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#### OUR INTERPRETATION: The resolution asks a yes/no question as to the desirability of the United States Federal Government action. The role of the ballot should be to affirm or reject the actions and outcomes of the plan.

#### 1. THE TOPIC IS DEFINED BY THE PHRASE FOLLOWING THE COLON – THE UNITED STATES FEDERAL GOVERNMENT IS THE AGENT OF THE RESOLUTION, NOT THE INDIVIDUAL DEBATERS

Webster’s Guide to Grammar and Writing 2K

<http://ccc.commnet.edu/grammar/marks/colon.htm>

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on… If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

#### 2. “RESOLVED” EXPRESSES INTENT TO IMPLEMENT THE PLAN

American Heritage Dictionary 2K

[www.dictionary.com/cgi-bin/dict.pl?term=resolved](http://www.dictionary.com/cgi-bin/dict.pl?term=resolved)

To find a solution to; solve …

To bring to a usually successful conclusion

#### 3. “SHOULD” DENOTES AN EXPECTATION OF ENACTING A PLAN

American Heritage Dictionary – 2K

[www.dictionary.com]

3 Used to express probability or expectation

#### 4. THE U.S.F.G. is the three branches of government

Dictionary.com 2k6 [<http://dictionary.reference.com/browse/united+states+government>]

|  |
| --- |
| noun |
| the executive and legislative and judicial branches of the federal government of the United States |

**Topical version of the aff solves all of their offense**

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

#### Bounded knowledge is good – debate should be maintained as a disciplinary space- key to unlocking critically pedagogies potential for social justice. The resolution allows a key point of stasis, a fair division of ground, and negative access to topic generics

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Holyrood Road, Edinburgh EH8 8AQ, UK Studies in Higher Education Vol. 35, No. 3, May 2010 ebsco DA: 5-24-13//wyoccd)

Giroux’s critical pedagogy rests upon a commitment to public spaces for learning, where diverse forms of knowledge can be exchanged and developed; where students and teachers engage critically with those knowledges, and with one another; and through which genuine democratic ideals can be pursued. Disciplines are regarded as antithetical to these aims, because they are considered closed, elitist and to perpetuate conservative forms of relationships and types of knowledge. Thus, critical pedagogy seeks, instead, to escape disciplinary boundaries and build interdisciplinary spaces in which such public and political realms can exist and prosper. Looking anew at disciplines I suggest that there is an alternative view of disciplines to that outlined above. In this view disciplines are complex, contested and permeable spaces. I further propose that, if critical pedagogues such as Giroux can, in Proust’s term, look with new eyes at disciplines, they will hopefully see dynamic and safe structures that could provide real and robust allies in the fight to protect higher education from narrow, largely economic, interpretations of its role, and instead promote higher education as a democratic space which supports greater social justice. In this section I seek to encourage this new look at disciplines by first outlining my conception of them as complex, contested and permeable structures, in contrast to Giroux’s perspective of disciplines as static, elitist and limiting. Secondly, I argue that interdisciplinarity and disciplinarity should be thought of as complementary spaces, rather than alternatives. Finally, I discuss how the act of looking anew at disciplines may help critical pedagogy strengthen its own theoretical and practical stances. If critical pedagogy is to challenge narrow commercial and commodified conceptualisations of higher education, it needs to refocus on its commitment to action, rather than pure theory, and looking anew at disciplines as potential allies may be a first step in doing this. Disciplines: complex, contested and permeable I am not arguing that disciplines have not at various times acted conservatively or have not valued stasis over change. Certainly, at different times, disciplinary structures have proven effective homes for forces resistant to change – both epistemologically and politically. Many of us can no doubt relate to the description of ‘the food-fights that go on within disciplines’, and ‘the most absurd yet intense and devastating attempts to expel from the center and marginalize people whose perspectives are different’ (Bérubé and Nelson 1995, 192). My argument, instead, is that these examples or snapshots of experience do not tell the whole story about the dynamic nature of disciplinarity. Those who take a long-term historical view of the development of disciplines, such as the authors of the essays within Anderson and Valente’s (2002) volume on Disciplinarity at the fin de siècle, reveal the degree of change, debate and contestation – of evolution, fracturing and succession – within such disciplinary structures. Thus, the editors state: ‘what has often been lacking in our current disciplinary debates is a longer perspective that would enable us to understand better their historical conditions and developments’ (1). Taking this long view is, I suggest, essential to looking anew at disciplines. It is also rather paradoxical that critical pedagogues accuse disciplines of privileging certain forms of knowledge; critical pedagogy does this too. Such privileging is indeed, surely part of the inherently political nature of pedagogy? What is crucial are the choices made between different forms of knowledge, the awareness of such choices, and the motivations for and outcomes of these choices. If Giroux’s critical pedagogy could take a sufficiently long-term view of the development of disciplines, this would afford a better understanding of their intrinsically dynamic nature. Without this long view, there is the danger of falling into the trap of what Plotnitsky (2002, 75) describes as ‘extreme epistemological conservatism’ in one’s analysis of disciplines. In his illuminating account of the development of quantum physics, Plotnitsky explores the link between disciplinarity and radicality. He argues that non-classical epistemology, ways of knowing that differ from that upon which the discipline has previously been based, form part of the ongoing development of a discipline such as physics. Indeed, ‘Radicality becomes the condition of disciplinarity rather than, as it may appear at first sight and as it is often argued by the proponents of classical theories, being in conflict with it’ (2002, 49). In contrast, Giroux appears to suggest that only in interdisciplinary fields such as cultural studies can non-classical or alternative forms of knowledge be brought together with more traditional epistemologies (Aronowitz and Giroux 1991; Giroux 1992). Giroux’s position is based upon his strong association of disciplines with canonical forms of knowledge and a rigid adherence to textual authority. The alternative is to see disciplines as Davidson (2004) does; as spaces with boundaries that are ‘flexible, culturally determined, interdependent and relative to time’ (302). Parker’s (2002) concept of ‘new disciplinarity’, encompassing a distinction between subjects and disciplines, helps illuminate the emancipatory potential of disciplinary spaces. She describes subjects as groupings which ‘can be reduced to common transferable and equivalent subject-specific skills’ (375), with an emphasis on ‘the end product, and skills and competencies’ that aggregate over set periods (375). It is true that subjects are inclusive, in the sense that nearly anyone can take part in studying them, but, as Parker argues, they are also passive – ‘they are taught, learned, delivered’ (374). In contrast, Parker views a discipline as something that is ‘practiced and engaged with’ (375). Disciplines are ongoing, evolving communities. Subjects permit only transmissive or bankable knowledge, while disciplines allow for transgressive and creative approaches. Disciplines offer spaces for students and teachers to interact critically. Disciplines can encompass diverse and shifting knowledge communities. Giroux’s fear that disciplines impose particular forms of knowledge, discourse and learning on students is not without foundation. However, I argue it is based on examples of poor practice, rather than anything inherent to the nature of academic disciplines. Disciplines are, and should be, sites of contestation and challenge; of competing and conflicting ‘takes’ on knowledge. What disciplines have internally in common is a shared discourse in which to undertake such conflict, and to do so with rigour. In her discussion of attitudes to disciplinarity among French academics, Donahue (2004) observes that: ‘They accounted for its contestatory nature, describing their own research groups as negotiated, arguing back-and-forth, and suggesting that this contested nature is part of what students must learn to navigate’ (68).

