# 1NC

### T

1. ***Interpretation -- Executive authority stems from the constitution or statutory delegation.***

**Gaziano**, 20**01** (Todd, senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation, 5 Texas Review of Law & Politics 267, Spring, lexis)

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately ***the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations***. n32 **The source of authority** (***constitutional versus statutory***) **carries important implications for the extent to which that authority may be legitimately exercised or circumscribed**. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. n33 **The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility**. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

***Authority must have a legal basis – assertions aren’t enough***

**Words and Phrases**, 20**04** (Volume 4a, Cumulative Supplement Pamphlet, p. 275)

U.S.N.Y. 1867. Under the federal judiciary act, giving the Supreme Court jurisdiction to review a final judgement or decree of a state court of last resort in any suit where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, it is held that the term “**authority exercised under the United States” must be something more than a bare assertion of such authority, and must be an authority having a real existence derived from competent governmental power**, and in this respect the word “authority” stands on the same footing with “treaty” or “statute.” Hence, **where a party claimed authority under an order of a federal court which, when rightfully viewed, did not purport to confer any authority upon him, a writ of error to the Supreme Court has dismissed**.—Milligar v. Hartupee, 73 U.S. 258, 6 Wall. 258, 18 L.Ed. 829

### K

#### Their focus on the subjective flashpoint of humanitarian intervention creates a stop-gap in thought which distracts us from attempts to solve the root cause of all violence - Capital

**Zizek, ’08** (Slavoj, senior researcher at the Institute of Sociology, University of Ljubljana, Slovenia and a professor at the European Graduate School, Violence, p. 1-4)

If there is a unifying thesis that runs through the bric-a-brac of reflections on violence that follow, it is that a similar paradox holds true for violence. At the forefront of our minds, the obvious signals of violence are acts of crime and terror, civil unrest, international conflict. But we should learn to step back**,** to disentangle ourselves from the fascinating lure of this directly visible “subjective” violence, violence performed by a clearly identifiable agent. We need to perceive the contours of the background which generates such outbursts. A step back enables us to identify a violence that sustains our very efforts to fight violence and to promote tolerance. This is the starting point, perhaps even the axiom, of the present book: subjective violence is just the most visible portion of a triumvirate that also includes two objective kinds of violence. First, there is a “symbolic” violence embodied in language and its forms, what Heidegger would call “our house of being.” As we shall see later, this violence is not only at work in the obvious—and extensively studied—cases of incitement and of the relations of social domination reproduced in our habitual speech forms: there is a more fundamental form of violence still that pertains to language as such, to its imposition of a certain universe of meaning. Second, there is what I call “systemic” violence, or the often catastrophic consequences of the smooth functioning of our economic and political systems. The catch is that subjective and objective violence cannot be perceived from the same standpoint**:** subjective violence is experienced as such against the background of a non-violent zero level. It is seen as a perturbation of the “normal,” peaceful state of things. However, objective violence is precisely the violence inherent to this “normal” state of things. Objective violence is invisible since it sustains the very zero-level standard against which we perceive something as subjectively violent. Systemic violence is thus something like the notorious “dark matter” of physics, the counterpart to an all-too- visible subjective violence. It may be invisible, but it has to be taken into account if one is to make sense of what otherwise seem to be “irrational” explosions of subjective violence. When the media bombard us with those “humanitarian crises” which seem constantly to pop up all over the world, one should always bear in mind that a particular crisis only explodes into media visibility as the result of a complex struggle. Properly humanitarian considerations as a rule play a less important role here than cultural, ideologico-political, and economic considerations. The cover story of Time magazine on 5 June 2006, for example, was “The Deadliest War in the World.” This offered detailed documentation on how around 4 million people died in the Democratic Republic of Congo as the result of political violence over the last decade. None of the usual humanitarian uproar followed, just a couple of readers’ letters—as if some kind of filtering mechanism blocked this news from achieving its full impact in our symbolic space. To put it cynically, Time picked the wrong victim in the struggle for hegemony in suffering. It should have stuck to the list of usual suspects: Muslim women and their plight, or the families of 9/11 victims and how they have coped with their losses. The Congo today has effectively re-emerged as a Conradean “heart of darkness.” No one dares to confront it head on. The death of a West Bank Palestinian child, not to mention an Israeli or an American, is mediatically worth thousands of times more than the death of a nameless Congolese. Do we need further proof that the humanitarian sense of urgency is mediated, indeed overdetermined, by clear political considerations? And what are these considerations? To answer this, we need to step back and take a look from a different position. When the U.S. media reproached the public in foreign countries for not displaying enough sympathy for the victims of the 9/11 attacks, one was tempted to answer them in the words Robespierre addressed to those who complained about the innocent victims of revolutionary terror: “Stop shaking the tyrant’s bloody robe in my face, or I will believe that you wish to put Rome in chains.”1 Instead of confronting violence directly, the present book casts six sideways glances. There are reasons for looking at the problem of violence awry. My underlying premise is that there is something inherently mystifying in a direct confrontation with it: the overpowering horror of violent acts and empathy with the victims inexorably function as a lure which prevents us from thinking. A dispassionate conceptual development of the typology of violence must by definition ignore its traumatic impact. Yet there is a sense in which a cold analysis of violence somehow reproduces and participates in its horror. A distinction needs to be made, as well, between (factual) truth and truthfulness: what renders a report of a raped woman (or any other narrative of a trauma) truthful is its very factual unreliability, its confusion, its inconsistency. If the victim were able to report on her painful and humiliating experience in a clear manner, with all the data arranged in a consistent order, this very quality would make us suspicious of its truth. The problem here is part of the solution: the very factual deficiencies of the traumatised subject’s report on her experience bear witness to the truthfulness of her report, since they signal that the reported content “contaminated” the manner of reporting it. The same holds, of course, for the so-called unreliability of the verbal reports of Holocaust survivors: the witness able to offer a clear narrative of his camp experience would disqualify himself by virtue of that clarity.2 The only appropriate approach to my subject thus seems to be one which permits variations on violence kept at a distance out of respect towards its victims.

#### The aff is wasted energy – fighting particular battles without changing the way the economy works means nothing really changes – the aff just obscures the logic of capitalism

**Zizek, ’99** (Slavoj, Senior Researcher and professor at the Institute for Social Studies, Ljubljana, The Ticklish Subject, page 352-355)

The big news of today’s post-political age of the ‘end of ideology’ is thus the radical depoliticization of the sphere of the economy: the way the economy functions (the need to cut social welfare, etc.) is accepted as a simple insight into the objective state of things. However, as long as this fundamental depoliticization of the economic sphere is accepted, all the talk about active citizenship, about public discussion leading to responsible collective decisions, and so on, will remain limited to the ‘cultural’ issues of religious, sexual, ethnic and other way-of-life differences, without actually encroaching upon the level at which long-term decisions that affect us all are made. In short, the only way effectively to bring about a society in which risky long-term decisions would ensue from public debate involving all concerned is some kind of radical limitation of Capital’s freedom, the subordinated of the process of production to social control – the radical repoliticization of the economy. That is to say: if the problem with today’s post-politics (‘administration of social affairs’) is that it increasingly undermines the possibility of a proper political act, this undermining is directly due to the depoliticization of economics, to the common acceptance of Capital and market mechanisms as neutral tools/ procedures to be exploited. We can now see why today’s post-politics cannot attain the properly political dimension of universality; because it silently precludes the sphere of economy from politicization. The domain of global capitalist market relations in the Other Scene of the so-called repoliticization of civil society advocated by the partisans of ‘identity politics’ and other postmodern forms of politicization: all the talk about new forms of politics bursting out all over, focused on particular issues (gay rights, ecology, ethnic minorities…), all this incessant activity of fluid, shifting identities, of building multiple ad hoc coalitions, and so on, has something inauthentic about it, and ultimately resembles the obsessional neurotic who talks all the time and is otherwise frantically active precisely in order to ensure that something – what really matters – will *not* be disturbed, that it will remain immobilized. 35 So, instead of celebrating the new freedoms and responsibilities brought about by the ‘second modernity’, it is much more crucial to focus on what remains the same in this global fluidity and reflexivity, on what serves as the very motor of this fluidity: the inexorable logic of Capital. The spectral presence of Capital is the figure of the big Other which not only remains operative when all the traditional embodiments of the symbolic big Other disintegrate, but even directly causes this disintegration: far from being confronted with the abyss of their freedom – that is, laden with the burden of responsibility that cannot be alleviated by the helping hand of Tradition or Nature – today’s subject is perhaps more than ever caught in an inexorable compulsion that effectively runs his life.

#### Vote neg on ethics - resisting this reliance on economic evaluation is the ultimate ethical responsibility

**Zizek and Daly** 20**04**

(Slavoj, professor of philosophy at the Institute for Sociology, Ljubljana, and Glyn, Senior Lecturer in Politics in the Faculty of Arts and Social Sciences at University College, Northampton, Conversations with Zizek, page 14-16)

For Zizek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization / anonymization of the millions who are subjugated by it throughout the world. Against the standardized positions of postmodern culture – with all its pieties concerning ‘multiculturalist’ etiquette – Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it break with these types of positions 7 and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedeviled by an almost fetishistic economism that has tended towards political morbidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffee, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of implicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight that in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that the gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s populations. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgment in a neutral market place. Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and nameless (viz. the patronizing reference to the ‘developing world’). And Zizek’s point is that this mystification is magnified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this Zizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.

#### This is not a meaningless question – the structures of capitalism are driving multiple large-scale processes that are increasingly out of the control of individuals living their lives. Global warming, multiple wars of accumulation, loss of land and income stratification: all of these are making life unlivable.

Parr ’13 (Adrian, Assoc. Prof. of Philosophy and Environmental Studies @ U. of Cincinnati, *THE WRATH OF CAPITAL: Neoliberalism and Climate Change Politics*, pp. 145-147)

A quick snapshot of the twenty-first century so far: an economic meltdown; a frantic sell-off of public land to the energy business as President George W Bush exited the White House; a prolonged, costly, and unjustified war in Iraq; the Greek economy in ruins; an escalation of global food prices; bee colonies in global extinction; 925 million hungry reported in 2010; as of 2005, the world's five hundred richest individuals with a combined income greater than that of the poorest 416 million people, the richest 10 percent accounting for 54 percent of global income; a planet on the verge of boiling point; melting ice caps; increases in extreme weather conditions; and the list goes on and on and on.2 Sounds like a ticking time bomb, doesn't it? Well it is.

It is shameful to think that massive die-outs of future generations will put to pale comparison the 6 million murdered during the Holocaust; the millions killed in two world wars; the genocides in the former Yugoslavia, Rwanda, and Darfur; the 1 million left homeless and the 316,000 killed by the 2010 earthquake in Haiti. The time has come to wake up to the warning signs.3

The real issue climate change poses is that we do not enjoy the luxury of incremental change anymore. We are in the last decade where we can do something about the situation. Paul Gilding, the former head of Greenpeace International and a core faculty member of Cambridge University's Programme for Sustainability, explains that "two degrees of warming is an inadequate goal and a plan for failure;' adding that "returning to below one degree of warming . . . is the solution to the problem:'4 Once we move higher than 2°C of warming, which is what is projected to occur by 2050, positive feedback mechanisms will begin to kick in, and then we will be at the point of no return. We therefore need to start thinking very differently right now.

We do not see the crisis for what it is; we only see it as an isolated symptom that we need to make a few minor changes to deal with. This was the message that Venezuela's president Hugo Chavez delivered at the COP15 United Nations Climate Summit in Copenhagen on December 16, 2009, when he declared: "Let's talk about the cause. We should not avoid responsibilities, we should not avoid the depth of this problem. And I'll bring it up again, the cause of this disastrous panorama is the metabolic, destructive system of the capital and its model: capitalism.”5

The structural conditions in which we operate are advanced capitalism. Given this fact, a few adjustments here and there to that system are not enough to solve the problems that climate change and environmental degradation pose.6 Adaptability, modifications, and displacement, as I have consistently shown throughout this book, constitute the very essence of capitalism. Capitalism adapts without doing away with the threat. Under capitalism, one deals with threat not by challenging it, but by buying favors from it, as in voluntary carbon-offset schemes. In the process, one gives up on one's autonomy and reverts to being a child. Voluntarily offsetting a bit of carbon here and there, eating vegan, or recycling our waste, although well intended, are not solutions to the problem, but a symptom of the free market's ineffectiveness. By casting a scathing look at the neoliberal options on display, I have tried to show how all these options are ineffective. We are not buying indulgences because we have a choice; choices abound, and yet they all lead us down one path and through the golden gates of capitalist heaven.

For these reasons, I have underscored everyone's implication in this structure – myself included. If anything, the book has been an act of outrage – outrage at the deceit and the double bind that the "choices" under capitalism present, for there is no choice when everything is expendable. There is nothing substantial about the future when all you can do is survive by facing the absence of your own future and by sharing strength, stamina, and courage with the people around you. All the rest is false hope.

In many respects, writing this book has been an anxious exercise because I am fully aware that reducing the issues of environmental degradation and climate change to the domain of analysis can stave off the institution of useful solutions. But in my defense I would also like to propose that each and every one of us has certain skills that can contribute to making the solutions that we introduce in response to climate change and environmental degradation more effective and more realistic. In light of that view, I close with the following proposition, which I mean in the most optimistic sense possible: our politics must start from the point that after 2050 it may all be over.

#### The aff misidentifies the driving factors behind US intervention --- it is rooted in an imperialist desire to control and manipulate the Middle East

Ajamu Baraka, 13 was the founding Director of the US Human Rights Network (USHRN). Baraka is currently an Associate Fellow at the Institute for Policy Studies (IPS) and is editing a new book on human rights in the U.S. entitled: “The Struggle for a People-Centered Human Rights: Voices from the Field.” June 18, 2013, Global Research, The Empire’s New Clothes: The Naked Imperialism of “Humanitarian Intervention”, <http://www.globalresearch.ca/the-empires-new-clothes-the-naked-imperialism-of-humanitarian-intervention/5339577>

But the recent decision by the Obama Administration to “up the ante” in Syria with more direct military involvement only confirmed my original thesis that humanitarian intervention has nothing to do with humanitarian concern, and is instead is a propaganda tool that affords “the U.S. State the perfect ideological cover and internal rationalization to continue as the global “gendarme” of the capitalist order.” Look at the stage-managed drama leading up to the announcement on U.S. policy toward Syria that took place last week in Washington. In a surreal replay of the process leading to the illegal war on Iraq, it became clear that while everyone had been waiting to learn the results of meetings among high level officials of the Obama administration, who, we were told would be debating the next phase of U.S. policy on Syria, we learned instead that the decision to increase its open involvement with the civil war it fomented in Syria had been made weeks earlier. So the meetings last week were just political theater providing the Administration the stage to announce its’ “findings” on the use of Chemical weapons by the government in Syria. As an official said the chemical weapons findings offered “fresh justification to act.” Revising the “weapons of mass destruction” deception, the government “confirmed” that Syrian forces used chemical weapons that caused the deaths of over a hundred people out of the over 90,000 estimated to have died in the conflict. With no evidence or independent confirmation, the Administration announced that it is now compelled to involved itself more directly in the conflict to save the Syrian people from their murderous government. However, in a telling and hopefully positive sign of the times, significant segments of the U.S. public are not falling for this ploy, at least not for now. And perhaps because of the recent revelations of governmental attacks on the press, some U.S. media outlets are not serving as aggressively as mouthpieces for the government in the obsequious manner they did in the run-up to and subsequent attack on Iraq. This might also explain why some mainstream media outlets in the U.S. are finally allowing some minimal information and analysis of the conflict in Syria to be presented to the U.S. public from a more critical perspective. This includes information that has been regularly covered throughout the world but barely receives a mention in the U.S. press, like, for example, the fact that the Syrian government still receives majority support, including from significant numbers of Sunni Muslims, who are terrified of the religious fanatics who have poured into their country to “liberate” them. Instead of the continuing framing of the ballooning numbers of people killed in the conflict as the result of genocidal government actions, some outlets have actually presented evidence indicating that Syrian soldiers and pro-government militias make up 43.2% of the deaths. Another small but significant example of the slight change in the slant of information is a recent opinion piece that was allowed to run in the New York Times that was highly critical of Administration policy in Syria. In that piece, it was argued that President Obama, lacking a grand strategy for Syria and the Middle East, has become a victim of rhetorical entrapment “from calling on foreign leaders to leave (with no plan to forcibly remove them) to publicly drawing red lines on the use of chemical weapons, and then being obliged to fulfill the threat.” However, as important as it is to have a more critical perspective in a major publication, it would be wrong to believe that the Administration lacks a specific strategy for Syria with concrete objectives. The implication that the Administration does not have an agenda in Syria and that misguided but benevolent rhetoric has trapped it into making the decisions it is making is a familiar claim of innocence that liberals often evoke. More than rhetorical entrapment, the Obama Administration has consciously and consistently maneuvered from the very beginning of the Syrian crisis to reconfigure the reality on the ground to the advantage of its strategic objective. That objective is to alter the balance of forces in the region against Iran by either subordinating or destroying the Syrian state. When the opportunity presented itself, it was this strategic objective, informed by the U.S. National Security strategy position for the Middle East region, that was embraced and executed with devastating effect by the Obama Administration in the form of the manufactured civil war in Syria. What the New York Times opinion piece confused and conflated is “absence of a strategy” with tactical decisions based on shifting conditions, like the decision to openly supply the “rebels.” The U.S. saw a strategic opportunity to execute its plan for regime change in Syria using the fictions of the so-called Arab Spring, the “successful” Western war on Libya, and the ideological fig leaf of humanitarian intervention. Unfortunately, anti-war, anti-imperialist and people-centered human rights activists have not developed effective strategies to counter the push for war. So today we confront a situation in which the Obama Administration has not only blown the dust off of what should be a completely discredited playbook from Iraq on how to manipulate the public into supporting war, it has also added the new play of humanitarian intervention to confuse opposition. Instead of the imminent threat argument, used to make the absurd charge that Saddam Hussein might turn over WMDs to Al-Qaeda, with Syria the need for intervention is strictly “altruistic.” That is why the immediate priority for anti-war, anti-imperialist, human rights activists in the U.S., for countering the government’s effort to normalize war is to strip away the moral pretext of humanitarian intervention and expose its ugly, imperialist reality. No other group has the power and the responsibility other than us to do this. We must boldly point out that while strutting around the globe clothed in the fiction of humanitarian concern, imperialism is actually naked, and the sight is offensive.

