**1AC**

**Plan**

***The United States Congress should require a declaration of war that is consistent with jus ad bellum principles of self-defense under international law for any decision to use or deploy armed forces against a nation-state in circumstances likely to lead to an armed attack.***

***Congress should define “armed attack” as: The use of force of a magnitude that is likely to produce serious consequences, epitomized by territorial intrusions, human casualties, or considerable destruction of property.***

**Advantage 1 is “Wars of Choice”**

**Observation 1: They’re inevitable**

***First - Commitment trap --- lack of congressional war power causes presidential utterances to become de facto strategy --- this locks us into unnecessary conflicts***

**Brookings Institution** 6-20-20**13**, The Road to War: Presidential Commitments and Congressional Responsibility, <http://www.brookings.edu/events/2013/06/20-war-presidential-power>, jj

**Ever since WWII**, Kalb said that “**history has led us into conflicts that we don’t understand” because presidents do not seek approval from Congress for declarations of war**. ***The country has reached a point now where “presidential power is so great, words out of his mouth become policy for the United States***.” **Kalb used the Syrian civil war and** President **Obama’s “red line” policy as an example of how a president’s words become strategy for the United States**. Kalb argued **that this presidential “flexibility” in foreign policy decision-making has repeatedly led the country into one misguided war to the next such as the Vietnam and Iraq wars**. ***To nullify these poor decisions***, Kalb believes that ***formal congressional declarations of war will help “trigger the appreciation for the gravity of war*” and assist in “unifying the nation” behind a strategic military intervention, resulting in more positive outcomes for the United States**. ¶ He concluded his remarks by noting that ***declarations of war by Congress are “stark commitments*,” and statements by the president of the United States must be thoroughly discussed to make well-informed decisions that will be in the best interest of the American people**. **Conflicts must be understood before the decision is made to send American troops to war, and presidents of the United States should converse with Congress before taking any military action.**

***Second - Groupthink – Comprehensive analysis proves absent sustained congressional involvement in war-making – unnecessary interventions are inevitable***

**Martin ’11**, Craig Martin, Visiting Assistant Professor, University of Baltimore School of Law, Winter, 2011¶ Brooklyn Law Review¶ 76 Brooklyn L. Rev. 611, ARTICLE: Taking War Seriously: A Model for Constitutional Constraints on the Use of Force in Compliance with In-ternational Law, Lexis, jj

II. The Causes of War

**In beginning to think about how to improve the legal constraints on the resort to war, it is essential to consider the causes of international armed conflict**. n10 The question of what causes war is the subject of a massive amount of re-search and debate, stretching back literally thousands of years. n11 **The focus of the various theories on the causes of war range from the individual decision makers, through small-group dynamics, the structure of the state itself, all the way to the structure and operation of the international system of states**. n12 Thucydides, whose analysis of the Peloponnesian War is one of the earliest studies of the subject known to us, set the stage with a complex explanation for the causes of that war that included the individual attributes of decision makers, the nature and structure of the leading city-states, and the nature of the interstate system itself. n13 Kenneth Waltz continues this classification by defining the three levels as "Images": the individual or human level ("Image I"), the level of the state structure or organization ("Image II"), and the level of the international system ("Image III"). n14 And despite the differing theories, disagreements, and areas of emphasis, there is a widely shared acceptance that all three Images play a role in explaining the causes of war, albeit to varying degrees [\*617] depending on one's theoretical perspective. n15 While it is not necessary for us to examine the various theories in detail, it will be helpful to get a flavor for some of the more important ideas as they relate to each of the three Images, as I will refer back to these ideas to support the argument for the proposed Model.

A. Image I--The Level of the Individual

**There are a wide variety of theories, and indeed a number of different sublevels within the Image I--the individual level--perspective on the causes of war. Some of these focus on aspects such as human nature itself and the inherent aggression of ~~man~~**. n16 **But the theories that relate to both the psychology of decision makers, and a number of systemic problems in small-group decision making are of greatest significance for the argument being advanced here**. **Beginning with individual psychology, one set of theories focus on the personality traits that are common among those who tend to reach the highest offices of government as factors that contribute to unsound judgments regarding the use of armed force**. **Empirical studies suggest that a number of traits that tend to be overrepresented in national leaders--such as au-thoritarian and domineering tendencies, introversion** (which is perhaps counter-intuitive, but Hitler and Nixon are both prime examples of this trait), **narcissism, and high-risk tolerance--also tend to correlate with much higher levels of con-frontation and the use of force to resolve conflicts**. n17

Psychological theories also focus on problems of misperception. **There is powerful evidence that people are prone to systematic patterns of misperception, and that such misperception in government leaders contributes significantly to irrational decisions**. n18 In particular, **decision makers frequently form strong hypotheses regarding the intentions** [\*618] **and capabilities of potential adversaries, and there is a strong tendency to then dismiss or discount information that is inconsistent with the hypothesis, and to interpret ambiguous information in a manner that is consistent with and reinforces the hypothesis**. n19 **Such misperception often constitutes a significant factor in the path to war**. n20

Another set of theories that relate to the Image I causes of war focus not on the individual alone, but on how deci-sions are made within groups and organizations. Contrary to the expectation that government agencies generally operate in accordance with rational choice theory, **studies suggest that group decision making is often characterized by dynamics that can lead to irrational and suboptimal decisions**. One such characteristic is excessive "incrementalism" and "satisfycing"--the tendency to make small incremental policy shifts, coupled with the sequential analysis of options and adoption of the first acceptable alternative, a process captured in the aphorism "the good is the enemy of the best." n21 **A second theory suggests that the dynamic of competing bureaucratic and departmental interests--interests which are often inconsistent with the larger national interest, but which nonetheless command greater loyalty and mobilize greater effort among department or division members--subvert the decision-making process**. n22 **Moreover, each department will itself approach the decision making within the constraints of its own perspectives and mindsets, standard operating procedures, and capabilities. This is the famous "where you stand is where you sit" explanation of internal government politics**, n23 **often referred to as the** [\*619] "**bureaucratic politics model**." n24 For **example, the senior representatives of the U.S. Air Force, with obviously vested interests, strongly argued in favor of the continued strategic bombing of North Vietnam in 1967, even though the Secretary of Defense and others in the Nixon administration had determined that it was at best pointless and at worst counterproductive**. n25

**Finally, there is the phenomenon known as "*groupthink***." n26 **This theory suggests that some decision-making groups--particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfi-dence, and a shared world view or value system--suffer from a deterioration in their capacity to engage in critical analysis during the decision-making process**. n27 **Decision-making groups that suffer from groupthink are particularly vulnerable to the kind of systemic misperception discussed above, but they suffer from other weaknesses as well, all stemming from a failure to challenge received wisdom, consider alternate perspectives, or bring to bear exogenous criteria or modalities in assessing policy options**. n28

These theories do not, of course, explain all of the problems in decision making in all situations. Groupthink and the bureaucratic politics model generally do not operate at the same time in the same groups. But **the studies of each of these phenomena suggest that these systemic patterns can be a significant factor in the less-than-rational and suboptimal decision making about the use of armed force.** **And these theories together show the importance of introducing exogenous criteria for assessing the merit of competing policy options, and the kinds of checks and balances that might lessen the probability that these tendencies could affect the decision to go to war.** [\*620]

B. Image II--The Level of the State

**The causes of war also operate at the level of the state itself. Again, there is an extensive range of theoretical ex-planations for the causes of war that focus on factors at the state level, but those that are central to Image II relate to the actual structure or form of the government of the state**. n29 **The essential idea is that some forms of government are inherently less prone to wage war than others**. **This idea has been central to liberal theories of the state and international relations since the beginning of the eighteenth century, with the argument that liberal democratic states are less inclined to initiate wars than autocratic or other nondemocratic states**. These arguments were founded upon a number of strands of liberal political theory, including the nature of individual rights within democracies and the manner in which respect for such rights would influence how the state would behave within the international society. n30 They also drew upon liberal ideas about the influence of capitalist economies, arguing that laissez-faire capitalist systems would operate to reduce the incentives for war in liberal democratic states. n31 But **perhaps the most important argument among these liberal claims, is that the very structure of government, both in terms of its leaders being representative of and directly accountable to an electorate, and the separation of political power between the executive and a more broadly representative legislature, would operate to reduce the likelihood that such governments would embark on military adventures**. n32

Rousseau and Madison both wrote about the ramifications of the democratic structure of the state on the propensity for war. n33 But it was Immanuel Kant who developed the argument most fully in the eighteenth century with his [\*621] short work Perpetual Peace: A Philosophical Sketch. n34 Writing at a time when there were less than a handful of fledgling democratic "republics" in the world, n35 **Kant argued that a perpetual peace would result from the spread of the republican form of government among the nations of the world and the development of a form of pacific federation among these free states**. n36 His argument thus straddled the second and third images, and I will return to discuss his overall theory more fully below when we turn to consider Image III. But one of his arguments for why republics would be inherently less likely to wage war is still very much at the heart of current liberal theories relating to Image II. His point was that, **in the kind of republic he envisioned, the consent of citizens would be required for decisions to go to war**. **Those who would "call[] down on themselves all the miseries of war," not only fighting and dying in the conflict but also paying for it and suffering the resulting debt, would be much less likely to agree to such an adventure than the heads of state in other kinds of political systems such as monarchies, who can "decide on war, without any significant reason**." n37

As we will see, Kant himself did not argue that the development of democratic structures within any given state would be sufficient to prevent it from going to war, and his theory of perpetual peace also rested on the requirement that the republican form of government be also spread throughout the international system. Indeed, **one of the problems with liberal theories that rely upon governmental structure as an explanation for the cause of war is that the extensive empirical research and analysis on the subject suggest that liberal democracies are almost as prone to engaging in war as nondemocratic states, at least as against nondemocratic countries**. n38 **Some have tried to argue that liberal democracies nonetheless do not initiate wars to the same degree, and thus** [\*622**] are inherently less aggressive than other forms of government, but even that claim is very difficult to sustain from the perspective of traditional international law conceptions of aggression and self-defense**. n39

What has emerged from this line of research, however, is the widely accepted proposition that liberal democracies do not commence wars against other liberal democracies. The so-called "democratic peace" encompasses both this empirical fact and the principle said to explain it. n40 While there remains some residual debate over the validity of the principle, n41 persuasive evidence suggests that, with the possible exception of two instances of armed conflict between what might be considered democratic states, there have been no wars between liberal democracies during the period between 1816 and 1965. n42 The assertion has been made, and often cited, that the democratic peace is close to being an empirical law in international relations. n43

**There is less agreement over the best explanation for the democratic peace. There are two main theoretical posi-tions: (1) normative and cultural explanations, and (2) institutional and structural constraints**. n44 The normative-cultural explanations argue that the shared norms of democracies, and particularly the shared adherence to the rule of law and commitment to peaceful dispute resolution internally, inform and influence the approach of democratic governments to [\*623] resolving disputes that may arise as between democracies. Moreover, there is a shared respect for the rights of other people who live in a similar system of self-government. These shared beliefs, norms and expectations tip the cost-benefit analysis toward peaceful resolution of disputes when they arise as among democracies. n45

**The structural-institutional advocates argue that the elements of the liberal democratic legal and political system operate to constrain the government from commencing armed conflicts**. **This is entirely in line with the insights of earli-er writers such as Madison, Kant, and Cobden, regarding the lower likelihood of war when representatives of those who will pay and die for the war are deciding, since it is more politically risky for democratic leaders to gamble the blood and treasure of the nation in war unless it is clearly viewed by the public as being necessary**. n46 **The arguments are also based in part on the broader idea that structural checks and balances typical of democratic systems, and the operation of certain other institutional features of deliberative democracy, will reduce the incidence of war**. n47 We will return to some of these arguments in more detail below.

***Third - Lack of public awareness about war power issues allows uninhabited intervention***

**Druck ’12**, Judah A. Druck, B.A., Brandeis University, 2010; J.D. Candidate, Cornell Law School, 2013; Notes Editor, Cornell Law Review, Volume 98, November, 2012¶ Cornell Law Review¶ 98 Cornell L. Rev. 209, NOTE: DRONING ON: THE WAR POWERS RESOLUTION AND THE NUMBING EFFECT OF TECHNOLO-GY-DRIVEN WARFARE, Lexis, jj¶

The War Powers Resolution in the Era of Technology-Driven Warfare

A. Why an Unconstrained Executive Matters Today

**If public scrutiny acts as a check on presidential action by pressuring Congress into enforcing domestic law** (namely, the WPR), **then that check has weakened given the increased use of technology-driven warfare abroad**. n135 As a result, **fewer checks on presidential military actions exist, implying that we will see more instances of unilateral presidential initiatives**. **But if the new era of warfare removes the very issues associated with traditional warfare, should we be con-cerned about the American public's increasing numbness to it all? The answer is undoubtedly yes.**

**First, from a practical standpoint, the psychology surrounding mechanized warfare makes it easier for the United States to enter hostilities initially**. n136 **Without having to worry about any of the traditional costs of war (such as a draft, rationing, casualties, etc.), the triggers that have historically made the public wary of war are now gone**. **When ma-chines, rather than human beings, are on the front lines, the public** (and, as a result, politicians and courts) **will not act to stop the continued use of drones. In other words, people will simply stop caring about our increased actions abroad**, regardless of their validity, constitutionality, or foreign harm.

But again one must wonder: should we care? After all, even if we increase the number of military conflicts abroad, the repercussions hardly seem worth worrying about. For example, worrying that WPR violations will cause significant harm to the United States seems somewhat misplaced given the limited nature of technology-driven warfare. Granted, this style of warfare might make it easier to enter hostilities, but the risk of subsequent harm (at least to the United States) is low enough to mitigate any real danger. Furthermore, even if the effects of warfare might become increasingly dulled, any use of force that would eventually require traditional, Vietnam-esque types of harms as the result of technology-driven warfare would in a sense "wake up the populace" in order to check potentially unconstitutional action. n137 [\*232] Thus, if our level of involvement requires machines and only machines, why worry about a restrained level of public scrutiny?