### 2

#### US winning the war on terror- no WMD attacks

Oswald 13 Rachel Oswald, staff editor for the National Journal and the Global Security Newswire, “Despite WMD fears, terrorists are focused on conventional attacks,” May 30, 2013, <http://www.nationaljournal.com/nationalsecurity/despite-wmd-fears-terrorists-are-focused-on-conventional-attacks-20130417?page=1&utm_source=feedly>

WASHINGTON – The United States has spent billions of dollars to prevent terrorists from obtaining a weapon of mass destruction even as this week’s [bombings in Boston](http://www.nti.org/gsn/article/police-scrutinize-remnants-boston-blasts/" \t "_blank) further show that a nuclear weapon or lethal bioagent is not necessary for causing significant harm.¶ Organized group plots against the U.S. homeland since Sept. 11, 2001 have all involved conventional means of attack. Beyond that have been a handful of instances in which individuals used the postal system to deliver disease materials -- notably [this week’s ricin letters](http://www.nti.org/gsn/article/lab-confirms-ricin-letter-sent-senator/" \t "_blank) to President Obama and at least one senator and the 2001 anthrax mailings.¶ Terrorism experts offer a range of reasons for why al-Qaida or other violent militants have never met their goal of carrying out a biological, chemical, nuclear or radiological attack on the United States or another nation. These include:¶ -- substantive efforts by the United States and partner nations to secure the most lethal WMD materials;¶ -- improved border security and visa checks that deny entry to possible foreign-born terrorists;¶ -- a lack of imagination and drive on the part of would-be terrorists to pursue the kind of novel but technically difficult attacks that could lead to widespread dispersal of unconventional materials;¶ -- a general haplessness on the part of the native-born U.S. extremists who have pursued WMD attacks, specifically involving weaponized pathogens;¶ -- elimination of most of al-Qaida’s original leadership, notably those members with the most experience orchestrating large-scale attacks abroad; and¶ -- the Arab Spring uprisings have likely drawn down the pool of terrorists with the proper training and focus to organize WMD attacks abroad as they have opted instead to join movements to overthrow governments in places such as Syria and Yemen.¶ “We killed a lot of people. That was one thing,” said Randall Larsen, founding director of the Bipartisan WMD Terrorism Research Center, referring to the deaths in recent years of al-Qaida chief Osama bin Laden and any number of his direct or philosophical adherents.¶ Bin Laden is known to have exhorted his followers to seek weapons of mass destruction for use in attacks against the West. Leading al-Qaida propagandist Anwar al-Awlaki of the group’s Yemen affiliate, who was killed in a 2011 U.S. drone strike, used his Inspire magazine to [encourage sympathizers](http://www.nti.org/gsn/article/al-qaeda-magazine-urges-chemical-biological-strikes-us/" \t "_blank) to develop and carry out their own chemical and biological attacks.¶ Al-Qaida also had separate efforts in [Afghanistan](http://www.nti.org/gsn/article/al-qaeda-operatives-discussed-wmd-attacks-while-training-prior-to-911-report-says/" \t "_blank) and [Malaysia](http://www.nti.org/gsn/article/us-officials-worried-by-release-of-al-qaeda-bioweapons-operative/" \t "_blank) that worked on developing anthrax for use in attacks before they were broken up or abandoned following the September 2001 attacks.¶ In the last decade, the technological means to carry out new kinds of improvised WMD attacks such as those involving [laboratory-engineered pathogens](http://www.nti.org/gsn/article/synthetic-pathogens-might-pose-bioterror-threat-scientists-warn/" \t "_blank) has become much more available. However, it can take some time for bad actors to recognize how these new technologies can open the doorway to heretofore unseen massively disruptive terrorist attacks, according to Larsen.¶ Passenger airplanes were flying across the United States for decades before any terrorists realized that they would make a highly destructive improvised weapon when flown at high speeds into skyscrapers filled with thousands of people, Larsen noted.¶ A 2012 analysis by terrorism experts at the New America Foundation detailed a number of disrupted unconventional weapon plots against the country that counterintuitively were much more likely to involve home-grown antigovernment groups and lone-wolf actors than Muslim extremists. "In the past decade, there is no evidence that jihadist extremists in the United States have acquired or attempted to acquire material to construct CBRN weapons," according to authors Peter Bergen and Jennifer Rowland.¶ They documented a [number of failed domestic plots](http://homegrown.newamerica.net/" \t "_blank), often involving cyanide or ricin. Only former Army microbiologist Bruce Ivins was successful in actually carrying out such an effort, killing five people with anthrax spores in 2001.¶ “Right-wing and left-wing extremist groups and individuals have been far more likely to acquire toxins and to assemble the makings of radiological weapons than al-Qaida sympathizers,” they said.

#### Hardline policies are necessary to solve terrorism---the aff’s a concession that emboldens attacks

James **Phillips 6**, Frmr Research Fellow at the CRS. Senior Research Fellow for Middle Eastern Affairs at Council for Foreign Policy Studies. Bachelor’s in IR from Brown and Master’s in International Security Studies at Tufts, “The Evolving Al-Qaeda Threat,” 17 March 2006, http://www.heritage.org/research/homelandsecurity/hl928.cfm

Al-Qaeda's core group is disciplined, relentless, and fanatical and probably cannot be deterred to any significant degree. They undoubtedly will continue to launch their attacks until they are killed, captured, and decisively defeated. Bin Laden's top lieutenants are cold and rational plotters who will persevere in their efforts despite long periods of adverse conditions because of their strong belief in their eventual triumph. The lust for "martyrdom" that permeates the middle and lower levels of al-Qaeda make those terrorists difficult to deter. Individual suicide bombers, once clasped tightly in al-Qaeda's embrace and brainwashed by a tight circle of zealous associates, are unlikely to be deterred from carrying out their lethal plots. It is easier to discourage potential recruits from joining al-Qaeda than to stop them from attacking once they have been indoctrinated and prepared for what they are persuaded is religious martyrdom. To deter someone from joining, it would be helpful to convince them beforehand that al-Qaeda is fighting a losing battle, that it hurts the Muslim community by its ruthless tactics, and that its long-term goals are unrealistic and even run counter to the interests of most Muslims. The United States can influence perceptions of al-Qaeda's prospects for success by relentlessly hunting down its members and bringing them to justice. But it must rely on Muslim political and religious leaders to drive home the other points. Close cooperation with the intelligence and law enforcement agencies of Muslim governments also can help discourage potential recruits from joining by underscoring that they will face counteraction not just from the United States, but from many other governments. Visible progress in defeating al-Qaeda's forces in Iraq, especially if Sunni nationalist insurgent groups can be turned against al-Qaeda, would go far to deterring young Muslim militants from joining al-Qaeda. Fewer people would want to die in a losing jihad than in one that appears to be on track to victory. As bin Laden himself noted in a candid videotape captured in Afghanistan in late 2001, "When people see a strong horse and a weak horse, by nature they will like the strong horse." The sooner the war in Iraq is turned over to the Iraqi government, the better for the broader war on terrorism. The stream of non-Iraqi recruits attracted to Iraq would diminish over time if potential recruits realized that their primary opponent there is not an army of infidels, but a democratic Iraqi government supported by the majority of Iraq's Sunni Arabs. Another important goal is to deter states from assisting al-Qaeda. The Bush Doctrine, enunciated in the President's September 20, 2001, speech before Congress, warned that "any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." This tough stance led Pakistan to break with al-Qaeda and Afghanistan's Taliban regime, which it previously had cooperated with against India. The United States also accrued considerable deterrent credibility by subsequent military campaigns that successfully overthrew regimes that harbored terrorists in Afghanistan and Iraq. The demonstration effect of these military campaigns influenced Libya to surrender its WMD and disavow terrorism. And Iran suddenly became very cooperative in freezing its uranium enrichment program in 2003. But the strength of deterrence against Iran apparently has been undermined by the growing Iranian perception that the United States is bogged down in Iraq and Afghanistan. Finally, the U.S. and its allies can deter al-Qaeda terrorists by refusing to give in to their demands. Making concessions under the threat of terrorist attacks only rewards and emboldens terrorists and encourages future attacks. In the long run, suicide bombers will claim fewer victims if the targeted countries stand firm and refuse to appease them.

#### Extinction

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

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

### 3

#### THE AFFIRMATIVE IS A MISREADING OF POLITICS AND REPRODUCTION OF SOCIAL RELATIONS. THERE IS NO SUCH THING AS THE ‘BIOPOLITICAL STATE’ THAT SEEKS TO MANAGE FOR THE SAKE OF POWER. THE STATE AND CAPITAL MOVE HAND IN GLOVE—ONE CANNOT EXIST WITHOUT THE OTHER. ONLY A TOTAL DISTANCE FROM THE MODERN STATE CAN ALLOW FOR THE DESTRUCTION OF CAPITAL. OTHERWISE WHAT IS PUSHED OUT THE DOOR ONLY COMES BACK IN THROUGH THE WINDOW\*\*

MESZAROS (Prof. Emeritus @ Univ. Sussex) 1995

[Istavan, Beyond Capital: Towards a Theory of Transition, p. 65// wyo]

The modern state as the comprehensive political command structure of capital — is both the necessary prerequisite for the transformation of capital’s at first fragmented units into a viable system, and the overall framework for the full articulation and maintenance of the latter as a global system. In this fundamental sense the state on account of its constitutive and permanently sustaining role must be understood as an integral part of capital’s material ground itself. Or it contributes in a substantive way not only to the formation and consolidation of all of the major reproductive structures of society but also to their continued functioning. However, the close interrelationship holds also when viewed from the other side. For the modern state itself is quite inconceivable without capital as its social metabolic foundation. This makes the material reproductive structures of the capital system the necessary condition not only for the original constitution but also for the continued survival (and appropriate historical transformations) of the modern state in all its dimensions. These reproductive structures extend their Impact over everything, from the strictly material/repressive instruments cid juridical institutions of the state all the way to the most mediated ideological and political theorizations of its raison d’être and claimed legitimacy. It is on account of this reciprocal determination that we must speak of a close match between the social metabolic ground of the capital system on the one hand, and the modern state as the totalizing political command structure of the established productive and reproductive order on the other. For socialists this is a most uncomfortable and challenging reciprocity. It puts into relief the sobering fact that any intervention in the political domain — even when it envisages the radical overthrow of the capitalist state — can have only a very limited impact in the realization of the socialist project. And the other way round, the corollary of the same sobering fact is that, precisely because socialists have to confront the power of capital’s self-sustaining reciprocity under its fundamental dimensions, it should be never forgotten or ignored - although the tragedy of seventy years (if Soviet experience is that it had been willfully ignored — that there can be no chance of overcoming the power of capital without remaining faithful to the Marxian concern with the ‘withering away’ of the state.