#### Reliance on capitalist rationality guarantees circumvention, destruction of the liberal legal order and maintenance of a patriarchal security state

Brown 2005 – Class of 1936 First Professor of Political Science at the University of California, Berkeley (Wendy, Edgework : Critical Essays on Knowledge and Politics, p. 46-48)

Liberal democracy cannot be submitted to neoliberal political governmentality and survive. There is nothing in liberal democracy’s basic institutions or values— from free elections, representative democracy, and individual liberties equally distributed to modest power-sharing or even more substantive political participation— that inherently meets the test of serving economic competitiveness or inherently withstands a cost-benefit analysis. And it is liberal democracy that is going under in the present moment, even as the flag of American “democracy” is being planted everywhere it can find or create soft ground. (That “democracy” is the rubric under which so much antidemocratic imperial and domestic policy is enacted suggests that we are in an interregnum— or, more precisely, that neoliberalism borrows extensively from the old regime to legitimate itself even as it also develops and disseminates new codes of legitimacy. More about this below.) Nor is liberal democracy a temporary casualty of recent events or of a neoconservative agenda. As the foregoing account of neoliberal governmentality suggests, while post-9/11 international and domestic policy may have both hastened and highlighted the erosion of liberal democratic institutions and principles, this erosion is not simply the result of a national security strategy or even of the Bush administration’s unprecedented indifference to the plight of the poor, civil liberties, law valued as principle rather than tactic, or conventional liberal democratic criteria for legitimate foreign policy. 10 My argument here is twofold. First, neoliberal rationality has not caused but rather has facilitated the dismantling of democracy during the current national security crisis. Democratic values and institutions are trumped by a cost-benefit and efficiency rationale for practices ranging from government secrecy (even government lying) to the curtailment of civil liberties. Second, the post-9/11 period has brought the ramifications of neoliberal rationality into sharp focus, largely through practices and policies that progressives assail as hypocrisies, lies, or contradictions but that may be better understood as neoliberal policies and actions taking shape under the legitimating cloth of a liberal democratic discourse increasingly void of substance. The Bush administration’s imperial adventures in Afghanistan and Iraq clearly borrowed extensively from the legitimating rhetoric of democracy. Not only were both wars undertaken as battles for “our way of life” against regimes said to harbor enemies (terrorists) or dangers (weapons of mass destruction) to that way of life, but both violations of national sovereignty were justified by the argument that democracy could and ought to take shape in those places— each nation is said to need liberation from brutal and despotic rule. The standard left criticism of the first justification is that “our way of life” is more seriously threatened by a politics of imperialism and by certain policies of homeland security than by these small nations. But this criticism ignores the extent to which “our way of life” is being figured not in a classically liberal democratic but in a neoliberal idiom: that is, as the ability of the entrepreneurial subject and state to rationally plot means and ends and the ability of the state to secure the conditions, at home and abroad, for a market rationality and subjectivity by removing their impediments (whether Islamic fundamentalism or excessive and arbitrary state sovereignty in the figure of Saddam Hussein). Civil liberties are perfectly expendable within this conception of “our way of life”; unlike property rights, they are largely irrelevant to homo oeconomicus. Their attenuation or elimination does not falsify the project of protecting democracy in its neoliberal mode.

#### The alternative is THE critical pedagogical act. We must organize politics around unconditional resistance to capitalism & refuse the 1AC’s evacuation of universalism. This is a question of non-permutable starting points; only prior critical interrogation of economic relations lays the groundwork for radical politics

* Individualism warrant

**McLaren ‘06** (Peter, University of California, “Slavoj Žižek's Naked Politics: Opting for the Impossible, A Secondary Elaboration”, JAC, <http://www.jacweb.org/Archived_volumes/Text_articles/V21_I3_McLaren.htm>, jj)

Žižek challenges the relativism of the gender-race-class grid of reflexive positionality when he claims that class antagonism or struggle is not simply one in a series of social antagonisms—race, class, gender, and so on—but rather constitutes the part of this series that sustains the horizon of the series itself. In other words, class struggle is the specific antagonism that assigns rank to and modifies the particularities of the other antagonisms in the series. He notes that "the economy is at one and the same time the genus and one of its own species" (*Totalitarianism* 193). In what I consider to be his most important work to date, *Contingency, Hegemony, Universality* (coauthored with Judith Butler and Ernesto Laclau), Žižek militantly refuses to evacuate reference to historical structures of totality and universality and argues that class struggle itself enables the proliferation of new political subjectivities (albeit subjectivities that ironically relegate class struggle to a secondary role). As Marx argued, class struggle structures "in advance" the very terrain of political antagonisms. Thus, according to Žižek, class struggle is not "the last horizon of meaning, the last signified of all social phenomena, but the formal generative matrix of the different ideological horizons of understanding" ("Repeating" 16-17). In his terms, class struggle sets the ground for the empty place of universality, enabling it to be filled variously with contents of different sorts (ecology, feminism, anti-racism). He further argues that the split between the classes is even more radical today than during the times of industrial class divisions. He takes the position that post-Marxists have done an excellent job in uncovering the fantasy of capital (vis-à-vis the endless deferral of pleasure) but have done little to uncover its reality. Those post-Marxists who are advocates of new social movements (such as Laclau and Mouffe) want revolution without revolution; in contrast, Žižek calls for movements that relate to the larger totality of capitalist social relations and that challenge the very matter and antimatter of capital's social universe. His strategic focus on capitalist exploitation (while often confusing and inconsistent) rather than on racial, ethnic, gender, or sexual identity is a salutary one: "The problem is not how our precious particular identity should be kept safe from global capitalism. The problem is how to oppose global capitalism at an even more radical level; the problem is to oppose it universally, not on a particular level. This whole problematic is a false one" (Olson and Worsham 281). What Žižek sets himself against is the particular experience or political argument. An experience or argument that cannot be universalized is "always and by definition a conservative political gesture: ultimately everyone can evoke his unique experience in order to justify his reprehensible acts" ("Repeating" 4-5). Here he echoes Wood, who argues that capitalism is "not just another specific oppression alongside many others but an all-embracing compulsion that imposes itself on all our social relations" ("Identity" 29). He also echoes critical educators such as Paulo Freire, who argues against the position that experiences of the oppressed speak for themselves. All experiences need to be interrogated for their ideological assumptions and effects, regardless of who articulates them or from where they are lived or spoken. They are to be read with, against, and upon the scientific concepts produced by the revolutionary Marxist tradition. The critical pedagogical act of interro-gating experiences is not to pander to the autonomous subject or to individualistic practices but to see those experiences in relationship to the structure of social antagonisms and class struggle. History has not discharged the educator from the mission of grasping the "truth of the present" by interrogating all the existing structures of exploitation present within the capitalist system where, at the point of production, material relations characterize relations between people and social relations characterize relations between things. The critical educator asks: How are individuals historically located in systematic structures of economic relations? How can these structures—these lawless laws of capital—be overcome and transformed through revolutionary praxis into acts of freely associated labor where the free development of each is the condi-tion for the free development of all?

### Contention 1

#### The aff solves nothing—their author concludes ONLY slashing defense spending solves and that Obama will circumvent the plan and won’t shift the narrative

Landreau, their author, ‘11 John, associate professor of women's and gender studies at The College of New Jersey, “Fighting Words: Obama, Masculinity and the Rhetoric of National Security”, thirdspace: a journal of feminist theory and culture, Vol 10, No 1 (2011)

Conclusion

Obama's national security policies and rhetoric are, to be fair, significantly different in many ways than Bush's. Nonetheless, he steeps his rhetoric of hope for a new foreign policy in the old, familiar language of American exceptionalism. This illustrates how the political logic of a militarized and masculinized nation, presidency and citizenry has proved to be more enduring, significant and powerful than the strategy differences that have divided Democrats and Republicans over the last 60 years. It is important also because the cultural logic of American exceptionalism guaranteed by military power makes so many questions difficult to ask because the questions themselves seem absurd, effeminately nave, or simply out of rhetorical limits. These are unasked questions such as what violence was required to achieve our affluence and power? How can that violence be justified? Are there models for world peace, prosperity and freedom other than America's dominance and "leadership?" Does military power and violence produce security? What constitutes security? Is invulnerability a legitimate security goal? Is the authority of Commander-in-chief one that automatically adheres to the presidency at all times, or should the executive be more limited in its power as originally envisioned in the Constitution? Is citizenship best characterized in terms of a militarized and masculinized patriotism? Can terrorism be fought with large-scale military tactics?

Of course, it is impossible to know all the ins and outs of how Obama and his advisors reached the decision to escalate the war in Afghanistan. For those who voted for Obama over Clinton during the Democratic primary campaign because of his clear-spoken commitment to a different kind of foreign policy, the decision is disappointing to say the least. In the final analysis, when the decision was made, and its justification needed to be formulated into public rhetoric, what is clear is that the Obama administration felt at home in and oriented by - the old language of American exceptionalism. Familiar orientations, as Sara Ahmed argues, are an "effect of inhabitance." That is, their sense, their familiarity and their surety are products of their alignment with an already aligned world (7). My argument here is that the sense Obama makes of war is indebted to and made possible by - the familiarity and common-sense orientation of American exceptionalism. If the militarism and masculinism of his national security logic seem sensible or reassuring, it is because they are oriented in deeply familiar ways. The rhetoric of war and national security also works, of course, to recreate the familiar orientation from which it emerges. As Susan Jeffords argues, in the post-Vietnam context, heroic narratives about the war had the decisive (but indirectly manifested) effect of "remasculinizing American culture." This is why the work of disorientation that is proposed by feminist International Relations scholars and activists with its specific focus on the hidden injuries of gender in the familiar discourses of war and security is so important. It is also why it is so difficult.

I have argued that Obama's war logic is oriented by, and serves to reorient us towards, a national mythology grounded in narratives of glorified violence and masculinity. The difficulty of challenging and disorienting that prevailing narrative is eloquently described by Jorge Luis Borges in his story "The South." The story serves as an apt allegory of the mythology of American exceptionalism with its multiple commitments to masculinity and violence, and for the ways this mythology works to make military violence the seemingly inevitable and sensible locus where the national story is both resolved and reinvigorated. The main character in "The South" is named Juan Dahlmann. Dahlmann feels "deeply Argentine" despite the fact that his paternal grandfather was a northern European immigrant. Dahlmann's patriotic sense of identity involves, among other things, having purchased a little ranch in the south that had once been in his mother's family. Dahlmann lives in Buenos Aires, and for him the south has tremendous symbolic resonance as that place that retains the masculinist features of national mythology: the pampa, the gaucho, the singing bard, the tavern, the duel. Dahlmann dreams about the ranch and its old house, and takes comfort in imagining it waiting for him on the pampa, even though he never really gets a chance to actually go there. One day, Dahlmann is struck gravely ill with a terrible infection and is hospitalized with high fever. As is typical of so many of Borges' stories, it is impossible to tell if the subsequent narrated events are products of his hallucinatory state or are really happening to him. In any event, after some days of medical intervention, he is released and boards a train towards the south to convalesce at his ranch. He arrives, enters a tavern where he eats barbeque and drinks wine, and then is taunted by some young men who have been drinking too much. Although the bar owner tells him to pay them no mind, Dahlmann confronts them as any traditional male character in a gaucho story would be required to do. In seeming recognition of his decisive entrance into one of the enduring storylines of nationalist mythology (the knife fight between men at a watering hole on the pampa), the ancient gaucho in the corner of the bar who until now has remained motionless as if frozen in time, becomes "ecstatic" and throws him a dagger. The rest is preordained: Dahlmann will walk out of the tavern with a knife in his hand, he will fight bravely, and then die with the stranger's blade in his gut. It is, the narrator says, "as if the South had decided that Dahlmann should agree to the duel." (203) When he picks up the dagger, he feels two things: first, "that this almost instinctive act committed him to fighting" and, second, "that, in his clumsy hand, the weapon would not serve to defend him, but rather to justify their killing of him" (Borges, 203 translations mine).

For me, "The South" is a story about the masculinist mythology of national identity and violence. Intricate and contradictory is it dream or reality? the myth exercises its force both from within on Dahlmann's imagination and from without on his body. The logic of a militarized and masculinized rhetoric of national security, in concert with the economic logic of our military budget and the imperial logic of our global ambition, serves as our "south" leading us onward towards the use of large-scale military violence as if in a dream from which we cannot wake. We cannot hear the warnings of the barkeep who tries to tell us that we do not have to kill or be killed in this instance. Like Dahlmann, our politicians even the less bellicose among them when faced with security threats simply cannot imagine any alternative to masculinist bravado and the duel to the death.

"The South", then, is a cautionary tale. As long as presidents and politicians dare not challenge the role of the military budget as the primary organizing principle of our economy, and as long as the militarized and masculinized ideology of American exceptionalism remains the almost unitary language with which we speak of national security and foreign policy, there should be no surprise when ostensible doves from the Democratic Party such as Barack Obama pursue large-scale military campaigns in places like Afghanistan, and seem to do so as readily as their reputedly hawkish counterparts in the Republican Party. Alternate strategies to large-scale military violence require new story-lines of national identity and national security. We need to give ourselves a choice about whether taking up the knife is what the situation calls for. We need to ask questions about how we got into such a situation in the first place. We need to create alternatives to the logic that defines security as killing or being killed. Clearly, rhetoric plays a significant role in preparing these choices. But, as Obama's performance indicates, it is unlikely that our presidents and our politicians will do the rhetorical work necessary to disorient the prevailing exceptionalist narrative and reorient the debate towards the ethos of human security. It falls to us - citizens, activists and intellectuals - to turn our political rhetoric away from antagonisms that require violence towards the democratic task of contending with opponents with whom we share the world.

#### Alt causes—targeted killing and the rest of the war on terror—their ev

Athanassiou 12 Cerelia, Professor at School of Sociology, Politics and International Studies (SPAIS), University of Bristol, “‘Gutsy’ Decisions and Passive Processes”, International Feminist Journal of Politics, Dec 24

To elucidate this, I focus on two episodes from the Obama presidency: the rendering of the Christmas Day (would-be) bomber of 2009 to the US criminal justice system, a decision for which Obama was labelled ‘weak’ (hence feminine) on terrorism; and second, the killing of Osama bin Laden by the US Navy SEALs special operations team, a decision that reaffirmed Obama’s warrior credentials, since it demonstrated that he was the ‘strong’ (hence masculine) commander-in-chief. These are crucial episodes because they have become go-to examples of two different approaches to counterterrorism within US policy-making circles. Based on this analysis, I demonstrate that these apparently opposed strategies of counterterrorism are actually co-dependent and continue to prop up a status quo of national security whereby a violent masculinity is a requisite.