The answer is that **a very real risk of harm exists nonetheless. War by its very nature is unpredictable**. n138 Indeed, **one of the major grievances concerning the war in Vietnam was that we ended up in a war we did not sign up for in the first place**. n139 ***The problem is not the initial action itself but the escalation***. Therefore, **while drone strikes might not facially involve any large commitment, the true threat is the looming possibility of escalation**. n140 **That threat exists in the context of drones, whether because of the risk of enemy retaliation or because of a general fear that an initial strike would snowball into a situation that would require troops on the ground**. n141 **In both cases, an apparently harmless initial action could eventually unravel into a situation involving harms associated with traditional warfare**. n142 Worse yet, even if that blowback was sufficient to incentivize the populace and Congress to mobilize, the resulting involvement would only occur after the fact. n143 **If we want restraints on presidential action, they should be in place before the United States is thrown into a war, and this would require public awareness about the use of drones**. n144 As such, **whether it is unforeseen issues arising out of the drones themselves** n145 **or unforeseen consequences stemming from what was ostensibly a minor military undertaking, there is reason to worry about a** [\*233**] populace who is unable to exert any influence on military actions, even as we shift toward a more limited form of warfare**. n146

Another issue associated with a toothless WPR in the era of technology-drive warfare involves humanitarian con-cerns. If one takes the more abstract position that the public should not allow actions that will kill human beings to go unchecked, regardless of their legality or underlying rationale, then that position faces serious pressure in the era of technology-driven warfare. As the human aspect of warfare becomes more attenuated, **the potential humanitarian costs associated with war will fade out of the collective consciousness, making it easier for the United States to act in potentially problematic ways without any substantial backlash**. Rather than take note of whom we target abroad, for example, **the numbing effect of technology-driven warfare forces the public to place "enormous trust in our leaders" despite the fact that good faith reliance on intelligence reports does not necessarily guarantee their accuracy**. n147 Accordingly, **as the level of public scrutiny decreases, so too will our ability to limit unwarranted humanitarian damage abroad**. n148 **At the very least, some dialogue should occur before any fatal action is taken; yet, in the technology-driven warfare regime, that conversation never occurs.** n149

***Finally – these wars escalate – miscalc alone triggers the impact***

**Crowe**, writer for the International Press Service, January 20**06** (Naman, “How to avoid nuclear war,” http://www.ipsfeatures.com/Menu/Naman/2006/1-23-06%20how%20to%20avoid%20nuclear%20war.htm)

**History has moved us into the nuclear age, an age more dangerous and threatening to the continued existence of life itself on this planet than anyone could have ever conceived of or imagined before the birth of the atomic bomb**. We are only 60 years into this age, which is the same age as myself, and yet **the reality of nuclear war and the destruction of all life is speeding toward us and picking up speed so fast it could happen almost any day now**. **The only way to avoid this is to change our direction as nations of people around the world, united in the same cause - the survival of the human race**. **This cannot be achieved by a single nation such as America deciding that it will be the Supreme Commander-in-Chief, deciding what nations should have nuclear weapons and what nations shouldn't, deciding that it has the supreme right and duty to overturn any sovereign nation that it determines to turn over and change it's government and force it to yield to its will**, even if it has to overrule the United Nations itself, disregard International Law and become the LAW, the Jesus Figure, the God Figure, the Supreme Ruler, the Commander-in-Chief of the World. **This kind of thinking**, as represented by the Christian, Conservative, Right Wing Neocon Republicans, Chicken Hawks and Bushites, **can only speed up the process which is leading us to world-wide destruction**. **That is not the proper direction if we want to bring about peace and avoid a nuclear collision**. The proper direction is through peace. The final question is do we as a people have the ability to really look at the details and see the truth, or do we continue our blind race into the black face of that fast approaching and final good night. **There are times when nations have to defend themselves from actual attack and actual for-real, bona fide, serious, not-made-up threats of actual attack**. There are times when the attackers win and kill the weak and take over nations and rule over the people, the way Hitler did to Poland and other nations. **But that doesn't make it right, nor does it naturally follow that it therefore gives the sole surviving superpower, America, the right to break International Law and attack a nation which is not a threat to it and has not harmed it and is too weak to be a threat to any other nation**. **It doesn't follow that the superpower’s executive branch has the right to lie and deceive the Congress and the people of America and the world in order to carry out an evil and illegal power grab through war and the slaughter of tens of thousands for no just reason.** Regime change is not a just reason. No nation, not even all the nations of the world combined, has a right to attack and take over another nation for the sole purpose of regime change. Regime change, for the purpose of removing Saddam Hussein and changing the government of Iraq into a Democracy, was the sole purpose behind President George W. Bush’s illegal attack on Iraq which has resulted in the deaths of unknown thousands, maybe as much as 100,000 Iraqi people.

***The aff breaks militarization and aggressive foreign policy***

**Fisher ’05**, LOUIS FISHER, Specialist with the Law Library, The Library of Congress. Ph.D., New School for Social Research, 1967; B.S., College of William and Mary, 1956, Indiana Law Journal¶ Fall, 2005¶ 81 Ind. L.J. 1199, Lost Constitutional Moorings: Recovering the War Power, LEXIS, jj

**The initiation of U.S. military operations in Iraq flowed from a long list of miscalculations, false claims, and misjudgments, both legal and political. Errors of that magnitude were not necessary or inevitable. Military conflict could have been delayed**, perhaps **permanently, had the responsible political leaders performed their constitutional duties with greater care, reflection, integrity, and commitment to constitutional principles**. Adding to the failures of elected officials were decades of irresponsible and misinformed statements by federal judges, academics, law reviews, and the media.¶ **Although the Iraq War that began in 2003 was orchestrated by the Republican Party and the Bush administration, their miscalculations built upon a half century of violations of constitutional principles over the war power**. **Democratic Presidents led the country to war against North Korea** (President Harry Truman), North **Vietnam** (President Lyndon Johnson), **and Serbia** (President Bill Clinton). **Republican neoconservatives beat the drums for war against Iraq, but Democratic academics did the same for Korea**. **The dominant theme in American foreign policy since World War II has been a bellicose spirit that champions the use of military force, boasts the virtues of "American exceptionalism," stands ready to fight "evil" anywhere** (**whether Soviet Communism or Islamic fundamentalism), and regularly attacks opponents of war as unpatriotic and unmanly**. **That these forces led to torture by U.S. soldiers at Abu Ghraib or CIA "black sites" should come as no surprise. They are the natural results of concentrated power, political arrogance, and ideological fervor.**

**Observation 2 – Cult of the Presidency**

***Requiring prior congressional approval of conflict is vital to revitalizing democratic accountability – it fosters deliberation that breaks down group-think and ensures better decision-making***

**Martin ’11**, Craig Martin, Visiting Assistant Professor, University of Baltimore School of Law, Winter, 2011¶ Brooklyn Law Review¶ 76 Brooklyn L. Rev. 611, ARTICLE: Taking War Seriously: A Model for Constitutional Constraints on the Use of Force in Compliance with In-ternational Law, Lexis, jj

Turning to the second element of the Model--the provision that would require legislative approval of decisions to use force--there is of course considerable theoretical support for such a constitutional structure. As we have already discussed, the concept dates back at least to the development of the American Articles of Confederation, and the war powers provisions of the U.S. Constitution continues to be a model of the principle. It is also one of the central issues in the war powers debate that has been raging in the United States for over a hundred years. But much of the modern debate in the United States is over the precise meaning and exact scope of the war powers provisions of the U.S. Constitution, and the particulars of many of those arguments need not concern us [\*680] here. n257 As we have already reviewed, however, **the primary motive of many of the drafters of the U.S. Constitution, as expressed most clearly by Madison, was to reduce the likelihood of war**. n258 **And the theoretical arguments of Madison, Kant, and others in support of such a separation of powers related to both the domestic objectives of the state: putting an important check on the state's rush to war and increasing the democratic accountability of the process of deciding on war; and the broader goals of reducing the incidence of war generally in the international system**. In this sense, the arguments in support of this element of the Model again relate to the causes of war at both the domestic level and the international level.

The starting point is the insight that **requiring legislative approval of executive decision making on the use of force will likely reduce the risk of rash decisions to go to war for the wrong reasons**. This argument was initially advanced by Madison and Kant, among others, and indeed can be traced all the way back to Thucydides. n259 Madison and John Jay both argued **that the executive is more likely to be motivated by parochial self-interest and narrow perspectives, and thus more likely to enter into armed conflict than the legislature**. n260 Madison further argued that there ought to be a separation between those who are charged with the conduct of war, as the President is as the Commander in Chief, and those who have the authority to decide on the commencement of war. n261 But **the argument becomes more compelling when unpacked and explained in a little more detail, with the support of more modern theory. We need to explore the question of how exactly the legislative involvement improves decision making or** [\*681] **engages the causes of war in a manner that would reduce the incidence of war.**

It is helpful to begin by recalling the functions of legislatures. n262 In addition to passing legislation, **the legislature in virtually all liberal democracies**, whether parliamentary or presidential in structure, **performs the core functions of representation, oversight, and control over government expenditure.** n263 **Representation and oversight in particular are important to the argued benefit of legislative involvement in the decision to use force**. **Both functions are tied to the core notions of democratic accountability and to deliberative democracy, which overlap in important ways**. **Democratic accountability is understood to include the idea that the people who are likely to be impacted by decisions ought to be able to participate in the decision making. Participation in this sense means not only having some expectation that the collective will of constituents will be taken into consideration in the decision-making process, but that the public debate and deliberation that is part of the parliamentary process of decision making will also serve the vital function of informing constituents and affording them some sense of access to the decision-making process**. n264

**Obviously, this process of debate and information exchange is also at the heart of ideas of deliberative democracy**. The perspective here, though, is not so much on the importance of making the process accountable to and representative of the people, but on the extent to which the **very process of deliberation among the representatives of disparate stake-holders and interests will result in the generation of sounder judgments**. **The argument is that the process results in better decisions due to the attenuation of extreme positions, the canvassing of a wider range of perspectives and sources of information, and the vigorous public interrogation of reasons** [\*682] **and motives underlying proposals**. n265 More specifically, theories of deliberative democracy hold that **the deliberative process**, of which the parliamentary debate and decision-making process is a key feature, **actually involves the transformation of preferences through the consideration of the justifications offered by various perspectives, rather than merely serving as a means by which society can aggregate preferences**. n266

**The oversight function of legislatures also feeds into both these aspects of democracy, in that the employment of specialized committees to engage in public inquiries into policy choices or proposed courses of action, provides a deeper level of deliberation that ensures a more thorough interrogation of policy justifications and the underlying information upon which policy proposals are based**. **Senate committee hearings during the Vietnam War illustrate how such oversight can reveal important information underlying policy debates, which in turn can influence public opinion and better inform the policy preferences of the representatives of the people**. In 1967, the Senate Armed Services Committee held hearings on the escalation of the strategic bombing of North Vietnam. After the representatives of the Joint Chiefs, and in particular the Chief of the Air Force, had testified before the committee on the necessity of the continued strategic bombing, Secretary of Defense Robert S. McNamara stunned the committee, the government, and the public by testifying that the bombing was entirely ineffective. n267

**The performance of these functions of the legislature, to the extent that they are permitted or required to operate in the decision-making process on the use of force, engage the domestic causes of war in important ways**. The fuller realization of the representative and oversight functions--serving as they do to both incorporate the will of the broader population and to arguably contribute to the arrival at sounder judgments through the deliberative process--would result in those structural aspects of democratic states that comprise the Image II factors most related to the causes of the "democratic [\*683] peace," being brought to bear more directly on the decision-making process. In other words, the structure would thus more perfectly reflect the theoretical ideal that is part of the structural explanations of the democratic peace. n268

**The institutional structure of the decision-making process created by the Model's separation of powers element would also affect the political costs of going to war** in a manner that would further engage the Image II causes of war. **Absent an overwhelming or obvious threat, the procedural requirements to obtain the support of the majority of the legislature would impose significant political costs upon the executive**. n269 The structure would effectively create a sliding scale, in the sense that **the greater the threat or the more obvious the case for war--such as the use of force in self-defense against an ongoing armed attack--the lower the costs would be in obtaining legislative approval**. Converse-ly, **the more tenuous the case for engaging in armed conflict, the more** [\*684] **politically costly it would be to win over the majority of the legislature for support.** This is precisely the kind of structural characteristic that reduces the Image II causes of war.

**The second element of the Model would also engage the** Image I **causes of war, which include particular psycho-logical traits that are common in many executive officers, systemic problems of misperception among decision makers, and the irrational behavior of small-group decision making reflected in "groupthink" and the "bureaucratic politics model" of decision making**. n270 **The risks that such tendencies could lead to irrational or suboptimal decisions to use armed force would be reduced, in the case of each of these particular phenomenon, by spreading the decision-making process more widely through the inclusion of the legislative body**. **The requirement to obtain legislative approval, bringing to bear the core functions of deliberative democracy on the decision-making process, such that a wider set of perspectives and criteria are brought to the process, as well as a more public interrogation of reasons and rationales, would significantly reduce the potential for these potential features of government decision making to manifest themselves in the form of unsound or dangerous decisions regarding the use of force.** n271

***Redefining hostilities in the WPR boosts congressional involvement, checks intervention, and stops circumvention***

**Farley ’12**, Benjamin R. Farley, J.D. with honors, Emory University School of Law, 2011. Editor-in-Chief, Emory International Law Review, 2010-2011. M.A., The George Washington University Elliott School of International Affairs, 2007, Winter, 2012¶ South Texas Law Review¶ 54 S. Tex. L. Rev. 385, ARTICLE: Drones and Democracy: Missing Out on Accountability?, Lexis, jj

**Congress should strengthen the WPR regime by defining hostilities in a manner that links hostilities to the scope and intensity of a use of force, irrespective of the attendant threat of U.S. casualties**. **Without defining hostilities, Con-gress has ceded to the President the ability to evade the trigger and the limits of the WPR**. **The President's adoption of a definition of hostilities that is tied to the threat of U.S. casualties or the presence of U.S. ground troops opens the door to long-lasting and potentially intensive operations that rely on drones** - at least beyond the sixty-day window - **that escape the WPR by virtue of drones being pilotless** (which is to say, by virtue of drones being drones). **Tying hostilities to the intensity and scope of the use of force will limit the President's ability to evade Congressional regulation of war**. **It will curtail future instances of the United States being in an armed conflict for purposes of international law but not for purposes of domestic law, as was the case in Libya**. Finally, ***a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR*** - assuming the future existence of a plaintiff able to surmount the various prudential doctrines that have counseled against entertaining WPR cases thus far.

