [9/\_\_]**

#### Engaging in the political sciences to create solutions for drones helps us learn about the details and clarifies the solutions necessary

Omar Bashir writes on “How to Improve the Drones Debate” in 2012 (Omar, Princeton PhD candidate. How to Improve the Drones Debate http://themonkeycage.org/2012/11/15/how-to-improve-the-drones-debate/)

Most news articles about drones cover some new development, claim to raise new ethical questions, and mention superficially the need for greater transparency and/or accountability. Specific recommendations for change are rare or rarely helpful ([this](http://www.washingtonpost.com/opinions/us-drone-war-demands-accountability/2012/11/01/56627964-2380-11e2-8448-81b1ce7d6978_story_1.html) recent editorial calls for strikes to be subject to congressional review, but they [already are](http://articles.latimes.com/2012/jun/25/nation/la-na-drone-oversight-20120625)). There may be an opportunity for political scientists to contribute by formulating and floating ideas about safeguards that address pressing ethical concerns. For example, it is common to hear calls for the introduction of oversight to drone campaigns. Political scientists generally have a good sense of which proposed institutional arrangements might provide successful oversight because we are trained to consider issues like incentive compatibility. Further, we’re likely to have knowledge of oversight institutions at work in other countries that might be emulated. My own [proposal](http://www.foreignaffairs.com/articles/138141/omar-s-bashir/who-watches-the-drones) is based on adaptation of the UK’s system of independent review for terrorism legislation. I think it addresses the single most important ethical issue regarding drone strikes: we have no way of knowing whether or not the U.S. government is acting in accordance with the requirements of necessity, discrimination, and proportionality. Inconsistent studies of post-strike damage have not settled the issue, and we can’t simply take the Obama administration at its word. Instead, the government needs something beyond existing congressional review to demonstrate credibly to audiences at home and abroad that too many civilians are not dying compared to the threat posed by targets and to show that there is appropriate cause for deeming individuals targetable. This oversight, which can ideally provide some indication when strikes begin to violate the requirement of proportionality, may be the key to preventing “endless war”: it might help us know when, if not already, campaigns have taken out so many targets that further killing cannot be justified. Clinton Watts and Frank Cilluffo propose another tangible solution that has a chance of being acceptable both to government and human rights advocates. Their idea is based on the modification of an existing American institution, the Foreign Intelligence Surveillance Act (FISA) court; it is covered in [this](http://selectedwisdom.com/?p=813) post. If you are aware of other proposals, please link them in the comments, and feel free to post your own ideas.

#### Debating about the intricacies about drone policy is that first step

Ishaan Tharoor writes about “The Debate on Drones” in 2013 that (Ishaan, writer for Times. The Debate on Drones: Away from the Politics, the Nameless Dead Remain Read more: <http://world.time.com/2013/02/08/the-debate-on-drones-away-from-the-politics-the-nameless-dead-remain/#ixzz2c3KKvqQS>)

What complicates those hundreds of civilian deaths is the official silence that surrounds them. The U.S. government has so far refused to publicly recognize its culpability in what are clandestine missions away from the Afghan theater of operations, while its Pakistani counterparts, who to an extent allowed and abetted the CIA’s drone program, would rather not own up to their own tacit role in supporting many of the strikes. “Both sides are trapped in their own double-dealing,” writes Pakistani journalist Ahmed Rashid in his new book, Pakistan on the Brink: The Future of America, Pakistan, and Afghanistan. “The Americans cannot discuss drones, because they are a classified CIA operation, while Pakistan pretends it never sanctioned the drones or provided intelligence to the United States, for fear of riling up the militants.” The awkward geopolitical pas de deux leaves the victims of drone strikes and their families in the dark. Some rights groups and activists have already started collecting testimony from villagers in places like North and South Waziristan. The aforementioned London-based Bureau of Investigative Journalism announced Thursday [a project to determine the names](http://www.thebureauinvestigates.com/2013/02/04/naming-the-dead-bureau-announces-new-drones-project/) of as many of the reported fatalities of drone strikes in Pakistan as possible. The endeavor will be a difficult one, not least because it will require prying information out of U.S. and Pakistani officials. “In the face of official secrecy, having the full facts about who is killed is essential for an informed debate about the effectiveness and ethics of the drone campaign,” said Christopher Hird, managing editor of the Bureau, in a statement posted on its website. [An editorial](http://dawn.com/2013/02/07/not-credible-enough/) the same day in the prominent Pakistani daily Dawn, concurred: “More information is needed to convince both Americans and Pakistanis that their civil liberties are not being eroded in the name of their security.” The more we learn about drones, the more we should know about who they kill.

# 2AC

### 2AC- Speaking

#### Political activism in debate allows *new* political views and activism- empirical data proves

Madestam ’13 (Andreas Madestam, Daniel Shoag, Stan Veuger, David Yanagizawa-Drott, Aug 2013 in Quarterly Journal of Economics, <http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full>, August 11, 2013

Instead, because the effects are very much local, they suggest that personal interaction within small groups of citizens serves as a crucial channel for the transmission of new political views and that leads to increases in political activism, in line with [Zuckerman’s (2005)](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-52) “social logic of politics” and the shaping of a new social context that motivates citizens to “call folk, hustle, [and] outwork [their] foe” ([Texans for John Cornyn 2008](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-49)). In our discussion we argue that Lohmann’s information-driven model of the effectiveness of political activism cannot fully explain our results and that social networks, mobilization, and/or habit formation are key missing elements that must be incorporated into a full model of political protests. This argument is broadly consistent with the qualitative evidence presented by [Skocpol and Williamson (2011)](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-46). In their study of the Tea Party movement, based on interviews with activists and an analysis of their (online) activity, they emphasize the role rallies played in shaping the movement: “From interviews and tracking local Tea Parties in public sources, we have learned that these groups were often launched by sets of organizers who did not know one another personally before they met in rallies or other protest settings” ([Skocpol and Williamson 2011](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-46): 93). These local groups then helped sustain the momentum of the movement through regular meetings and grassroots organizing, often but not always facilitated by individual members’ previous experience in other mediating institutions ([Skocpol and Williamson 2011](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-46): 37–44), which could be seen as analogous to the value of preexisting institutions to the civil rights movement in its heyday ([McAdam 1985](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-37)). We argue that through this mechanism, and not solely through the revelation of privately held, preexisting policy views, initial rally turnout affected political and policy outcomes for the rest of the election cycle. Personal interaction is, after all, a highly effective campaign instrument ([Green and Gerber 2008](http://qje.oxfordjournals.org/content/early/2013/09/30/qje.qjt021.full#ref-24)).