#### Plan is woefully insufficient to solve the logic of masculine protection that Young outlines—surveillance and detention all uphold the masculine logic that aff critiques without the plan

Young 3 Iris Marion, Professor of Political Science at The University of Chicago, “The Logic of Masculinist Protection: Re?ections on the Current Security State”, Signs: Journal of Women in Culture and Society 2003, vol. 29, no. 1

The U.S. security state has expanded the prerogative of the executive and eroded the power of the legislative or judicial branches to review executive decisions or to be independent sources of decision-making. In the week after the September 11 attacks, for example, Congress passed a resolution effectively waiving its constitutionally mandated power to deliberate and decide on whether the state shall go to war. Months later, again with virtually no debate, Congress approved the largest increase in the military budget in twenty years. Since the war on terrorism has no declared ending, the executive may have been granted permanent legal discretion to do what it wants with U.S. military personnel and equipment, at current taxpayer expense of nearly $400 billion per year. Drafted quickly and passed with almost no debate, the USA-Patriot Act, signed on October 26, 2001, severely reduces the power of courts to review and limit executive actions to keep organizations under surveillance, limit their activities, and search and seize or detain individuals. Under its provisions, individuals and organizations have had their records investigated, their assets seized, or their activities and correspondence monitored. The citizen access to government files and records that took so much struggle to achieve in the 1970s has been severely reduced, with no fanfare and thus no protest (Rosen 2002). Thousands of people have been detained, interrogated, or jailed at the discretion of law enforcement or immigration officials, and hundreds remain in jails without being charged with any crime. Few are allowed access to lawyers. Many foreign residents have been deported or threatened with deportation, sometimes without time to arrange their Citizenship, Government, and Law lives. Laws with similar purposes have been passed in other supposedly liberal democratic states, such as the United Kingdom and Australia. The U.S. executive has taken other steps to enlarge and centralize its power and put itself above the law. In November 2002, Congress approved the creation of a Department of Homeland Security, which merged twenty-two existing federal agencies. The Bush administration has flouted principles of a rule of law at the international level by holding captured citizens of many countries prisoner and declaring its prerogative to bring any or all of them before secret tribunals. These and other legal and policy changes have far-reaching implications. The most ordinary and fundamental expectations of due process have been undermined when search and surveillance do not require court approval, when persons can be jailed without charge, and when there is no regularity or predictability to the process a person in custody will undergo. The basic American principle of the separation of power has been suspended, with no reversal in sight. Legislatures and judiciaries at federal and more local levels have been stripped of some formal powers and decline to use much of what they have left to question, criticize, or block executive action. Most citizens apparently register approval for the increased policing and war-making powers, and the ability for those who do not to organize, criticize publicly, and protest in public streets and squares has been seriously curtailed, not only by fear of peer and employer disapproval but directly by official repression and intimidation. How can citizens and their representatives in a democracy allow such rapid challenge to their political principles and institutions, with so little discussion and protest? The process of limiting civil liberties, due process, and deliberation about war has itself been deeply undemocratic, a bold assertion of dictatorial power. One part of the answer lies in a conviction that most people believe that their own rights and freedoms will not be threatened. Aliens will be subject to surveillance and deportation, and these enemies who have infiltrated deserve to be routed out by any means, and we can leave it to the discretion of police officers, immigration officials, and military personnel to determine who they are. Already many of those whose records have been seized or who have been detained without charge are U.S. citizens, however, and the new legislation and guidelines do not make any citizen immune. Well, then, many of us tell ourselves, the ones whose privacy is invaded or freedoms limited by government action must be doing something wrong and deserve what they get. Since I am not doing anything wrong, I am protected. The move from a relatively free society to one over which the state exercises authoritarian domination often occurs by means of just this logic; citizens do not realize how easily they may find themselves under suspicion by authorities over whose decisions there is no public scrutiny. The principle of trial by a jury of peers in which the accused is presumed innocent is an important protection any person has from false charge and arbitrary power. The slippery slope from the fearsome outsiders, to the aliens within, to the bad fellow citizens is likely to end at my brother’s front door. The deeper explanation for why people who live in what promotes itself as one of the most enlightened democracies in history so easily allow and even support the erosion of basic rights lies in the mobilization of fear. John Keane (2002) challenges the opinion that democracies privatize fear. On the contrary, he claims, contemporary commercial communications media in democratic societies often exploit and incite fear. Although freedom of speech and press make possible such public accumulation of fear, the process threatens to shut down civic freedom. ‘‘Fear is indeed a thief. It robs subjects of their capacity to act with or against others. It leaves them shaken, sometimes permanently traumatized. And when large numbers fall under the dark clouds of fear, no sun shines on civil society. Fear saps its energies and tears and twists at the institutions of political representation. Fear eats the soul of democracy’’ (Keane Public leaders invoke fear, then they promise to keep those living under them safe. Because we are afraid, and our fears are stirred by what we see on television or read in the newspaper, we are grateful to the leaders and officers who say they will shoulder the risk in order to protect us. The logic of masculinist protection works to elevate the protector to a position of superior authority and demote the rest of us to a position of grateful dependency. Ideals of democratic equality and accountability go by the wayside in the process. Although some researchers claim to have noticed a shift in the acceptability of women occupying positions of authority since the fall of 2001 (O’Connor 2002), in the contemporary United States the position of protector and the position of those protected does not correspond to that of men and women. A few of the most security-minded leaders are women, and many of those who accept the promise of protection are men. What matters, I believe, is the gendered meaning of the positions and the association of familial caring they carry for people. It also matters that this relationship carries an implicit deal: forego freedom, due process, and the right to hold leaders accountable, and in return we will make sure that you are safe.

### Contention 2

#### 2. Restrictions like the Aff function within the lexicon of exceptional violence – voting aff only serves to make executive war powers more charismatic and to mask bureaucratic liberal governmentality

Saas ‘12 (William O. Saas, Pennsylvania State University, “Critique of Charismatic Violence,” symploke, Vol. 20, Nos. 1-2 (2012), p. 65-67, Project Muse, Access Provided by Wayne State University at 02/28/13) [m leap]

The September 11, 2001 terrorist attacks in New York, Pennsylvania, and Virginia precipitated the development of a new lexicon for exceptional violence. “Enemy combatant,” “indefinite detention,” “enhanced interrogation,” “high value targets,” “black sites,” “extraordinary rendition,” “predator drones,” and “hellfire missiles” are but a small representative sample of the novel phraseology invented in the wake of the attacks to describe the bellicose praxis of the U.S.’ “war on terror.” Though this novel lexicon early comprised the avant-garde of the Bush administration’s rhetoric of retaliation, little work was required to integrate the language and its attendant practices into the more overt grammar of “preemptive” warfare codified in the United States National Security Strategy of 2002 (colloquially, the “Bush Doctrine”) and executed in Iraq. One decade and several extralegal “limited kinetic operations” later, President Barack Obama—who campaigned on a pledge to dissolve the regime of secrecy and coercion represented by Bush-era “counterterrorism”—routinely supplements the new war lexicon with ever more expansive interpretations of executive prerogative. Continuation of the most far-reaching of these new extensions of power—the until recently secret drone-assassination program that resulted in the targeted killing of a U.S. citizen in Yemen in September of 2011—is all but assured now by the confluence of enhanced measures against transparency and bi-partisan political approval (Wilson and Cohen 2012). Meanwhile, the next stage in the evolution of “post-9/11” warfare threatens to be of the “preventive” kind with Iran (Greenwald 2012).¶ The new war lexicon is one symptom of the unprecedented expansion of executive power following the attacks of September 11. Such executive power was accompanied immediately by the development of a new vehicle for its manufacture and delivery, a sprawling executive bureaucracy that, early on, Vice President Dick Cheney referred to as the “dark side” of the new war and which journalists Dana Priest and William Arkin have called “Top Secret America” (2010). According to Priest and Arkin, Top Secret America comprises some 1,271 government agencies and 1,931 private companies that individually work on “programs related to counterterrorism, homeland security and intelligence in about 10,000 locations across the United States.” This massive bureaucracy is populated by a workforce of over 854,000 civil servants with top-secret security clearances, inclusive of janitorial staff. Its agency locations occupy a total of over 17 million square feet of U.S. real estate, in spaces ranging from a three billion dollar techno-fortress in Maryland to commercial suites in small-town industrial malls across the suburban U.S. Its activities include domestic wiretapping, international e-mail monitoring, and myriad other forms of cultivating “intelligence” under the aegis of “national security.” The whole of this sprawling apparatus—close to one million personnel, Yottabytes1 [1One Yottabyte equals roughly “a septillion (1,000,000,000,000,000,000,000,000) pages of text.” The National Security Agency estimates that it will need Yottabytes of server space by 2015 (Bamford 2009).] of server space for storing endless streams of domestic and international “intelligence,” and the paramilitary technologies required to mobilize these elements against those deemed the enemy—falls within the administrative purview of the executive branch of U.S. government.¶ Hidden in plain sight: a sprawling bureaucracy designed to justify and deliver military violence—clothed in the new war lexicon—to the world. How might one critique this massive network of violence that has become so enmeshed in our contemporary geo-socio-political reality? Is there any hope for reversing the expansion of executive violence in the current political climate, in which the President enjoys minimal resistance to his most egregious uses of violence? How does exceptional violence become routine? Answers to these broad and difficult questions, derived as they are from the disorientingly vast and hyper-accelerated retrenchment of our current political situation, are best won through the broad strokes of what Slavoj Žižek calls “systemic” critique. For Žižek, looking squarely at interpersonal or subjective violences (e.g., torture, drone strikes), drawn as we may be by their gruesome and immediate appeal, distorts the critic’s broader field of vision. For a fuller picture, one must pull one’s critical focus back several steps to reveal the deep, objective structures that undergird the spectacular manifestations of everyday, subjective violence (Žižek 2008, 1-2). Immediately, however, one confronts the limit question of Žižek’s mandate: how does one productively draw the boundaries of a system without too severely dampening the force of objective critique?¶ For practical purposes, this essay leaves off discussion of neoliberal economic domination, vital as it may be to a full accounting for the U.S.’ latest and most desperate expressions of state solvency. Offered instead is a critique of the organizational violence of the U.S.’ executive bureaucratic apparatus, an apparatus called into being by charismatic decree, made banal through quasi-legal codification, and guaranteed by popular disinterest. Considered also will be the peculiar, if also somewhat inevitable, continuity of the apparatus’s growth under the Obama administration. Candidate Obama’s pledge to transparency may now seem an example of truly “mere” campaign rhetoric, but the extent to which his presidency has exceeded that of George W. Bush in terms of exceptional violence bears some attention. The central difference between the presidencies of Bush and Obama, I suggest, has been the discursive means by which their respective administrations have cultivated an image of charismatic rule.¶ This essay proceeds in three steps. I begin by outlining a recent case of subjective violence, the assassination of Anwar al-Awlaki by drone strike, and then pull back to reveal the structural support for that strike. In the second section, taking Max Weber as my guide, I argue that bureaucratic domination is both the derivative speech act of, and the logic that underwrites, the violence of the modern liberal-democratic state. Under stable conditions, the state bureaucracy facilitates the hegemony of abstract, depersonalized, and mechanical Enlightenment legal-rationalism—what Foucault called liberal “governmentality”—by maintaining relative equilibrium between liberal autonomy and distributive justice among the citizenry. In other words, modern bureaucracy effectively mediates the two poles, “liberty” and “equality,” that comprise what political theorists have called the liberal-democratic paradox (Mouffe 2009). When an event is framed as threatening to strip the state of its rhetorical power, however, the bureaucratic apparatus becomes the crucible for what I identify in the third section, with additional help from Carl Schmitt and Giorgio Agamben, as charismatic domination, or the rhetorical exploitation of a vulnerable population by a sovereign decider. Under these conditions, the state bureaucracy becomes a kind of “vanishing mediator” (Jameson 1988, 25-27), its energies redirected for exclusive and singular usage by the exceptional-charismatic sovereign. In the perpetual state of exception, the democratic paradox becomes subordinate to sovereign claims to total and indivisible control over the legitimate use of force. I conclude by outlining what I perceive as the best chances for stemming the growth of the national security bureaucracy, namely, relentless publicity.

#### Restricting executive war powers is merely the next step in the state bureaucracy’s violent scheme to permanently institute its own hegemony through charismatic exception – a world post aff makes oppression, violence and catastrophe become worse and more routine

Saas ‘12 (William O. Saas, Pennsylvania State University, “Critique of Charismatic Violence,” symploke, Vol. 20, Nos. 1-2 (2012), p. 79-80, Project Muse, Access Provided by Wayne State University at 02/28/13) [m leap]

I have argued above that bureaucracy effectively functions as the hyphen in the pairing of “liberal-democracy.” It is both the means through which the state, in relatively stable conditions, administers its monopoly on violence, and the means of mediating the tensions inherent to the liberal-democratic paradox. It ensures the ability of the state to secure the liberty of the individual, and facilitates a leveling of the demos to “equality before the law.” When the authority of the state is called into question by an extraordinary event, the bureaucracy is mobilized in service of the would-be charismatic leader. Rationalization and Enlightenment reason thus give way to irrational force, sovereign decree, and kadi justice. Over time, the charismatic authority, whose only limits are its vision of history, become institutionalized through rendering an office of charisma. Once this final stage is reached, the charismatic regime of the new history achieves hegemony, and turns once again to a form of bureaucratic rule—only this time, with a greater presumption of executive authority. Charisma is the exception, the condition of the ideal sovereign decision. Under extra-ordinary conditions, the ideal sovereign of the liberal constitutional state will also be possessed of a charisma appropriate to the task of framing the exception in thoughtful and ethical ways. Eventual popular dissatisfaction with President George W. Bush’s actions after 9/11 reflected recognition of his inability to embody a charisma coequal to or greater than the exceptional event. President Bush proved incapable of rebirthing the exception in sufficiently convincing ways, of effectively convincing his audience that he was suited to the task he himself marked out. Importantly, President Bush’s rhetorical failures did not reverse the policies he had brought to bear under the charismatic/exceptional conditions following 9/11. Publicity is the enemy of the charismatic leader in the state of exception. Secrecy and suppression are the main tools for his success.¶ Under President Bush, the executive branch capitalized on the disaster of 9/11 in two important ways: first, through the attempt to clear space in the Middle East for market expansion, to be facilitated by erecting “democratic” governments pliable to market manipulation; second, and related, through the creation of a massive bureaucratic-military apparatus immune to traditional democratic safeguards against the concentration and abuse of state power. Under the pretense of the defense of the U.S. state, Congress authorized the Bush administration to invent and mobilize a national security bureaucracy that functions effectively as a state of its own, complete with its own restricted alternative geography and enclosed discourses. The purpose of this extreme bureaucratic apparatus is, purportedly, the defense of the U.S. from threats against its interests. What it does in fact is [to] underwrite the exceptional violence called for by its president and his administration.¶ The continuation of President Bush’s legacy of mass-violations of international human rights law was not a foregone conclusion in 2008. The election of Barack Obama reflected collective American desire for “change” to an adequately charismatic sovereign up to the task of absorbing the exception (which had, over the previous eight years, been seriously compounded). That this hope was never realized is not surprising, especially when considered against what Weber called the “charisma of office.” Since at least the Reagan administration, the U.S.’ executive-sovereign apparatus had not been oriented to normalizing the exception; instead, it became premised on the anticipation of opportunities for what Naomi Klein has called “disaster capitalism,” a mode of governance premised on literally capitalizing on (and, in several cases, facilitating) mass trauma and catastrophe. Who will save us from our charismatic leaders?

#### Obama will circumvent the plan – the past 5 years prove.

Cohen, Fellow at the Century Foundation, 12

(Michael, 3-28-12, “Power Grab,” http://www.foreignpolicy.com/articles/2012/03/28/power\_grab?page=full, accessed 10-19-13, CMM)