#### Institutional focus is key – any other starting point ignores the primacy of the presidency to American politics --- conservative social movements will inevitably engage the presidency --- the left can only be effective by recognizing that politics flows through the presidency --- the global uniquely shapes the local in this context

Milkis et. al ’13, Sidney M. Milkis is the White Burkett Miller Professor of Politics and Faculty Associate of the Miller Center at the University of Virginia. He is author o/Theodore Roosevelt, the Progressive Party and the Transformation of American Democracy. Daniel J. Tichenor is the Philip H. Knight Professor of Political Science and Senior Fellow of the Wayne Morse Center for Law and Politics at the University of Oregon. He is author or editor of six hooks and numerous academic journal articles and chapters. Laura Blessing is a Ph.D. candidate in the Department of Politics at the University of Virginia. She is a 2012-13 recipient of the Bankard Pre-doctoral Dissertation Fellowship. Presidential Studies Quarterly43.3 (Sep 2013): 641-670., "Rallying Force": The Modern Presidency, Social Movements, and the Transformation of American Politics, Proquest, online, jj

This article analyzes the often fraught yet sometimes productive relationship between the modern presidency and social movements. Although the presidency-social movement nexus is fraught with tension, collaboration between the White House and social activists was indispensable to the important changes that occurred during the second half of the twentieth century. Focusing especially on Lyndon Johnson's uneasy but critical relationship to the civil rights movement and Ronald Reagan's enlistment of the Christian Right into the Republican Party, we trace the emergence of a novel form of politics since the 1960s that joins executive prerogative, grassroots insurgency, and party polarization. Johnson's efforts to leverage presidential power to advance civil rights played a critical role in recasting the relationship between national administration and social movements, one that paved the way for a national conservative offensive. The relationship forged between Johnson and the civil rights movement has echoes in the similar joining of the Reagan presidency and the Christian Right, an executive-insurgency alliance that instigated the transformation of the Republican Party and spurred the development a new presidency-centered party system by the end of the 1980s.

This article explores the relationship between the modern presidency and social movements, an uneasy but critical alliance in the quest for both liberal and conservative reform during the past half-century. Focusing on Lyndon Johnson's relationship to the civil rights movement and Ronald Reagan's collaboration with the Christian Right, we explore the idea, born of the Progressive era, that the presidency is inherently disposed to ally itself with major reform movements. Presidency scholars, like many citizens, regularly perceive occupants of the Oval Office as leading agents of change in a labyrinthine political system that can be difficult to navigate. Social movement scholars, in turn, associate social and political transformation with organized, collective insurgencies of ordinary people motivated by common purposes or social solidarities. By definition, social movements are, to borrow James Jasper's words, "conscious, concerted, and relatively sustained efforts by organized groups ... to change some aspect of their society by using extra-institutional means" (1999, 5).

Although both presidents and social movements have played leading roles in the development of major legal and policy innovation over the course of American political development, the respective literatures on executive power and insurgency rarely intersect. Salutary efforts to probe the subject tend to emphasize the inherent conflict between a centralizing institution tasked with conserving the constitutional order and grassroots associations dedicated to structural change (e.g., see Riley 1999; Sanders 2007). To be sure, the relationship between presidents and insurgents is fraught with tension; nonetheless, it has significant formative potential given the ambition and capacity of both actors under opportune conditions to transform the political order. For all of their differences, the ambitions and work of presidents and movements are sometimes complementary rather than antagonistic.

Our central point is that the emergence of the modern presidency recasts in important ways the relationship between executive power and social movements. Constrained by constitutional norms, the separation and division of powers, and a decentralized party system, the disruptive potential of executive power was often limited until the twentieth century. With the advent of the modern presidency during the Progressive era, however, the White House was more likely to challenge the existing order of things. To be sure, modern executives regularly have shied away from close relationships with controversial social movements and sometimes openly attacked them (Tichenor 1999, 2007). Nonetheless, the consolidation of the modern presidency during the New Deal realignment invested the executive with powers and public expectations that made it a critical agent of social and economic reform (Milkis 1993). Once the White House became the center of growing government commitments, its occupants were more likely to profess support for the same high ideals that prominent social movements in their camps championed (Miroff 1981,14).

The idea that the executive office might act as a spearhead for social justice-a rallying point for democratic reform movements-reached a critical juncture during the Johnson presidency. The nation received glimpses of the transformational possibilities of presidential-movement collaborations during the presidencies of Theodore Roosevelt, Woodrow Wilson, Franklin Roosevelt, Harry Truman, and John F. Kennedy. But they also demonstrated the deep conflicts of interest and ideology that inherently divided presidents and movements. Only with Lyndon Johnson was the full panoply of modern presidential powers-political, administrative, and rhetorical-deployed on behalf of insurgent interests and demands. Johnson claimed broad authority to transform domestic policy on his own terms at a time when Congress and parties were subordinate to a "modern" presidency at high tide and a national administration unprecedentedly expansive. This also was a period when the civil rights movement's ability to blend and balance disruptive collective action and conventional political pressure was at its zenith. Consequently, Johnson and the civil rights movement formed a more direct, combustible, and transformative relationship than was true of previous collaborations between presidents and social movements (Milkis and Tichenor 2011). The result was both a historic body of civil rights reforms and enormous political fallout for Johnson and the Democratic Party.

A little more than a decade later, a new executive-insurgency alliance spurred a national conservative offensive. Like Johnson, Reagan commanded a strong and active presidency that reshaped national law and policy commitments, but he sought to deploy modern executive power to achieve conservative objectives. Some of these purposes, most notably a more aggressive anti-Communist agenda and the protection of "family values," required the expansion rather than the rolling back of national governmental responsibilities. Moreover, by the time Ronald Reagan became president, cultural forces unleashed by the Great Society had created a more polarized political environment. Reagan's contribution to the development of a decidedly right of center modern Republican Party, pledged to advance issues of critical importance to Christian conservatives, made the GOP an attractive venue for the forging a strong bond between the White House and Christian Right. As we shall see, the fact that Christian conservatives were less suspicious of executive power than civil rights activists had been might have diminished the Christian Right's reformist potential. Yet with their impressive march through American political institutions, these religious movement activists joined with Reagan in advancing a more centralized, polarized, and programmatic party system that defied national consensus and enduring reform, and appeared to issue, instead, a rancorous struggle between conservatives and liberals for control of the modern executive office.

The two cases examined in this article thus shed light on important developments in American politics. Johnson's alliance with the civil rights movement and Reagan's ties with the Christian right mark critical episodes in the confluence of executive prerogative and insurgency that both infused politics with moral fervor and sharpened conflict between liberals and conservatives. By the end of the 1980s, these new strains had formed into a novel form of party politics that joined presidential prerogative, grassroots mobilization, and partisan polarization. We seek to take account of this transformation of American politics in the conclusion, suggesting that the critical, tense alliances presidents have forged with social movements over the past half-century have advanced reforms and visions of an alternative political order-but at the risk of weakening the means of common deliberation and public judgment, the very practices that nurture a civic culture.

#### This year’s resolution offers a crucial opportunity for political engagement --- policy relevant debate about war powers decision-making is critical to hold the government accountable for their hypocrisy --- only engaging specific proposals and learning the language of the war-machine solves

Ewan E. Mellor – European University Institute, Political and Social Sciences, Graduate Student, Paper Prepared for BISA Conference 2013, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, online

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

#### We must engage the presidency --- focus on purely local politics contributes to the decline of liberalism and resurgence of conservative moments