### 2AC- Drone Operator

#### We know what Drone Operators thing

Engel ’13 (Richard Engel, Political Blind Sport.org, “I felt like a sociopath” – Drone Operator Says He Is Haunted By The 1,600 He Killed”, <http://politicalblindspot.org/i-felt-like-a-sociopath-drone-operator-says-he-is-haunted-by-the-1600-he-killed/>, June 11, 2013)

A former Air Force drone operator who says he participated in missions that killed more than 1,600 people remembers watching one of the first victims bleed to death. Brandon Bryant says he was sitting in a chair at a Nevada Air Force base operating the camera when his team fired two missiles from their drone at three men walking down a road halfway around the world in Afghanistan. The missiles hit all three targets, and Bryant says he could see the aftermath on his computer screen – including thermal images of a growing puddle of hot blood. “The guy that was running forward, he’s missing his right leg,” he recalled. “And I watch this guy bleed out and, I mean, the blood is hot.” As the man died his body grew cold, said Bryant, and his thermal image changed until he became the same color as the ground. “I can see every little pixel,” said Bryant, who has been diagnosed with post-traumatic stress disorder, “if I just close my eyes.” Bryant, now 27, served as a drone sensor operator from 2006 to 2011, at bases in Nevada, New Mexico and in Iraq, guiding unmanned drones over Iraq and Afghanistan. Though he didn’t fire missiles himself he took part in missions that he was told led to the deaths of an estimated 1,626 individuals. In an interview with NBC News, he provided a rare first-person glimpse into what it’s like to control the controversial machines that have become central to the U.S. effort to kill terrorists. He says that as an operator he was troubled by the physical disconnect between his daily routine and the violence and power of the faraway drones. “You don’t feel the aircraft turn,” he said. “You don’t feel the hum of the engine. You hear the hum of the computers, but that’s definitely not the same thing.” At the same time, the images coming back from the drones were very real and very graphic. “People say that drone strikes are like mortar attacks,” Bryant said. “Well, artillery doesn’t see this. Artillery doesn’t see the results of their actions. It’s really more intimate for us, because we see everything.” A self-described “naïve” kid from a small Montana town, Bryant joined the Air Force in 2005 at age 19. After he scored well on tests, he said a recruiter told him that as a drone operator he would be like the smart guys in the control room in a James Bond movie, the ones who feed the agent the information he needs to complete his mission. He trained for three and a half months before participating in his first drone mission. Bryant operated the drone’s cameras from his perch at Nellis Air Force base in Nevada as the drone rose into the air just north of Baghdad. Bryant and the rest of his team were supposed to use their drone to provide support and protection to patrolling U.S. troops. But he recalls watching helplessly as insurgents buried an IED in a road and a U.S. Humvee drove over it. “We had no way to warn the troops,” he said. He later learned that three soldiers died. And once he had taken part in a kill, any remaining illusions about James Bond disappeared. “Like, this isn’t a videogame,” he said. “This isn’t some sort of fantasy. This is war. People die.” Brandon Bryant stands with a Predator drone in Nevada. He says that as an operator he was troubled by the physical disconnect between his daily routine and the violence and power of the faraway drones. Bryant said that most of the time he was an operator, he and his team and his commanding officers made a concerted effort to avoid civilian casualties. But he began to wonder who the enemy targets on the ground were, and whether they really posed a threat. He’s still not certain whether the three men in Afghanistan were really Taliban insurgents or just men with guns in a country where many people carry guns. The men were five miles from American forces arguing with each other when the first missile hit them. “They (didn’t) seem to be in a hurry,” he recalled. “They (were) just doing their thing. … They were probably carrying rifles, but I wasn’t convinced that they were bad guys.“ But as a 21-year-old airman, said Bryant, he didn’t think he had the standing to ask questions. He also remembers being convinced that he had seen a child scurry onto his screen during one mission just before a missile struck, despite assurances from others that the figure he’d seen was really a dog. After participating in hundreds of missions over the years, Bryant said he “lost respect for life” and began to feel like a sociopath. He remembers coming into work in 2010, seeing pictures of targeted individuals on the wall – Anwar al-Awlaki and other al Qaeda and Taliban leaders — and musing, “Which one of these f\_\_\_\_\_s is going to die today?” In 2011, as Bryant’s career as a drone operator neared its end, he said his commander presented him with what amounted to a scorecard. It showed that he had participated in missions that contributed to the deaths of 1,626 people. “I would’ve been happy if they never even showed me the piece of paper,” he said. “I’ve seen American soldiers die, innocent people die, and insurgents die. And it’s not pretty. It’s not something that I want to have — this diploma.” Now that he’s out of the Air Force and back home in Montana, Bryant said he doesn’t want to think about how many people on that list might’ve been innocent: “It’s too heartbreaking.” The Veterans Administration diagnosed him with Post-traumatic Stress Disorder, for which he has undergone counseling. He says his PTSD has manifested itself as anger, sleeplessness and blackout drinking. “I don’t feel like I can really interact with that average, everyday person,” he said. “I get too frustrated, because A) they don’t realize what’s going on over there. And B) they don’t care.” He’s also reluctant to tell the people in his personal life what he was doing for five years. When he told a woman he was seeing that he’d been a drone operator, and contributed to the deaths of a large number of people, she cut him off. “She looked at me like I was a monster,” he said. “And she never wanted to touch me again.”

### AT: Drone Focus Bad

#### ---No link and turn --- Focusing on drones doesn’t preclude criticisms of targeted killing policy and is a critical prerequisite to the alternative.