This month marks the one-year anniversary of the onset of U.S. military engagement in the Libyan civil war. While the verdict is still out on the long-term effects of the conflict for U.S. interests in the region, it's closer to home where one can point to the war's greater lasting impact -- namely in further increasing the power of the executive branch to wage war without congressional authorization. But don't expect to hear much about that issue on the campaign trail this election year. Rather the erosion of congressional oversight of the executive branch's war-making responsibilities has been something of a bipartisan endeavor -- and one that is unlikely to end any time soon.¶ It might seem like a bit of ancient history now, but one of the more creative arguments to come out of the U.S. military intervention in Libya was the Obama administration's assertion that the war did not actually represent "hostilities." Indeed, according to the president's argument to Congress, U.S. operations in Libya "do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops" -- thus making them something less than war. On the surface this appears patently absurd. The United States was flying planes over Libyan air space and dropping bombs. Missiles were being fired from off-shore. An American military officer (Adm. James Stavridis) commanded the NATO effort. There were reports of forward air controllers on the ground spotting targets for U.S. bombers. In all, NATO planes flew more than 26,000 sorties in Libya, nearly 10,000 of which were strike missions. By what possible definition is this not considered "hostilities"?¶ As it turns out the ambiguity over whether the war represented "hostilities" is one codified in U.S. law -- namely the War Powers Resolution (WPR). Under the provisions of the WPR the President was required to notify Congress within 48 hours of the beginning of U.S. military involvement. He then had 60 days to receive authorization from Congress and if he failed to do he would have 30 days to end the fighting. (Of course, if U.S. military actions do not rise to the level of "hostilities," then the president does not have to go through this rigmarole and receive congressional approval.)¶ Now on the surface, such an elastic view of what the word hostilities means is hardly unusual. Indeed, it is rather par for the course in discussions of the War Powers Resolution. In 1975, the Ford administration claimed that "hostilities" only refers to a scenario in which U.S. forces are "actively engaged in exchanges of fire with opposing units." Similar efforts at defining down hostilities were attempted by the Carter, Reagan, and Clinton administrations when they sought to use military force. Still, these generally were in reference to peacekeeping missions like in Lebanon and Bosnia -- not offensive operations like those waged in Libya.¶ In a political vacuum, Obama's stance on "hostilities" in Libya might represent the traditional push and pull of executive-legislative branch disagreements about presidential war-fighting prerogatives.¶ But of course, on this issue we are far from being in a political vacuum. Obama's broadening of executive power comes with the backdrop of the George W. Bush administration's efforts to expand the president's ability to wage war. Indeed, the position taken by the Obama administration bears uncomfortable similarities to the one taken by John Yoo when he served at the Justice Department and argued -- in the wake of 9/11 -- that the Constitution granted the president practically unquestioned executive power to wage war. Yet, even Bush sought congressional approval for military actions in Afghanistan and Iraq; Obama didn't bother to do the same for Libya. In addition, Obama also overruled the opinion of his own Office of Legal Counsel (OLC) on the question of whether the president must abide by the War Powers Resolution in regard to the Libyan intervention. The OLC said he did; the White House assembled legal opinions that said he didn't -- and the latter view won out. As Bruce Ackerman, a law professor at Yale University, noted at the time, "Mr. Obama's decision to disregard that office's opinion [the OLC] and embrace the White House counsel's view is undermining a key legal check on arbitrary presidential power."¶ So at a time when the door has been opened rather wide on unaccountable war-waging by the executive branch -- with minimal legislative checks and balances -- the Obama administration has opened it even further. What is perhaps most surprising is that it is being promulgated by a president who pledged as a candidate to put an end to such practices.¶ As Ackerman said to me, Obama came into office with a golden opportunity to reestablish some modicum of restraint over the actions of the executive branch in the pursuit of national security. Ironically, in a Boston Globe questionnaire in December 2007, Obama specifically rejected the argument that he used, in part, to justify going around Congress on Libya. "The President," wrote candidate Obama, "does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation ... History has shown us time and again, however, that military action is most successful when it is authorized and supported by the Legislative branch."¶ While Obama has hardly gone as far down the road on expanding executive power as Bush did, it is also true that he "consolidated many of the principles of executive power that were first described in the Bush administration," says Ackerman. In effect, "Obama has done nothing to stop the return of another John Yoo." Indeed, with his actions on Libya, Obama has done more than consolidate Bush administration positions -- he has expanded them.¶ These are negative developments, but it gets worse. In the president's initial letter to Congress, the airstrikes in Libya, "will be limited in their nature, duration, and scope. Their purpose is to support an international coalition as it takes all necessary measures to enforce the terms of U.N. Security Council Resolution 1973." The U.N. resolution specifically did not call for regime change and yet in July 2011, Secretary of Defense Leon Panetta made clear that the U.S. "objective" in Libya "is to do what we can to bring down the regime of Qaddafi." Moreover, as Micah Zenko, a fellow at the Council on Foreign Relations, said to me, NATO forces looked the other way at flights by the French government, among others, that re-supplied the Libyan rebels (in violation of the arms embargo mandated under Section 9 of Resolution 1970); sought to kill Qaddafi via airstrikes (eventually indirectly succeeding); helped to plan the operations that allowed the insurgents to capture Tripoli, and provided sensitive and secret satellite imagery to the rebels. In short, the United States went far beyond the mandate established by the Security Council and in effect lied when claiming that the operations in Libya were simply about protecting civilians. Putting aside the international law implications, the administration adopted a position of regime change of a foreign leader without any approval from Congress.¶ What is most surprising about the Obama administration's position is that it likely would not have been a heavy lift to get congressional backing for the operations in Libya in the early stages of the air campaign. But by disregarding Congress's role on Libya -- and shifting the intent of the U.S. mission without any congressional input into the decision -- the president has set a new and potentially troubling precedent. In contrast, by seeking congressional authorization Obama would have, ironically, restored some of the balance between the legislative and executive branch on issues of use of American military force.¶ Running roughshod over Congress has becoming something of a norm within the Obama administration. As one foreign-policy analyst close to the White House said to me "they generally don't do a good job of keeping people in the Hill in the loop on what they are doing. They see congressional oversight as a nuisance -- even within their own party." Another analyst I spoke to had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of proper consultation over the closing of the detainee facility at Guantanamo Bay, the refusal to share with intelligence committees the rationale for targeted killings, or even brief Hill staffers on changes in missile defense deployment, this sort of ignoring of congressional prerogatives has often been the rule, not the exception.¶ What has been Congress's response to this disregarding of its role in foreign policy decision-making? The usual hemming and hawing, but little in the way of concrete action. During the Bush years, Republicans were more than happy to let the president expand his executive powers when it came to Iraq, Afghanistan, and the global war on terrorism. When Democrats took back the House and Senate from Republicans in 2006, they placed greater scrutiny on the Bush administration's conduct of the war in Iraq -- but still continued to fund the conflict. Even in Washington's highly partisan current environment, little has changed; it's mostly sound and fury signifying nothing.¶ Republicans eschewed a constitutional confrontation with the White House over Libya, though the House GOP did make a rather partisan effort to defund the Libya operations (a measure that failed) and still today House and Senate members raise their frustrations in committee hearings over their heavy-handed treatment by the White House.¶ But the actions of some Republicans point in a different direction. Last year, House Armed Services Committee Chairman Buck McKeon actually tried to expand the original Authorization for Use of Military Force that granted U.S. kinetic actions just three days after 9/11 -- which would have actually increased executive war-making power. While some on the Hill have long suspected the constitutionality of the War Powers Resolution, it was one of the few checks that Congress maintained over the president (aside from ability to defund operations, which in itself is a difficult tool to wield effectively). Now they have been complicit in its further watering down.¶ Aside from Ron Paul, there's been little mention of the president's overreach in Libya by the GOP's presidential aspirants. And why should there be? If any of them become president they too would want to enjoy the expanded executive power that Obama has helped provide for them. Quite simply, in a closely divided country in which each party has a fair shot to win the White House every four years, there is little political incentive for either Democrats or Republicans to say enough is enough.¶ And with a former constitutional law professor punting on the issue (along with the much abused and maligned Congress), we're now even further from chipping away at the vast power the executive branch has been husbanded on national security issues. In the end, that may be the greatest legacy of the U.S. intervention in Libya.

#### The executive will circumvent the aff - loopholes, deference and no enforcement

Mitchell, Assistant Professor of Law, George Mason University School of Law, 9

(Jonathan, Jan, “Legislating Clear-Statement Regimes in National- Security Law,” http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=jonathan\_mitchell, accessed 9-17-13, CMM)

INTRODUCTION¶ Congress’s national-security legislation will often require clear and specific¶ congressional authorization before the executive can undertake certain actions. One¶ example is section 8(a)(1) of the War Powers Resolution, which prohibits any statute¶ from authorizing military hostilities unless it “specifically authorizes” such hostilities and¶ “states that it is intended to constitute specific statutory authorization within the meaning¶ of this joint resolution.”1 If Congress fails to enact a statute with this specific language,¶ the War Powers Resolution requires the President to “terminate” hostilities within 60¶ days.2 The Foreign Intelligence Surveillance Act of 1978 (“FISA”) also contains a¶ codified clear-statement requirement, which declares that FISA’s procedures are “the¶ exclusive means” for conducting certain forms of electronic surveillance.3 This¶ exclusivity requirement requires statutes to amend FISA or repeal the “exclusive means”¶ provision before they can authorize electronic surveillance. And this establishes a clearstatement¶ regime because the Supreme Court’s precedents disfavor implied repeals,4 and¶ insist that “the intention of the legislature to repeal must be clear and manifest.”5¶ Congress continues to codify additional clear-statement requirements in its recently¶ enacted national-security legislation. The McCain Amendment to the 2005 Detainee¶ Treatment Act, for example, provides that its prohibition on certain forms of cruel,¶ inhuman, or degrading treatment “shall not be superseded,” unless a provision of law¶ “specifically repeals, modifies, or supersedes the provisions of this section.”6 And the¶ FISA Amendments Act of 2008 states that “[o]nly an express statutory authorization for¶ electronic surveillance” may authorize such activities outside of FISA’s strictures.7¶¶¶ These statutes attempt to establish legal answers to the unsettled institutional¶ questions regarding the circumstances in which the President must seek explicit¶ congressional authorization for his actions. They offer an alternative to regimes that¶ allow judges to decide on a case-by-case basis whether to require specific congressional¶ authorization,8 or that allow the executive to act whenever it can find a surface ambiguity¶ in some statute.9 These framework statutes are legislatively-enacted “non-delegation¶ canons,”10 designed to strengthen the bicameralism-and-presentment hurdles that the¶ executive must surmount before it can claim legal authority to act. ¶¶¶ But efforts to legislate clear-statement regimes in national-security law have¶ failed to induce the political branches to comply with codified clear-statement¶ requirements. During the Kosovo War, the Clinton Administration asserted that¶ Congress had authorized the President to continue the Kosovo War beyond the 60-day¶ limit in the War Powers Resolution. But it inferred this congressional “authorization”¶ from a 1999 appropriations statute that neither mentioned the War Powers Resolution nor¶ specifically authorized the conflict.11 The statute simply appropriated $5 billion for a¶ fund used to finance overseas military operations, and provided an additional $300¶ million for military technology needed for the Kosovo campaign.12 The Clinton¶ Administration’s Office of Legal Counsel deployed two tenuous legal arguments to¶ escape the clear-statement regime codified in section 8(a)(1) of the War Powers¶ Resolution. First, it maintained that section 8(a)(1)’s clear-statement requirement would¶ unconstitutionally “bind a later Congress” if it required statutes specifically to reference¶ the War Powers Resolution as a precondition to authorizing military hostilities.13¶ Second, the Clinton Administration insisted that the 1999 Emergency Supplemental¶ Appropriations Act implicitly repealed section 8(a)(1)’s clear-statement requirement, and¶ allowed President Clinton to continue the war without a statute that specifically¶ authorized the hostilities.14 Litigants challenged the Clinton Administration’s argument,¶ but the courts dismissed the case as nonjusticiable.15 And Congress, rather than¶ enforcing section 8(a)(1)’s clear-statement regime by cutting off funds for the Kosovo¶ War or threatening impeachment, quietly facilitated President Clinton’s actions by¶ appropriating funds that he could use to continue the bombing campaign, even as¶ legislators refused to enact the specific authorization that the War Powers Resolution¶ required.16¶¶¶ A similar pattern of events occurred during the NSA surveillance controversy.¶ The Bush Administration claimed that the post-9/11 Authorization for Use of Military¶ Force (“AUMF”) authorized the NSA’s warrantless surveillance program, even though¶ the statute never mentioned FISA or wiretapping and merely authorized the President to¶ use “all necessary and appropriate force” against the 9/11 perpetrators.17 The Bush¶ Administration relied on the same arguments that the Clinton Administration used to¶ establish congressional authorization for the Kosovo War. First, it maintained that¶ FISA’s exclusivity requirement would “tie the hands”18 of future Congresses if it required¶ specific language in statutes that authorize warrantless electronic surveillance. Then it¶ argued that the AUMF implicitly repealed FISA’s restrictions.19 Once again, a court¶ dismissed a lawsuit challenging the Administration’s legal argument,20 leaving the¶ executive free to act without the specific authorization that Congress’s earlier-enacted¶ statutes required. And Congress enabled President Bush to continue the NSA¶ surveillance program by acquiescing and funding the intelligence agencies, even as it¶ failed to enact legislation that specifically authorized the program until 2007. ¶¶¶ The executive branch’s interpretive theories were far reaching, and its approach to¶ constitutional avoidance and implied repeal were irreconciliable with the Supreme¶ Court’s precedents. But they provided some political cover for the President by giving¶ his actions a veneer of legality, and may even have protected executive-branch¶ employees from the fear of criminal liability or political reprisals.21 To prevent the¶ executive from continuing to evade Congress’s codified clear-statement requirements in¶ this manner, many proposals have sought to provide more narrow and explicit clearstatement¶ requirements in Congress’s framework legislation as well as provisions that¶ withhold funding from activities that Congress has not specifically authorized. For¶ example, Senator Specter proposed new provisions to FISA stating that no provision of¶ law may repeal or modify FISA unless it “expressly amends or otherwise specifically¶ cites this title,”22 and that “no funds appropriated or otherwise made available by any¶ Act” may be expended for electronic surveillance conducted outside of FISA.23 Congress¶ failed to enact Senator Specter’s proposal, but it did enact an amendment to FISA that¶ made the clear-statement regime more explicit, specifying that “only an express statutory¶ authorization for electronic surveillance” may authorize electronic surveillance outside of¶ FISA’s procedures.24 And numerous commentators have argued for new provisions in¶ the War Powers Resolution that withhold funds from military ventures that Congress has¶ not specifically authorized.25 Yet such proposals are unable to counter the executive¶ branch’s aggressive interpretive doctrines. Executive-branch lawyers will remain able to¶ concoct congressional “authorization” from vague statutory language by repeating their¶ assertions that codified clear-statement requirements “bind future Congresses” or that¶ ambiguous language in later-enacted statutes implicitly repeals restrictions in Congress’s¶ framework legislation. Future legislators will continue to acquiesce to the President’s¶ unilateralism when it is politically convenient to do so.26 And the federal courts’¶ willingness to enforce clear-statement regimes against the President in national-security¶ law bear no relationship to the codified clear-statement requirements in framework¶ legislation or treaties.27¶¶¶ Congress could produce more effective clear-statement regimes if it precommitted¶ itself against enacting vague or ambiguous legislation from which executive-branch¶ lawyers might claim implicit congressional “authorization” for certain actions. Rather¶ than merely enacting statutes that instruct the executive not to construe ambiguous¶ statutory language as authorizing military hostilities or warrantless electronic¶ surveillance, Congress could establish point-of-order mechanisms that impose roadblocks¶ to enacting such vague legislation in the first place.28 A point-of-order mechanism would¶ empower a single legislator to object to legislation that authorizes military force, or that¶ funds the military or intelligence agencies, and that fails to explicitly prohibit or withhold¶ funding for military hostilities beyond 60 days or warrantless electronic surveillance,¶ unless the bill includes the specific authorizing language that Congress’s framework¶ legislation requires. This device would reduce the likelihood of Congress ever enacting¶ vague or ambiguous legislation that the executive might use to claim “authorization” for¶ extended military hostilities or warrantless electronic surveillance. It would also induce¶ legislators to confront Presidents that act without specific congressional authorization by¶ empowering a single legislator to object to legislation necessary to fund the President’s¶ unauthorized endeavors. Yet the political branches have never established such an¶ enforcement mechanism for the clear-statement requirements in national-security¶ legislation, even though they have established such point-of-order devices to enforce¶ precommitments in framework legislation governing the federal budget process. The¶ result is a regime of faint-hearted clear-statement regimes in national-security law –¶ framework legislation that codifies strongly worded clear-statement rules but that lacks¶ any mechanism to induce compliance by future political actors. This may be a calculated¶ choice by of members of Congress, or it may reflect the President’s influence in the¶ legislative process, but no one should think that simply legislating more narrow or¶ explicit clear-statement requirements, or adding funding restrictions to Congress’s¶ framework legislation, will be able to prevent the executive from continuing to infer¶ congressional authorization from vague or ambiguous statutory language.

#### Statutory restrictions don’t restrict the president – they just force Obama to be more creative

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Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limi tations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional conse quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation § Marked 08:25 § in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

#### Plan causes a Shift to PMC’s

Michaels 4 (Jon – Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; Law Clerk designate, the Honorable David H. Souter, U.S. Supreme Court; J.D., Yale Law School, “ARTICLE: BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR”, 2004, 82 Wash. U. L. Q. 1001, lexis)

[\*1008] Military privatization of combat duties, on the other hand, decidedly does. It has the potential to introduce a range of novel constitutional, democratic, and strategic harms that have few, if any, analogues in the context of domestic, commercial outsourcing. Military privatization can be, and perhaps already has been, used by government policymakers under Presidents Bill Clinton and George W. Bush to operate in the shadows of public attention, domestic and international laws, and even to circumvent congressional oversight. For a variety of political and legal reasons, the Executive may at times be constrained in deploying U.S. soldiers. The public's aversion to a military draft, the international community's disdain for American unilateralism, and Congress's reluctance to endorse an administration's hawkish foreign goals may each serve to inhibit, if not totally restrict, the president's ability to use U.S. troops in a given zone of conflict. In such scenarios, resorting to private contractors, dispatched to serve American interests without carrying the apparent symbolic or legal imprimatur of the United States, may be quite tempting. In those instances, it would not necessarily be the cheaper price tag or specialized expertise that makes private contractors desirable. Rather, it might be the status of the actors (as private, non-governmental agents) vis-a-vis public opinion, congressional scrutiny, and international law that entices policymakers to turn to contracting. Indeed, "tactical privatization," as I call it, is motivated at least in part by a desire to alter substantive policy: Private agents would be used to achieve public policy ends that would not otherwise be attainable, were the government confined to relying exclusively on members of the U.S. Armed Forces. Tactical privatization thus stands in contradistinction to what is widely understood to be the conventional privatization agenda, driven by economic goals, that strives for verisimilitude in replicating government responsibilities (only more efficiently). n19 To elude public debate, circumvent Congress's coordinate role in conducting military affairs, and evade Security Council dictates may help an administration achieve short-term, realpolitik ends; but in the process, the structural damage to the vibrancy and authenticity of public deliberation, to the integrity of America's constitutional architecture of separation of powers, and to the legitimacy of collective security may prove irreparable.

#### The president will just use non armed forces with the same humanitarian justifications

Nebehay & Holmes, 12 (6/20/12, Stephanie, Oliver, Reuters: “Red Cross to pluck wounded from Syria's Homs” http://www.reuters.com/article/2012/06/20/us-syria-crisis-idUSBRE85D0IS20120620)

(Reuters) - Aid teams stood ready on Wednesday to enter the contested Syrian city of Homs to evacuate people trapped and wounded by 10 days of fighting between rebels and forces loyal to President Bashar al-Assad.¶ Both sides agreed to a temporary truce, the International Committee of the Red Cross said from Geneva.¶ Teams from the ICRC and its partner the Syrian Red Crescent were ready to go into Homs as soon as possible, but an ICRC spokesman said no evacuations would take place before Thursday at the earliest.¶ "Fighting has been raging for more than 10 days between the Syrian Army and armed opposition groups in several neighborhoods of Homs city," said Béatrice Mégevand-Roggo, the ICRC's regional head of operations.¶ "Hundreds of civilians are stuck in the old city of Homs, unable to leave and find refuge in safer areas, because of the ongoing armed confrontations."