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For a time, LBJ's "careful practicality" and moral leadership made him an indispensable ally of the civil rights movement. His greatest strength as majority leader of the Senate had been personal persuasion, a talent he now used to convince the Senate Republican leader, Everett Dirksen, to endorse the 1964 civil rights bill and enlist moderate Republicans in the cause. This support came with a price. Dirksen insisted on compromises that reduced the power of the Equal Employment Opportunity Commission (EEOC) and limited the authority of the Justice Department to bring suits against businesses to those situations in which a clear "pattern and practice" of discrimination existed.3 These compromises addressed moderate Republicans' distaste for overlapping bureaucracies and excessive litigation, as well as their desire to protect northern and western businesses from intrusive federal agencies. Still, the principal objective of the civil rights bill-eliminating entrenched segregation in the South-was preserved.¶ Dirksen's support of the civil rights bill also followed from the senator's perception, confirmed by the president's successful southern tour, that public opinion had turned in favor of civil rights. Investing the power and prestige of his office in a cause and a movement, Johnson persuaded Dirksen and most members of Congress that civil rights reform could no longer be resisted. As Dirksen put it, paraphrasing Victor Hugo's diary, "No army is stronger than an idea whose time has come."4 Johnson signed the Civil Rights Act on July 2, 1964.¶ Throughout the fight for this legislation, Johnson drew strength from and collaborated with civil rights leaders, even seeking their support for his decision not to delay signing the bill until Independence Day.5 More controversially, most civil rights activists accepted the compromise that the Johnson White House struck with Mississippi Freedom Democratic Party (MFDP) at the 1964 Democratic Convention, which included seating of the regular Mississippi delegation.6 In return, the deal included the symbolic gesture of making MFDP delegates honored guests at the convention, with two of its members seated as special delegates at large, and a prohibition of racial discrimination in delegate selection at the 1968 convention. The Student Nonviolent Coordinating Committee (SNCC) and the Committee of Racial Equality (CORE) assailed the White House for sacrificing the MFDP's moral cause on the altar of expediency. But the MFDP, through its lawyer Joseph Rauh, joined King and most moderate civil rights leaders in swallowing the compromise.7 Not only were southern states threatening to walk out of the convention if the regular Mississippi delegation was purged, but Johnson and Democratic leaders also warned civil rights leaders that an unruly convention would cost the party the support of several border states and deprive Democrats of a chance to win a historic landslide-and a mandate for further reform.8¶ Just as important, Johnson's support for a nondiscrimination rule would have enormous long-term consequences for the Democratic Party. Previously, state parties had sole authority to establish delegate selection procedures. Johnson's proposed solution to the MFDP compromise established the centralizing principle that henceforth the national party agencies would decide not only how many votes each state delegation got at the national convention, but also would enforce uniform rules on what kinds of persons could be selected (Milkis 1993, 210-16). 9¶ Having gained credibility with civil rights leaders during the first critical year of his presidency, Johnson solidified an alliance with them during the dramatic prelude to the 1965 voting rights legislation that ultimately enfranchised millions of African Americans. New archival materials, specifically the Johnson Tapes, clarify that Johnson did not want to go slow after the 1964 act. LBJ not only pushed aggressively to continue the advance of civil rights, but also seemed to welcome the movement's ability to disrupt politics-as-usual and to spur action. On January 15, 1965, for instance, Johnson put in a call to King urging more grassroots protest that would increase pressure on Congress by dramatizing "the worst conditions [of blacks being denied the vote] that you can run into . . . If you can take that one illustration and get it on the radio, get on the television, get it in the pulpits, get it in the meetings-every place you can-then pretty soon the fellow who didn't do anything but drive a tractor would say, 'Well, that is not right- that is not fair.'¶ Johnson later might have had second thoughts about this importunity, since King and civil rights activists would take direct action in Selma, Alabama, that aroused massive resistance from local police and state troopers as well as national demonstrations in support of the marchers, some of which were directed at the president for not taking immediate action to avert the violence. Nonetheless, when King sought his public endorsement of the Selma campaign, Johnson championed the demonstrators' cause despite the efforts of White House aides to shield him from public involvement in the crisis. "I should like to say that all Americans should be indignant when one American is denied the right to vote ... all of us should be concerned with the efforts of our fellow Americans to register to vote in Alabama," Johnson said. "I intend to see that the right [to vote] is secured for all our citizens."11¶ In March of 1965, as the crisis in Selma worsened, Johnson delivered his famous voting rights message to Congress. His speech warned that the enactment of the voting rights bill was but one front in a larger war that must include not just federal laws to throw open the "gates of opportunity," but also affirmative action against ignorance, ill health, and poverty that would enable individual men and women to "walk through those gates." As he memorably closed, "Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome" (Johnson 1965a).¶ LBJ had not won over southern congressmen, most of whom slumped in their seats as the joint session erupted in applause. Yet he had triumphed where FDR failed- without embroiling himself in an enervating purge campaign against conservative Democrats, as Roosevelt had in 1938, he joined civil rights activists to discredit southern resistance to racial justice.12 Dr. King, watching the speech on television in Montgomery, Alabama, was moved to tears. As he wrote of the historical address, "President Johnson made one of the most eloquent, unequivocal, and passionate pleas for human rights ever made by a President of the United States. . . . We had the support of the President in calling for immediate relief of the problems of the disinherited people of our nation (King 1998, 288).¶ Even more skeptical civil rights activists, who had refused to acquiesce to the 1964 MFDP compromise, were moved by Johnson's fervent support of what one of his startled advisors called "radical" changes in the federal government's support of voting rights.14 SNCC President John Lewis acknowledged that on this night LBJ was "a man who spoke from his heart, a statesman, a poet."" The following week, CORE's James Farmer led a march to the White House to express civil rights activists' support for the president's efforts. "When President Johnson said 'we shall overcome' he joined the civil rights revolution," Farmer told the marchers "Now it's up to you and me to keep him in it-to keep him and our friends in Congress moving. If we let up the pressure, they let up the progress.'"5¶ Although most activists appreciated Johnson's support in achieving historic reforms, tensions within the civil rights movement threatened to sever its critical but uneasy ties with his White House. Indeed, in contrast to moderate civil rights leaders, more radical insurgents loathed White House leadership and their views increasingly gained a hold over the movement. Johnson's civil rights sermon won little praise from radical civil rights activists in Alabama like James Foreman, the field secretary for SNCC. As far as radical SNCC dissidents were concerned, Johnson's speech was little more than a "tinkling, empty symbol." As he told reporters, "Johnson spoiled a good song that day" (Lewis with D'Orso 1998, 340).¶ Social Protest and the Limits of White House Leverage¶ Toward the end of 1965, the energy and resources committed to the Great Society began to suffer, threatened by Johnson's preoccupation with the Vietnam War. The war also fatally wounded his relationship with the civil rights movement. Even moderate civil rights leaders like King became visible participants in the antiwar movement. King saw the Vietnam War not only as morally indefensible, but also as a growing commitment that would divert resources needed to address problems of poverty at home. As the schisms in the civil rights movement deepened along with the administration's involvement in Vietnam, Johnson became the target, rather than the ally, of civil rights activists.¶ In late November, White House aide Hayes Redmon lamented the antiwar efforts of civil rights activists. "I am increasingly concerned over the involvement of civil rights groups with anti-war demonstrators," he wrote in a memo to White House aide Bill Moyers. "The anti-Vietnam types are driving the middle class to the right. This is the key group that is slowly being won over to the civil rights cause. Negro leadership involvement with anti-Vietnam groups will set their programs back substantially."16 King's opposition became public in September of 1965, infuriating Johnson and exposing the inherent conflict between the interests of the president and civil rights movement. Like Kennedy, Johnson deferred to Federal Bureau of Investigation (FBI) Director J. Edgar Hoover's use of telephone wiretaps and hotel room microphones to discredit King on national security grounds.17¶ Johnson had tried to renew ties with King a few weeks before the civil rights leader publicly voiced opposition to his administration. In August, soon after race riots broke out in Watts, he called King to express his continued support for civil rights and to question him about rumors that he opposed Johnson's Vietnam policy.1" Trying in vain to meet the demands of spiraling civil rights militancy, the president urged King to take seriously and to help publicize a recent commencement address the president had given on June 4 at Howard University (Kotz 2005, 353). The speech proclaimed that "freedom was not enough" and that the time had come to "seek . . . not just equality as a right and a theory but equality as a fact and as a result." LBJ told King that it demonstrated his administration's commitment to address the most stubborn forces sustaining racial inequality.'9 The Howard University speech was arguably the boldest rhetorical presidential challenge to racial injustice since Lincoln's second inaugural. And yet, he complained, civil rights activists had in large part greeted it with a deafening silence. Johnson also urged the civil rights leader to support the administration on Vietnam, telling King, "I want peace as much as you do if not more so," because "I'm the fellow who had to wake up to 50 marines killed."20¶ King acknowledged that Johnson's Howard University speech was "the best statement and analysis of the problem" he had seen and that "no president ever said it like that before."21 Nonetheless, King and other movement leaders refused to lavish praise publicly on the Howard University address, concerned that associating too closely with Johnson might weaken their standing in the civil rights community. As David Carter has written, "in this period of growing polarization it had become increasingly clear to civil rights leaders, and ultimately even to the President and his staff, that a White House blessing of a leader was tantamount to a curse" (2001, 320).¶ Indeed, King was the least of the administration's problems. As the civil rights movement trained its eye on the poverty-stricken ghettos of large northern cities, King lost influence to more militant leaders who were better attuned than he to the frustrations and rage of young urban blacks (Mann 1996, 480). "Black power" advocates like Stokely Carmichael, newly elected head of SNCC, and Floyd McKissick of CORE, were not only dissatisfied with the achievements of the Johnson administration's civil rights program, but they also were contemptuous of its objective of racial integration. The growing militancy of black America erupted during the summer of 1966 as urban riots swept across the nation. In the wake of these developments, the moderately conservative middle class, as the White House feared, grew impatient with reform. The administration's string of brilliant triumphs in civil rights was snapped. Its 1966 civil rights bill, an open housing proposal, fell victim to a Senate filibuster. Johnson's leadership of the civil rights movement was a great asset to him in 1964, but it was a political liability by the summer of 1966.¶ From the start of his presidency, Johnson had recognized that his alliance with the civil rights movement risked substantial Democratic losses in the South. The president's encouraging visit to Georgia gave him hope that he would be forgiven by white southerners; this was the very purpose of his appeal to conscience. But the elections of November 1966 confirmed the South was not in a forgiving mood. Three segregationist Democrats-Lester Maddox in Georgia, James Johnson in Arkansas, and George P. Mahoney in Maryland-won their party's gubernatorial nomination. In Alabama, voters ratified a caretaker administration for Lurleen Wallace, since her husband, George, was not permitted to succeed himself. George Wallace, dubbed the "prime minister" of Alabama, had by 1966 emerged as a serious threat to consummate the North-South split in the Democratic Party, either by entering the 1968 presidential primaries or running as a third party candidate. The gubernatorial race in California, where former movie star Ronald Reagan handily defeated the Democratic incumbent Edmund G. Brown, revealed that conservative insurgency was not limited to southern Democrats.¶ In the wake of the civil rights crisis of 1966, Johnson no longer met with civil rights leaders. Instead, he followed Attorney General Nicholas Katzenbach 's advice to send a number of his younger aides to various cities to meet with young black leaders. The attorney general's suggestion was the origin of ghetto visits that White House aides made throughout 1967; a dozen or so visited troubled black areas in more than 20 major cities. On the one hand, the ghetto visits revealed the extent to which the modern presidency sought to assume important tasks once carried out by intermediary political associations like political parties. Rather than relying on local party leaders for information about their communities, Johnson asked his aides to live in various ghettos and then report directly to him about the state of black America. Local public officials and party leaders, even Chicago's powerful boss Richard Daley, were not told of the ghetto visits, lest they take umbrage at someone from the White House rooting about their home territories.¶ On the other hand, these visits marked the declining significance of the modern presidency as the leading agent of liberal reform-a symptom of its "extraordinary isolation."22 This isolation was accentuated by the evolution of the civil rights movement, whose more militant leaders, representing an oppositional culture that tended to withdraw rather than bestow legitimacy on reigning institutions, gained ascendancy in urban ghettos. The Johnson White House struggled to understand why young urban blacks, as one aide put it, "were against just about every leader (Negro and white) . . . except [black power advocates like] Stokely Carmichael."23 The awkward presence of these Johnson aides-mostly white, mostly from small towns and cities in the Midwest and Southwest-spending a week, sometimes a weekend, in volatile ghetto environments such as Harlem and Watts was, as a leading participant put it, a "unique attempt by the President to discover what was happening in urban ghettos and why."24 Aides were not sent to organize or manipulate or steer, but solely to gain a sense of the ideas, frustrations, and attitudes at the basis of the riots.¶ The ghetto reports apparently helped persuade Johnson to respond to the riots by intensifying his efforts to expand civil rights and war on poverty programs.The administration continued to push for an open-housing bill that was enacted after King's assassination. In 1968, LBJ also submitted and Congress passed the most extensive and most expensive public housing legislation in American history. Finally, Johnson continued to support the White House's Office of Economic Opportunity, even though its sponsorship of Community Action Programs (CAPs), requiring "the maximum feasible participation of residents of the areas and groups involved," was reportedly having a disruptive influence in many cities and was the target of bitter complaints from local party leaders. LBJ seethed privately about the "revolutionary" activity that some CAPs were fomenting, but he never repudiated them publicly and continued to support federal funds for neighborhood organizations. CAPs were the administration's final, frail hope that it could benefit from the transformative energy of a movement over which it rapidly lost influence.26¶ Political Failure and Enlightened Administration¶ Against the general norm that presidents are repressive or indifferent in their response to the demands of insurgent groups, Johnson's uneasy collaboration with the civil rights movement shows how an ambitious president and social activists can form an alliance in the service of enduring reform. Although this fusion of presidential power to a movement for social justice was short lived, the fragile partnership made possible the most dramatic civil rights legislation since the Reconstruction era. Without the work of civil rights leaders and activists in mobilizing demonstrations that elicited the violent reaction of segregationists and aroused strong sympathy in the country, no civil rights revolution would have been possible. At the same time, without Johnson's willingness to support, indeed, to take advantage of the opportunity that civil rights direct action provided, the landmarks laws of 1964 and 1965 might never have been enacted.¶ Johnson's singularly determined fusion of executive power to a social movement eventually imploded. As early as 1965, it became clear that Johnson's effort to become a leader of the civil rights movement suffered from his attempt to manage all the other responsibilities that the modern presidency pulls in its train. Since Theodore Roosevelt, reformers and ambitious presidents had endeavored to reconstruct the executive office so that its constitutional mandate to "preserve, protect and defend the Constitution" might be rededicated as a vantage point for social and economic change. But Johnson's explosive relationship with the civil rights movement cast serious doubt on the "Progressive era conceit that the presidency is inherently disposed to ally itself with movements for reform and liberation" (Skowronek and Glassman 2007, 7). In the end, the Great Society revealed both the untapped potential for cooperation between the modern presidency and social movements and the inherent tensions between "high office" and insurgency that made such collaboration so difficult. The tasks of the modern presidency-the domestic and international responsibilities that constrained the "steward of the public welfare"-necessarily limited the extent to which Johnson could become a trusted leader of the social movements that arose during the 1960s.¶ By 1968, Johnson, the self-fashioned agent of a political transformation as fundamental as any in history, had become a hated symbol of the status quo, forced into retirement lest he contribute further to the destruction of the liberal consensus. As he privately told Hubert Humphrey in the spring of 1968, "I could not be the rallying force to unite the country and meet the problems confronted by the nation ... in the face of a contentious campaign and the negative attitudes towards [me] of the youth, Negroes, and academics."27¶ LBJ thus saw the mantle of leadership pass to the likes of Eugene McCarthy, whose pioneering grassroots organization drove the president from the field in 1968, and George McGovern, the Democratic nominee for president in 1972. The "McGovern Democrats," who took control of the Democratic Party in the wake of the fractious 1968 presidential contest, followed the progressive tradition of scorning partisanship-of desiring a direct relationship between presidential candidates and grassroots activists. In this respect, the expansion of presidential primaries and other changes in the nomination politics initiated by the McGovern-Fraser reforms were the logical extension of the modern presidency. But these reformers, champions of a "new politics," rejected notions of popular presidential leadership that prevailed during the Progressive era and New Deal eras (Ceaser 1979; Miroff 2007). Viewing the president as the agent rather than the steward of the public welfare, new politics liberals embraced the general ideas current in the late 1960s that social movements should direct presidential politics and governance.¶ Even as McGovern's insurgent presidential campaign was an electoral disaster, the legislation conceived by the ephemeral alliance between Johnson and the civil rights movement built a national administrative apparatus that had staying power in American political life. The 1964 and 1965 civil rights reforms empowered the federal bureaucracy-especially the Department of Justice, the Department of Health, Education, and Welfare, and the newly formed EEOC-to assist the courts in creating parallel enforcement mechanisms for civil rights. These proved effective. For example, in four years the Johnson administration accomplished more desegregation in southern schools than the courts had in the previous 14.¶ As historians like Hugh Davis Graham have chronicled, "new theories of compensatory justice and group rights" given prominent expression in LBJ's Howard University Address were deftly advanced by "new social regulators" in the EEOC (Graham 1990, Chapter IX). Despite the late-1960s political demise of the Great Society, the EEOC staff, aided by supporters in other executive agencies and the federal courts, was able to expand the EEOC's power far beyond the original constraints of Title VII of the act. The text of Title VII explicitly sought to limit findings of discrimination by requiring evidence of intent. EEOC staffers argued that racial disparities in the composition of a labor force were ample proof of discrimination, whether intended or not. Seizing authority on its own accord, the EEOC collected data from tens of thousands of employers in order to analyze entire industries. Only a couple of years after Johnson left office, the federal courts deferred to EEOC guidelines, tossing aside Title VII's original dictates in favor of an "effects based definition of discrimination" that went beyond the goal of equal treatment to that of equal results (Graham 1990, 250). A "quiet revolution" had occurred in national administration, one that dismantled the compromise that Dirksen and moderate Republicans extracted in 1964.¶ Similarly, as Richard Valelly has documented, an "extended Voting Rights Act" emerged from an institutional partnership between the Justice Department and the courts. The alliance between bureaucratic discretion and legal activism expanded the 1965 statute from the commitment to free African Americans from discriminatory practices, such as literacy tests, to a more capacious program that promoted minority office holding, regulated nonsouthern states and local jurisdictions that had discriminated against the voting rights of racial minorities, and freed regulators and plaintiffs from having to demonstrate intentional discrimination in seeking remedies for low levels of minority representation and electoral participation (Valelly 2004, chap. 9)-These¶ administrative and legal efforts appeared to give institutional form to hard-won victories achieved by Johnson and civil rights activists. At the same time, the securing of what Valelly has called a "second reconstruction" tended to isolate civil rights activists. LBJ paid dearly for the alienation of the social movements from the White House; just as surely, the civil rights movement and the other social protest movements it inspired paid a price for their rejection of presidential leadership. The 1960s unleashed new forces and new expectations that could not be quelled by the election of Nixon. Indeed, it was the 1970s rather than the 1960s when affirmative action and many other civil rights measures became a real presence in American society. And yet, even as they continued to look to the national government to solve the problems thrown up by an industrial-and postindustrial-order, the public interest groups that emerged during the 1970s (which evolved from the social movements of the 1960s) distrusted presidential leadership and bureaucratic agencies, and sought to protect social policy from unfriendly executive administration (Melnick 2005). Teaching Americans both to expect more from the government and to trust it less, the Great Society was the fulcrum on which decline of liberalism and the rise of conservatism tilted.¶ Johnson's willingness to embrace the civil rights movement and its reform agenda transcended narrow, cautious self-interest. Indeed, his wholehearted support for far-reaching civil rights defied the careful distance that most presidents maintained vis-à-vis social movements. As we shall see, Reagan and his political allies developed an alliance with Christian Conservatives that was arbitrated by a reconstructed Republican Party. Consequently, he would be much less exposed in his relationship with the Religious Right than Johnson had been in seeking to leverage the civil rights revolution.