Noble July 19th 2012

Doug, activist with Occupy Rochester NY and Rochester Against War, Assassination Nation: Fifty Years of US Targeted ‘Kill Lists’: From the Phoenix Program to Predator Drones, http://www.informationclearinghouse.info/article31925.htm

The purpose of this article is to reframe the current attention on killer drones and Obama’s “kill list” within an historical perspective. The goal here is not to discourage the escalating protest against killer drones or against Obama’s targeted assassination program around the globe. As stated at the outset, the unprecedented visibility of these nefarious activities and of the outraged public response to them is precisely what is needed at this time. This heightened awareness also affords a perfect opportunity to revisit the extraordinary history of US assassination and targeted killing that has led directly and explicitly to these activities.

### 2AC- Brickman

#### There is no universal psyche – there can be no generalizable claims about resentement or adverse reactions

Brickman ‘3 [Celia (Center for Religion and Psychotherapy of Chicago, PhD in Religion and the Human Sciences at the University of Chicago); Aboriginal Populations in the Mind: Race and Primitivity in Psychoanalysis; Columbia University Press; New York; p. 206-7 //nick]

When psychoanalysis supplies a phylogenetic content to the unconscious, it dictates a universal, ahistorical, and precultural stratum of the human mind, repressed or repudiated since infantile or “primitive” times, as the cost for the inauguration of an enculturated subjectivity. Although there may always be some exclusions brought into being through the inauguration of subjectivity, these exclusions would vary with culture and history, and therefore be open to some degree of alteration. 22 To assert that we already know the contents (phylogenetic or otherwise) of the unconscious in all cases and in all cultures denies the risk of the unknown that a true encounter with the other always poses to our own certainties of knowledge. In addition, the formulation of subjectivity as predicated on a repudiation of a universal, precultural primitivity reinforces the binarism of nature and culture, since it understands our entry into culture as condemning us to be forever and inescapably alienated from the “natural”—primitive——part of ourselves (and thus from those peoples identified as part of nature), setting the scene for the analyst as the authority who can inform us about the contents of this inaccessible part of ourselves. (As we have seen, it is not only the patient who falls into the trap of believing that the analyst is “the subject who is supposed to know.”)23But if the unconscious can be released from a developmental framework in which subjectivity is premised exclusively on repudiation or separation, then it need not be imagined as an abjected, inaccessible primitivity. Then the emergence of unconscious contents in the analytic encounter need not be insctibed as a regression back down the developmental scale but can be seen as the emergence of dimensions of experience whose existence has been obscured by, but is nonetheless coeval with, the preoccupations of consciousness. The encounter with the unconscious is a return to moments of the past simply insofar as it allows us to dc-sediment the identifications that have contributed to subjectivity; insofar as it allows us, as Cornelius Castoriadis has suggested, to consider subjectivity from the vantage point of its contingency, from the vantage point of how it became fixed or essentialized as that which it now is.24 The analytic relationship need not be about the imposition of authoritative knowledge nor about disabusing the analysand of the fantasy of the analyst’s authority. It can be a way of coming to know oneself, of becoming capable of feeling more fully alive, and of engaging more fully with the world through being with—rather than being dominated by, or fearing domination by—another. The interminability of analysis, rather than due to a bedrock of resistance to a primitivity that can never be overcome, would then have to do with the fact that the unconscious always exceeds our capacity to understand it: no analysis can ever exhaust it and thus truly come to an end.

### May

#### Acting generates meaning

May ‘5 (Todd May 5, philo prof at Clemson, “To change the world, to celebrate life”, Philosophy & Social Criticism, vol 31, nos 5–6, 517–531)

What are we to make of these references? We can, to be sure, see the hand of Heidegger in them. But we may also, and for present purposes more relevantly, see an intersection with Foucault’s work on freedom. There is an ontology of freedom at work here, one that situates freedom not in the private reserve of an individual but in the unfinished character of any historical situation. There is more to our historical juncture, as there is to a painting, than appears to us on the surface of its visibility. The trick is to recognize this, and to take advantage of it, not only with our thoughts but with our lives. And that is why, in the end, there can be no such thing as a sad revolutionary. To seek to change the world is to offer a new form of life-celebration. It is to articulate a fresh way of being, which is at once a way of seeing, thinking, acting, and being acted upon. It is to fold Being once again upon itself, this time at a new point, to see what that might yield. There is, as Foucault often reminds us, no guarantee that this fold will not itself turn out to contain the intolerable. In a complex world with which we are inescapably entwined, a world we cannot view from above or outside, there is no certainty about the results of our experiments. Our politics are constructed from the same vulnerability that is the stuff of our art and our daily practices. But to refuse to experiment is to resign oneself to the intolerable; it is to abandon both the struggle to change the world and the opportunity to celebrate living within it. And to seek one aspect without the other – life-celebration without world-changing, world-changing without life-celebration – is to refuse to acknowledge the chiasm of body and world that is the wellspring of both. If we are to celebrate our lives, if we are to change our world, then perhaps the best place to begin to think is our bodies, which are the openings to celebration and to change, and perhaps the point at which the war within us that I spoke of earlier can be both waged and resolved. That is the fragile beauty that, in their different ways, both MerleauPonty and Foucault have placed before us. The question before us is whether, in our lives and in our politics, we can be worthy of it.

### 2AC- Roll of Ballot

#### Our Role of the ballot is for the critic to vote for the side that advocates the best strategy to navigate intellectual and political authority as it relates to the lives of those effected.