#### They don’t define hostilities --- Obama’s definition means tons of circumvention

**Savage & Landler ’11**, ***\*Charles Savage*** is a Washington correspondent for The New York Times. He is known for his work on presidential power and other legal policy matters. ¶ Before joining The Times, Mr. Savage covered national legal affairs for the Boston Globe from 2003 to 2008. He received a Pulitzer Prize for National Reporting in 2007 for his coverage of presidential signing statements for the Globe. Other awards he earned while at the Globe include the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency.¶ Mr. Savage's book about the growth of executive power, “Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy,” was named one of the best books of 2007 by both Slate and Esquire. The book also received the bipartisan Constitution Project's inaugural Award for Constitutional Commentary, the NCTE George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language and the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism.¶ Mr. Savage was born and raised in Fort Wayne, Indiana. He graduated summa cum laude with degrees in English and American literature from Harvard College in 1998. In 2003, he earned a master's degree from Yale Law School, where he was a Knight Journalism Fellow. Mr. Savage got his start as a local government and politics reporter for the Miami Herald. ¶ ***\*\*Mark Landler*** is a White House correspondent for The New York Times. Prior to taking up this post in March 2011, he was the newspaper’s diplomatic correspondent. He has reported for The Times from 67 countries on six continents, from Afghanistan to Yemen. ¶ Before moving to Washington in 2008, Mark was a foreign correspondent for 10 years, serving as European economic correspondent in Frankfurt, from 2002 to 2008, and as Hong Kong bureau chief, from 1998 to 2002. He won an Overseas Press Club award in 2007. ¶ Mark began his career at The Times in 1987 as a copy boy. From 1990 to 1995, he was a reporter and editor at Business Week magazine, rejoining The Times in 1995 as a business reporter. He is a 1987 graduate of Georgetown University, and was a Reuter Fellow at Oxford University in 1997.¶ New York Times, June 15, 2011, White House Defends Continuing U.S. Role in Libya Operation, <http://www.nytimes.com/2011/06/16/us/politics/16powers.html?pagewanted=all>, jj

WASHINGTON — **The White House, pushing hard against criticism in Congress over the deepening air war in Libya, asserted Wednesday that President Obama had the authority to continue the military campaign without Congressional approval because American involvement fell short of full-blown *hostilities***.¶ In a 38-page report sent to lawmakers describing and defending the NATO-led operation, the White House said the mission was prying loose Col. Muammar el-Qaddafi’s grip on power.¶ In contending that the limited American role did not oblige the administration to ask for authorization under the War Powers Resolution, the report asserted that “U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops.” Still, the White House acknowledged, the operation has cost the Pentagon $716 million in its first two months and will have cost $1.1 billion by September at the current scale of operations.¶ The report came one day after the House Speaker, John A. Boehner, Republican of Ohio, had sent a letter to Mr. Obama warning him that he appeared to be out of time under the Vietnam-era law that says presidents must terminate a mission 60 or 90 days after notifying Congress that troops have been deployed into hostilities, unless lawmakers authorize the operation to continue.¶ Mr. Boehner had demanded that Mr. Obama explain his legal justification for passing the deadline. On Wednesday, Brendan Buck, a spokesman for Mr. Boehner, said he was still reviewing the documents, adding that “**the creative arguments made by the White House raise a number of questions that must be further explored**.”¶ The escalating confrontation with Congress reflects the radically altered political landscape in Washington: a Democratic president asserting sweeping executive powers to deploy American forces overseas, while Republicans call for stricter oversight and voice fears about executive-branch power getting the United States bogged down in a foreign war.¶ “We are acting lawfully,” said Harold H. Koh, the State Department legal adviser, who expanded on the administration’s reasoning in a joint interview with the White House counsel, Robert Bauer.¶ **The two senior administration lawyers contended that American forces had not been in “hostilities” at least since early April, when NATO took over the responsibility for the no-fly zone and the United States shifted to primarily a supporting role — providing refueling and surveillance to allied warplanes, although remotely piloted drones operated by the United States periodically fire missiles, too**.¶ They argued that United States forces are at little risk because there are no troops on the ground and Libyan forces are unable to exchange fire with them meaningfully. And they said the military mission was constrained by a United Nations Security Council resolution, which authorized air power for the purpose of defending civilians.¶ “We are not saying the president can take the country into war on his own,” said Mr. Koh, a former Yale Law School dean and outspoken critic of the Bush administration’s expansive theories of executive power. “**We are not saying the War Powers Resolution is unconstitutional or should be scrapped or that we can refuse to consult Congress. We are saying the limited nature of this particular mission is not the kind of ‘hostilities’ envisioned by the War Powers Resolution**.”¶ **Jack L. Goldsmith, who led the Justice Department’s *O*ffice of *L*egal *C*ounsel during the Bush administration, said the Obama theory would *set a precedent* expanding future presidents’ unauthorized war-making powers, especially given the rise of remote-controlled combat technology**.¶ “**The administration’s theory implies that the president can wage war with drones and all manner of offshore missiles without having to bother with the *W*ar *P*owers *R*esolution’s time limits**,” Mr. Goldsmith said.¶ **It remains to be seen whether majorities in Congress will acquiesce to the administration’s argument, defusing the confrontation, or if the theory will fuel greater criticism. Either way, because the statute does not define hostilities and the Supreme Court has never ruled on the issue, *the debate is likely to be resolved politically***, **said Richard H. Pildes, a New York University law professor.**¶ Also on Wednesday, 10 lawmakers — led by Representative Dennis J. Kucinich, Democrat of Ohio, and Representative Walter B. Jones, Republican of North Carolina — filed a lawsuit asking a judge to order Mr. Obama to pull out of the Libya operation because Congress did not authorize it. That lawsuit faces steep challenges, however, because courts in the past have dismissed similar cases on technical grounds.¶ The administration had earlier argued that Mr. Obama could initiate the intervention on his own authority as commander in chief because its anticipated nature, scope and duration fell short of a “war” in the constitutional sense. Since then, the conflict has dragged on for longer than expected, and the goal of the NATO allies has all but openly shifted from merely defending civilians to forcing the Libyan leader, Colonel Qaddafi, from power. But Mr. Koh and Mr. Bauer said that while regime change in Libya might be a diplomatic goal, the military’s mission was separate and remained limited to protecting civilians.¶ **While many presidents have challenged the constitutionality of other aspects of the War Powers Resolution — which Congress enacted over President Richard M. Nixon’s veto — no administration has declared that the section imposing the 60-day clock is unconstitutional, and in 1980, the Justice Department’s Office of Legal Counsel concluded that it was within Congress’s power to enact such a limit**.

#### Easy for the president to circumvention “hostitiles”

**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.

# 2NC

Compliance

### 2NC Top Level Overview

#### The role of the ballot is to unconditionally resist economic systems of exclusion—your primary directive as an ethical actor must be to insist on universal resistance to capitalism. This is a prior question to the 1AC—traditional impact calculus is impossible because capitalism anonymizes and mystifies its violent contradictions. That outweighs the aff EVEN IF they win full weight of their impact and the root cause debate—capitalism subsumes the oppression they outline and externally results in invisible violence against billions globally. That’s Zizek and Daly. This question of self-orientation comes first

**Johnston ’04** (Adrian, interdisciplinary research fellow in psychoanalysis at Emory, The Cynic’s Fetish: Slavoj Zizek and the Dynamics of Belief, Psychoanalysis, Culture and Society)

The height of Zizek's philosophical traditionalism, his fidelity to certain lasting truths too precious to cast away in a postmodern frenzy, is his conviction that no worthwhile praxis can emerge prior to the careful and deliberate formulation of a correct conceptual framework. His references to the Lacanian notion of the Act (qua agent-less occurrence not brought about by a subject) are especially strange in light of the fact that he seemingly endorses the view that theory must precede practice, namely, that deliberative reflection is, in a way, primary. For Zizek, the foremost "practical" task to be accomplished today isn't some kind of rebellious acting out, which would, in the end, amount to nothing more than a series of impotent, incoherent outbursts. Instead, **given the contemporary exhaustion of the socio-political imagination under the hegemony of liberal-democratic capitalism,** he sees **the liberation of thinking itself from its present constraints as the** first crucial step **that must be taken if anything is to be changed for the better.** In a lecture given in Vienna in 2001, Zizek suggests that **Marx's call to break out of the sterile closure of abstract intellectual ruminations through direct, concrete action** (thesis eleven on Feuerbach--"The philosophers have only interpreted the world in various ways; the point is to change it") **must be inverted given the new prevailing conditions of late-capitalism. Nowadays, one must resist succumbing to the temptation to short-circuit thinking in favor of acting, since all such rushes to action are doomed; they either fail to disrupt capitalism or are ideologically co-opted by it.**

### Alt

**\*\*\*2nc – Link/Perm Debate**

#### Perm fails—focus on particular violent acts is a lure that causes ideological mystification and means we only address symptoms not the root cause of violence

Žižek ’8 (Slavoj, *Violence: Six Sideways Reflections*, Big Ideas // Small Books, 2008, p. 3-8) [m leap]

Instead of confronting violence directly, the present book casts six sideways glances. There are reasons for looking at the problem of violence awry. My underlying premise is that there is something inherently mystifying in a direct confrontation with it: the overpowering horror of violent acts and empathy with the victims inexorably function as a lure which prevents us from thinking. A dispassionate conceptual development of the typology of violence must by definition ignore its traumatic impact. Yet there is a sense in which a cold analysis of violence somehow reproduces and participates in its horror. A distinction needs to be made, as well, between (factual) truth and truthfulness: what renders a report of a raped woman (or any other narrative of a trauma) truthful is its very factual unreliability, its confusion, its inconsistency. If the victim were able to report on her painful and humiliating experience in a clear manner, with all the data arranged in a consistent order, this very quality would make us suspicious of its truth. The problem here is part of the solution: the very factual deficiencies of the traumatised subject's report on her experience bear witness to the truthfulness of her report, since they signal that the reported content "contaminated" the manner of reporting it. The same holds, of course, for the so-called unreliability of the verbal reports of Holocaust survivors: the witness able to offer a clear narrative of his camp experience would disqualify himself by virtue of that clarity.2 The only appropriate approach to my subject thus seems to be one which permits variations on violence kept at a distance out of respect towards its victims. Adorno's famous saying, it seems, needs correction: it is not poetry that is impossible after Auschwitz, but rather prose.3 Realistic prose fails, where the poetic evocation of the unbearable atmosphere of a camp succeeds. That is to say, when Adorno declares poetry impossible (or, rather, barbaric) after Auschwitz, this impossibility is an enabling impossibility: poetry is always, by definition, "about" something that cannot be addressed directly, only alluded to. One shouldn't be afraid to take this a step further and refer to the old saying that music comes in when words fail. There may well be some truth in the common wisdom that, in a kind of historical premonition, the music of Schoenberg articulated the anxieties and nightmares of Auschwitz before the event took place. In her memoirs, Anna Akhmatova describes what happened to her when, at the height of the Stalinist purges, she was waiting in the long queue in front of the Leningrad prison to learn about her arrested son Lev: One day somebody in the crowd identified me. Standing behind me was a young woman, with lips blue from the cold, who had of course never heard me called by name before. Now she started out of the torpor common to us all and asked me in a whisper (everyone whispered there), "Can you describe this?" And I said, "I can." Then something like a smile passed fleetingly over what had once been her face.4 The key question, of course, is what kind of description is intended here? Surely it is not a realistic description of the situation, but what Wallace Stevens called "description without place," which is what is proper to art. This is not a description which locates its content in a historical space and time, but a description which creates, as the background of the phenomena it describes, an inexistent (virtual) space of its own, so that what appears in it is not an appearance sustained by the depth of reality behind it, but a decontextualised appearance, an appearance which fully coincides with real being. To quote Stevens again: "What it seems it is and in such seeming all things are." Such an artistic description "is not a sign for something that lies outside its form."5 Rather, it extracts from the confused reality its own inner form in the same way that Schoenberg "extracted" the inner form of totalitarian terror. He evoked the way this terror affects subjectivity. Does this recourse to artistic description imply that we are in danger of regressing to a contemplative attitude that somehow betrays the urgency to "do something" about the depicted horrors? Let's think about the fake sense of urgency that pervades the left-liberal humanitarian discourse on violence: in it, abstraction and graphic (pseudo)concreteness coexist in the staging of the scene of violence – against women, blacks, the homeless, gays... "A woman is raped every six seconds in this country" and "In the time it takes you to read this paragraph, ten children will die of hunger" are just two examples. Underlying all this is a hypocritical sentiment of moral outrage. Just this kind of pseudo-urgency was exploited by Starbucks a couple of years ago when, at store entrances, posters greeting customers pointed out that a portion of the chain's profits went into health-care for the children of Guatemala, the source of their coffee, the inference being that with every cup you drink, you save a child's life. There is a fundamental anti-theoretical edge to these urgent injunctions. There is no time to reflect: we have to act now. Through this fake sense of urgency, the post-industrial rich, living in their secluded virtual world, not only do not deny or ignore the harsh reality outside their area – they actively refer to it all the time. As Bill Gates recently put it: "What do computers matter when millions are still unnecessarily dying of dysentery?" Against this fake urgency, we might want to place Marx's wonderful letter to Engels of 1870, when, for a brief moment, it seemed that a European revolution was again at the gates. Marx's letter conveys his sheer panic: can't the revolutionaries wait for a couple of years? He hasn't yet finished his Capital. A critical analysis of the present global constellation – one which offers no clear solution, no "practical" advice on what to do, and provides no light at the end of the tunnel, since one is well aware that this light might belong to a train crashing towards us – usually meets with reproach: "Do you mean we should do nothing? Just sit and wait?" One should gather the courage to answer: "YES, precisely that!" There are situations when the only truly "practical" thing to do is to resist the temptation to engage immediately and to "wait and see" by means of a patient, critical analysis. Engagement seems to exert its pressure on us from all directions. In a well-known passage from his Existentialism and Humanism, Sartre deployed the dilemma of a young man in France in 1942, torn between the duty to help his lone, ill mother and the duty to enter the Resistance and fight the Germans; Sartre's point is, of course, that there is no a priori answer to this dilemma. The young man needs to make a decision grounded only in his own abyssal freedom and assume full responsibility for it.6 An obscene third way out of the dilemma would have been to advise the young man to tell his mother that he will join the Resistance, and to tell his Resistance friends that he will take care of his mother, while, in reality, withdrawing to a secluded place and studying... There is more than cheap cynicism in this advice. It brings to mind a well-known Soviet joke about Lenin. Under socialism, Lenin's advice to young people, his answer to what they should do, was "Learn, learn, and learn." This was evoked at all times and displayed on all school walls. The joke goes: Marx, Engels, and Lenin are asked whether they would prefer to have a wife or a mistress. As expected, Marx, rather conservative in private matters, answers, "A wife!" while Engels, more of a bon vivant, opts for a mistress. To everyone's surprise, Lenin says, "I'd like to have both!" Why? Is there a hidden stripe of decadent jouisseur behind his austere revolutionary image? No-he explains: "So that I can tell my wife that I am going to my mistress, and my mistress that I have to be with my wife..." "And then, what do you do?" "I go to a solitary place to learn, learn, and learn!" Is this not exactly what Lenin did after the catastrophe of 1914? He withdrew to a lonely place in Switzerland, where he "learned, learned, and learned," reading Hegel's logic. And this is what we should do today when we find ourselves bombarded with mediatic images of violence. We need to "learn, learn, and learn" what causes this violence.