#### Using the university as a site for change is key

Fisher ’05, Louis Fisher is senior specialist in separation of powers with the Congressional Research Service, the Library of¶ Congress. His books include American Constitutional Law and Military Tribunals and Presidential Power:¶ American Revolution to the War on Terrorism. Presidential Studies Quarterly 35, no. 3 (September), 2005, The Law: Scholarly Support for ¶ Presidential Wars, <http://loc.gov/law/help/usconlaw/pdf/Fisher.scholars.pdf>, jj

These studies are helpful, but public opinion will not start to turn until students¶ in high school, college, and law schools begin to receive a more balanced, and more constitutional, introduction to the presidency. Those who write for newspapers and speak¶ on television can help educate the public that strong presidents are not always good presidents, decisiveness is not the same as sound judgment, the exercise of military force can¶ be contrary to the national interest, and opposition to misguided and unjustiﬁed presidential policies in the ﬁeld of national security is the highest form of patriotism.

#### Only emphasizing policy relevance checks multiple existential threats

Walt ’05, Stephen M. Walt, Kennedy School of Government, Harvard University, Annu. Rev. Polit. Sci. 2005. 8:23–48, THERELATIONSHIPBETWEEN THEORY AND¶ POLICY IN INTERNATIONALRELATIONS,¶ doi: 10.1146/annurev.polisci.7.012003.104904, <http://www.ic.ucsc.edu/~rlipsch/Pol272/Walt.theory.pdf>, jj

The need for powerful theories that could help policy makers design effective¶ solutions would seem to be apparent as well. The unexpected emergence of a¶ unipolar world, the rapid expansion of global trade and ﬁnance, the challenges¶ posed by failed states and global terrorism, the evolving human rights agenda,¶ the spread of democracy, concerns about the global environment, the growing¶ prominence of nongovernmental organizations, etc., present policy makers with problems that cry out for new ideas. These phenomena—and many others—have¶ all been objects of sustained scholarly inquiry, and one might expect policy makers¶ to consume the results with eagerness and appreciation.¶ Yet despite the need for well-informed advice about contemporary international¶ problems, and the energy and activity being devoted to studying these questions,¶ there has long been dissatisfaction with the contributions of IR theorists (Morgenthau 1958, Tanter & Ullman 1972). According to former diplomat David Newsom, “much of today’s scholarship [on international issues] is either irrelevant or¶ inaccessible to policymakers...much remains locked within the circle of esoteric¶ scholarly discussion” (Newsom 1995–1996, p. 66). Another observer declares that¶ “the higher learning about international relations does not loom large on the intellectual landscape. Its practitioners are not only rightly ignored by practicing¶ foreign policy ofﬁcials; they are usually held in disdain by their fellow academics¶ as well” (Kurth 1998, p. 29). The veteran U.S. statesman Paul Nitze described theory and practice as “harmonic aspects of one whole,” but he believed that “most¶ of what has been written and taught under the heading of ‘political science’ by¶ Americans since World War II...has also been of limited value, if not counterproductive as a guide to the conduct of actual policy” (Nitze 1993, p. 15). Similarly,¶ George (2000) reports that policy makers’ eyes “would glaze as soon as I used the¶ word theory.” Nor is the problem unique to the United States, as indicated by the¶ Chief Inspector of the British diplomatic service’s comment that he was “not sure¶ what the academic discipline of IR—if indeed there be such a thing as an academic¶ discipline of IR—has to contribute to the practical day-to-day work of making and¶ managing foreign policy” (Wallace 1994).

#### That’s specifically true of presidential powers --- effective presidential scholarship key to address a litany of issues

Lawrence R. Jacobs ’09, is the Walter F. and Joan Mondale Chair for Political Studies and director of the Center for the Study of Politics and Governance in the Hubert H. Humphrey Institute and Department of Political Science at the University of Minnesota. His most recent books include Class War?, The Unsustainable American State, Talking Together, and The Private Abuse of the Public Interest. Presidential Studies Quarterly39.4 (Dec 2009): 771-780., Building Reliable Theories of the Presidency, Proquest, jj

Presidential power is increasingly intertwined with the most basic and dire challenges of American governance and political economy. The study of the presidency has rarely been more important; its repertoire of theory and methods positions scholars to take on the challenge.

#### We control uniqueness – the “Cult of the Presidency” is killing micropolitical movements now because everyone views the President as the solution to all political problems – only engagement solves

Gene Healy ‘09 is an American political pundit, journalist and editor. Healy is a Vice President at the libertarian think tank Cato Institute, as well as a contributing editor to Liberty magazine. Cult of the Presidency : America's Dangerous Devotion to Executive Power. Washington, DC, USA: The Cato Institute, 2009. p 2-3. http://site.ebrary.com/lib/wayne/Doc?id=10379710&ppg=12 Copyright © 2009. The Cato Institute. All rights reserved.

Nearly six years earlier, September 11 had inspired similar rhetorical excess, but with far greater consequence. The week after the attacks, President Bush invoked America’s ‘‘responsibility to history’’ and declared that we would ‘‘answer these attacks and rid the world of evil .’’ 5 A mission that vast would seem to require equally vast powers. And the Bush administration has made some of the broadest assertions of executive power in American history: among them, the power to launch wars at will, to tap phones and read e-mail without a warrant, and to seize American citizens on American soil and hold them for the duration of the War on Terror— in other words, perhaps forever— without ever having to answer to a judge. Those assertions have justifiably given rise to fears of a new Imperial Presidency. Yet, many of the same people who condemn the growing concentration of power in the executive branch also embrace a virtually limitless notion of presidential responsibility. Today, politics is as bitterly partisan as it’s been in three decades, and the Bush presidency is at the center of the fight. But amid all the bitterness, it’s easy to miss the fact that, at bottom, both Left and Right agree on the boundless nature of presidential responsibility. Neither Left nor Right sees the president as the Framers saw him: a constitutionally constrained chief executive with an important, but limited job: to defend the country when attacked, check Congress when it violates the Constitution, enforce the law— and little else. Today, for conservatives as well as liberals, it is the president’s job to protect us from harm, to ‘‘grow the economy,’’ to spread democracy and American ideals abroad, and even to heal spiritual malaise— whether it takes the form of a ‘‘sleeping sickness of the soul,’’ as Hillary Clinton would have it, or an ‘‘if it feels good, do it’’ ethic, as diagnosed by George W. Bush. 6 Few Americans find anything amiss in the notion that it is the president’s duty to solve all large national problems and to unite us all in the service of a higher calling. The vision of the president as national guardian and redeemer is so ubiquitous that it goes unnoticed. Is that vision of the presidency appropriate for a self-governing republic? Is it compatible with limited, constitutional government? The book you’re holding argues that it is not. Americans’ unconfined conception of presidential responsibility is the source of much of our political woe and some of the gravest threats to our liberties. If the public expects the president to deal with all national problems, physical or spiritual, then the president will seek— or seize— the power necessary to handle that responsibility. We’re right to fear the growth of presidential power. But the Imperial Presidency is the price of making the office the focus of our national hopes and dreams.

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#### We don’t embrace civil society. We’re not pro-State, but we’re "anti-anti State". Some things can ONLY be solved "through the system".

Dr. Richard **Barbrook**, Hypermedia Research Centre – U. of Westminster, 6-5-19**97**, “More Provocations,” Amsterdam.nettime.org/Lists-Archives/nettime-1-9706/msg00034.html

I thought that this position is clear from my remarks about the ultra-left posturing of the ‘zero-work’ demand. In Europe, **we have real social problems** of deprivation and **poverty which, in part, can only be solved by state action. This does not make me a statist, but rather *anti-anti-statist*. By opposing such intervention because they are carried out by the state anarchists are tacitly lining up with the neo-liberals. Even worse, refusing even to vote for the left, they acquiese to rule by neo-liberal parties. I deeply admire direct action movements.** I was a radio pirate and we provide server space for anti-roads and environmental movements. **However, this doesn’t mean that I support political abstentionism** or, even worse, the mystical nonsense produced by Hakim Bey. It is great for artists and others to adopt a marginality as a life style choice, but most of the people who are economically and socially marginalised were never given any choice. They are excluded from society as a result of deliberate policies of deregulation, privatisation and welfare cutbacks carried out by neo-liberal governments. **During the ‘70s**. I was a pro-situ punk rocker until Thatcher got elected. Then **we learnt the hard way that voting did change things and lots of people suffered if state power was withdrawn** from certain areas of our life, such as welfare and employment. Anarchism can be a fun artistic pose. However, human suffering is not.

#### Their cynicism towards Enlightenment is wrong – world is improving

Bill **McSweeney** 20**11** is research fellow in international peace studies in the school of ecumenics at Trinity College Dublin, 12-3-11, The Irish Times, Why we should look on the bright side, lexis, jj

Yet ***things are getting better***. **If we succumb to the cynicism that nothing has changed, that human nature is irremediable, then we are simply wrong**, according to Pinker. We are missing what may be the most important thing that has ever happened in human history. With that modest claim the author opens his case for the bright side of life. Pinker is a Pangloss, not a Nietzsche; Eric Idle, not Malcolm Muggeridge. The world is a better place than it used to be. If we could imagine a frivolous deity willing to pop us down into any historical era of our choosing, we would be well advised to stay clear of the past and to settle for the present, recession and all. This should be of some comfort. Despite the savagery of the past century, we have much to be proud of if Pinker is right. **Thanks to the Enlightenment, things are getting better, not just in the quantity of violence perpetrated by states and individuals but in the quality of moral sensibilities that guide human behaviour. We are not just safer in our modern environment; we are nicer.** This is a bold enough claim to make of any particular community or period. In the early 1960s, maybe; in Sweden, perhaps, always top of the class in the moral stakes. But it is an audacious assertion about the course of human history. The scope of Pinker s study extends from prehistory to the present, and the focus is not just on war but on **all manner of violence and torture: on cruelty to animals, on the abuse of children, on violence against women**. The strength of his argument lies in the claim that **in all these areas the evidence is that violence has declined**. If he is right, something big has happened, not just to war but to us. Pinker has a history of challenging received views and puncturing everyday myths. His best-known publication, The Blank Slate, argued against the politically correct idea that we come into the world as blank slates open to cultural manipulation and social engineering. Not so, he said. We are born with the inner demons as well as the better angels of human nature. Whether that results in more violent or more pacific behaviour depends on how material and cultural developments offer better rewards for co-operative rather than violent behaviour. Such cultural changes include what the German sociologist Norbert Elias called the civilising process : a complex array of social practices and etiquette that helped to redefine the common space of social intercourse and to encourage the inhibition of violence through the invention of good manners. It became the norm to attend to one s neighbour at table, not to spit or evacuate one s nose on the tablecloth, to refrain from copulating or defecating in public. We have forgotten how natural this behaviour once seemed and how intimately connected with pacific relations between individuals and groups such seemingly trivial points of etiquette really are. It is the emergence of such favourable circumstances, beginning with the Enlightenment and escalating dramatically after the second World War, that Pinker identifies as the key change in global conditions that resulted in the decline of violence. Pinker is well aware that his thesis runs counter to popular intuition, and he devotes half the book to setting out the empirical evidence in support. A fascinating comparative table of wars and atrocities during the past two millennia questions our pessimistic assumptions about the 20th century. There were 55 million deaths in the second World War, more than in any other single event in history. But that must be seen in proportion to the global population at the time. In the 13th century, 40 million were killed in the Mongol conquests. To make meaningful comparison with the mid 20th century we must scale by population size. The comparable figure for the Mongol atrocity then becomes 278 million. And that wasn t the worst. The all-time record is held by the eighth century An Lushan revolt, in China, which most of us have never heard of. Thirty-six million were slaughtered a sixth of the world s population at the time. Scaled up for comparison with the second World War, that brings the Chinese death total to a staggering 429 million. **Why do we hold to our pessimism and dismiss the idea of moral progress as an illusion? It may be because more extensive media reporting of contemporary violence since the 1950s tends to distort our perspective. It may be that a belief in the decline of moral standards attracts more donors to our cause**. (There is a message here for peace activists.) **Or perhaps the relentless scrutiny of contemporary standards in public life tends to bias our judgment in favour of an age when life was gentler and trust was true.** At the end of this extraordinary book, full of passion and wit and surely the most fluent writing in the field of popular science, Pinker leaves us in no doubt about the case for looking on the bright side. **For all the tribulations in our lives**, he writes, **the decline of violence is an accomplishment we can savour, and an impetus to cherish the forces of civilisation and enlightenment that made it possible.**

***Modernism and Enlightenment are better than any alternative –key to solve global violence***

Steven **Pinker** is professor of psychology at Harvard University. His research focuses on language and cognition. His bestselling books include, The Language Instinct and How the Mind Works. 10-15-**11**, New Scientist, Violent? Not us, not now Lexis, jj

**What do you want readers to take away from your new book? To be grateful for some of the institutions we take for granted, such as government** and the court system. That, **as much as we are irritated by** lawyers, cops and **government, the alterative is worse**. **The forces of reason, enlightenment, cosmopolitanism, women's empowerment –; we should be grateful for all this and not nostalgic for a time in which everyone's world was far more constricted**. This goes for trade and commerce too. **Capitalism is a dirty word for many intellectuals but there are a number of studies showing that open economies and free trade are negatively correlated with genocide and war. I would lump all of these things together under 'modernity'. So modernity tends to result in less violence? Yes. There is an enormous current of romantic nostalgia among many sectors of intellectual life** –; the religious right, the green left. What I hope to remind people is that **modernity, for all its problems, has brought us many gifts. Foremost is** one that few people appreciate, namely **a reduction in overall violence**.