#### THE AFFIRMATIVES FOCUS ON THE DISCURSIVE/SYMBOLIC REVEALS THE EXTENT TO WHICH THEY HAVE GIVEN UP ON ACTUALLY CHALLENGING THE STRUCTURES OF OPPRESSION. BUT FAR FROM BEING A POST-CAPITALIST AGE IN WHICH ALL SOCIAL EXPERIENCE IS TEXTUALLY OR DISCURSIVELY PRODUCED, IT IS A MATERIAL WORLD. ONLY A MATERIALIST METHOD CAN ACCOUNT FOR THE WAYS IN WHICH CERTAIN CLASSES CREATE AND DEPLOY RHETORIC TO LEGITIMIZE A CAPITALIST MODE OF SOCIAL RELATIONS

CLOUD (Prof of Comm at Texas) 2001

[Dana, “The Affirmative Masquerade”, p. online: http://www.acjournal.org/holdings/vol4/iss3/special/cloud.htm //wyo-tjc]

At the very least, however, it is clear that poststructuralist discourse theories have left behind some of historical materialism’s most valuable conceptual tools for any theoretical and critical practice that aims at informing practical, oppositional political activity on behalf of historically exploited and oppressed groups. As Nancy Hartsock (1983, 1999) and many others have argued (see Ebert 1996; Stabile, 1997; Triece, 2000; Wood, 1999), we need to retain concepts such as standpoint epistemology (wherein truth standards are not absolute or universal but arise from the scholar’s alignment with the perspectives of particular classes and groups) and fundamental, class-based interests (as opposed to understanding class as just another discursively-produced identity). We need extra-discursive reality checks on ideological mystification and economic contextualization of discursive phenomena. Most importantly, critical scholars bear the obligation to explain the origins and causes of exploitation and oppression in order better to inform the fight against them. In poststructuralist discourse theory, the "retreat from class" (Wood, 1999) expresses an unwarranted pessimism about what can be accomplished in late capitalism with regard to understanding and transforming system and structure at the level of the economy and the state. It substitutes meager cultural freedoms for macro-level social transformation even as millions of people around the world feel the global reach of capitalism more deeply than ever before. At the core of the issue is a debate across the humanities and social sciences with regard to whether we live in a "new economy," an allegedly postmodern, information-driven historical moment in which, it is argued, organized mass movements are no longer effective in making material demands of system and structure (Melucci, 1996). In suggesting that global capitalism has so innovated its strategies that there is no alternative to its discipline, arguments proclaiming "a new economy" risk inaccuracy, pessimism, and conservatism (see Cloud, in press). While a thoroughgoing summary is beyond the scope of this essay, there is a great deal of evidence against claims that capitalism has entered a new phase of extraordinary innovation, reach, and scope (see Hirst and Thompson, 1999). Furthermore, both class polarization (see Mishel, Bernstein, and Schmitt, 2001) and the ideological and management strategies that contain class antagonism (see Cloud, 1998; Parker and Slaughter, 1994) still resemble their pre-postmodern counterparts. A recent report of the Economic Policy Institute concludes that in the 1990s, inequality between rich and poor in the U.S. (as well as around the world) continued to grow, in a context of rising worker productivity, a longer work week for most ordinary Americans, and continued high poverty rates. Even as the real wage of the median CEO rose nearly 63 percent from 1989, to 1999, more than one in four U.S. workers lives at or below the poverty level. Among these workers, women are disproportionately represented, as are Black and Latino workers. (Notably, unionized workers earn nearly thirty percent more, on average, than non-unionized workers.) Meanwhile, Disney workers sewing t-shirts and other merchandise in Haiti earn 28 cents an hour. Disney CEO Michael Eisner made nearly six hundred million dollars in 1999--451,000 times the wage of the workers under his employ (Roesch, 1999). According to United Nations and World Bank sources, several trans-national corporations have assets larger than several countries combined. Sub-Saharan Africa and the Russian Federation have seen sharp economic decline, while assets of the world’s top three billionaires exceed the GNP of all of the least-developed countries and their combined population of 600 million people (Shawki and D’Amato, 2000, pp. 7-8). In this context of a real (and clearly bipolar) class divide in late capitalist society, the postmodern party is a masquerade ball, in which theories claiming to offer ways toward emancipation and progressive critical practice in fact encourage scholars and/as activists to abandon any commitment to crafting oppositional political blocs with instrumental and perhaps revolutionary potential. Instead, on their arguments, we must recognize agency as an illusion of humanism and settle for playing with our identities in a mood of irony, excess, and profound skepticism. Marx and Engels’ critique of the Young Hegelians applies equally well to the postmodern discursive turn: "They are only fighting against ‘phrases.’ They forget, however, that to these phrases they themselves are only opposing other phrases, and that they are in no way combating the real existing world when they are merely combating the phrases of this world" (1976/1932, p. 41). Of course, the study of "phrases" is important to the project of materialist critique in the field of rhetoric. The point, though, is to explain the connections between phrases on the one hand and economic interests and systems of oppression and exploitation on the other. Marxist ideology critique, understands that classes, motivated by class interest, produce rhetorics wittingly and unwittingly, successfully and unsuccessfully. Those rhetorics are strategically adapted to context and audience. Yet Marxist theory is not naïve in its understanding of intention or individual agency. Challenging individualist humanism, Marxist ideology critics regard people as "products of circumstances" (and changed people as products of changed circumstances; Marx, 1972b/1888, p. 144). Within this understanding, Marxist ideology critics can describe and evaluate cultural discourses such as that of racism or sexism as strategic and complex expressions of both their moment in history and of their class basis. Further, this mode of critique seeks to explain both why and how social reality is fundamentally, systematically oppressive and exploitative, exploring not only the surface of discourses but also their often-complex and multi-vocal motivations and consequences. As Burke (1969/1950) notes, Marxism is both a method of rhetorical criticism and a rhetorical formation itself (pp. 109-110). There is no pretense of neutrality or assumption of transcendent position for the critic. Teresa Ebert (1996) summarizes the purpose of materialist ideology critique: Materialist critique is a mode of knowing that inquires into what is not said, into the silences and the suppressed or missing, in order to uncover the concealed operations of power and the socio-economic relations connecting the myriad details and representations of our lives. It shows that apparently disconnected zones of culture are in fact materially linked through the highly differentiated, mediated, and dispersed operation of a systematic logic of exploitation. In sum, materialist critique disrupts ‘what is’ to explain how social differences--specifically gender, race, sexuality, and class--have been systematically produced and continue to operate within regimes of exploitation, so that we can change them. It is the means for producing transformative knowledges. (p. 7)

#### NEXT, THE DETERMINISM OF CAPITAL IS RESPONSIBLE FOR THE INSTRUMENTALIZATION OF ALL LIFE—THIS LOGIC MOBILIZES AND ALLOWS FOR THE 1AC’S SCENARIOS IN THE FIRST PLACE

DYER-WITHERFORD (professor of Library and Info. Sciences at the U of Western Ontario) 1999   
[Nick. Cyber Marx: Cycles and Circuits of Struggle in High Technology Capitalism.]