***Plan action short-circuits alt solvency - action necessarily precludes thinking***

**Zizek, ’09** (Slavoj, senior researcher at the Institute of Sociology, University of Ljubljana, Slovenia, professor at the European Graduate School, and total BAMF, First as Tragedy, Then as Farce, p. 10-11, bgm)

**At the height of the meltdown**, Joseph **Stiglitz wrote that, in spite of the growing consensus** among economists **that any bail-out** based on US Treasury Henry Paulson’s plan **would not work, “it is impossible for politicians to do nothing in such a crisis. So we** may **have to pray that an agreement crafted with the toxic mix of special interests, misguided economics, and right-wing ideologies that produced the crisis can somehow produce a rescue plan that works—or whose failure doesn’t do too much damage.” He is correct, since markets are effectively based on beliefs (even beliefs about other people’s beliefs), so when the media worry about “how the markets will react”** to the bail-out, **it is a question not only about its real consequences, but about the *belief* of the markets in the plan’s efficacy.** This is why the bail-out might work even if it is economically wrong-headed. **The pressure “to do something” here is like the superstitious compulsion to make some gesture when we are observing a process over which we have no real influence. Are not out acts often such gestures? The old saying, “Don’t just talk, do something!” is one of the most stupid things one can say**, even measured by the low standards of common sense. Perhaps, rather, **the problem lately has been that we have been doing too much, such as intervening in nature, destroying the environment**, and so forth… **Perhaps it is time to step back, think and *say* the right thing.** True, we often talk about something instead of doing it; but sometimes **we also do things in order to avoid talking and thinking about them. Such as throwing $700 billion at a problem instead of reflecting on how it arose in the first place.**

***Perm links to our ethics disad and get’s co-opted – cedes the universal***

The plan’s political interpassivity --- all their cede the political args link harder to them --- they’re not about political change, the purpose of the aff is to provide ample energy supplies so that underlying economic structures don’t have to be changed

**Valentić 07** (Tonči, University of Zagreb, “Socialism reconsidered: Remarks on Žižek`s *Repeating Lenin”,* International Journal of Zizek Studies, <http://zizekstudies.org/index.php/ijzs/article/view/47/92>)

**Žižek`s assertion that the main failure of today's Left is the acceptance of the cultural wars (such as anti-racist or feminist) as the dominant terrain of the emancipatory politics is very easy to defend.** There are basically two possible ways for the socio-political engagement: either **to play the game of the system**, i.e. **to engage** in the "long march ***through the institutions***" **or to get active in new social movements** (such as feminism, ecology, antiracism, minority rights, etc.). Žižek rejects both of them, being mainly negative towards the second since they are not political in a strict sense of the word: **they are not more that "single issue movements" with the lack of social totality, focused only on one group of people or one single social issue, thus rejecting the universalism** as an important part of any struggle in the public sphere. **Instead of a "right to narrate**" one personal story or story **from one particular point of view** of the so-called socially deprived groups**, he emphasizes the "right to truth**" as embodied in historical figure of St. Paul, calling on the traces of Alain Badiou for humanity beyond particular disintegration or abstract humanism, beyond pathetic brotherhood, instead based on the "politics of truth". He puts into play the role of Saint Paul because in the realm of political theology he aimed to ground a new collective that abandons and leaves behind both the "Roman" and "Jewish" way, i.e. false universalism of liberal democracy's discourse and orthodox right-wing fundamentalism. With his assertion of today's world seen as period of post-modern relativism where we should articulate the universal truth as prerequisite for emancipatory politics, he overwrites the Leninist notion of "politics of truth" claiming it still has to be reinvented and implied. Since Badoiu`s notion of Event tends to "emerge out of nowhere", the same goes for **Leninism as radical gesture: it is the only way to cope with contemporary totalitarian liberal democracy, so this reference to Lenin serves as an effort to break the vicious circle of these false options, i.e. either to play the game in hope you can one day beat the system or to fight the system emphasizing social particularities. The statement is very clear and convincing: partial emancipation is possible only through universal emancipation, which means particular experience cannot be universalized and therefore denotes a conservative political gesture, such as an emphasis on minority rights, gay and lesbian organizations, etc.** Žižek`s critical remarks on the contemporary dominant fetish of repressed "otherness" as well as a concept of social intolerance towards the Other become the battlefield for analysis of Other's intolerance towards us, which is not politically correct but is politically true. Just as radicalism often represents an empty gesture, by the same token it is also the case with the political correctness as well as **fascination with victimized Other, which leads us to the new type of exclusion, the exclusion of those who do not play by those imposed rules and are a priori considered terrorists or oppressors if they belong to the majority group** (for example, single white Anglo-American male in today's United States in contrast to black lesbian woman). The important step, or to put it more clearly, the main theoretical act, is precisely to define hegemonic ideological coordinates because if you act you are already in the game, playing by the rules. Regarding political Denkverbot mentioned before, Žižek humorously but nonetheless punctually paraphrases Max Horkheimer`s sentence "those who do not want to talk about fascism, should keep silent about capitalism" into "those who do not want to talk about global capitalism, should keep silent about socialism". ***Political activity is here accurately seen as an example of political interpassivity, i.e. doing things not to achieve something, but to prevent something from really changing***, as in an unmentioned reference to famous Visconti`s phrase in one of his movies that "***everything has to be changed in order to remain the same***". The Return to Lenin has a quite different aim. Instead of playing the role of leftist intellectual who pretends to be critical towards capitalism discussing the transition from commodity fetishism to fetishism which is today itself commodified or to support the naïve belief in cyber communism as the possible way of resistance, he calls for repetition of Lenin's historical gesture with the famous question, once more brought into the intellectual debate: "Čto djelat?" or "What Is To Be Done?" Here it is crucial to emphasize the relevance of so called "high theory" today for the most concrete political struggle – as we remember from socialism, theoretical knowledge is not unimportant; quite contrary, as Žižek argues, it is the main incentive for the revolutionary act which follows it. Another author who uses Lenin as a crucial figure is Toni Negri (article "What to do with "What to do?" Or rather: The body of General Intellect"), who grippingly emphasized the biopolitical aspect of Leninism, (Lenin beyond Lenin), i.e. interpreting communist struggle as inevitably biopolitical struggle. Since the present ideologico-political constellation is characterized by the tendency to introduce moralistic reasoning into the political struggle**, we are only a few steps away from a teleological explanation of liberal-democratic capitalism as the ultimate and eternal social order**. The true problem with the democracy as *liberal* democracy is in its inherent paradox, since it is possible only in the conditions of its impossibility, and the major problem with the state from the socialist point of view is that it has always been seen as an instrument of oppression which can never be fully democratized. For that reason, socialist interventions pinpoint the dominant role of the state as well as democracy's insufficiencies.

### A2: Perm Key – “Reformism Good!”

#### Reformist particular demands are accommodated by the system—we must take a leap of faith for a true revolution to occur

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A big debate within Marxism has been about when the time is ripe for revolution, and by ‘ripe’ it is partly meant the conscious aware - ness of the working class, and partly the development of the means of production. Žižek here takes Lenin’s side against those who argue for reformist advances. The time for revolution never becomes ripe, if we accept the basic premises of reformism, or better: the revolution is restructuring the system on the background of which it is possible to perceive the moment as ripe or unripe. In other words: one must ‘plunge ahead’ into an apparently unripe situation and change its coordinates so that it will, post hoc , appear to have been ripe after all (Žižek 2001a: 114). It therefore makes no sense to talk about an objective logic, which history or more specifically the control of the means of production should follow. Those who wait for the time to be ripe will be bound to the prevailing logic (ibid.: 133). History might on the surface seem to be following iron laws, not the least because the events and stages of the past are always interpreted in light of the present. The non-realised and wasted opportunities, the contingency of history, are therefore only revealed with great difficulty or not at all. In consequence of this, one can also say that it is not the case that certain specific demands – sexual emancipation, less working hours, co-ownership, etc. – are by nature always revolutionary: particular demands may have revolutionary potential at a certain moment and shortly after be accommodated easily. A good example is monogamy. It was seen by many as essential to the reproduction of the labour force, and some therefore thought that ‘perverted’ practises had emancipatory potential (flower power, S/M, free sex, etc.). Today, there is almost no sexual practice which is not accommodated within the confines of capitalism. The conclusion to be made from this, how - ever, is not… that capitalism has the endless ability to integrate, and thus cut off, the subversive edge of all particular demands – the question of timing, of ‘seizing the moment’, is crucial here. A certain particular demand possesses, at a certain moment, a global detonating power; it functions as a metaphorical stand in for the global revolution: if we insist on it unconditionally, the system will explode; if, however, we wait too long, the metaphorical short circuit between this particular demand and global overthrow is dissolved, and the System can, with sneering hypocritical satisfaction, make the gesture of ‘You wanted this? Now you’ve got it!’, without anything really radical happening. (ibid.: 116f)

### A2: Particularity Good/Universal fails

#### They cannot win uniqueness – Capital will constantly annihilate the particular

Dean, Associate Professor of Political Theory at Hobart & William Smith, 2005

Jodi, Zizek against Democracy, jdeanicite.typepad.com/i\_cite/files/zizek\_against\_ democracy\_new\_version.doc –

To summarize: Zizek argues that the democratic form runs up against a stain or non-universalizable kernel. Using Lacan, he understands this kernel as a stain of enjoyment, of an irreducible attachment to an intense pleasure-pain. The empty place of democracy is never fully empty. It comes up against points of non-universalizability—founding violence, ethnic particularity, the national Thing. Indeed, insofar as democracy has been a project of the Nation, its very starting point, its position of enunciation, requires this non-universalizable kernel. To the extent that liberal democracy tries to eliminate this stain, tries to exclude ethic fundamentalism and nationalist attachment, it necessarily fails. And, under conditions of late capitalism, the problem is even worse. Like liberal democracy, Capital wants to eliminate particular attachments. Liberal-democratic attacks on ethnic fundamentalism, then, serve capitalist ends at they attack some of the few remaining sites of opposition to capitalism. Nationalist, ethnic, racist violence thus persists today at the intersection of two modes of failed universalization—democracy and capitalism. The question is whether a new political universality is possible.

#### Only universality lets us escape our isolated perspectives to effective grasp totality—pre-req to politics

McGowan 4 PhD from Ohio State English Department (Todd, 2004, “Introduction: Psychoanalysis after Marx”, *End of Dissatisfaction? Jacques Lacan and the Emerging Society of Enjoyment*”, p. 98-9)

However, as we can see in the passage from Laclau and Mouffe, there is some slippage between the impossibility of universality and the call for a prohibition against “the discourse of the universal.” In other words, they begin by claiming that universality is no longer possible, that the universal position “has been eradicated,” and then they insist that we must renounce universality. By making universality seem to be a possibility that we must avoid, Laclau and Mouffe cover over their insight into the evanescent nature of universality today. There is no need to avoid or renounce universality, precisely because we are no longer capable of it. And we are no longer capable of it insofar as we experience our subjectivity as one of, in Laclau and Mouffe’s terms, “a polyphony of voices, each of which constructs its own irreducible discursive identity.” For Laclau and Mouffe, as for much of the contemporary Left, this turn from universality to particularity is a turn away from domination and from the violence of trying to speak for others. What they miss, however, is what is lost along with the loss of universality. When we can no longer take up a universalizing perspective, we can no longer escape our isolated position in order to understand the social order as a totality. Without the universal, we lose the ability to interpret the events occurring in our everyday lives—we lose the ability to find meaning—because it is only the universal that makes interpretation possible. Interpretation operates by relating the particular to the universal, by taking a seemingly isolated event and seeing its larger importance. The universal provides the framework of meaning through which the particular acquires whatever sense it will acquire. Without the possibility of a reference to the universal, particular events lose their connection to the whole and thus take on the appearance of contingency. We can see this phenomenon at its most egregious in the contemporary attitude toward crime. People fear crime today in large part because it always threatens to take them by surprise. Rather than being the product of definite sociohistorical conditions, the criminal seems to emerge out of nowhere, strike, and then return to anonymity. As the victim (or potential victim) of the crime, I experience it as a wholly random act, disconnected with the functioning of the social order as a whole. What I experience most forcefully is the fact that the crime could have happened to anyone— that it could have happened to someone else just as easily as it happened to me. Certainly it is never anything that I did that triggered the crime—or at least such is my experience. Crimes appear, in other words, in almost every instance as particular acts without any link to the universal, without any connection to the social order in which they exist. One might have a theory about crime—blaming it on “liberal judges,” for instance—but when crime actually strikes, it seems random and irreducibly singular. Hence, it becomes impossible to interpret crime, to grasp particular crimes within their universal significance.9 But nonetheless crime does have a universal significance, and it does emerge from localizable conditions, despite its appearance of isolation and particularity. In fact, one could convincingly argue that crime should be easier to understand within the current context of global capitalism than ever before in human history, simply because never before have those who live in squalor been bombarded on a daily basis with nonstop images of opulence. Making connections like this is increasingly difficult today, however, because subjects increasingly view their experience as an isolated, essentially private experience.10

### A2: No Solvency/Alt Fails

#### Ethical responsibility to risk the impossible

**Zizek and Daly ‘04**

(Slavoj, professor of philosophy at the Institute for Sociology, Ljubljana, and Glyn, Senior Lecturer in Politics in the Faculty of Arts and Social Sciences at University College, Northampton, Conversations with Zizek, page 18-19)

For Zizek, **a confrontation with the obscenities of abundance capitalism also requires a transformation of the ethico-political imagination. It is no longer a question of developing ethical guidelines within the existing political framework** (the various institutional and corporate ‘ethical committees’) **but of developing a politicization of ethics;** an ethics of the Real.8 **The starting point here is an insistence on the unconditional autonomy of the subject; of accepting that as** human beings **we** are **ultimately** responsible for our actions **and being-in-the-world up to** and **including** the **constructions of the** capitalist system itself. Far from simple norm-breaking or refining / reinforcing existing social protocol, **an ethics of the Real tends to emerge through** norm-breaking and in finding new directions that, by definition, involve **traumatic changes:** i.e. the Real in genuine ethical challenge. An ethics of the Real does not simply defer to the impossible **(or infinite Otherness) as an unsurpassable horizon that already marks every act as a failure, incomplete and so on.** Rather, such an ethics is one that fully accepts contingency but which is nonetheless prepared to risk the impossible in the sense of breaking out of standardized positions**.** We might say that it is an ethics which is not only politically motivated but which also draws its strength from the political itself. For Zizek an **ethics** of the Real (or Real ethics) **means that we cannot rely on any form of symbolic Other that would endorse our (in)decisions and (in)actions:** for example, the ‘neutral’ financial data of the stockmarkets; the expert knowledge of Beck’s ‘new modernity’ scientists, the economic and military councils of the New World Order; the various (formal and informal) tribunals of political correctness; or any of the mysterious laws of God, nature or the market. **What Zizek affirms is a radical culture of ethical identification** for the left **in which the alternative forms of militancy must first of all be militant** with themselves. That is to say, **they must be militant in the fundamental ethical sense of not relying on any external/higher authority and** in the development of a political imagination that**,** like Zizek’s own thought, **exhorts us to risk the impossible.**

***A blueprint’s not key --- opening up the sociopolitical imagination is***

**Carew 12** Joseph Stephen Carew, Europhilosophie, International Journal of Zizek Studies, Vol 6, No 3 (2012), Truth, Imagination, Act: The Methodology of Žižek's Sociopolitical Writings, <http://zizekstudies.org/index.php/ijzs/article/view/384/449>, jj

**Although the bulk of Žižek's writings often give the impression of an intellectualist form of political essayism or cultural journalism, we should avoid the trap of seeing them merely as a kind of analysis or critique of the events occurring around him. The role that they play in the attempt to carve up the space from within which a genuine political transformation could be possible**, **and exactly how this role is first established by a theoretical evaluation of how such a carving up has to accomplished, must be kept in mind**, in light of which his writings take on a much more sophisticated form. In the first place, they understand themselves to be an intervention in a very strict and precise manner according to its original etymological sense of intervenire: “to come between,” “to interrupt.” Taking as their starting point the foreclosure of political imagination – of very the possibility of being able to invent radically new forms of life in response to various antagonisms that plague and threaten us either as material or social subjects –, **they aim to expose the wide array of structures which obstruct us from cultivating any such capacity of envisioning another future beyond the one automatically laid down in front of us according to the inner logistics of the symbolic order within which we live**. In this respect, **if Žižek's texts do not present us with a clearly stated position vis-à-vis what we should do, or what could await us if the communist struggle were successful, this is to be expected if we take into account their self-imposed methodological constraints: given that his work largely centers around opening up the possibility for a genuine usage of imagination and its emancipatory potential of social organization and experimentation**, it is only by means of a long labour that we could arrive there, if at all. The problem of political imagination is thus not limited to a mere utopia that we desire, but implies the capacity of envisaging something that could take hold as a structuring principle of action with transformative effects. Consequently, it is no accident that itis only in his recently published Living in the End Times, which was appeared some twenty three years after his first major theoretical publication The Sublime Object of Ideology, that Žižek finally gives a provisional answer to the question of what a communist society would look like – or that here, instead of supplying a program with exact details he is satisfied with mobilizing the power of artistic images (Žižek 2010: 365-383). What is important in the latter is their ability to escape the coordinates of the possible dictated by the regime within which we live– we must remember, art has the very ability to rewrite the Symbolic insofar as true art is an event v–, which means that **they can serve as a means to “schematize” sociopolitical reality and thereby supply a positive basis for a source of action**. **But this work cannot be done on its own: it is only after painstaking disclosing ideological obfuscation of political imagination and identifying possible sites of emancipation that such images** (for instance, that of a communist society) **could hope to effectuate change.**

In the second place, **the strict and precise manner of political intervention aimed at by Žižek's writings indicates that the “intellectualization” of politics is not the foreclosure of the political** (**the standard argument according to which writing on paper is not action: abstractions and words do not suffice, we need sweat and blood) and is even its condition of possibility if we understand “intellectualization” properly**. To exemplify this point, we may draw upon one of the great achievements that Žižek sees in Lenin as an implicit reference to the methodology of his own work. Firstly, Žižek cites Lenin from What Is to Be Done:

all worship of the spontaneity of the working class-movement, all belitting of the role of the “the conscious element,” of the role of Social Democracy, means, quite independently of whether he who belittles that role desires it or not, a strengthening of the influence of the bourgeois ideology upon workers. […] the only choice is – either bourgeois or socialist ideology. There is no middle course […] the spontaneousdevelopment of the working-class movement leads to subordination to bourgeois ideology […] for the spontaneous working class movement is trade unionism. (Lenin

1999: 40-41; quoted in Žižek 2002b: 183)

#### Vote neg to suspend politics-as-usual—adopt the role of the analyst to scrutinize the 1AC’s failure to imagine alternative’s to the existing socio-political system