***Even if continuing bias exists, the basis for reform is in Enlightenment ideals – we can’t abandon them***

**Bronner 4** Stephen Eric, Professor of Political Science and Comparative Literature at Rutgers University, “Reclaiming the Enlightenment” Columbia University Press p. 64-67

**Fighting against a world dominated by** monsters and saints, witches and gods, **myths and prejudices, misery and privilege, custom and laziness, demanded a mixture of courage and clarity.** The assault on metaphysics intro- duced by the authors of The Spectator, Joseph Addison and Richard Steele, prepared the way for the new egalitarian emphasis upon “common sense” offered by Thomas Paine. Utilitarianism, so boring in its shopkeeper mentality, nonetheless gave the individual a measure of respect by making clear that each was capable of discerning his or her interest and that social welfare was the primary aim of government. Lessing, Montesquieu, and Goethe challenged the church injunction against suicide. Most partisans **of the Enlightenment were repulsed by slavery and the subordination of women plays a role in many of their works. Their privileging of persuasion over coercion, their vision of the fully formed personality, their interest in matters outside their immediate expertise and experience, their emphasis upon tolerance, all project an eradication of what is brutal and unjust in the name of a better society with a new set of human relations. Resistance undertaken in the name of progressive, liberal, and ultimately socialist ideals served to separate critical from affirmative intellectuals and place some thinkers often associated with the Enlightenment**, such as Samuel Johnson and Edmund Burke**, outside the tradition that they might otherwise seem to espouse.** The result was what might be termed a great divide that separated intellectuals of the Enlightenment from those of the Counter-Enlightenment. Enlightenment **intellectuals were not pillars of political correctness.** Organizations condemning slavery were formed. Salons may have accorded women a new public presence,9 and the grosser expressions of anti-Semitism and even anti-Muslim attitudes were generally looked down upon. But the Enlightenment was still primarily a male, white, straight, and Christian world. In the United States, moreover, slavery was embedded in the national legislative process: Jefferson supported the idea that a slave is three-fifths of a person for purposes of representation, which won him the election of 1800, and Washington placed the national capital in slave territory. Admittedly, for such individuals, support for measures of this sort probably had less to do with their personal approval of slavery than with its political use to protect the economic base of the South: it remained the case into the twentieth century that no serious political career was open to Southerners opposed to slavery or supportive of civil rights.10 **But that doesn’t change the reality: it was what it was. Still, it would be misleading to lump the philosophes together with their adversaries. The principles underpinning the critique of slavery, sexism, and exclusion of the other derived from the Enlightenment.** Then, too, **the political stance of its advocates on such issues was generally qualitatively different from those of the Counter-Enlightenment.** It is instructive, for example, to consider the views on women and divorce expressed by archreactionaries like Justus Moeser or Bonald; the views on prejudice offered by Burke; the irrationalism of Hamann; the unyielding Christianity of De Maistre; the brutal anti-Semitism of the Abbé Bruelle; and the alternatives offered to cosmopolitanism, constitutionalism, and social equality by the rest of the reaction. It is also easy to forget the witch trials that cost thousands upon thousands of women their lives;11 the slaughters attendant upon the Crusades;12 the Inquisition, and the constant pogroms. Michel **Foucault may be correct in his assertions that the Enlightenment in its time had little sympathy for the “unreasonable”: the beggars, the petty criminals, and the insane.13 In practical terms, however, the more progressive programs for improving the conditions of these groups were again inspired by Enlightenment principles and intellectuals of the Counter-Enlightenment would historically show even less interest in these groups and the reforms capable of bettering their lot.** Above all, however, it wrong to suggest that the prejudices of the philosophes somehow invalidate the ideals associated with their republic of letters. **The logic of the Enlightenment suggested that citizenship should be open to everyone with a pen and an argument to make in the name of freedom. Sex, race, religion, property, and class, should—in principle—play no role in determining the ability of individuals to participate in the public realm and they should be able to pursue their private interests as they see fit.** Kant’s notion concerning the formal equality of all subjects, in fact, made possible a criticism of any such barriers to the public exercise of reason while the principles underpinning the liberal rule of law enabled suffragettes and civil libertarians as well as advocates of the excluded and insane to contest the existence of positive laws tainted by discrimination and regressive attitudes. It is only fair to note that: The Enlightenment public sphere assigned new importance to women as producers and consumers of culture, but often on the basis of values that served to justify their subordination. Its norms of openness and inclusion created new kinds of association, but also new forms of exclusion. For all this ambiguity, however, **we continue to invoke the norms of openness and transparency preached by the Enlightenment public sphere even as we criticize its failure to live up to them. For that reason its legacy is more enduring than it seems**, whatever its vicissitudes from the Enlightenment to our own day.14 “Enlightenment” was initially seen as depending upon the “courage” of the individual to exercise his or her intellect, question rather than obey and, according to the famous formulation, “leave behind his self-imposed immaturity.” Contrary to popular opinion, however, Kant did not leave the individual subject hovering in the metaphysical stratosphere. It was clear to him no less than to the rest of the philosophes that **summoning** such **courage becomes easier with the existence of liberal institutions and a “public” animated by civic interests.**15 **That is why liberating the “public” not merely from dogma, but from the institutions and conditions that promote it, became the primary goal of Enlightenment intellectuals. The philosophes understood that the right to criticism is the precondition for the exercise of autonomy and**, if not the pursuit of absolute truth, then **the rectification of error**. Thus, in contrast to thinkers of the Counter-Enlightenment like Burke and De Maistre, Kant and Paine would insist that no age can commit the future to a condition in which it would be impossible to extend knowledge or correct errors. 16

***Turn—alt makes it impossible for deliberation to occur***

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

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

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, ***but without a*** focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. ***A gripe session would follow***. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a ***productive debate, which facilitates*** effective decision making by directing and placing limits on the decision to be made, ***the basis for argument should be clearly defined***. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, ***the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation***. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a ***general subject***, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a ***debate proposition*** such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or ***that good debates cannot occur over*** competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

***Liberalism isn’t exclusive – exclusion only exists because of a failure to fully carry out its******principles***

**Bronner 4** (Stephen Eric, Professor of Political Science and Comparative Literature at Rutgers University, “Reclaiming the Enlightenment” Columbia University Press p. 49-50)

**Women, people of color, Catholics, atheists, and those without property**16— for very different reasons—**had no place in the original liberal vision**. But **this was the product less of some inherent defect of liberalism than the unwillingness of liberals to confront existing prejudices with the logic of their principles**. Institutionalizing **the universal** may not have immediately resulted in recognizing the legitimacy of the outsider, or the “other,” but it **served as the precondition** for doing so. If patriarchy is now seen as having been ignored in the universal social contract,17 for example, the oversight was actually recognized at the time.18 Women would, in any case, not have attempted to further their interests by using the arguments of “antiphilosophes” like Justus Moser, who authored “On the Diminished Disgrace of Whores and Their Children in Our Day” (1772), or Louis Bonald, who thundered against divorce. Olympe **de Gouges** in The Rights of Woman (1791), **and** Mary **Wollstonecraft** in her Vindication of the Rights of Women (1792) instead **referred to** the original **liberal values** of the **Enlightenment in criticizing the French Revolution for not realizing its universal commitments** with respect to women: in the process**, both radicalized the purely formal implications of equality** under the law. Their undertaking is both related to yet different from that of the young Marx in On the Jewish Question and The Holy Family. These writings highlighted the contradiction between the political commitment of the bourgeois state to liberty, equality, and fraternity on the level of the state—that is freedom from the exercise of arbitrary power, equality before the law, and a concern with the common good—when coupled with the existence of coercion, inequality, and egoism in the economic realm of civil society. In extending democracy from the formal to the substantive, to be sure, he sought the “sublation” (Aufhebung) of both the state and civil society from the perspective of realizing “human” emancipation. **This romantic and utopian vision, however, had far less practical impact than his clarification of the limits of classical liberalism with respect to “social” equality. What marks the criticisms of classical liberalism** launched by feminists like Olympe de Gouges and Wollstonecraft no less than Marx, in any event, **is their attempt to extend its implications**. This differentiates them from conservative critics like Edmund Burke who, while he may have supported a cause like the American Revolution, also championed by most philosophes, did so more in terms of a newly constituted organic tradition than from the perspective of the Declaration of Independence. In the guise of attacking the French Revolution, Burke actually attacked the very idea of universal rights and the possibility of altering the English class structure. His emphasis on community and tradition, indeed, becomes little more than a façade for opposing the exercise of liberty, the pursuit of equality, and the “sordid darkness of this enlightened age.”

#### Mignolo’s K of Western epistemology is tautological and backfires --- the Eurocentric frame can be liberatory

Alcoff 07 Linda Martín Alcoff, Syracuse University, CR: The New Centennial Review, Volume 7, Number 3, Winter 2007, Mignolo’s Epistemology of Coloniality, Project Muse, jj

But I would press Mignolo on two points. The first concerns his notion of truth. Mignolo rejects the project of reclaiming epistemology and advocates for the shift to gnoseology, because he sees epistemology as fundamentally a project that is pursuant of truth, and because he sees truth as necessarily imperial, territorial, and denotative. But it is difficult to interpret Mignolo’s own project in any way other than as a project concerned with truth and with [End Page 97] the way in which the colonial systems of knowing inhibited and precluded both the understanding and the identification of truth. The denotative approach might have limited application to the shift he has in mind, but there is still an epistemically based normative distinction operating in his critique of the coloniality of power.¶ Take for example Mignolo’s use of Glissant’s concept of diversality, a concept he contrasts to universality but also to plurality in which alternatives are not in active integration or interaction. Diversality maps differences as coconstitutive and as potentially integrated, in the way that a bicultural identity can shift between multiple frames of reference without collapsing the differences but also without organizing them into hierarchies. As opposed to imperial resolutions, Glissant wants to maintain the fundamental ambiguity of colonial identity, that doubled reality that is alive to more than one “here and now.” This is not merely an ethically or politically motivated alternative to universality, I want to suggest, but a metaphysically motivated one. It is an alternative model for conceptualizing subjectivity and knowledge that might make sense of the existence of many worlds as well as to make visible their interrelationality and connectedness. This surely has political advantages, but it also can make possible an advance in descriptive adequacy for pluritopic horizons.¶ Thus I would contest Mignolo’s claim that truth is out of the picture. And I would argue against the shift from epistemology to gnoseology (rather than redefining epistemology) if it is mainly motivated by a desire to dispense with truth. However, what is important here is not the word we use for the project so much as retaining the normative epistemic content to the project of critique and reconstruction that Mignolo and other postcolonialists want to pursue. If gnoseology can retain the critical and normative dimensions that aim to improve our understanding of truth, as well as the more inclusive aims in regard to forms of knowing, then I am on board.¶ I think there is a similar issue with regard to Mignolo’s treatment of identity and difference, and which relates to the question I raised earlier concerning the metaphysical status of the colonial difference. On the one hand, Mignolo resists the reification of difference and thus emphasizes how difference is constituted by coloniality. This could lead a reader to imagine [End Page 98] that for Mignolo, difference a mere epiphenomenon of coloniality. But this is not his view. The colonial difference is for him a source of critical knowledge because its content conflicts with dominant knowledges. Thus, difference is constituted only in part by colonialism: its value and meaning is interpretively constitutued by colonialism, but this is not all there is to the colonial difference. In other words, it has metaphysical status.¶ Mignolo’s ambivalence about making this explicit is related to his ambivalence about identity. On the one hand he shies away from identity politics, but then again he articulates a form of it when he makes such claims as “for those whom colonial legacies are real (i.e. they hurt), that they are more (logically, historically, and emotionally) inclined than others to theorize the past in terms of coloniality” (2000b, 115). The concepts of identity and of identity politics are also assumed in the ongoing project that he defines as “shifting the geography of reason,” that is, both to motivate the shift and demarcate its direction. So I would like to see Mignolo work through more precisely and clearly how he is understanding the concepts of truth and of identity.¶ Let me end with a point that underscores the significance of Mignolo’s overall project. The discourse of national independence in Latin America, much more so than of African liberation discourses, was marked in no small measure by its acceptance of a Eurocentric frame. Leading thinkers such as Sarmiento and Alberdi did not contest the modernist macro-narrative except to the extent it excluded them. The significance of Mignolo’s work, for me, is the extent of his commitment to contest the status of Eurocentric metanarratives and refuse the gambit that might work for white male elites in Latin America but not for anyone else. In attempting to think beyond the house of modernity, Mignolo has truly built a house of many rooms.

#### Alt fails – idealization of non-western language masks their flaws and blurs understandings of power.

Cheah 06 Pheng Cheah is Associate Professor of Rhetoric. November 2006, The Doreen B. Townsend Center for Humanities, The Limits of Thinking in Decolonial Strategies, <http://townsendcenter.berkeley.edu/publications/limits-thinking-decolonial-strategies>, jj

This leads me to my second question. The focus on re-embodying knowledges and knowledges in other languages can very easily lead to an idealization of bodily experiences and the concrete and the linguistic other. First, do concrete corporeal experiences offer a genuinely other perspective if the concrete bodily needs of individuals are crafted by the techniques of biopower as they are incorporated into the international division of labor? Second, indigenous languages are not inherently egalitarian or liberating just because they are non-European. Non-European languages can have hierarchical, conservative, or reactionary forms of address. Third, how are we to account for the startling similarity between Mignolo’s account of pluriversality and intercultural communication and the kind of cultural pluralism espoused by UNESCO? Here, one should also note the importance of language learning and multiculturalism to the operations of multinational capital. These are all forms of bio-power in the Foucauldian sense. How does one distinguish this from Mignolo’s sense of bio- or body-politics? The problem might well be that we cannot do so.¶ One would need to look at the true heterogeneity of the outside and the complex and multifarious technologies that fabricate these various outsides, not just at the level of a racist rhetoric of exclusion, but at the most concrete level of the production of the bodily needs and interests of subjects claiming alterity.