For capitalism, the use of machines as organs of “will over nature” is an imperative. The great insight of the Frankfurt School—an insight subsequently improved and amplified by feminists and ecologists—was that capital’s dual project of dominating both humanity and nature was intimately tied to the cultivation of “instrumental reason” that systematically objectifies, reduces, quantifies and fragments the world for the purposes of technological control. Business’s systemic need to cheapen labor, cut the costs of raw materials, and expand consumer markets gives it an inherent bias toward the piling-up of technological power. This priority—enshrined in phrases such as “progress,” “efficiency,” “productivity,” “modernization,” and “growth”—assumes an automatism that is used to override any objection or alternative, regardless of the environmental and social consequences. Today, we witness global vistas of toxification, deforestation, desertification, dying oceans, disappearing ozone layers, and disintegrating immune systems, all interacting in ways that perhaps threaten the very existence of humanity and are undeniably inflicting social collapse, disease, and immiseration across the planet. The degree to which this project of mastery has backfired is all too obvious.

#### Vote Negative to validate and adopt the method of structural/historical criticism that is the 1NC.

#### METHOD IS THE FOREMOST POLITICAL QUESTION BECAUSE ONE MUST UNDERSTAND EXISTING SOCIAL TOTALITY BEFORE ONE CAN HOW TO ACT—GROUNDING THE SITES OF POLITICAL CONTESTATION OUTSIDE OF LABOR MERELY SERVE TO HUMANIZE CAPITAL AND PREVENT A TRANSITION BEYOND OPPRESSION

TUMINO (Prof. English @ Pitt) 2001

[Stephen, “What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critique, p. online //wyo-tjc]

Any effective political theory will have to do at least two things: it will have to offer an integrated understanding of social practices and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). Such an understanding of social inequality is based on the fundamental understanding that the source of wealth is human knowledge and not human labor. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth. In this paper I argue that any emancipatory theory has to be founded on recognition of the priority of Marx's labor theory of value and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory.

#### METHODOLOGY IS THE FOREMOST POINT OF DEPARTURE TO ANY POLITICAL QUERY. YOU MUST EVALUATE EPISTEMOLOGY FIRST BECAUSE THE WAY YOU THINK ABOUT PROBLEMS DETERMINES SOLUTIONS AND THE CONSEQUENCES THEY ENGENDER

Smith ‘96

[Steve, Professor of International Politics at the University of Wales, Aberystwyth, “Positivism and Beyond,” International theory: Positivism and beyond, New York: Cambridge University Press, 12-1 3//uwyo-ajl]

But the stakes are also high because of the links between theory and practice. International theory underpins and informs international practice, even if there is a lengthy lag between the high- point of theories and their gradual absorption into political debate. Once established as common sense, theories become incredibly powerful since they delineate not simply what can be known but also what it is sensible to talk about or suggest. Those who swim outside these safe waters risk more than simply the judgement that their theories are wrong; their entire ethical or moral stance may be ridiculed or seen as dangerous iust because their theoretical assumptions are deemed as unrealistic. Defining common sense is therefore the ultimate act of political power. In this sense what is at stake in debates about epistemology is very significant for political practice. Theories do not simply explain or predict, they tell us what possibilities exist for human action and intervention they define not merely our explanatory possibilities but also our ethical and practical horizons. In this Kantian light epistemology matters, and the stakes are far more considerable than at first sight seem to be the case.

### Case

#### Preventing extinction is the highest ethical priority – we should take action to prevent the Other from dying FIRST, only THEN can we consider questions of value to life

Paul Wapner, associate professor and director of the Global Environmental Policy Program at American University, Winter 2003, Dissent, online: http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Consequentialism is key to ethical decision making, because it ensures beings are treated as equal—any other approach to ethics is arbitrary because it considers one’s preferences as more important than others

Lillehammer, 2011

[Hallvard, Faculty of Philosophy Cambridge University, “Consequentialism and global ethics.” Forthcoming in M. Boylan, Ed., Global Morality and Justice: A Reader, Westview Press, Online, http://www.phil.cam.ac.uk/teaching\_staff/lillehammer/Consequentialism\_and\_Global\_Ethics-1-2.pdf] /Wyo-MB

Contemporary discussions of consequentialism and global ethics have been marked by a focus on examples such as that of the shallow pond. In this literature, distinctions are drawn and analogies made between different cases about which both the consequentialist and his or her interlocutor are assumed to have a more or less firm view. One assumption in this literature is that progress can be made by making judgements about simple actual or counterfactual examples, and then employing a principle of equity to the effect that like cases be treated alike, in order to work out what to think about more complex actual cases. It is only fair to say that in practice such attempts to rely only on judgements about simple cases have a tendency to produce trenchant stand-offs. It is important to remember, therefore, that for some consequentialists the appeal to simple cases is neither the only, nor the most basic, ground for their criticism of the ethical status quo. For some of the historically most prominent consequentialists the evidential status of judgements about simple cases depends on their derivability from basic ethical principles (plus knowledge of the relevant facts). Thus, in The Methods of Ethics, Henry Sidgwick argues that ethical thought is grounded in a small number of self-evident axioms of practical reason. The first of these is that we ought to promote our own good. The second is that the good of any one individual is objectively of no more importance than the good of any other (or, in Sidgwick’s notorious metaphor, no individual’s good is more important ‘from the point of view of the Universe’ than that of any other). The third is that we ought to treat like cases alike. Taken together, Sidgwick takes these axioms to imply a form of consequentialism. We ought to promote our own good. Yet since our own good is objectively no more important than the good of anyone else, we ought to promote the good of others as well. And in order to treat like cases alike, we have to weigh our own good against the good of others impartially, all other things being equal. iv It follows that the rightness of our actions is fixed by what is best for the entire universe of ethically relevant beings. To claim otherwise is to claim for oneself and one’s preferences a special status they do not possess. When understood along these lines, consequentialism is by definition a global ethics: the good of everyone should count for everyone, no matter their identity, location, or personal and social attachments, now or hereafter. v Some version of this view is also accepted by a number of contemporary consequentialists, including Peter Singer, who writes that it is ‘preferable to proceed as Sidgwick did: search for undeniable fundamental axioms, [and] build up a moral theory from them’ (Singer 1974, 517; Singer 1981). For these philosophers the question of our ethical duties to others is not only a matter of our responses to cases like the shallow pond. It is also a matter of whether these responses cohere with an ethics based on first principles. If you are to reject the consequentialist challenge, therefore, you will have to show what is wrong with those principles.

#### First, No Impact- Biopolitics doesn’t result in atrocity

Ojakangas 05

[Mike, Helsinki Collegium for Advanced Studies, “Impossible Dialogues on Bio-Power: Agamben and Foucault,” Foucault Studies 2 (5-28), www.foucault-studies.com/no2/ojakangas1.pdf, acc. 9-24-06//uwyo-ajl]

For Foucault, the coexistence in political structures of large destructive mechanisms and institutions oriented toward the care of individual life was something puzzling: “It is one of the central antinomies of our political reason.” However, it was an antinomy precisely because in principle the sovereign power and bio-power are mutually exclusive. How is it possible that the care of individual life paves the way for mass slaughters? Although Foucault could never give a satisfactory answer to this question, he was convinced that mass slaughters are not the effect or the logical conclusion of bio-political rationality. I am also convinced about that. To be sure, it can be argued that sovereign power and bio-power are reconciled within the modern state, which legitimates killing by bio-political arguments. Especially, it can be argued that these powers are reconciled in the Third Reich in which they seemed to “coincide exactly”. To my mind, however, neither the modern state nor the Third Reich – in which the monstrosity of the modern state is crystallized – are the syntheses of the sovereign power and bio-power, but, rather, the institutional loci of their irreconcilable tension. This is, I believe, what Foucault meant when he wrote about their “demonic combination”.