Grossburg ’92 (Lawrence (University of Illinois) We Gotta Get Outta This Place, p. 362-364

In their desire to renounce vanguardism, hierarchy and authoritarianism, too many intellectuals have also renounced the value of intellectual and political authority. This renunciation of authority is predicated on a theoretical crisis of representation in which the authority of any knowledge is suspect, since all knowledge is historically determined and implicated in hierarchical relations of power. The political reflection of this suspicion is that structures and hierarchy are equated with domination. Intellectuals cannot claim to speak the “truth” of the world, and they cannot speak for or in the name of other people. There are only two strategies available to the critic. First, the ability to describe the reality of people’s experience or position in the world can be given over entirely to the people who are the subjects of the analysis. They are “allowed” to speak for themselves within the intellectual’s discourse. The critic merely inscribes the other’s own sense of their place within and relationship to specific experiences and practices.” Second, the critic analyzes his or her own position self-reflexivly, and its consequences for his or her study (i.e., my history and position have determined the inevitable failure of my authority) but without privileging that position. In either case, there is little room for the critic’s own authority. While such a moment of intellectual suspicion is necessary, it goes too far when it assumes that all knowledge claims are unjustified and unjustifiable, leaving the critic to celebrate difference and a radical and pluralist relativism. The fact of contextual determination does not by itself mean that all knowledge claims are false, nor does it mean that all such claims are equally invalid or useless responses to a particular context. It need not entail relativism. The fact that specific discourses are articulated into relations of power does not mean that these relations are necessary or guaranteed, nor that all knowledges are equally bad—and to be opposed—for even if they are implicated with particular structures of power, there is no reason to assume that all structures of power are equally bad. Such an assumption would entail the futility of political struggle and the end of history. This is the conundrum of the intellectual Left, for you can’t have knowledge without standards and authority. Similarly, although all structures of commonality, norrnality and the sacred may be suspect, social existence itself is impossible without at least the imagination of such possibilities. This “intellectual’s crisis” of representation becomes particularly dangerous when it is projected on everyday life and political struggle, when it is mistakenly identified with a very different crisis of authority. In the post-Vietnam, post-Watergate, post-Three Mile Island, post-Challenger, post-Jimmy Bakker world, many if not all of the traditional sources of moral, political and even intellectual authority (including those empowered by the postwar consensus) have col-lapsed or at least lost a good deal of their aura. There is a deep seated public anxiety that America’s power (moral, political, economic, etc.) is on the wane and that none of the traditional authorities is capable of protecting Americans from the many forces—natural and social—that threaten them. Here we must assent to part of the new conservative argument: Structures of ironic cynicism have become increasingly powerful and do represent a real cultural and political problem. Both ‘crises” involve a struggle to redefine cultural authority. For the former it is a struggle to reestablish the political possibility of theory. For the latter it involves the need to construct politically effective authorities, and to relocate the right of intellectuals to claim such authority without reproducing authoritarian relations. The intellectuals’ crisis is a reflexive and rather self-indulgent struggle against a pessimism which they have largely created for themselves. The conflation of the two glosses over the increasing presence (even as popular figures) of new conservative intellectuals, and the threatening implications of the power of a popular new conservatism. The new conservative alliance has quite intentionally addressed the crisis of authority, often blaming it on the Left’s intellectual crisis of representation (e.g., the attacks on ‘political correctness”), as the occasion for their own efforts to set new authorities in place new positions, new criteria and new statements. Left intellectuals have constructed their own irrelevance, not through their “elitist” language, but through their refusal to find appropriate forms and sites of authority. Authority is not necessarily authoritarian; it need not claim the privilege of an autonomous, sovereign and unified speaking subject. In the face of real historical relations of domination and subordination, political intervention seems to demand, as part of the political responsibility of those empowered to speak, that they speak to—and sometimes for—others. And sometimes that speech must address questions about the relative importance of different struggles and the relative value, even the enabling possibilities of, different structures.

#### Their exclusive focus upon the judge as discursive critic prevents any change for those who experience drones – we need to strategize

Taft-Kaufman ’95 (Jill Taft-Kaufman, Speech prof @ CMU, 1995, [Southern Comm. Journal, Spring, v. 60, Iss. 3, “Other Ways”]

Clarke examines Lyotard's (1984) The Postmodern Condition in which Lyotard maintains that virtually all social relations are linguistic, and, therefore, it is through the coercion that threatens speech that we enter the "realm of terror" and society falls apart. To this assertion, Clarke replies: I can think of few more striking indicators of the political and intellectual impoverishment of a view of society that can only recognize the discursive. If the worst terror we can envisage is the threat not to be allowed to speak, we are appallingly ignorant of terror in its elaborate contemporary forms. It may be the intellectual's conception of terror (what else do we do but speak?), but its projection onto the rest of the world would be calamitous....(pp. 2-27) The realm of the discursive is derived from the requisites for human life, which are in the physical world, rather than in a world of ideas or symbols.(4) Nutrition, shelter, and protection are basic human needs that require collective activity for their fulfillment. Postmodern emphasis on the discursive without an accompanying analysis of how the discursive emerges from material circumstances hides the complex task of envisioning and working towards concrete social goals (Merod, 1987). Although the material conditions that create the situation of marginality escape the purview of the postmodernist, the situation and its consequences are not overlooked by scholars from marginalized groups. Robinson (1990) for example, argues that "the justice that working people deserve is economic, not just textual" (p. 571). Lopez (1992) states that "the starting point for organizing the program content of education or political action must be the present existential, concrete situation" (p. 299). West (1988) asserts that borrowing French post-structuralist discourses about "Otherness" blinds us to realities of American difference going on in front of us (p. 170). Unlike postmodern "textual radicals" who Rabinow (1986) acknowledges are "fuzzy about power and the realities of socioeconomic constraints" (p. 255), most writers from marginalized groups are clear about how discourse interweaves with the concrete circumstances that create lived experience. People whose lives form the material for postmodern counter-hegemonic discourse do not share the optimism over the new recognition of their discursive subjectivities, because such an acknowledgment does not address sufficiently their collective historical and current struggles against racism, sexism, homophobia, and economic injustice. They do not appreciate being told they are living in a world in which there are no more real subjects. Ideas have consequences. Emphasizing the discursive self when a person is hungry and homeless represents both a cultural and humane failure. The need to look beyond texts to the perception and attainment of concrete social goals keeps writers from marginalized groups ever-mindful of the specifics of how power works through political agendas, institutions, agencies, and the budgets that fuel them.