#### Mignolo ignores current structural conditions limiting subaltern movements while simultaneously glorifying movements brought about by neoliberalism.

Alvarez 01 David Alvarez is assistant professor in the English Department at Grand Valley State University, Michigan, where he teaches courses in Anglophone and Latin American literature. His research interests include resistance and post-resistance writing, with a particular focus on South Africa and Central America. CR: The New Centennial Review 1.3 (2001) 325-343, Of Border-Crossing Nomads and Planetary Epistemologies, Project Muse, jj

Likening Lyotard to Mignolo might seem unfair given Mignolo's persistent disavowal of postmodernism and poststructuralism, both of which he regards as products of the modern world-system's imaginary, useful enough for an internal critique of that imaginary perhaps, but quite blind to the colonial difference. 17 Yet the idiom and focus of Mignolo's book suggest a deep affinity with the styles and schemas of the more reactionary elements of these movements. 18 It isn't just that the author seems overly attached to the splicing of words à la Derrida ("Border thinking from a territorial perspective becomes a machine of appropriation of the colonial differe/a/nces" [sic;45]), or that the purview of the book is unremittingly and self-referentially textual, leaving scant space for the social while fetishizing the semiotic. 19 It is also that as with assorted postmodern currents of thought, Border Gnoseology seems to entail a euphoric jettisoning of the past and an exaltation of the present, along with an exorbitation of language. 20 The present that is here exalted is that of globalization, which despite being the latest instantiation of the Occident's successive global designs, is also about to set us free from the burden of history through the gnoseological wisdom and spatializing magic of "the market": The current stage of globalization has market power as its final goal. This goal can dispense with the values attributed to civilization, since the goal toward expanding the market doesn't contemplate the conversion of people to Christianity or to citizenship. Although the market's objectives cannot be detached from the ideology of development and modernization,... they are spatial rather than temporal. The question is to expand the number of consumers all over the planet rather than to move towards a final destination set [End Page 332] up by the standard of civilization created in a local history (Europe) and projected as a global design. Thus the market is creating the conditions for the restitution of space and for facilitating the intellectual task of denying the denial of coevalness, the secret and natural weapon of the civilizing mission and of the standard of civilization during the second phase of modernity/ coloniality. (287) This is all seems rather closer to Chase Manhattan's report to its investors in Mexico, say, than to Subcomandante Marcos's meditations on the ravages of neoliberalism and on the grip of market ideology on erstwhile Latin American leftists. Contrary to postmodernism's frequent mistrust of grand narratives, however, Mignolo is unembarrassed to posit not just a macronarrative but a telos, as the above quotation shows. Indeed, the thrust of the whole book is that we stand poised on the brink of an astounding epistemological breakthrough that will release a myriad subalternized knowledges from the custody of "abstract universals" (88) and usher in a radiant future of desubalternized identities and nonhegemonic gnoseologies. Where exactly will this world-historical transformation leave us? In his discussion of Bernardo Canal Feijóo's attempts to account (philosophically) for the dislocations of Latin American identity, Mignolo provides us with a possible answer: "not being able to be... where one is" (334). As the author emphatically notes: Not being able to be where one is is the promise of an epistemological potential and a cosmopolitan transnationalism that could overcome the limits and violent conditions generated by being always able to be where one belongs. I am where I think (334). It is probably not accidental that the state of "not being able to be where one is" would seem to leave us hovering somewhere above and beyond historical circumstances, attachments, and determinations. For in Local Histories/Global Designs, history is represented not as a site of contradiction, struggle, contestation, negotiation, progress, and retrogression, but as a grand succession of dehistoricized tableaux, devoid of actors, agents, [End Page 333] subjects, and, most of all, of contextual nuance. 21 To be sure, the author often provides us with a numbing concatenation of historical facts. But for the most part the facticity of his argument is of a positivist sort that deprives facts of their contextual and relational meanings. So, for instance, dates such as 1848 and 1898 and historical periods such as the Cold War periodically make cameo appearances on the makeshift stage that Mignolo constructs, but they are then quickly shuffled offstage to leave us with an ideal(ist) view of the theatrical space in which the historical action is enacted. Rosemary O' Hanlon and David Washbrook have observed that in the work of the scholars involved in the (subcontinental) Subaltern Studies' project, "timeless and undifferentiated conceptions of the past" are substituted for a time-bound and differentiated analysis of history. 22 The same, I would submit, can be said of Mignolo's argument, which for all its reliance on the longue-durée histories of the world-systems school, seems to float along in a dehistoricized void. Moreover, it seems rather odd that in a book about subaltern "local histories" pitted against hegemonic "global designs," such matters as class conflict and capital accumulation on a transnational scale are conspicuous by their absence, as are such devastating agents of globalization as the International Monetary Fund and the World Bank. 23 Similarly, while there is much earnest discussion of hegemonic orders of knowledge we find nary a mention of the authoritarian political regimes against which many of Latin America's subalterns must daily struggle. Moreover, such timely topics as the militarization of the U.S.-Mexico borderlands and the neocolonial machinations of the maquiladora economy seem to have no place in the author's purview. It might reasonably be objected at this point that it is unfair to judge Mignolo's book by criteria that are entirely extraneous to its own framework. The author, however, insists that his and allied projects have tremendous ethical and political ramifications. 24 But what precise ethical and political meanings can we ascribe to a text in which the enemy is not capitalism, or patriarchy, or imperialism, or any nameable mode of domination but rather an indeterminate coloniality of power straddling the desituated borders of the colonial difference? Perhaps a positive answer to this question can be located in the manner [End Page 334] in which the book seems to confer agency upon those fractured subjects who are emerging out of the fissures of our postcontemporary planetary moment. Yet the book is mostly silent about actual (as opposed to textual or authorial) subjects who straddle borders, who negotiate intersecting pluralities of meaning and difference, and who resist their psychic fragmentation and material exploitation by divisive orders of exploitation. 25 One can only regret that the author did not pursue a productive metaphor found in his earlier work, "the dark side of the renaissance," and probe what Alison Brysk calls "the dark side of globalization." 26 Conversely, it would have been plausible to expect some discussion of the new social movements that are redefining political practice across Latin America's frontiers. Instead, we have border-crossing, gnoseological nomads delivering a euphoric coup-de-grace to moribund epistemologies before they leap into a borderless posthistorical future. 27

#### ( ) Anti-politics causes racism and sexism – comparatively better to work within the State

Grossberg ‘92 (Lawrence, Professor of Communication at the University of Illinois, We Gotta Get Out Of This Place, p. 390-391)

But this would mean that the Left could not remain outside of the systems of governance. It has sometimes to work with, against and with in bureaucratic systems of governance. Consider the case of Amnesty International, an immensely effective organization when its major strategy was (similar to that of the Right) exerting pressure directly on the bureaucracies of specific governments. In recent years (marked by the recent rock tour), it has apparently redirected its energy and resources, seeking new members (who may not be committed to actually doing anything; membership becomes little more than a statement of ideological support for a position that few are likely to oppose) and public visibility. In stark contrast, the most effective struggle of the Left in recent times has been the dramatic (and, one hopes continuing) dismantling of apartheid in South Africa. It was accomplished by mobilizing popular pressure on the institutions and bureaucracies of economic and governmental institutions, and it depended upon a highly sophisticated organizational structure. The Left too often thinks that it can end racism and sexism and classism by changing people’s attitude and everyday practices (e.g. the 1990 Black boycott of Korean stores in New York). Unfortunately, while such struggles may be extremely visible, they are often **less effective** than attempts to move the institutions (e.g. banks, taxing structures, distributors) which have put the economic relations of bleack an immigrant populations in place and which condition people’s everyday practices. The Left needs institutions which can operate within the system of governance, understanding that such institutions are the mediating structures by which power is actively realized. It is often by directing opposition against **specific** **institutions** that power can be **challenged**. The Left assumed for some time now that, since it has so little access to the apparatuses of agency, its only alternative is to seek a public voice in the media through tactical protests. The Left does in fact need more visibility, but it also needs greater access to the entire range of apparatuses of decision making power. Otherwise the Left has nothing but its own self-righteousness. It is not individuals who have produced starvation and the other social disgraces of our world, although it is individuals who must take responsibility for eliminating them. But to do so, they must act with organizations, and within the systems of organizations which in fact have the capacity (as well as responsibility) to fight them. Without such organizations, the only models of political commitment are self-interest and charity. Charity suggests that we act on behalf of others who cannot act on their own behalf. But we are all precariously caught in the circuits of global capitalism, and everyone’s position is increasingly precarious and uncertain. It will not take much to change the position of any individual in the United States, as the experience of many of the homeless, the elderly and the “fallen” middle class demonstrates. Nor are there any guarantees about the future of any single nation. We can imagine ourselves involved in a politics where acting for another is always acting for oneself as well, a politics in which everyone struggles with the resources they have to make their lives (and the world) better, since the two are so intimately tied together! For example, we need to think of affirmation action as in everyone’s best interests, because of the possibilities it opens. We need to think with what Axelos has described as a “planetary thought” which “would be a coherent thought—but not a rationalizing and ‘rationalist’ inflection; it would be a fragmentary thought of the open totality—for what we can grasp are fragments unveiled on the horizon of the totality. Such a politics will not begin by distinguishing between the local and the global (and certainly not by valorizing one over the other) for the ways in which the former are incorporated into the latter preclude the luxury of such choices. Resistance is always a local struggle, even when (as in parts of the ecology movement) it is **imagined** to connect into its global structures of articulation: Think globally, act locally. Opposition is predicated precisely on locating the points of articulation between them, the points at which the global becomes local, and the local opens up onto the global. Since the meaning of these terms has to be understood in the context of any particular struggle, one is always acting both globally and locally: Think globally, act appropriately! Fight locally because that is the scene of action, but aim for the global because that is the scene of agency. "Local struggles directly target national and international axioms, at the precise point of their insertion into the field of immanence. This requires the imagination and construction of forms of unity, commonality and social agency which do not deny differences. Without such commonality, politics is too easily reduced to a question of individual rights (i.e., in the terms of classical utility theory); difference ends up "trumping" politics, bringing it to an end.61 The struggle against the disciplined mobilization of everyday life can only be built on affective commonalities, a shared "responsible yearning: a yearning out towards something more and something better than this and this place now.'"'2 The Left, after all, is defined by its common commitment to principles of justice, equality and democracy (although these might conflict) in economic, political and cultural life. It is based on the hope, perhaps even the illusion, that such things are possible. The construction of an affective commonality attempts to mobilize people in a common struggle, despite the fact that they have no common identity or character, recognizing that they are the only force capable of providing a new historical and oppositional agency. It strives to organize minorities into a new majority..

***Standpoint epistemology and social location arguments glorify an impossible authentic identity.***

**Rolin '6**

Kristina, "The Bias Paradox in Feminist Standpoint Epistemology," Episteme: A Journal of Social Epistemology, 2006

For a long time feminist standpoint epistemology has relied on the power of visual and spatial images such as "perspectives" and "standpoints." The very term "standpoint" evokes an image of a position where one stands and views the object of inquiry from a particular "perspective" (Pohlhaus 2002, 288). Even though this image has been fruitful in feminist epistemology, it is time to acknowledge that it creates more problems than it solves. One problem is that it imports a foundationalist theory of epistemic justification into feminist epistemology. The visual and spatial image of a "standpoint" easily leads us into thinking that we need a "view from nowhere" in order to be able to compare different perspectives. I have argued that a contextualist theory of epistemic justification offers an alternative to a "view from nowhere." A context of default entitlements provides a "situated" standard of impartiality that enables us to assess the relative merits of two or more socially grounded perspectives. Another problem generated by visual and spatial images is that it is not clear what we assess when we assess socially grounded perspectives. I have argued that it is possible to identify and evaluate an assumption that manifests [End Page 134] a socially grounded perspective. This requires that we specify a context of epistemic justification.