## 2NC

#### Consequentialism is key to ethical decision making, because it ensures beings are treated as equal—any other approach to ethics is arbitrary because it considers one’s preferences as more important than others

Lillehammer, 2011

[Hallvard, Faculty of Philosophy Cambridge University, “Consequentialism and global ethics.” Forthcoming in M. Boylan, Ed., Global Morality and Justice: A Reader, Westview Press, Online, http://www.phil.cam.ac.uk/teaching\_staff/lillehammer/Consequentialism\_and\_Global\_Ethics-1-2.pdf] /Wyo-MB

Contemporary discussions of consequentialism and global ethics have been marked by a focus on examples such as that of the shallow pond. In this literature, distinctions are drawn and analogies made between different cases about which both the consequentialist and his or her interlocutor are assumed to have a more or less firm view. One assumption in this literature is that progress can be made by making judgements about simple actual or counterfactual examples, and then employing a principle of equity to the effect that like cases be treated alike, in order to work out what to think about more complex actual cases. It is only fair to say that in practice such attempts to rely only on judgements about simple cases have a tendency to produce trenchant stand-offs. It is important to remember, therefore, that for some consequentialists the appeal to simple cases is neither the only, nor the most basic, ground for their criticism of the ethical status quo. For some of the historically most prominent consequentialists the evidential status of judgements about simple cases depends on their derivability from basic ethical principles (plus knowledge of the relevant facts). Thus, in The Methods of Ethics, Henry Sidgwick argues that ethical thought is grounded in a small number of self-evident axioms of practical reason. The first of these is that we ought to promote our own good. The second is that the good of any one individual is objectively of no more importance than the good of any other (or, in Sidgwick’s notorious metaphor, no individual’s good is more important ‘from the point of view of the Universe’ than that of any other). The third is that we ought to treat like cases alike. Taken together, Sidgwick takes these axioms to imply a form of consequentialism. We ought to promote our own good. Yet since our own good is objectively no more important than the good of anyone else, we ought to promote the good of others as well. And in order to treat like cases alike, we have to weigh our own good against the good of others impartially, all other things being equal. iv It follows that the rightness of our actions is fixed by what is best for the entire universe of ethically relevant beings. To claim otherwise is to claim for oneself and one’s preferences a special status they do not possess. When understood along these lines, consequentialism is by definition a global ethics: the good of everyone should count for everyone, no matter their identity, location, or personal and social attachments, now or hereafter. v Some version of this view is also accepted by a number of contemporary consequentialists, including Peter Singer, who writes that it is ‘preferable to proceed as Sidgwick did: search for undeniable fundamental axioms, [and] build up a moral theory from them’ (Singer 1974, 517; Singer 1981). For these philosophers the question of our ethical duties to others is not only a matter of our responses to cases like the shallow pond. It is also a matter of whether these responses cohere with an ethics based on first principles. If you are to reject the consequentialist challenge, therefore, you will have to show what is wrong with those principles.

#### Restricting detention policies means we targeted kill and extradite prisoners.

Goldsmith 09

Jack, a professor at Harvard Law School and a member of the Hoover Institution Task Force on National Security and Law, assistant attorney general in the Bush administration, 5/31/09, “The Shell Game on Detainees and Interrogation,” <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/29/AR2009052902989.html>

The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process.¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.¶ The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.¶ It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.¶ This approach to detention policy reflects a sharp disjunction between the public's view of the terrorist threat and the government's. After nearly eight years without a follow-up attack, the public (or at least an influential sliver) is growing doubtful about the threat of terrorism and skeptical about using the lower-than-normal standards of wartime justice.¶ The government, however, sees the terrorist threat every day and is under enormous pressure to keep the country safe. When one of its approaches to terrorist incapacitation becomes too costly legally or politically, it shifts to others that raise fewer legal and political problems. This doesn't increase our safety or help the terrorists. But it does make us feel better about ourselves.

#### DRONES REDUCE VICTIMS OF STRIKES TO BE NON-SUBJECTS OR RISK FACTOR ALLOWING THEM CATEGORIZED AS DISPOSABLE AND EXTERMINATED IN THE ZONE OF ANOMIE

Pugliese 13

[Joseph Pugliese, Associate Professor of Cultural Studies at Macquarie University, “State Violence and the Execution of Law”, pg-, \\wyo-bb]

The violent biopolitical asymmetry that structures the conduct of imperial¶ drone war is graphically materialized in the killing of Daraz Khan and two of his¶ friends in southern Afghanistan. Daraz Khan and his friends were collecting scrap¶ metal on a hillside when they were killed by a drone missile, after they were¶ mistakenly taken to be planting mines in the area. The anomic violence of drone¶ killings is perfectly encapsulated in this Pentagon response: ‘We’re convinced that¶ it was an appropriate target . . . [although] we do not yet know exactly who it was .’ 92¶ The US state’s practice of killing anonymous targets (the names of the victims¶ were only later revealed by their families) under the rubric of ‘signature strikes’¶ assumes its biopolitical dimensions once situated in its doctrine of ‘preventative’¶ war. In effect, as Robert Castel outlines in his Foucauldian elaboration of the¶ state’s increasing use of practices of ‘preventative’ intervention: ‘There is, in fact,¶ no longer a relation of immediacy with a subject because there is no longer a subject .¶ What the new preventative policies primarily address is no longer individuals but¶ factors liable to produce risk.’ 93 The US state’s use of drones in the ‘ungoverned’¶ spaces of the South evidences this insight: Daraz Khan and his friends were not¶ ‘subjects’ – their identities, as the US military admits, were unknown – rather, they¶ were viewed as a mere constellation of ‘risk factors’ that needed to be killed in an¶ act of ‘anticipatory self- defense.’ In this case, the ‘calculus of probabilities’ was¶ evidently high enough to determine the death of innocent civilians in order to¶ secure a ‘preventative’ strike.¶ The calculus of probabilities that enables the effective liquidation of the subject¶ must be seen as a structural effect of a statist regime of visuality that instrumentalizes¶ life in terms of an algebraic formula ( patterns of life) that, together with the¶ objectifying effects of screen technologies, works to render the material abstract¶ (the human subject as non- subject), the individual generic (the fi gure in the landscape¶ as mere index of risk factors) and the named anonymous (the individuating¶ singularity of a proper name rendered superfl uous in the face of a computational¶ risk calculus predicated on anonymous ‘patterns of life’). This statist regime of¶ visuality, in effectively abstracting its human targets and reducing them to a calculable¶ formula of ‘risk factors,’ is instrumental in enabling the administrative indifference¶ to the obliteration of life that this type of seeing enables and sanctions.¶ In his analysis of the necropolitical dimensions of empire, Achille Mbembe¶ poses two critical questions that cut to the heart of these imperial asymmetries of¶ power: ‘What difference is there between killing with a missile helicopter or a tank¶ and killing with one’s body? Does the distinction between the arms used to inflict¶ death prevent the establishment of a system of general exchange between the¶ manner of killing and the manner of dying?’ 94 In his essay, Mbembe does not¶ discuss the use of drones in war, however, his latter question can be effectively¶ transposed to the imperial use of this technology: precisely what the necropolitical¶ use of drones precludes is ‘a general system of exchange’ between the prosthetic¶ tele- techno ensemble of the US imperial state and its anonymous and unsuspecting¶ victims who have neither a right of reply nor recourse to judicial procedure.¶ The necropolitical dimensions of drones are graphically underscored by the¶ thanatological terminology that is used by the military to describe the vampiric¶ death and resurrection of the drones in their everyday operations: ‘When not¶ being used, the Predators are disassembled and stored at Indian Springs in crates¶ that are called “coffins.” In turn, these are packed in what airmen refer to, naturally,¶ as the “morgue.” At the time of deployment, the coffins are pulled from the¶ morgue and airlifted to the forward operating base for reassembly.’ 95 Once they¶ are resurrected from their coffins and deployed from their morgue depositories,¶ drones become the bearers of anomic violence and airborne death. The type of¶ automated execution that US drone warfare enables is tantamount to a type of¶ international terrorism. Reflecting on the legality of these automated executions¶ with specific reference to the US killing of so- called ‘enemy combatants,’ Armin¶ Krishnan argues that ‘Killing them abroad without giving them the opportunity to be arrested and receiving a fair trial would fall under the definition of international¶ terrorism [as defined by U.N. Resolution 1556 (2004)].’ 96 The US’s drone attacks must be seen as instantiating Agamben’s concept of the ‘inexecution’ of¶ law. ‘Every fiction of a nexus between violence and law disappears here: there is¶ nothing but a zone of anomie, in which violence without any juridical form acts.’ 97¶ Agamben’s ‘zone of anomie’ perfectly captures the zone of violence that designates the anonymous ‘patterns of life’ that can be killed by drones with impunity.¶ Enframed by cameras and monitors, the victims of drone strikes become themselves¶ mere ‘drones’ to the drones; scurrying insects that are dismembered and¶ incinerated by the airborne fire that is unleashed by the weaponized drones. In¶ tropological terms, there is a complex process of prosopopoeia operative in the¶ figuration of drone technologies. On the one hand, as cyborg, the drone is brought¶ to ‘life’ through the ruse of an animating logic that invests it with animal qualities of predatory agency. For example, following its successful strike on a target, the¶ Predator drone is described in the literature in this manner: ‘The eyes of its Lynx¶ side aperture have seen , and the talons of the AGM-114 Hellfire missile on the¶ starboard talon have struck .’ 98 On the other hand, there is operative a tropic¶ transposition of the technology’s entomological nomenclature to the actual victims¶ of the technology; the consequent process of animalization renders its human targets disposable. This view of the drone victims is evidenced by one drone¶ commentator who likens the drone attacks to ‘going into a beehive, one bee at a¶ time,’ with the resultant problem that ‘the hive will always produce more bees.’ 99¶ Drone crews talk about how they need ‘to kill bugs.’ 100 The CIA, in fact, terms a¶ successful drone hit as ‘bugsplat.’ 101 The term ‘bugsplat’ caricatures its victims by¶ inserting them within the field of cartoon pop culture where, as disposable figures¶ executed via what drone operators call ‘Kill TV,’ their deaths are scripted as mere¶ comic mishap. ‘Bugsplat’ articulates the effective genealogical connections¶ between video games and drone war games, as it is the actual name of a children’s¶ interactive video game, now transposed to the killing operations of war. ‘Bugsplat’¶ reduces the human victims of drones to nothing more than liquefied entomological waste generated via a technology driven by a more highly evolved species –¶ qua the human as opposed to the insect. Operative here is that foundational¶ biopolitical caesura that effectively separates select humans from animals and¶ that, simultaneously, enables the coding of certain other humans as animals that¶ can be killed, as non- human animals are, with impunity.¶