### 2AC- Compassion

#### The Compassion disad- Affirming this ethic of compassion is an ethical necessity – only by privileging compassion can we stop otherization which causes violence

Porter ‘6 (Elisabeth, head of the School of International Studies at the University of South Australia, “Can Politics Practice Compassion?” hypatia 21:4, project muse)

I am defending the position that it is possible to be politically compassionate and just and that such a claim should be disentangled from notions of gender.12 I dispute the essentialist claim that women are naturally compassionate. However, because of women's traditional association with caring and their role as primary parent, many women are experienced in caring and tend to respond readily with compassion. As others also argue (Philips 1993, 70; Sevenhuijsen 1998, 13), I am emphasizing the interplay between the particularity of compassion and the universality of justice. Undoubtedly, the dichotomy of public justice associated with masculinity and private care associated with femininity narrowed moral parameters, harmfully cementing restrictive gendered stereotypes. Rather, the relationship between compassion and justice is rich. Compassion "helps us recognize our justice obligations to those distant from us" (Clement 1996, 85). Examples of justice obligations include welfare programs; foreign aid; famine and disaster relief; humane immigration policies; and relieving the suffering of families who are affected by terrorism in Bali, Iraq, Israel, London, Morocco, Northern Ireland, Palestine, Saudi Arabia, Spain, Sri Lanka, Sudan, the United States, and elsewhere. A choice between justice and compassion is false; considerations of justice "arise in and about the practice of care" (Bubeck 1995a, 189). Thus, a defense of the need for compassion is as much a defense for the rights of justice. Anticipating this defense was Elizabeth Bartlett's (1992) interpretation of Albert Camus' concept of rebellion in the novel The Plague. She made three points that resonate with my argument on the relationship between justice and care. First, justice originates from care. In Camus' ethic of rebellion, the passionate demand for justice and rights comes from compassionately witnessing and being outraged by such aggressive acts as battering, abuse, or police brutality, such incomprehensible injustices as innocent children suffering from malnutrition, and various forms of others' oppression. As Bartlett remarked, "It is these moments of compassionate recognition of human dignity, not a dispassionate calculation of rights, which give rise to the demand for justice" (1992, 84). Second, both justice and care imply community. In The Plague, rebellion is a rejection of all forms of oppression. Acts of compassion are choices to "suffer with" others in order to build solidarity.13 Third, care defines justice. For Camus, "only those actions which retain the impulse and commitment to care serve justice" through compassionate responses (Bartlett 1992, 86). This strong notion of compassionate justice in politics is necessary if we are to respond meaningfully to peoples' pain. The defense of compassionate justice is prominent in feminist literature because of women's historical experience of injustice and because of women's traditional association of caring. It is also prominent in postcolonial and development discourse where there are attempts to redress political injustice with the practical, compassionate development of human well-being. Responsibility for Connections The third potential barrier to realizing political compassion lies in the controversy as to who and what we are responsible for. I have argued elsewhere that responsibilities are based on the principles of connection (1991, 159). We carry out responsibilities through moral engagement with others. The question, "how can I (we) best meet my (our) caring responsibilities?" (Tronto 1993, 137) is central to, but not exclusive to feminist ethics. Jean-Marc Coicaud and Daniel Warner, in expanding the relational dimension of ethics, argue that "somehow, we owe something to others and that our ability to handle what we owe to others decides in some sense who we are" (2001, 2). Yet this is not easy in practice. In our socially embodied moral world, our identities, relationships, and values differentially define our responsibilities. Practices of responsibility are situated culturally and many need changing. For example, in a materialist, technocratic age dominated by self-interest, compassionate impulses toward those who are suffering are dismissed readily as time-consuming, or consciences are salved by a quick donation to charity while complaining of "compassion fatigue." Yet after the anguish of 9/11, people in many nations reassessed their priorities and lifestyles, reaching out to loved ones and strangers in affirming ways.14 Some feminists see the particularity of responsibility as an obstacle to realizing political compassion. For example, Susan Mendus argues that "identity and morality are constituted by actual relationships of care between particular people," thus the concept of care does not translate readily to the wider political problems of hunger, poverty, refugee status, and war that require solutions for people we do not know (2000, 106). As I am arguing, it is not care alone or a particular relationship of care that enables compassionate responsibility, but a merging of a compassionate drive with a search for justice, equality, and rights. **Caring for someone necessarily encompasses a concern for his or her equality and rights.** I am supporting a strong notion of compassionate justice that accepts responsibilities toward "particular others" who can include "actual starving children in Africa with whom one feels empathy" (Held 1987, 118). If we take seriously the idea of global interdependence, then regardless of our specific nationalities and races, we have "duties" to people who are distant from us and belong to other communities (Midgley 1999, 161). Amartya Sen also believes we have a "multiplicity of loyalties" (1996, 113) to humanity, our nation, city, community, family, and friends. Simone Weil's notion of "justice as compassion" also is one in which mutual respect for all humans grounds our obligations to prevent suffering and harm. She believes that we have an unconditional obligation not to let a single human suffer "when one has the chance of coming to his assistance" (quoted in R. Bell 1998, 114).15 This qualifier is important. **We cannot assume responsibility for all suffering, to do so is naïve. We can assume, however, some responsibility to try to alleviate suffering whenever we can.** Yet, as intimated earlier, in order to move beyond empathy, we must also address claims for justice and equality. Again, I suggest that without the compassionate drive that is prompted by visualizing the pain of injustice, we will not feel peoples' anguish, or bother to consider what they need. As individuals, we have responsibilities beyond our personal connections to assist whenever it is within our capacities and resources to do so. I do not want to give the impression that our entire lives should be devoted to attending to others' needs. To do so would return women to exclusive nurturance at the expense of self-development and public citizenship. It is, rather, a matter of acting with compassion when it is possible to do so, and the possibility of course is debatable and requires priorities, which differ with us all. Politically, this means that politicians, nations, and international organizations have a similar responsibility to alleviate the suffering that results when peoples' basic needs are not met. There is a heavy responsibility on wealthy nations where the extent of poverty and misery is not as conspicuous as elsewhere to assist less wealthy nations.16 State responsibility is acute when suffering is caused by harsh economic policies, careless sales of arms and military weapons, severe immigration rules, and obscene responses to terrorism by further acts of violence. With the majority of these massive global issues, most of us can only demonstrate the first stage of co-suffering, and perhaps move to the second and debate the merit of options that might meet peoples' needs, and alleviate suffering. This **vocal civic debate can provoke** the third process **of political responses that actually lead to political compassion. Given nations' moral failures of compassion and such conspicuous evidence of oppression, exploitation, brutality, and indifference, we need to** be observant, and understand the implications of a failure to practice compassion. To summarize this section, the conceptual barriers that prevent the practice of political compassion are significant but surmountable. Compassion is not too personal for politics. Rather**, it can be the emotion that helps prompt a critical scrutiny of institutional structures; it is the driving force toward the practice of compassionate justice**; and, as an emotion and response, it broadens political responsibilities. Political Compassion I now argue that political compassion is linked to the political goals of a good society and is achievable politically.17 This argument contrasts with that of Hannah Arendt, who wrote that compassion abolishes the distance between citizens and thus is "politically speaking, irrelevant and without consequence" (1973, 86). Arendt's belief is that whereas the public arena is a site for deliberation, dissent, and argument, compassion requires a direct response that talking distorts. Certainly, too much abstract discussion on poverty, asylum seekers, detention camps, or the effects of war delays actual decisions for change. However, later, I argue that dialogue is a crucial way for all concerned groups to ascertain the best way to respond to peoples' feelings of vulnerability. Particularly in the current global climate of heightened vulnerability to terrorist attacks, the need for protection is powerful. Within liberal democracies, we are more accustomed to emphases on autonomy and self-sufficiency than the need for protection. While care ethics recognizes that we all are vulnerable in the sense that fortune and fate are "morally arbitrary" (Porter 1995, 181) and this is why it is important that we care about each other, most care ethics literature refers to the vulnerable either as children or as those requiring [End Page 109] welfare, disability rights, or health care. In the present international context, we often lose sight of personal powerlessness and politically equate vulnerability with minimizing the possibility of terrorist threats. Considerations of national security thus dominate over human security. Certainly, terrorist threats must be dealt with appropriately, **but the means of national protection should not be at the expense of the emotional safety of** such **vulnerable groups** as asylum seekers. States need to maximize security, but "there are broader understandings of human security that encompass social well-being and the security of political, civil, social, cultural, and economic rights" (Porter 2003b, 9). The defense of human security can adopt an attitude toward the vulnerable of protective "holding," which minimizes harmful risk and reconciles differences (Ruddick 1990, 78–79). How democratic nations deal with the vilification or reconciliation of cultural and religious differences is central to the practice of political compassion. For example, asylum seekers rightfully seek refuge, safety, and security, under United Nations conventions. These rights include the right to seek asylum and the right to request assistance to secure safety in their own countries. Those seeking such rights increasingly are facing governments with tightened borders. In multicultural states, tolerance, trust, and openness are essential for positive civic relationships. **Since 9/11, there has been a movement away from open tolerance to closed dichotomies based on an "othering,"** a stereotyping of groups considered different from "us." **These dichotomies are not harmless opposites; they "mask the power of one side of the binary to control the other**" (D. Bell 2002, 433**), like us/them, citizen/foreigner, friends/enemies, and good/evil. Absolutist dichotomies are blind to nuances, middle-ground positions, particular contexts, and connections, all the considerations of judgment needed for wise, compassionate decisions**. Importantly, absolutist dichotomies are oblivious to the pain of those who are excluded, those most in need of protection. They make people feel "at risk" simply for looking different or having a different faith. Those with absolutist views see "illegal immigrants" and "queue jumpers" rather than desperate, fearful people seeking legitimate asylum. A classic example of this binary control is President George W. Bush's ultimatum, "If you're not with us, you're against us**." A simplistic with us/against us**, free world/axis of **evil analysis cements an inclusion/exclusion that fails to comprehend the pain of those who are excluded**.