***Act to save the most lives – imperfect knowledge doesn’t justify inaction***

**Cowen ‘04** (Tyler, Professor of Economics – George Mason University, “The Epistemic Problem Does Not Refute Consequentialism”, 11-2, <http://www.gmu.edu/jbc/Tyler/Epistemic2.pdf>, p. 14-15)

**The epistemic critique relies heavily on a complete lack of information about initial circumstances.** This is not a plausible general assumption, although it may sometimes be true. The critique may give the impression of relying more heavily on a more plausible assumption, namely a high variance for the probability distribution of our estimates concerning the future. **But simply increasing the level of variance or uncertainty does not add much force to the epistemic argument**. To see this more clearly, consider another case of a high upfront benefit. **Assume that the United States has been hit with a bioterror attack** and one million children have contracted smallpox. We also have two new experimental remedies, both of which offer some chance of curing smallpox and restoring the children to perfect health. **If we know for sure which remedy works, obviously we should apply that remedy. But imagine now that we are uncertain as to which remedy works**. The uncertainty is so extreme that each remedy may cure somewhere between three hundred thousand and six hundred thousand children. **Nonetheless we have a slight idea that one remedy is better than the other.** That is, one remedy is slightly more likely to cure more children, with no other apparent offsetting negative effects or considerations. **Despite the greater uncertainty, we still have the intuition that we should try to save as many children as possible**. We should apply the remedy that is more likely to cure more children. **We do not say: “We are now so uncertain about what will happen. We should pursue some goal other than trying to cure as many children as possible.”** Nor would we cite greater uncertainty about longer-run events as an argument against curing the children. We have a definite good in the present (more cured children), balanced against a radical remixing of the future on both sides of the equation. The definite upfront good still stands firm. Alternatively, let us assume that our broader future suddenly became less predictable (perhaps genetic engineering is invented, which creates new and difficult-to-forecast possibilities). That still would not diminish the force of our reason for saving more children. The variance of forecast becomes larger on both sides of the equation – whether we save the children or not – and the value of the upfront lives remains. A higher variance of forecast might increase the required size of the upfront benefit (to overcome the Principle of Roughness), but it would not refute the relevance of consequences more generally. **We could increase the uncertainty more, but consequentialism still will not appear counterintuitive**. The remedies, rather than curing somewhere in the range of three to six hundred thousand children, might cure in the broader range of zero to all one million of the children. By all classical statistical standards, this new cure scenario involves more uncertainty than the previous case, such as by having a higher variance of possible outcomes. Yet this higher uncertainty lends little support for the view that curing the children becomes less important. **We still have an *imperative* to apply the remedy that appears best, and is expected the cure the greater number of children.**  **This example** may appear excessively simple, but it **points our attention to the non-generality of the epistemic critique. The critique appears strongest only when we have absolutely no idea about the future; this is a special rather than a general case. Simply boosting the degree of background generic uncertainty should not stop us from pursuing large upfront benefits of obvious importance.**

***Focusing on epistemology selfishly ignores real world problems***

**Jarvis, 2K** – Prof Philosophy @ U South Carolina (Darryl, Studies in International Relations, “International Relations and the Challenge of Postmodernism”, pg. 2)

While Hoffmann might well be correct**, these days one can neither begin nor conclude empirical research without first discussing epistemological orientations and ontological assumptions.** Like a vortex**, metatheory has engulfed us all and the question of "theory" which was once used as a guide to research is now the object of research.** Indeed, for a discipline whose purview is ostensibly outward looldng and international in scope, and **at a time of ever encroaching globalization and transnationalism, *I*nternational *R*elations has become increasingly** provincial and **inward looking.** Rather than grapple with the numerous issues that confront peoples around the world, since the early 1980s the discipline has tended more and more toward obsessive self-examination.3 These days **the politics of famine, environmental degradation, underdevelopment, or ethnic cleansing, let alone the cartographic machinations in Eastern Europe and the reconfiguration of the geo-global political-economy, seem scarcely to concern theorists of international politics who define the urgent task of our time to be one of metaphysical reflection and epistemological investigation.** Arguably, **theory is no longer concerned with the study of international relations so much as the "manner in which international relations as a discipline, and international relations as a subject matter, have been constructed."**4 To be concerned with the latter is to be "on the cutting edge," where novelty has itself become "an appropriate form of scholarship."5

***Side switching does not equate to speaking from nowhere or divesting yourself of social background—our argument is that if your only exposure to the topic is finding ways to critique or avoid it, then you become solely capable of preaching to the choir. Debate is unique because it gives opportunities to tactically inhabit other perspectives without enlisting in those causes for the sake of skill development and mutual testing***

**Haskell 1990** – history professor at Rice University (May, Thomas, History and Theory, 29.2, “Objectivity is Not Neutrality: Rhetoric vs. Practice in Peter Novick’s That Noble Dream”, p. 129-157)

**Detachment functions in this manner not by draining us of passion, but by helping to channel our intellectual passions in such a way as to insure collision with rival perspectives. In that collision**, if anywhere, **our thinking transcends both the idiosyncratic and the conventional.** Detachment both socializes and deparochializes the work of intellect; it is the quality that fits an individual to participate fruitfully in what is essentially a communal enterprise. Objectivity is so much a product of social arrangements that individuals and particular opinions scarcely deserve to be called objective, yet the **social arrangements that foster objectivity have no basis for existence apart from individual striving for detachment. Only insofar as the members of the community are disposed to** **set aside the perspective that comes** most **spontaneously to them**, and **strive to see things in a detached light, is there *any likelihood* that they will engage with one another mentally and provoke one another through mutual criticism to the most complete, least idiosyncratic, view that humans are capable of.** **When the** ascetic **effort** at detachment **fails,** as it often does, **we "talk past one another," producing nothing** but discordant soliloquies, each fancying itself the voice of reason. The kind of thinking I would call objective leads only a fugitive existence outside of communities that enjoy a high degree of independence from the state and other external powers, and which are dedicated internally not only to detachment, but also to intense mutual criticism and to the protection of dissenting positions against the perpetual threat of majority tyranny. Some hypothetical examples may clarify what I mean by objective thinking and show how remote it is from neutrality. **Consider** an extreme case: **the person who, although capable of detachment, suspends** his or her own **perceptions** of the world **not in the expectation of gaining** a broader **perspective, but only** in order **to learn how opponents think so as to demolish their arguments more effectively** - who is, in\* short, a polemicist, deeply and fixedly committed as a lifelong project to a particular political or cultural or moral program. Anyone choosing such a life obviously risks being thought boorish or provincial, but insofar as such a person successfully enters into the thinking of his or her rivals and produces arguments potentially compelling not only to those who already share the same views, but to outsiders as well, I see no reason to withhold the laurel of objectivity. 10 **There is nothing objective about hurling imprecations at apostates** or catechizing the faithful, **but as long as the polemicist truly engages the thinking of the enemy he or she is being as objective as anyone.** In contrast, **the person too enamored of his or her own interpretation of things seriously and sympathetically to entertain alternatives, even for the sake of learning how best to defeat them, fails my test of objectivity, no matter how serene and even tempered.** The most common failure of objectivity is preaching to the converted, proceeding in a manner that complacently presupposes the pieties of one's own coterie and makes no effort to appreciate or appeal to the perspectives of outsiders. In contrast, the most commonly observed fulfillment of the ideal of objectivity in the historical profession is simply the powerful argument-the text that reveals by its every twist and turn its respectful appreciation of the alternatives it rejects. Such a text attains power precisely because its author has managed to suspend momentarily his or her own perceptions so as to anticipate and take account of objections and alternative constructions -not those of some straw man, but those that truly issue from the rival's position, understood as sensitively and stated as eloquently as the rival him- or herself could desire. **Nothing is rhetorically more powerful than this, and nothing, not even capitulation to the rival, could acknowledge any more vividly the force and respectability of the rival's perspective. To** mount a telling **attack** on **a position, one must first inhabit it. Those so habituated to their customary intellectual abode that they cannot even explore others can never be persuasive to anyone but fellow habitues. That is why powerful arguments are often more faithful to the complexity and fragility of historical interpretation - more faithful even to the irreducible plurality of human perspectives, when that is, in fact, the case -than texts that abjure position-taking altogether and ostentatiously wallow in displays of "reflexivity" and "undecidability."** **The powerful argument is the highest** fruit of the kind of **thinking I would call objective, and** in it **neutrality plays no part**. Authentic objectivity has simply nothing to do with the television newscaster's mechanical gesture of allocating the same number of seconds to both sides of a question, or editorially splitting the difference between them, irrespective of their perceived merits

***Making debate SOLELY about personal narratives is self-destructive and shuts down debate***

**Subotnik 98** Professor of Law, Touro College, Jacob D. Fuchsberg Law Center. 7 Cornell J. L. & Pub. Pol'y 681, Lexis

Having traced a major strand in the development of CRT, we turn now to the strands' effect on the relationships of CRATs with each other and with outsiders. As the foregoing material suggests, **the central** CRT **message is not simply that minorities are being treated unfairly**, or even that individuals out there are in pain - assertions for which there are data to serve as grist for the academic mill - **but that the minority scholar himself or herself hurts and hurts badly**.¶ An important problem that concerns the very definition of the scholarly enterprise now comes into focus. **What can an academic** trained to [\*694] question and to doubt n72 **possibly say to Patricia Williams when effectively she announces, "I hurt bad"?** n73 **"No, you don't hurt"? "You shouldn't hurt"?** "Other people hurt too"? Or, most dangerously - and perhaps most tellingly - "What do you expect when you keep shooting yourself in the foot?" If the majority were perceived as having the well- being of minority groups in mind, these responses might be acceptable, even welcomed. And they might lead to real conversation. But, **writes Williams, the failure by those "cushioned within the invisible privileges of race and power**... to incorporate a sense of precarious connection as a part of our **lives is... ultimately obliterating**." n74¶ "Precarious." "Obliterating." **These words will clearly invite responses only from fools and sociopaths; they will, by effectively precluding objection, disconcert and disunite others**. **"I hurt," in academic discourse, has three broad though interrelated effects**. First, **it demands priority from the reader's conscience. It is for this reason that law review editors, waiving usual standards, have privileged a long trail of undisciplined - even silly** n75 **- destructive and, above all, *self-destructive* articles.** n76 **Second, by emphasizing the emotional bond between those who hurt in a similar way, "I hurt" discourages fellow sufferers from *abstracting themselves* from their pain in order *to gain perspective* on their condition**. n77¶ [\*696] **Last, as we have seen, it precludes the possibility of open and structured conversation with others**. n78 [\*697] **It is because of this *conversation-stopping effect*** of what they insensitively call "first-person agony stories" **that Farber and Sherry deplore their use.** "The norms of academic civility hamper readers from challenging the accuracy of the researcher's account; it would be rather difficult, for example, to criticize a law review article by questioning the author's emotional stability or veracity." n79 Perhaps, a better practice would be to put the scholar's experience on the table, along with other relevant material, but to subject that experience to the same level of scrutiny.¶ If **through the foregoing rhetorical strategies CRATs succeeded in limiting academic debate**, why do they not have greater influence on public policy? **Discouraging white legal scholars from entering the national conversation about race, n80 I suggest, has generated a kind of *cynicism* in white audiences** which, in turn, has had precisely the reverse effect of that ostensibly desired by CRATs. **It drives the American public to the right and ensures that anything CRT offers is reflexively rejected.**¶ In the absence of scholarly work by white males in the area of race, of course, it is difficult to be sure what reasons they would give for not having rallied behind CRT. Two things, however, are certain. First, **the kinds of issues** raised by Williams **are too important** in their implications [\*698] for American life **to be confined to communities of color.** If the lives of minorities are heavily constrained, if not fully defined, by the thoughts and actions of the majority elements in society, **it would seem to be of great importance that white thinkers and doers participate in open discourse** to bring about change. Second, given the lack of engagement of CRT by the community of legal scholars as a whole, the discourse that should be taking place at the highest scholarly levels has, by default, been displaced to faculty offices and, more generally, the streets and the airwaves.

# 1ar

***We can advance contingent and particular knowledge without "Big T" Epistemology.***

We can make contingent claims not based on universals. Rejoinder burden soars.

**PRICE ’98**

(RICHARD PRICE is a former prof in the Department of Anthropology at Yale University. Later, he moved to Johns Hopkins University to found the Department of Anthropology, where he served three terms as chair. A decade of freelance teaching (University of Minnesota, Stanford University, Princeton University, University of Florida, Universidade Federal da Bahia), ensued. This article is co-authored with CHRISTIAN REUS-SMIT – Monash University – European Journal of International Relations Copyright © 1998 via SAGE Publications – http://www.arts.ualberta.ca/~~courses/PoliticalScience/661B1/documents/PriceReusSmithCriticalInternatlTheoryConstructivism.pdf)

**One of the central departures of critical international theory** from positivism **is the view that we cannot escape the interpretive moment**. As George (1994: 24) argues, ‘**the world is always an interpreted “thing”, and it is always interpreted in conditions of disagreement and conflict, to one degree or another’**. For this reason, ‘**there can be no common body of observational or tested data that we can turn to for a neutral, objective knowledge of the world**. **There can be no ultimate knowledge**, for example**, that actually corresponds to reality** per se.’ **This proposition has been endorsed wholeheartedly by constructivists, who are at pains to deny the possibility of making ‘Big-T’ Truth claims about the world and studiously avoid attributing such status to their findings. This having been said, after undertaking sustained empirical analyses of aspects of world politics constructivists do make ‘small-t’ truth claims about the subjects they have investigated**. That is, **they claim to have arrived at logical and empirically plausible interpretations of actions, events or processes, and they appeal to the weight of evidence to sustain such claims**. **While admitting that their claims are always contingent and partial interpretations of a complex world, Price** (1995, 1997) **claims that his genealogy provides the best account to date to make sense of anomalies surrounding the use of chemical weapons, and Reus-Smit** (1997) **claims that a culturalist perspective offers the best explanation** of institutional differences between historical societies of states. **Do such claims contradict the interpretive ethos of critical international theory? For two reasons, we argue that they do not. First, the interpretive ethos of critical international theory is driven, in large measure, by a normative rejection of totalizing discourses, of general theoretical frameworks that privilege certain perspectives over others. One searches constructivist scholarship in vain, though, for such discourses. With the possible exception of Wendt’s problematic flirtation with general systemic theory and professed commitment to ‘science’, constructivist research is at its best when and because it is question driven, with self-consciously contingent claims made specifically in relation to particular phenomena, at a particular time, based on particular evidence, and always open to alternative interpretations. Second, the rejection of totalizing discourses based on ‘big-T’ Truth claims does not foreclose the possibility, or even the inevitability, of making ‘small-t’ truth claims. In fact, we would argue that as soon as one observes and interacts in the world such claims are unavoidable, either as a person engaged in everyday life or as a scholar**. As Nietzsche pointed out long ago, we cannot help putting forth truth claims about the world. The individual who does not cannot act, and the genuinely unhypocritical relativist who cannot struggles for something to say and write. In short, **if constructivists are not advancing totalizing discourses, and if making ‘small-t’ truth claims is inevitable if one is to talk about how the world works, then it is no more likely that constructivism per se violates the interpretive ethos of critical international theory than does critical theory itself.**