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Žižek’s more principled critics, however, seem to have been on the lookout for some years for proof of his radical, anti-democratic, and potentially r-r-r-revolutionary stance, and some of them seem to have found this proof in Violence . One quite harsh exchange on the subject of violence followed between Žižek and British critic Simon Critchley after the latter reviewed Violence in The Independent (Critchley 2008). Critchley identified the same seeming paradox (like Ian Parker and Ernesto Laclau) in Žižek between the urge for radical action and the complete absence of concrete ideas or initiatives. This paradox in Žižek particularly tends to provoke people like Critchley who try to think more concretely about commitment, resistance and action, because Žižek rarely steps back from an opportunity to ridi-cule their efforts as pseudo-activism or as ‘surrender’ to the workings of the liberal capitalist hegemony. Philosophers have long wanted to change the world, as Žižek likes to invert Marx’ famous motto, what is needed is to interpret it. Sometimes the best thing to do is to do nothing, or, at the most, to sit down and write philosophy in order to come closer to an understanding of the objective measures of the world. The endless amounts of interpretations from Žižek’s hand, how - ever, have not yet produced anything like an answer to the old ques-tion ‘what should be done?’, and it sometimes seems that the clos-est we will ever come to an answer will be an injunction to wait and prepare ourselves. Žižek’s politics, on an ungenerous interpretation, could be said to consist in the old wisdom in Western movies about not shooting before you see the white in their eyes, although in Žižek’s case, the enemy seems never to come close enough. ‘The moment’ will come, but it is (always) not quite here yet, and until then it is best to sit still. Critchley is more blunt: ‘the truth is that Žižek is never ready’, and he ends up ‘diagnosing’ Žižek, in an unusually personal manner, as an obsessive neurotic, manically producing books, articles and lectures, while secretly dreaming of divine violence, ‘a cataclysmic, purifying violence of the sovereign ethical deed’, one for which, however, ‘he lacks the courage’ (ibid.). Critchley’s personal and rather emotional attack does display some of the inherent tensions in Žižek’s work, although it is so exaggerated that it hardly adds to the understand - ing of the oeuvre. The two have clear and unquestionable differences both politically and philosophically, which obviously places them in opposing camps. But it seems to be quite an extraordinary move to turn such disagreements on political and philosophical theory into a vindictive search for pathological motives in the opponent. It seems like Critchley is systematically and deliberately failing to understand Žižek’s gesture in some of his ‘radical’ statements. As Jodi Dean has shown (Dean 2006), Žižek’s strategy in politi-cal discussions is to take the position of the analyst (rather than that of the master) and try to confront/provoke his readers and audience with issues in our own strategies for not taking action, not imagin-ing radically different politically scenarios than the current ones, not seriously taking the economical injustices of the world into consid-eration, and so on. This is done, it should of course be noted, on a social or cultural level, rather than on a personal level (like that of Critchley’s ‘analysis’ of Žižek). Žižek reads signs in public discourse, political decisions, writings, popular culture, etc. as indications of the ‘state of mind’ of contemporary society, and not least of the unspoken messages that circulate beneath the surface of the official rhetoric. Whenever he identifies an issue of denial or repression in public or philosophical discourse, he generally attacks with reinforced impera-tives of real political change rather than half hearted encouragement to, for instance, ameliorate the harsh conditions in poor countries. His strategy is often to show that the conditions we are trying to improve or prevent are created by the very same economical system from which we benefit on a daily level, which means that the real sig-nification of acts of benevolence, philanthropy and care, is sometimes almost the exact opposite of what was (consciously) intended: being able to continue enjoying, while maintaining a picture of ourselves as good, honest and engaged people. Take fair trade, for example: isn’t it possible that we are purchasing fair trade products much more because we want to ‘send a signal’ to friends, colleagues, etc., about our own ethical values, than because we actually have in mind the living conditions of some Central American farmer? Or even: does it change his living conditions, even if we do in fact ‘have him in mind’? Whenever Žižek identifies types of action that make the agents ‘feel good about themselves’ without seriously challenging political and economical power, he immediately becomes sceptical about its real political value and tends to dismiss it as pseudo-activism. The demonstrations against the war in Iraq make another nice exam - ple of this type of critique: while demonstrators across the Western world vehemently protested against the already settled decision of the ‘coalition of the willing’ to engage in a war against Saddam Hussein’s regime, the planning and execution of the war could proceed almost entirely undisturbed. The tacit deal between the two parties was: we are allowed to distance ourselves from the tragic outcomes of the war, while you are allowed to continue planning it. American presi-dent George W. Bush, the de facto leader of the coalition, made a similar point when he proclaimed that the demonstrations were an excellent example of the individual liberties that everyone enjoys in the free world and that this was exactly what he was hoping to intro - duce in Iraq as well.

### 2NC/1NR A2: Complexity K

#### If they win this arg, vote neg on presumption—they can’t prove the causality of any of their 1AC claims—all of our case arguments prove there are tons of intervening variables that prevent their solvency and they have no method to establish the aff does anything without linear predictions

**Chernoff ‘9** (Fred, Prof. IR and Dir. IR – Colgate U., European Journal of International Relations, “Conventionalism as an Adequate Basis for Policy-Relevant IR Theory”, 15:1, Sage)

Other reflexivist theorists reject prediction more by omission. For example, Walker and Wendt are less explicit but are still quite clear in their rejections of prediction in IR. While Walker (1993) offers a sustained critique of naturalism and the empiricist (though not empirical) approach to the social sciences, he focuses on the logic of explanation and the presuppositions of the dominant forms of theory rather than questions connected to ‘prediction’. He ignores the notion of ‘prediction’. Wendt is of course one of the principal figures in American constructivism and, like others in that group, emphasizes scientific-style explanation. But at no point does he endorse prediction. Wendt lays out his extensive metatheory in Social Theory of International Politics (1999) but barely even mentions ‘prediction’. Rationalist scholars rarely note the problem that prediction – scepticism creates for the empirical value that IR theory might have. John Mearsheimer is one of the exceptions. He observes that reflexivists hope to improve the world by making it more cooperative and peaceful, which they hold will be advanced by eliminating the ‘hegemonic discourse’ of realism. But, as Mearsheimer points out, if the reflexivists were to eliminate the hegemonic discourse, then, since they do not have any way to predict what would follow in its place, the change may be a shift from realism to fascism.12 There is a related but somewhat more radical implication, which Mearsheimer does not mention, namely that **without any ability to predict in the social world**, it is possible that reflexivists may succeed in creating a more institutionally oriented discourse, but that discourse might **not produce any change whatever in real-world politics**. If they reject causal (probabilistic) connections projected into the future between events, states of affairs, or event-types, then there is no reason to believe that any specific change will lead to any effect at all.13

### A2: Totalizing

#### This is Interpassivity – denouncing our politics as “totalizing” conceals an individualistic politics that valorizes difference and remains content with endless minor reforms

Dean ’11 [Jodi, Professor of Political Science at Hobart and William Smith Colleges, “What is to be done? (4)”, <http://jdeanicite.typepad.com/i_cite/2011/02/what-is-to-be-done.html>]

1. Lenin: "The worst sin we commit is that we degrade our political and organizational tasks to the level of the immediate, 'palpable,' 'concrete' interests of the everyday economic struggle; yet they singing to us the same refrain: Lend the economic struggle itself a political character!" Sometime I find it so strange, so puzzling, that the spontaneity, immediacy, concreteness, amateurism, and emphasis on the everyday that Lenin condemns as primitivism and economism is taken so widely for granted among so many left activists and intellectuals. Is this uncritical acceptance a reaction to what many see as the mistakes of the Soviet period? Is it a more recent response to the failures and compromises of communist parties in other countries (I'm thinking mostly of Italy here)? Is it a reaction to the rigidity of some communists in the US and the UK, a reaction by those who associate themselves with a new left? Or are other explanations equally or even more compelling--absorption of a 100 years of anti-communism, cooptation by the pleasures of capitalism, relief through forfeiture of responsibility for the terribly hard work of organizing? So many strands of intellectual ideology converge: don't speak for another, appreciate differences, celebrate locality. It's no wonder that a politics can't emerge. Dogmatism, demands, and organization are discounted in advance.I should put this differently. There is a politics here: an individualist politics whose sole principle is that of individual freedom, where this freedom is reduced to particular choice and decision, even as it blocks access to organized contestation and rebuilding of the conditions of choice and decision. Did I choose to live in a society where security is privatized, where required home and car insurance is subject to a market and a set of corporations whose interest is in profit and not my well-being? Did I choose to live in a society where wealth is held in more esteem than fairness, creativity, or scientific curiosity? Did I have a choice to live in a society where a collective good like space exploration is subordinated to tax breaks for the top one percent? 2. For Lenin, mass movement and "professional revolutionaries" are not alternative organizational forms. Each is necessary: Such workers, average people of the masses, are capable of displaying enormous energy and self-sacrifice in strikes and in street battles with the police and the troops, and are capable (in fact are alone capable) of determining the outcome of our entire movement--but the struggle against the political police requires special qualities; it requires professional revolutionaries. Lenin gives one reason for the need of professional revolutionaries--the police make every strike and every demonstration a secret. They prevent news of the strikes from spreading. Do we have the same problem? Cutting of Internet services in Egypt suggests a contemporary version of this kind of policing role, as do the attacks on journalists and the disruptions of Al Jazeera's signals. Yet news from Cairo was getting out and it was circulating in the country, even more, news of the struggles in multiple cities reinforced the struggles' as dimensions of one struggle. No one will deny that Egypt has been under authoritarian rule for decades. It's not surprising, then, that there are resonances with Russian at the beginning of the 20th century. The situation of the US, UK, and Europe under communicative capitalism suggests a different problem. The effect of the police--non knowledge of strikes and resistance--is achieved differently, now via over-kill, deluge, distraction, and obfuscation. Too much information becomes too little. Too much analysis and commentary deflects and displaces. The culture of media circulates and redirects energies away from direct confrontation. No wonder turning off the internet in Egypt had energizing effects--people had to get information from each other on the streets.

# 1NR

## Cap

### A2: Totalizing

#### This is Interpassivity – denouncing our politics as “totalizing” conceals an individualistic politics that valorizes difference and remains content with endless minor reforms

Dean ’11 [Jodi, Professor of Political Science at Hobart and William Smith Colleges, “What is to be done? (4)”, <http://jdeanicite.typepad.com/i_cite/2011/02/what-is-to-be-done.html>]

1. Lenin: "The worst sin we commit is that we degrade our political and organizational tasks to the level of the immediate, 'palpable,' 'concrete' interests of the everyday economic struggle; yet they singing to us the same refrain: Lend the economic struggle itself a political character!" Sometime I find it so strange, so puzzling, that the spontaneity, immediacy, concreteness, amateurism, and emphasis on the everyday that Lenin condemns as primitivism and economism is taken so widely for granted among so many left activists and intellectuals. Is this uncritical acceptance a reaction to what many see as the mistakes of the Soviet period? Is it a more recent response to the failures and compromises of communist parties in other countries (I'm thinking mostly of Italy here)? Is it a reaction to the rigidity of some communists in the US and the UK, a reaction by those who associate themselves with a new left? Or are other explanations equally or even more compelling--absorption of a 100 years of anti-communism, cooptation by the pleasures of capitalism, relief through forfeiture of responsibility for the terribly hard work of organizing? So many strands of intellectual ideology converge: don't speak for another, appreciate differences, celebrate locality. It's no wonder that a politics can't emerge. Dogmatism, demands, and organization are discounted in advance.I should put this differently. There is a politics here: an individualist politics whose sole principle is that of individual freedom, where this freedom is reduced to particular choice and decision, even as it blocks access to organized contestation and rebuilding of the conditions of choice and decision. Did I choose to live in a society where security is privatized, where required home and car insurance is subject to a market and a set of corporations whose interest is in profit and not my well-being? Did I choose to live in a society where wealth is held in more esteem than fairness, creativity, or scientific curiosity? Did I have a choice to live in a society where a collective good like space exploration is subordinated to tax breaks for the top one percent? 2. For Lenin, mass movement and "professional revolutionaries" are not alternative organizational forms. Each is necessary: Such workers, average people of the masses, are capable of displaying enormous energy and self-sacrifice in strikes and in street battles with the police and the troops, and are capable (in fact are alone capable) of determining the outcome of our entire movement--but the struggle against the political police requires special qualities; it requires professional revolutionaries. Lenin gives one reason for the need of professional revolutionaries--the police make every strike and every demonstration a secret. They prevent news of the strikes from spreading. Do we have the same problem? Cutting of Internet services in Egypt suggests a contemporary version of this kind of policing role, as do the attacks on journalists and the disruptions of Al Jazeera's signals. Yet news from Cairo was getting out and it was circulating in the country, even more, news of the struggles in multiple cities reinforced the struggles' as dimensions of one struggle. No one will deny that Egypt has been under authoritarian rule for decades. It's not surprising, then, that there are resonances with Russian at the beginning of the 20th century. The situation of the US, UK, and Europe under communicative capitalism suggests a different problem. The effect of the police--non knowledge of strikes and resistance--is achieved differently, now via over-kill, deluge, distraction, and obfuscation. Too much information becomes too little. Too much analysis and commentary deflects and displaces. The culture of media circulates and redirects energies away from direct confrontation. No wonder turning off the internet in Egypt had energizing effects--people had to get information from each other on the streets.

## Contention 1

#### This means that at best they solve only one plank of the “dual logic of humanitarian protection”

Young 3 Iris Marion, Professor of Political Science at The University of Chicago, “The Logic of Masculinist Protection: Re?ections on the Current Security State”, Signs: Journal of Women in Culture and Society 2003, vol. 29, no. 1

The logic of masculinist protection positions leaders, along with some other officials, such as soldiers and firefighters, as protectors and the rest of us in the subordinate position of dependent protected people. Justifications for the suspension of due process or partial abrogation of privacy rights and civil liberties, as well as condemnation of dissent, rest on an implicit deal: that these are necessary tradeoffs for effective protection. The legitimacy of this deal is questionable, however, not only because it may not be effective in protecting us but also because it cheapens and endangers democracy. Subordinate citizenship is not compatible with democracy. The relation of leaders to citizens under democratic norms ought to be one of equality, not in the sense of equal power but in the sense that citizens have an equal right and responsibility with leaders to make policy judgments, and thus that leaders entrusted with special powers should be held accountable to citizens. Institutions of due process, public procedure and record, organized opposition and criticism, and public review both enact and recognize such equal citizenship. Trading them for protection puts us at the mercy of the protectors.

War and Feminism The logic of masculinist protection, I have argued, helps account for the rationale leaders give for deepening a security state and its acceptance by those living under their rule. There are two faces to the security state, one facing outward to defend against enemies and the other facing inward to keep those under protection under necessary control. So far I have concentrated on describing recent legislative and executive actions of the U.S. government in terms of the inward-looking face. Now I shall turn to the outward-looking face, the United States as war-maker.

## Contention 2

### A2: we shift the rhetorical frame

#### —your radical act doesn’t change everyone’s mind along the way – naïve to think backlash will be wished-away.

James G. **Blight** –Center for Science and International Affairs, Harvard University, Cambridge, Massachusetts – American Psychologist –Volume 42, Issue 1, **1987** – obtained via CSA Illumina Database

The alternative view of the psychological transformarion of the superpower relationship is that it must occur from the top-down. The imagined scenario might unfold roughly as follows: For whatever reason, an American president makes an unprecedentedly bold move to halt the arms race, for example, by announcing the intention to make deep cuts in the American arsenal and/or to cancel deployment of certain systems regarded by the Soviets as suitable for a disarming first strike against them. The president then takes the proposals to the Soviet counterpart, who agrees to reciprocate. Faced with a nuclear fait accompli deriving from a historic summit meeting, the NATO allies and the American public and Congress, all notoriously fickle in matters of nuclear policy, agree to the radical change of course. In this scenario, therefore, the manner of thinking is altered by a radical action taken by the top leadership, which results eventually in a widely shared new way of thinking about superpower relations. Deutsch typifies advocates of the top-down tactic. In his view, the malignant social process could be completely transformed if only "a bold and courageous American leadership would take a risk for peace . . . [and] announce its determination to end the crazy arms race." If only a president would take charge, says Deutsch (1983), "we could replace the arms race with a peace race" (p. 23). But is it really true that even an extraordinarily bold move by an American president to seize an opportune moment is likely to initiate a chain reaction of political, military, and psychological events that results ultimately in the transcendence of the arms race and, eventually, a top-down cure for superpower psychopathology? **There are no historical reasons for optimism on this question**. For we are highly unlikely to experience in the foreseeable future anything like the peculiar circumstances that combined, during the late spring and summer of 1963, to produce the most opportune such moment so far in the nuclear age. During those few brief but eventful months, the American leader, together with his Soviet counterpart, did indeed labor mightily to accomplish what Mack (1985b) has called "a transformation in the quality of the Soviet-American relationship" (p. 53). And although some notable accomplishments marked these months, it is obvious, after nearly a quarter of a century, that they led to no fundamental changes in the superpower relationship. It is very far from obvious, therefore, why we should expect any top-down cure of the superpower relationship in the future. Let us review just a few of the salient facts in this limiting historical test case for the top-down cure. The first two years of John Kennedy's pr~idency constituted a crash course in nuclear learning for both him and Nikita Khrushchev, a course consisting mainly in a series of r isodes that were almost wholly unprecedented in intensity and danger. In early 1961, a military clash between Sovietsupplied and Soviet-advised forces and their Americanled counterparts was narrowly averted in Southeast Asia. In October 1961, American and Soviet tanks, poised to open fire, faced each other at point-blank range on either side of the newly constructed Berlin Wall. Ultimately and fortunately, neither side fired and the crisis abated. F'mally, during the Cuban missile crisis of October 1962, the superpowers came closer to a shooting war, thus closer to nuclear ~ar, than at any time before or since. The available evidence suggests that the leaders of the superpowers were profoundly affected by these events, especially by the missile crisis. Khrushchev, whose bellicosity and belligerence was by this time legendary, began to speak and act in a far more conciliatory manner than before. President Kennedy, the cold warrior, began to seek accommodation with his adversary. The moment seemed ripe for fundamental change.