### Rejection State Fails

#### Rejection of the state accomplishes NOTHING – they need a pragmatic reimagination of politics to prevent failure of their movement – this card SMOKES the K.

Pasha ’96 [July-Sept. 1996, Mustapha Kamal, Professor and Chair of the Department of Politics and International Relations at the University of Aberdeen, “Security as Hegemony”, Alternatives: Global, Local, Political, Vol. 21, No. 3, pp. 283-302, JSTOR]

An attack on the postcolonial state as the author of violence and its drive to produce a modern citizenry may seem cathartic, without producing the semblance of an alternative vision of a new political community or fresh forms of life among existing political communities. Central to this critique is an assault on the state and other modern institutions said to disrupt some putatively natural flow of history. Tradition, on this logic, is uprooted to make room for grafted social forms; modernity gives birth to an intolerant and insolent Leviathan, a repository of violence and instrumental rationality's finest speci- men. Civil society - a realm of humaneness, vitality, creativity, and harmony - is superseded, then torn asunder through the tyranny of state-building. The attack on the institution of the state appears to substitute teleology for ontology. In the Third World context, especially, the rise of the modern state has been coterminous with the negation of past histories, cultures, identities, and above all with violence. The stubborn quest to construct the state as the fount of modernity has subverted extant communities and alternative forms of social organization. The more durable consequence of this project is in the realm of the political imaginary: the constrictions it has afforded; the denials of alternative futures. The postcolonial state, however, has also grown to become more heterodox - to become more than simply modernity's reckless agent against hapless nativism. The state is also seen as an expression of **greater capacities against want, hunger, and injustice**; as an escape from the arbitrariness of communities established on narrower rules of inclusion/exclusion; as identity removed somewhat from capri- cious attachments. No doubt, the modern state has undermined tra- ditional values of tolerance and pluralism, subjecting indigenous so- ciety to Western-centered rationality. But tradition can also conceal particularism and oppression of another kind. Even the most elastic interpretation of universality cannot find virtue in attachments re- furbished by hatred, exclusivity, or religious bigotry. **A negation of the state is no guarantee that a bridge to universality can be built.** Perhaps the task is to rethink modernity, not to seek refuge in a blind celebration of tradition. Outside, the state continues to inflict a self-producing "security dilemma"; inside, it has stunted the emergence of more humane forms of political expres- sion. But there are always sites of resistance that can be recovered and sustained. **A rejection of the state** as a superfluous leftover of modernity that continues to straitjacket the South Asian imagination **must be linked to the project of creating an ethical and humane order** based on a restructuring of the state system that privileges the mighty and the rich over the weak and the poor.74 Recognizing the constrictions of the modern Third World state, **a reconstruction** of state-society re- lations **inside the state appears to be a more fruitful avenue than wishing the state away, only to be swallowed by Western-centered globalization and its powerful institutions.**A **recognition of the patent failure of other institutions either to deliver the social good or to procure more just distributional rewards in the global political economy may provide a sobering reassessment of the role of the state.**