#### Fourth, there’s always value to life, even among the worst situations- Agamben’s theory is wrong and reproduces the logic of bare life-

Mesnard 04

(Philippe, Totalitarian Movements and Political Religions, “The political philosophy of Giorgio Agamben: a critical evaluation,” 2004, Taylor and Francis//wyo-mm)

Let us make another observation here. It could be argued that the camps were structures governed by extremely tight, interwoven sets of rules, interdictions and laws (albeit arbitrary and useless ones), structures in which, therefore, the ‘all is possible’ assertion was difficult to enact. After all, were camps not places where potentialities were so restricted than the very act of creating a potentiality (by drawing, writing, creating or just surviving) was in itself an act of resistance? The ‘all is possible’ was the fate of the most prisoners, but only in the sense that the ‘all’ could reduce them to nothing with the minimal of delay. The ‘all or nothing’ logic favoured by Agamben fails to grasp and envisage the entire range of potentialities. In fact, he reproduces and makes his own the very logic upon which terror is built, a logic which from his early writings carries the idea of the dominated man crushed by the omnipotent ‘all’. This logic is incarnated in the ‘muselmann’: it reveals a purist thought in which politics is envisaged under the exclusive sign of a paradigmatic absolute which discredits any territory which is not political in its essence. This radical vision of politics, also shared by French philosopher Jean‐Luc Nancy, can be challenged through a citation by Jacques Rancière, who argues that politics ‘n’est jamais pure, jamais fondée sur une essence propre de la communauté et de la loi’.35 Thus, Agamben is unable to accept that various areas of life can exist and proliferate in the gaps left by the organisation of the camp, and constitute the very life of the camp, as illustrated by the Auschwitz text found in YIVO Bleter: On pourra sans notre aide reconstituer l’histoire d’Auschwitz. Comment on mourait à Auschwitz, il y aura des images, des témoins, des documents pour le raconter. Mais nous voulons ici créer le tableau de comment on ‘vivait’ à Auschwitz. A quoi ressemblait un jour normal, un jour de travail ordinaire au camp. Un jour tissé d’un enchevêtrement de vie et de mort, de terreur et d’espoir, de résignation et de volonté de vivre … Nous devons donc raconter nous‐mêmes ce qui nous concerne.36

## 2NC DA

### link

#### Indefinite detention is necessary to prevent attacks—multiple scenarios

Walen 2011

(Alec, Professor of Law at Rutgers School of Law, June 22, "A Unified Theory of Detention, With Application to Preventitive Detention for Suspected Terrorists", Maryland Law Review, No. 4, V 70, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3466&context=mlr, Newton: NOTE: ST=Suspected Terrorist, LTPD=long-term preventive detention)

Because the jurisdictional limitations would not apply to most cases going forward, Waxman’s second concern—that the conditions of capture would make it difficult to use normal evidentiary rules to prosecute STs—is the primary obstacle to prosecuting STs domestically in the future. But, that concern would not apply to domestic prosecutions of terrorists captured in the United States. This is not to deny that prosecuting domestic terrorism cases is difficult; it is only to say that prosecuting domestic STs is not so distinctly difficult that there is reason to use LTPD instead. 78 These distinctive difficulties seem likely to arise only with regard to STs who are captured abroad or who are captured domestically but whose prosecution would depend on evidence obtained from abroad. 79 To deal with those cases in which prosecution of STs might be distinctly more difficult than prosecution of normal criminals, President Obama has agreed to use Military Commissions (“MCs”) for the prosecution of some Guantanamo detainees. 80 These MCs allow the prosecution, for example, to use different evidentiary rules that admit more hearsay than would be allowed in a civilian trial. 81 Use of these different evidentiary rules should not be automatically disqualifying. What matters is that criminal trials preserve fundamental procedural fairness. If trials do not preserve fundamental fairness, however—if the trial system is corrupted by reliance on unreliable hearsay; if the defendant is prevented from seeing secret evidence, such that he does not have a fair opportunity to respond to it, or even to advise his counsel (who might be allowed to see it) how best to respond to it; 82 or if the standard for conviction is allowed to slip below proof beyond a reasonable doubt 83 —then the State might as well admit that its concern is not so much with punishing past crimes as it is with preventing future ones. For if the State uses such unreliable procedures, then it is implicitly admitting that it does not really care about proving that the detainee committed a crime; it is simply using the facade of the criminal law in order to lock up someone considered to be a future threat. In that case, pretending to use criminal law is pointless; it would be more honest and more effective simply to move into a regime that uses LTPD. But if MCs can maintain basic procedural fairness, they can provide a meaningful alternative forum that accommodates the special problems that arise in dealing with evidence obtained abroad. 84 In sum, there is actually not much reason to think prosecutions of STs captured in the United States are beyond the capacity of U.S. courts. Nor are STs typically super-villains capable of wreaking the kind of destruction on the United States that some authors presuppose they are. The real problems, instead, are these: First many STs who could be prosecuted in the United States are captured abroad in conditions where evidentiary issues complicate the prospects of obtaining a successful prosecution. Second, as in any criminal case, there is always a chance the prosecution will fail to obtain a conviction. And, finally, if there is strong—perhaps clear and convincing— evidence that an ST is a significant terrorist capable of contributing in a distinctive and nontrivial way to the kinds of terrorist attacks that do cause harm at the very high end of the criminal spectrum, then there is good reason to question whether such a person should simply be released if he is not convicted of a crime. Jack Goldsmith, a former Assistant Attorney General in the George W. Bush administration, made this last point when he wrote that, in criticism of the Obama administration’s drive to prosecute STs, “high-stakes terrorism trials” are problematic in part because “the government cannot afford to let the defendant go.” 85 While I would disagree with this position if it was applied to U.S. citizens, Goldsmith is, I believe, correct with regard to STs from other countries. If these STs were released abroad into countries where the policing capacity could not adequately ensure that they did not return to terrorist activities—including activities that would affect U.S. citizens abroad, our allies, and the United States itself—then there is good reason to consider using LTPD in those cases.