### 2NC Congress Frontline EXT

#### President will not abide. Congress will inevitably fall in line

Bell 4—Professor of Political Science @ Randolph-Macon College [Lauren Cohen Bell, “Following the Leaders or Leading the Followers? The US President's Relations with Congress,” Journal of Legislative Studies, Summer/Autumn, 2004, Vol. 10 Issue 2/3, pg. 193-205]

As noted ahove. Article I of the Constitution grants to the Congress the sole authority to make declarations of war. However, the president has the power to command US military personnel based on the provisions of Article II. Over the course of US history, the commander-in-chief power has been interpreted to permit presidents to commit troops to areas of conflict even in the absence of a formal declaration of war. Today, formal declarations of war are the exception rather than the rule; separation of powers expert Louis Fisher notes that through 1991 only five wars had ever been declared and that "in only one (the War of 1812) did members of Congress actually debate the merits of entering into hostilities'.'^ As Samuel Kemell and Gary Jacohson note: "[SJince 1989 U.S. armed forces have been almost continuously engaged somewhere in the world.''^

This was not always the case. Fisher points out that there is evidence of presidential restraint with regard to war-making by relating the story of President Grover Cleveland (1885-89; 1893-97), who refused to mobilise troops for a conflict with Cuba despite Congress' intention to declare war. In Fisher's account, Cleveland told the Congress: 'I will not mobilize the army ... I happen to know that we can buy the island of Cuba from Spain for $100,000,000, and a war will cost vastly more than that and will entail another long list of pensioners. It would be an outrage to declare war.''^ Yet, in the modem history of presidential-congressional relations, it is much more frequently the president who has mobilised American troops without consultation with the Congress and in the absence of a formal declaration of war. And it is clear that even when we consider Cleveland's actions, the president has been far more important to the conduct of American foreign policy than the Congress.

This circumstance led, in the aftermath of the war in Vietnam, to congressional passage of the War Powers Resolution in 1973. The War Powers Resolution (WPR) was an attempt to constrain presidential discretion with regard to committing troops oversees. Section 3 of the WPR requires that 'The president in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances".' Section 4 of the WPR gives the president 48 hours to provide a report to both Chambers of the Congress detailing the reason for committing troops, the authority under which he committed them and his prediction conceming the duration of the troops' engagement abroad.'^ Once the president has informed the Congress of the commitment of troops, and in the event that the Congress does not declare war, the WPR requires the president to end the engagement within 60 days, with the possibility of an additional 30 days' commitment in the event that the president certifies to the Congress that the additional time is necessary.^\*\* According to the Congressional Research Service (CRS), the research branch of the Library of Congress, since the War Powers Resolution was enacted over President Richard M. Nixon's 1973 veto, it has been invoked on 107 occasions (to 23 July 2003).^' Figure 2 illustrates both the absolute number of times as well as the rate of each president's exercise of war powers. As Figure 2 demonstrates, the rate of War Powers Resolution uses has continually increased since it took effect in 1974.

A reading of the WPR would seem to clarify the relationship between Congress and the president with regard to the exercise of national war powers. A close reading would also suggest that the president and Congress share war-making power. Yet no president has ever recognised the WPR as a constraint on his ability to move American armed forces around the globe or keep them in place as long as necessary. Moreover, presidents rarely abide by the provisions of the Resolution that require their consultation with the Congress. As CRS researcher Richard F. Grimmett notes, 'there has been very little consultation with Congress under the Resolution when consultation is defined to mean seeking advice prior to a decision to introduce troops'.^" And while the Congress has, from time to time, expressed its sense that troops should be withdrawn from conflicts or engagements abroad, in truth the Congress has relatively few options for dealing with a president that violates the WPR. Indeed, as the late presidency scholar Aaron Wildavsky notes, the Congress is much less likely to challenge presidents" foreign policy actions than it is willing to challenge presidents" domestic policy actions.'^'^ This is because presidents oversee an enormous national security apparatus and because the constituents represented by members of Congress rarely hold strong opinions on matters of foreign policy. As a result, congressional challenges to violations of the WPR consist mostly of holding oversight hearings and passing symbolic resolutions.''\* Moreover, once troops are committed abroad. Congress almost always falls in line with the president’s vision of the scope of the conflict and the need for a military presence. The members of Congress become reluctant to challenge a president who has troops on the ground and typically acquiesce to the president’s wishes when it comes to provisions for support. In this way, the president is able to exercise some leadership over the Congress, whose members generally find it politically expedient to follow the president on matters pertaining to the military or the conduct of America's relations with other countries. Pg. 200-202

#### Zero incentives for enforcement

Lindsay, Senior Vice President, Director of Studies, CFR, 11

(James, 4-5-11, “Is Operation Odyssey Dawn Constitutional? Part V,” http://blogs.cfr.org/lindsay/2011/04/05/is-operation-odyssey-dawn-constitutional-part-v/, accessed 8-5-13, CMM)

The effect of the Court’s reticence in recent years, however, is to turn the constitutional structure the Framers created on its head. At least it does if you agree with Alexander Hamilton that “the Legislature have a right to make war” and that “it is…the duty of the Executive to preserve Peace till war is declared.” How so? The Framers put the burden of effort in going to war on presidents. Presidents could not act until they had persuaded Congress to agree. That meant assembling winning coalitions in both the House and Senate. As I noted in an earlier post, some nineteenth century presidents tried and failed to secure congressional approval for hostilities they hoped to initiate.¶ By contrast, if presidents are free to act unless Congress stops them—as the judge suggested in Dellums v. Bush—then the burden of effort shifts to the other end of Pennsylvania Avenue. Congress can stop the president only by passing a law that commands him to do so. But that law is subject to a presidential veto. As long as a president can get thirty-four senators to back him, and almost every president can, he carries the day even if the other 501 members of Congress are opposed.¶ Facing those daunting odds, most members of Congress don’t see the point in challenging the White House. Why waste valuable legislative energy tilting at windmills? Moreover, political incentives reinforce the urge that lawmakers have to head to the sidelines. After all, laying oneself open to charges of refusing to support U.S. troops in the field is hardly a recipe for electoral success.¶ So the war power gravitates to the White House, in practice if not in law.

### Paul

#### PMC’s

Michaels 4 (Jon – Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; Law Clerk designate, the Honorable David H. Souter, U.S. Supreme Court; J.D., Yale Law School, “ARTICLE: BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR”, 2004, 82 Wash. U. L. Q. 1001, lexis)

[\*1008] Military privatization of combat duties, on the other hand, decidedly does. It has the potential to introduce a range of novel constitutional, democratic, and strategic harms that have few, if any, analogues in the context of domestic, commercial outsourcing. Military privatization can be, and perhaps already has been, used by government policymakers under Presidents Bill Clinton and George W. Bush to operate in the shadows of public attention, domestic and international laws, and even to circumvent congressional oversight. For a variety of political and legal reasons, the Executive may at times be constrained in deploying U.S. soldiers. The public's aversion to a military draft, the international community's disdain for American unilateralism, and Congress's reluctance to endorse an administration's hawkish foreign goals may each serve to inhibit, if not totally restrict, the president's ability to use U.S. troops in a given zone of conflict. In such scenarios, resorting to private contractors, dispatched to serve American interests without carrying the apparent symbolic or legal imprimatur of the United States, may be quite tempting. In those instances, it would not necessarily be the cheaper price tag or specialized expertise that makes private contractors desirable. Rather, it might be the status of the actors (as private, non-governmental agents) vis-a-vis public opinion, congressional scrutiny, and international law that entices policymakers to turn to contracting. Indeed, "tactical privatization," as I call it, is motivated at least in part by a desire to alter substantive policy: Private agents would be used to achieve public policy ends that would not otherwise be attainable, were the government confined to relying exclusively on members of the U.S. Armed Forces. Tactical privatization thus stands in contradistinction to what is widely understood to be the conventional privatization agenda, driven by economic goals, that strives for verisimilitude in replicating government responsibilities (only more efficiently). n19 To elude public debate, circumvent Congress's coordinate role in conducting military affairs, and evade Security Council dictates may help an administration achieve short-term, realpolitik ends; but in the process, the structural damage to the vibrancy and authenticity of public deliberation, to the integrity of America's constitutional architecture of separation of powers, and to the legitimacy of collective security may prove irreparable.

#### Non-armed forces

Nebehay & Holmes, 12 (6/20/12, Stephanie, Oliver, Reuters: “Red Cross to pluck wounded from Syria's Homs” http://www.reuters.com/article/2012/06/20/us-syria-crisis-idUSBRE85D0IS20120620)

(Reuters) - Aid teams stood ready on Wednesday to enter the contested Syrian city of Homs to evacuate people trapped and wounded by 10 days of fighting between rebels and forces loyal to President Bashar al-Assad.¶ Both sides agreed to a temporary truce, the International Committee of the Red Cross said from Geneva.¶ Teams from the ICRC and its partner the Syrian Red Crescent were ready to go into Homs as soon as possible, but an ICRC spokesman said no evacuations would take place before Thursday at the earliest.¶ "Fighting has been raging for more than 10 days between the Syrian Army and armed opposition groups in several neighborhoods of Homs city," said Béatrice Mégevand-Roggo, the ICRC's regional head of operations.¶ "Hundreds of civilians are stuck in the old city of Homs, unable to leave and find refuge in safer areas, because of the ongoing armed confrontations."

#### The definition of hostilities

**Savage & Landler ’11**, ***\*Charles Savage*** is a Washington correspondent for The New York Times. He is known for his work on presidential power and other legal policy matters. ¶ Before joining The Times, Mr. Savage covered national legal affairs for the Boston Globe from 2003 to 2008. He received a Pulitzer Prize for National Reporting in 2007 for his coverage of presidential signing statements for the Globe. Other awards he earned while at the Globe include the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency.¶ Mr. Savage's book about the growth of executive power, “Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy,” was named one of the best books of 2007 by both Slate and Esquire. The book also received the bipartisan Constitution Project's inaugural Award for Constitutional Commentary, the NCTE George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language and the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism.¶ Mr. Savage was born and raised in Fort Wayne, Indiana. He graduated summa cum laude with degrees in English and American literature from Harvard College in 1998. In 2003, he earned a master's degree from Yale Law School, where he was a Knight Journalism Fellow. Mr. Savage got his start as a local government and politics reporter for the Miami Herald. ¶ ***\*\*Mark Landler*** is a White House correspondent for The New York Times. Prior to taking up this post in March 2011, he was the newspaper’s diplomatic correspondent. He has reported for The Times from 67 countries on six continents, from Afghanistan to Yemen. ¶ Before moving to Washington in 2008, Mark was a foreign correspondent for 10 years, serving as European economic correspondent in Frankfurt, from 2002 to 2008, and as Hong Kong bureau chief, from 1998 to 2002. He won an Overseas Press Club award in 2007. ¶ Mark began his career at The Times in 1987 as a copy boy. From 1990 to 1995, he was a reporter and editor at Business Week magazine, rejoining The Times in 1995 as a business reporter. He is a 1987 graduate of Georgetown University, and was a Reuter Fellow at Oxford University in 1997.¶ New York Times, June 15, 2011, White House Defends Continuing U.S. Role in Libya Operation, <http://www.nytimes.com/2011/06/16/us/politics/16powers.html?pagewanted=all>, jj

WASHINGTON — **The White House, pushing hard against criticism in Congress over the deepening air war in Libya, asserted Wednesday that President Obama had the authority to continue the military campaign without Congressional approval because American involvement fell short of full-blown *hostilities***.¶ In a 38-page report sent to lawmakers describing and defending the NATO-led operation, the White House said the mission was prying loose Col. Muammar el-Qaddafi’s grip on power.¶ In contending that the limited American role did not oblige the administration to ask for authorization under the War Powers Resolution, the report asserted that “U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops.” Still, the White House acknowledged, the operation has cost the Pentagon $716 million in its first two months and will have cost $1.1 billion by September at the current scale of operations.¶ The report came one day after the House Speaker, John A. Boehner, Republican of Ohio, had sent a letter to Mr. Obama warning him that he appeared to be out of time under the Vietnam-era law that says presidents must terminate a mission 60 or 90 days after notifying Congress that troops have been deployed into hostilities, unless lawmakers authorize the operation to continue.¶ Mr. Boehner had demanded that Mr. Obama explain his legal justification for passing the deadline. On Wednesday, Brendan Buck, a spokesman for Mr. Boehner, said he was still reviewing the documents, adding that “**the creative arguments made by the White House raise a number of questions that must be further explored**.”¶ The escalating confrontation with Congress reflects the radically altered political landscape in Washington: a Democratic president asserting sweeping executive powers to deploy American forces overseas, while Republicans call for stricter oversight and voice fears about executive-branch power getting the United States bogged down in a foreign war.¶ “We are acting lawfully,” said Harold H. Koh, the State Department legal adviser, who expanded on the administration’s reasoning in a joint interview with the White House counsel, Robert Bauer.¶ **The two senior administration lawyers contended that American forces had not been in “hostilities” at least since early April, when NATO took over the responsibility for the no-fly zone and the United States shifted to primarily a supporting role — providing refueling and surveillance to allied warplanes, although remotely piloted drones operated by the United States periodically fire missiles, too**.¶ They argued that United States forces are at little risk because there are no troops on the ground and Libyan forces are unable to exchange fire with them meaningfully. And they said the military mission was constrained by a United Nations Security Council resolution, which authorized air power for the purpose of defending civilians.¶ “We are not saying the president can take the country into war on his own,” said Mr. Koh, a former Yale Law School dean and outspoken critic of the Bush administration’s expansive theories of executive power. “**We are not saying the War Powers Resolution is unconstitutional or should be scrapped or that we can refuse to consult Congress. We are saying the limited nature of this particular mission is not the kind of ‘hostilities’ envisioned by the War Powers Resolution**.”¶ **Jack L. Goldsmith, who led the Justice Department’s *O*ffice of *L*egal *C*ounsel during the Bush administration, said the Obama theory would *set a precedent* expanding future presidents’ unauthorized war-making powers, especially given the rise of remote-controlled combat technology**.¶ “**The administration’s theory implies that the president can wage war with drones and all manner of offshore missiles without having to bother with the *W*ar *P*owers *R*esolution’s time limits**,” Mr. Goldsmith said.¶ **It remains to be seen whether majorities in Congress will acquiesce to the administration’s argument, defusing the confrontation, or if the theory will fuel greater criticism. Either way, because the statute does not define hostilities and the Supreme Court has never ruled on the issue, *the debate is likely to be resolved politically***, **said Richard H. Pildes, a New York University law professor.**¶ Also on Wednesday, 10 lawmakers — led by Representative Dennis J. Kucinich, Democrat of Ohio, and Representative Walter B. Jones, Republican of North Carolina — filed a lawsuit asking a judge to order Mr. Obama to pull out of the Libya operation because Congress did not authorize it. That lawsuit faces steep challenges, however, because courts in the past have dismissed similar cases on technical grounds.¶ The administration had earlier argued that Mr. Obama could initiate the intervention on his own authority as commander in chief because its anticipated nature, scope and duration fell short of a “war” in the constitutional sense. Since then, the conflict has dragged on for longer than expected, and the goal of the NATO allies has all but openly shifted from merely defending civilians to forcing the Libyan leader, Colonel Qaddafi, from power. But Mr. Koh and Mr. Bauer said that while regime change in Libya might be a diplomatic goal, the military’s mission was separate and remained limited to protecting civilians.¶ **While many presidents have challenged the constitutionality of other aspects of the War Powers Resolution — which Congress enacted over President Richard M. Nixon’s veto — no administration has declared that the section imposing the 60-day clock is unconstitutional, and in 1980, the Justice Department’s Office of Legal Counsel concluded that it was within Congress’s power to enact such a limit**.

#### Vagueness guarantees circumvention

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(Jonathan, Jan, “Legislating Clear-Statement Regimes in National- Security Law,” http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=jonathan\_mitchell, accessed 9-17-13, CMM)

The challenge for these efforts to strengthen the War Powers Resolution and FISA¶ is that any future ambiguous statute will provide rope for executive-branch lawyers to¶ concoct congressional “authorization” for the President’s actions, no matter what¶ restrictions or interpretive instructions Congress provides in framework legislation. None¶ of these proposed reforms will disable the executive from using its expansive theories of¶ constitutional avoidance and implied repeal to provide a veneer of legality for the¶ President’s actions, and to minimize the prospect of future criminal sanctions and¶ political reprisals against executive-branch employees.