An appreciation of the scale of human tragedy accompanying the collapse of the state in many local contexts may also provide **im- portant points of entry into rethinking the one-sided onslaught on the state**. Nowhere are these costs borne more heavily than in the postcolonial, so-called Third World, where time-space compression has rendered societal processes more savage and less capable of ad- justing to rhythms dictated by globalization

### 2AC

#### No prior questions

Owen ‘2 (David Owen, Reader of Political Theory at the Univ. of Southampton, Millennium Vol 31 No 3 p. 655-7, 2002)

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.

#### Their impact is wrong – debate over even the most technical issues improves decision-making and advocacy

Ben- Naftali ‘3 (Orna Ben-Naftali, Head of the International Law Division and of the Law and Culture Division, The Law School, The College of Management Academic Studies, Spring 2003, ARTICLE: 'We Must Not Make a Scarecrow of the Law': A Legal Analysis of the Israeli Policy of Targeted Killings, 36 Cornell Int'l L.J. 233)

Our analysis concludes that while a specific act of preemptive killing may be legal if it meets the above-specified requirements, the policy of state targeted preemptive killings is not. Furthermore, some specific acts of targeted killings may generate state responsibility, while others may constitute a war crime entailing criminal accountability. These conclusions, emanating from the reading of the three legal texts applicable to the context, and informed by a sensibility that coheres them, do not rest on a negation of the importance of the national interest in security. On the contrary, these conclusions incorporate and express the way it should be balanced with a minimum standard of humanity and against the relevant context. This delicate, ever precarious balance is at the heart of the democratic discourse. A democratic state is not a meek state. True, it is fighting with "one hand tied behind its back,"n342 as soberly observed by Chief Justice Barak of the Israeli Supreme Court, but democratic sensibilities internalize this limitation on State power, not as a source of weakness but as a sign of strength. Democracies require a public discourse forever alert to the importance of human rights, suspicious of the way power is used, and committed to the rule of law. The legal culture, in turn, while not a substitute for this public discourse, is never absent from it and indeed serves as a catalyst for its development. We therefore reject the notion that the policy of targeted killings, designed by Israel as a way to combat terrorist attacks, is beyond the purview of the rule of law.n343 We also deny the purist position suggesting that the legalistic nitty-gritty preoccupation with details entailed in the above discussion is likely to obscure and legitimize a harrowing policy; n344 one that, on principle, should be condemned. n345 This position in fact maintains that the legality or illegality of targeted state killings is not a legitimate issue of discussion; that while an emergency situation may exceptionally necessitate the deed, it should never be elevated to the sphere of the Word. n346 We appreciate the sensibility of this position, but, alas, do not find it sensible. Indeed, nor would the people who consider themselves victims of the policy of targeted killings, and appeal to the courts to intervene. n347 Purity belongs to the Platonic world of ideas;

it is a necessary ideal to strive for, even if forever unachievable in this all too fallible City of Man. n348 In the best of all possible worlds law would be superfluous; in this world, it is a necessary, albeit insufficient means to achieve some possible betterment. This article hopes to contribute to this modest goal.

#### The alt doesn’t influence legal decisionmaking and results in tyranny

Passavant ’10 (Paul Passavant, Ph.D., Hobart and William Smith College Associate Professor of Political Science, December 2010, Yoo's Law, Sovereignty, and Whatever, Constellations Volume 17, Issue 4, pages 549–571)