#### Detention is key—can’t successfully prosecute them

Walen 2011(Alec, Professor of Law at Rutgers School of Law, June 22, "A Unified Theory of Detention, With Application to Preventitive Detention for Suspected Terrorists", Maryland Law Review, No. 4, V 70, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3466&context=mlr, NOTE: ST=Suspected Terrorist, LTPD=long-term preventive detention)

A more legitimate concern is that it may be particularly difficult to bring a successful prosecution against an ST. Matthew Waxman wrote: Information used to identify terrorists and their plots includes extremely sensitive intelligence sources and methods, the disclosure of which during trial would undermine or even negate counterterrorism operations; [and] the conditions under which some suspected terrorists are captured, especially in faraway combat zones or ungoverned regions, make it impossible to prove criminal cases using normal evidentiary rules . . . . 74 The first reason—that the relevant information is highly sensitive—presumably applies primarily to prosecutions based on foreign detentions in which the activities of the CIA or the cooperation of foreign states is at issue. 75 The Guantanamo Review Task Force, however, concluded: [T]he principal obstacles to prosecution in the cases deemed infeasible . . . typically did not stem from concerns over protecting sensitive sources or methods from disclosure, or concerns that the evidence against the detainee was tainted. While such concerns were present in some cases, most detainees were deemed infeasible for prosecution based on more fundamental evidentiary and jurisdictional limitations tied to the demands of a criminal forum . . . . 76 In other words, the problems with prosecuting detainees at Guant ́ anamo were primarily based on Waxman’s second concern and jurisdictional limitations, such as that the federal material support laws, 18 U.S.C. §§ 2339A and 2339B, “were not amended to expressly apply extraterritorially to non-U.S. persons until October 2001 and December 2004, respectively.” 77

#### Third, Guantanamo Acts as a deterrent to “wanabe terrorists”

Nemish ‘09

[Mark C., A major in the US airforce. “To Close or Not to Close: Guantanamo Bay” 04.2009. <<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA539847>>//wyo-hdm]

Another popular argument for leaving Guantanamo Bay open is that merely closing the prison will not guarantee a change in world opinion. Most likely, criticism will follow Guantanamo Bay to its next home of record. While many claim detainee abuse and poor living conditions, the fact is that these same people are going to believe these conditions will exist anywhere. Former Vice President Cheney offered, “My own personal view is that those who are most urgently advocating that we shut down Guantanamo Bay probably don’t agree with our policies anyway.”40 Senator Lindsey Graham also stated, “I would like every terrorist wannabe to understand that if you take up arms against us or coalition members, you do so at your own peril, because a couple of things await you, death or injury on the battlefield, or detention and accountability.” These are solid perspectives surrounding the need to keep the prison open. People that hated it before will hate it as long as Guantanamo Bay or its successor exists. Moreover, by virtue of the isolated nature of Guantanamo Bay, it serves as a warning sign for those considering terrorist action against us. Housing the detainees in the U.S. may seem like a moral victory to human rights activists, but it will place suspected terrorists on the soil of the very country they intend to harm. The image of the U.S. will not change overnight with the closing of Guantanamo Bay.

### **Impact**

#### Risk is high now

Matthew, et al, 10/2/13 [ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

1. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

**Nuclear Terror turns the case because civil-liberties crackdowns**

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

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

### **Motivation**

**Al Qaeda’s actions, statements, and internal documents prove they want nuclear weapons and mass casualty attacks---\*\*if the US relents, it guarantees nuclear attacks**

Larry J. **Arbuckle 8**, Naval Postgraduate School, "The Deterrence of Nuclear Terrorism through an Attribution Capability", Thesis for master of science in defense analysis, approved by Professor Robert O'Connell, and Gordon McCormick, Chairman, Department of Defense Analysis, Naval Postgraduate School, June

However, there is evidence that a small number of terrorist organizations in recent history, and at least one presently, have nuclear ambitions. These groups include Al Qaeda, Aum Shinrikyo, and Chechen separatists (Bunn, Wier, and Friedman; 2005). Of these, Al Qaeda appears to have made the most serious attempts to obtain or otherwise develop a nuclear weapon. Demonstrating these intentions, in 2001 Osama Bin Laden, Ayman al Zawahiri, and two other al Qaeda operatives met with two Pakistani scientists to discuss weapons of mass destruction development (Kokoshin, 2006). Additionally, Al Qaeda has made significant efforts to justify the use of mass violence to its supporters. Sulaiman Abu Ghaith, an al Qaeda spokesman has stated that al Qaeda, “has the right to kill 4 million Americans – 2 million of them children,” in retaliation for deaths that al Qaeda links to the U.S. and its support of Israel (as cited in Bunn, Wier, and Friedman; 2005). Indeed Bin Laden received a fatwa in May 2003 from an extreme Saudi cleric authorizing the use of weapons of mass destruction against U.S. civilians (Bunn, Wier, and Friedman; 2005). Further evidence of intent is the following figure taken from al Qaeda documents seized in Afghanistan. **It depicts a workable design for a nuclear weapon.** Additionally, the text accompanying the design sketch includes some **fairly advanced weapons design parameters** (Boettcher & Arnesen, 2002). Clearly **maximizing the loss of life is key among al Qaeda’s goals**. Thus their use of conventional means of attack presently appears to be a **result of their current capabilities** and not a function of their pure preference (Western Europe, 2005).

### AT MUELLER

#### Mueller’s wrong about everything

**Allison, 9** – Douglas Dillon Professor of Government and Director of the Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government ( Graham “A Response to Nuclear Terrorism Skeptics” Brown Journal of World Affairs, Hein Online)