For some on the left, it has become conventional to celebrate, if not cultivate, pluralism, whether this means multiple forms of being or multiple interpretive possibilities with regard to texts. It has also become conventional to be critical of “sovereignty” and of “law.” Multiplicity is thought to be a threat to sovereignty, and this threat is thought to be democratizing or a force that resists oppression. The Italian philosopher Giorgio Agamben exemplifies these tendencies within contemporary political and legal theory. In some of his earlier and less well-known work, he aspires toward a “coming community” that he calls “whatever being.” Whatever being embraces the infinite communicative possibilities of language as pure means beyond a preoccupation with true or false propositions. In his best-known work, Agamben links sovereignty to the production of rightless subjects and the Nazi death camps. He urges us to rethink the very ontological basis of politics in the West, creating a human being beyond sovereignty or law, in order to avoid perilous outcomes. One key to surpassing the logic of sovereignty, according to Agamben, is whatever being's positive relation to the singularities of life and the multiplicities of communication. Whatever being is also being outside of law. If “law” persists in this “coming community,” it would be a “law” that has become deactivated and deposed from its prior purposes. “Law” will have become an object for play – something to be toyed with the way that children might come upon a disused object and play with it by putting it to uses disconnected from whatever purpose this object might once have had. Why does the fact of playful communicative possibilities lead to either more democracy or a less brutal world? The most conservative United States Supreme Court justices have recently embraced the fact that texts are open to multiple interpretations. For example, Samuel Alito has suggested that the meaning of public monuments is open to multiple interpretations that may shift over time to avoid a potential First Amendment establishment clause problem over a monument of the Ten Commandments in a public park.1 Yet, as the late Justice Blackmun has written regarding state endorsement of religion, “government cannot be premised on the belief that all persons are created equal when it asserts that God prefers some.”2 Recognizing the possibility of multiple interpretations, as this instance shows, does not lead necessarily to outcomes friendly to democracy. In this essay, I investigate how playing with the multiplicity of communicative possibilities can, **contrary to Agamben's expectations**, actually **facilitate aspirations for unitary sovereign power**. My argument unfolds in the context of the legal arguments put forward by Bush administration lawyer John Yoo, particularly those enabling torturous interrogations. Those, like Agamben, who favor interpretive pluralism in itself rarely, if ever, have right-wing supporters of unchecked presidentialism in mind. Reading the scholarship and legal memoranda of John Yoo, formerly in the Bush administration's Office of Legal Counsel (OLC) and presently a University of California, Berkeley law professor, however, approaches an experience of pure mediality or of law that has become deposed or disconnected from its purposes. Yoo is well known as the author of the key legal memoranda asserting the president's discretionary power to make war, to engage in warrantless surveillance, and, most infamously, justifying torturous methods of interrogation. Some scholars refer to Lewis Carroll's Alice in Wonderland to describe the experience of reading Yoo's legal memos.3 Is **John Yoo an exemplar of the whatever being** and pure mediality that Agamben describes and to which he contends politics should aspire? In this paper, I describe how Yoo gestures toward pure mediality, as he indicates the experience of language itself as pure communicability or as pure means in his legal work when he emphasizes the openness of law to being exposed to new, different, flexible, or plural interpretive possibilities. I argue, however, that Yoo is not well described as whatever being. His work repeats too consistently in the direction of absolute presidential decisionism to be open to whatever. Instead, Yoo's work may capture a broader development within our society that Agamben describes as the emergence of whatever being. Without saying that there has been no resistance to the Bush administration's warrantless wiretapping and policies of torturous interrogations, the contrast between the response to the Nixon administration and the Bush administration is striking. Richard Nixon resigned one step ahead of impeachment in the midst of mass protests against his presidency. The articles of impeachment, for instance, addressed how Nixon engaged in warrantless wiretapping, and refused to execute laws passed by Congress faithfully while repeatedly engaging in conduct that violated the constitutional rights of citizens. Congress also passed major acts of legislation to prevent a president such as Nixon from ever again abusing power the way he had. These laws include the War Powers Act of 1973, the Budget Impoundment and Control Act of 1974, and the Foreign Intelligence Surveillance Act (FISA) of 1978. In contrast, almost no one seems to have noticed that the Bush administration claimed power to make war at the president's sole discretion. Additionally, upon learning that the Bush administration engaged in criminal acts of surveillance, Congress amended FISA in the summer of 2008 to expand the government's power to spy on Americans, while immunizing from legal accountability non-state actors who collaborated with the then-criminal acts of government officials who followed Bush's illegal orders. Congress tried to make it impossible for those detained to question, legally, their detention or to bring the torturous treatment they endured to a court's attention, while allowing the intelligence agencies to continue to engage in torturous acts by passing the Military Commissions Act of 2006 (MCA). This complicity on the part of Congress cannot be explained on partisan grounds as many Democrats voted in favor of the MCA, and upon becoming the majority party in Congress, they have not rescinded it. Indeed, it was a Democratic-controlled Congress that brushed the Bush administration's illegal surveillance under the rug in 2008.4 Moreover, upon taking power in 2006, the Democratic leadership immediately stated that they would not pursue impeachment. Former Reagan administration Department of Justice lawyer Bruce Fein has decried the lack of outrage at the Bush administration's illegalities by suggesting that the nation has become a collection of constitutional “illiterates.”5 Perhaps law is being deposed as Agamben suggests. Both Agamben's and Fein's observations may also indicate a failure of what Michel Foucault would call disciplinary power – the power to constitute subjects capable of exercising power, here the powers of liberal democracy – a failure that Gilles Deleuze has identified with the emergence of societies of control, and a subjective and ontological diversity that Michael Hardt and Antonio Negri call the “multitude.”6 They also indicate practices of textual “interpretation” where interpretative acts extricate legal texts from the narratives that once oriented their purposes and animated these texts for a republican and anti-monarchical polity. Robert Cover argues, however, that law is part of a narrative practice constitutive of subjects and a way of life.7 Insofar as interpretive practices become extricated from the possibility of narrative, then, we may indeed doubt the continuing existence of “law,” as Agamben posits. Psychoanalytic theory also identifies a loss of a structuring meaning in contemporary society and describes this as the decline of symbolic efficiency.8 In sum, there appears to be a phenomenon emerging in contemporary society that a variety of different theoretical and political perspectives are struggling to grasp and evaluate. While Agamben welcomes the failures of disciplinary powers as enabling the emergence of whatever being and the “coming community,” it is a cause for concern among those seeking to keep the faith with republicanism, with liberal democracy, or with a Constitution representing these aspirations. In this light, we can be more specific than Agamben about the kind of threat that whatever being poses to the state or to sovereignty. Contrary to Agamben's contentions, I find that whatever being is no threat at all to the kind of unitary sovereignty that Agamben uses to theorize the state in his book Homo Sacer. Why would it be? Whatever being would be equally at ease with the legal justifications on behalf of a “unitary” sovereignty as it would anything else. If we, however, give the achievements of the people their due and consider the question of sovereignty from the perspective of popular sovereignty, of the assemblies and assemblages of power through which liberal democratic states seek to extend themselves and to govern at a distance, then whatever being is very much a danger to this type of power. Whatever being can be understood as facilitating a process of deposing this law and this state. A relation of whatever to the installation of a state of unchecked presidential powers and torture can be the **death knell of popular sovereignty** dedicated to the purpose of opposing tyranny. Whatever being is not the enemy of any state or form of “sovereignty.” It is the enemy of popular sovereignty. Whatever ruins democracy. **If we want more than unchecked presidential power and torture, then we will have to dedicate ourselves to certain purposes**, like resisting tyranny and recalling that this was the purpose of the U.S. Constitution.