What drives Mueller and other skeptics to arrive at such different conclusions?¶ They make four major claims that merit serious examination and reflection.¶ CLAIM 1: No ONE IS SERIOUSLY MOTIVATED TO CONDUCT A NUCLEAR TERRORIST ATTACK.¶ More than a decade ago, no one could have imagined that a Japanese doomsday cult would be sufficiently motivated to disseminate sarin gas on the Tokyo subway. Indeed, at the time of that attack, the consensus among terrorism experts was that terrorists wanted an audience and sympathy-not casualties. The leading American student of terrorism, Brian Jenkins, summarized the consensus judgment in 1975: "terrorists seem 34 to be more interested in having a lot of people watching, not a lot of people dead.""¶ As intelligence officials later testified, an inability to recognize the shifting modus operandi of some terrorist groups was part of the reason why members of Aum Shinrikyo "were simply not on anybody's radar screen."" This, despite the fact that the group owned a 12-acre chemical weapons factory in Tokyo, had $1 billion in its bank account, and had a history of serious nuclear ambitions.'9¶ Similarly, before the 9/11 attacks on the World Trade Center and Pentagon that extinguished 3,000 lives, few imagined that terrorists could mount an attack upon the American homeland that would kill more Americans than the Japanese attack at Pearl Harbor. As Secretary Rice testified to the 9/11 Commission, "No one could have imagined them taking a plane, slamming it into the Pentagon and into the World Trade Center, using planes as a missile." 20 For most Americans, the idea of international terrorists mounting an attack on our homeland and killing thousands of citizens was not just unlikely, but inconceivable. But assertions about what is "imaginable" or "conceivable" are propositions about individuals' mental capacities, not about what is objectively possible.¶ In fact, Al Qaeda's actions in the decade prior to the 9/11 attacks provided clear evidence both of intent and capability. While its 1993 attack on the World Trade Center succeeded in killing only six people, Ramzi Yousef, the key operative in this case, had planned to collapse one tower onto the second, killing 40,000. In the summer of 1996, Osama bin Laden issued a fatwa declaring war upon the United States. Two years later, Al Qaeda attacked the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing more than 200 people. In October 2000, Al Qaeda attacked the warship USS Cole. Throughout this period, Al Qaeda's leadership was running thousands of people through training camps, preparing them for mega-terrorist attacks.¶ Notwithstanding Aum Shinrikyo's brazen attack, Al Qaedas audacious 9/11 attack, and the recent attacks in Mumbai that killed 179 people, Mueller maintains that "terrorists groups seem to have exhibited only limited desire... they have discovered that the tremendous effort required is scarcely likely to be successful." He asserts that the evidence about Al Qaedas nuclear intentions ranges from the "ludicrous to the merely dubious," and that those who take Al Qaeda's nuclear aspiration seriously border on "full-on fantasyland."1¶ Even scholars who would have been inclined to agree with this point of view have revised their judgment as new facts have accumulated. In 2006, for example, Jenkins reversed the basic proposition that he had set forth three decades earlier. In his summary: "In the 1970s the bloodiest incidents caused fatalities in the tens. In the 1980s, fatalities from the worst incidents were in the hundreds; by the 1990s, attacks on this scale had become more frequent. On 9/11 there were thousands of fatalities, and there could have been far more. We now contemplate plausible scenarios in which tens of 35 thousands might die." Underlining the contrast with his own 1975 assessment, Jenkins now says: "Jihadists seem ready to murder millions, if necessary. Many of today's terrorists want a lot of people watching and a lot of people dead."22 (Emphasis added.)¶ Al Qaeda has been deadly clear about its ambitions. In 1998, Osama bin Laden declared that he considered obtaining weapons of mass destruction "a religious duty."" In December 2001, he urged his supporters to trump the 9/11 attacks: "America is in retreat by the grace of God Almighty..but it needs further blows."2 A few months later, Al Qaeda announced its goal to "kill four million Americans."5 It eVen managed to gain religious sanction from a radical Saudi cleric in 2003 to kill "ten million Americans" with a nuclear or biological weapon.26¶ We also now know that Al Qaeda has been seriously seeking a nuclear bomb. According to the Report of the 9/11 Commission, "Al Qaeda has tried to acquire or make nuclear weapons for at least ten years... and continues to pursue its strategic goal of obtaining a nuclear capability." It further reveals "bin Laden had reportedly been heard to speak of wanting a 'Hiroshima." The Commission provides evidence of Al Qaedas effort to recruit nuclear expertise-including evidence about the meeting between two Pakistani nuclear weapon scientists, bin Laden, and his deputy Ayman al-Zawahiri in Afghanistan to discuss nuclear weapons.2 These scientists were founding members of Ummah Tamer-e-Nau (UTN), a so-called charitable agency to support projects in Afghanistan. The foundation's board included a fellow nuclear scientist knowledgeable about weapons construction, two Pakistani Air Force generals, one Army general, and an industrialist who owned Pakistan's largest foundry.28¶ In his memoir, former CIA Director George Tenet offers his own conclusion that "the most senior leaders of Al Qaeda are still singularly focused on acquiring WMD" and that "the main threat is the nuclear one." In Tenet's view, Al Qaedas strategic goal is to obtain a nuclear capability. He concludes as follows: "I am convinced that this is where Osama bin Laden and his operatives desperately want to go."2 9¶ CLAIM 2: IT IS IMPOSSIBLE FOR TERRORISTS TO ACQUIRE FISSILE MATERIAL.¶ Assuming that terrorists have the intent-could they acquire the necessary materials for a Hiroshima-model bomb? Tenet reports that after 9/11, President Bush showed President Putin his briefing on UTN. In Tenet's account of the meeting, Bush "asked Putin point blank if Russia could account for all of its material." Putin responded that he could guarantee it was secure during his watch, underlying his inability to provide assurance about events under his predecessor, Boris Yeltsin.3o¶ When testifying to the Senate Intelligence Committee in February 2005, Commit- 36 tee Vice-Chairman John Rockefeller (D-WV) asked CIA Director Porter Goss whether the amount of nuclear material known to be missing from Russian nuclear facilities was sufficient to construct a nuclear weapon. Goss replied, "There is sufficient material unaccounted for that it would be possible for those with know-how to construct a weapon.. .I can't account for some of the material so I can't make the assurance about its whereabouts."¶ Mueller sidesteps these inconvenient facts to assert a contrary claim. According to his telling, over the last 10 years, there have been only 10 known thefts of highly enriched uranium (HEU), totaling less than 16 pounds, far less than required for an atomic explosion. He acknowledges, however, that "There may have been additional thefts that went undiscovered."32¶ Yet, as Matthew Bunn testified to the Senate in April 2008, "Theft of HEU and plutonium is not a hypothetical worry, it is an ongoing reality." He notes that "nearly all of the stolen HEU and plutonium that has been seized over the years had never been missed before it was seized." The IAEA Illicit Nuclear Trafficking Database notes 1,266 incidents reported by 99 countries over the last 12 years, including 18 incidents involving HEU or plutonium trafficking. 130 research reactors around the world in 40 developing and transitional countries still hold the essential ingredient for nuclear weapons. As Bunn explains, "The world stockpiles of HEU and separated plutonium are enough to make roughly 200,000 nuclear weapons; a tiny fraction of one percent of these stockpiles going missing could cause a global catastrophe."¶ Consider the story of Russian citizen Oleg Khinsagov. Arrested in February 2006 in Georgia, he was carrying 100 grams of 89-percent enriched HEU as a sample and attempting to find a buyer for what he claimed were many additional kilograms. Mueller asserts that "although there is a legitimate concern that some material, particularly in Russia, may be somewhat inadequately secured, it is under lock and key, and even sleepy, drunken guards, will react with hostility (and noise) to a raiding party.""¶ CLAIM 3: IT IS EXTREMELY DIFFICULT TO CONSTRUCT A NUCLEAR DEVICE THAT WORKS.¶ Rolf Mowatt-Larssen, former director of the Department of Energy's Office of Intelligence and Counterintelligence, testified that, "The 21s' century will be defined first by the desire and then by the ability of non-state actors to procure or develop crude nuclear weapons."6 In contrast, Mueller contends that, "Making a bomb is an extraordinarily difficult task... the odds, indeed, are stacked against the terrorists, perhaps massively so." 37¶ Mueller argues that his conclusion follows from an analysis of 20 steps an atomic terrorist would have to accomplish in what he judges to be the most likely nuclear terrorism scenario. On the basis of this list, he claims that there is "worse than one in a 37 million" chance of success. 38¶ His approach, however, misunderstands probabilistic risk assessment. For example, some of the steps on the list would have to be completed before an attempt to acquire material could begin (therefore, the success rate for any of those steps during the path would, by definition, be 100 percent). Other steps are unnecessary, such as having a technically sophisticated team pre-deployed in the target country. Although he assumes that stolen materials will be missed, in none of the 18 documented cases mentioned earlier had the seized material been reported missing."¶ At U.S. weapons labs and among the U.S. intelligence community, experts who have examined this issue largely agree. John Foster, a leading American bomb maker and former director of the Lawrence Livermore National Laboratories, wrote a quarter century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature." 4 Similarly, Theodore Taylor, the nuclear physicist who designed America's smallest and largest atomic bombs, has repeatedly stated that, given fissile material, building a bomb is "very easy. Double underline. Very Easy." 4¶ Inquiring into such claims, then-Senator Joe Biden (D-DE) asked the major nuclear weapons laboratories whether they could make such a device if they had nuclear materials. All three laboratories answered affirmatively. The laboratories built a gun-type device using only components that were commercially available and without breaking a single U.S. law.¶ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, reported in 2005 that the intelligence community believed Al Qaeda "probably had access to nuclear expertise and facilities and that there was a real possibility of the group developing a crude nuclear device." It went on to say that "fabrication of at least a 'crude' nuclear device was within Al Qaedas capabilities, if it could obtain fissile material."43¶ Skeptics argue that terrorists cannot replicate the effort of a multi-billion dollar nuclear program of a state. This claim does not distinguish between the difficulty of producing nuclear materials for a bomb (the most difficult threshold) and the difficulty of making a bomb once the material has been acquired. The latter is much easier. In the Iraq case, for example, the CIA noted that if Saddam Hussein had stolen or purchased nuclear materials from abroad, this would have cut the time Iraq needed to make a bomb from years to months.1 Moreover, terrorists do not require a state-of-the art weapon and delivery system, since for blowing up a single city a crude nuclear device would suffice.¶ The grim reality of globalization's dark underbelly is that non-state actors are 38 increasingly capable of enacting the kind of lethal destruction heretofore the sole reserve of states.¶ CLAIM 4: IT IS TOO DIFFICULT TO DELIVER A NUCLEAR DEVICE TO THE UNITED STATES.¶ In the spring of 1946, J. Robert Oppenheimer was asked whether units of the atom bomb could be smuggled into New York and then detonated. He answered, "Of course it could be done, and people could destroy New York." As for how such a weapon smuggled in a crate or a suitcase might be detected, Oppenheimer opined, "with a screwdriver." He went on to explain that because the HEU in a nuclear weapon emits so few radioactive signals, a bomb disguised with readily available shielding would not be detected when inspectors opened the crates and examined the cargo.41¶ The nuclear weapon that terrorists would use in the first attack on the United States is far more likely to arrive in a cargo container than on the tip of a missile. In his appearance before a Senate subcommittee in March 2001, six months before 9/11, National Intelligence Officer Robert Walpole testified that "non-missile delivery means are less costly, easier to acquire, and more reliable and accurate."' 6¶ Citing the 1999-2003 U.S. Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore Commission), Mueller states that transporting an improvised nuclear device would require overcoming "Herculean challenges.""¶ He does not explain, however, why bringing a crude nuclear weapon into an American city would be materially different than the challenge faced by drug smugglers or human traffickers. According to the Government Accountability Organization, an average of 275 metric tons of cocaine have arrived in Mexico each year for transshipment to the United States since 2000. Reported seizures averaged about 36 tons a year, a 13 percent success rate for the intelligence and law enforcement community. Three million illegal immigrants enter the country each year, and only one in three gets caught."

### AT PERMANENT WAR

#### Yes, the war on terror will go on for a long time – this isn’t a reason to give up and will be true regardless of our strategy

**Peters, 2002**

Ralph, retired Army officer and the author of 19 books, as well as of hundreds of essays and articles, experience, military or civilian, in 60 countries, and is a frequent contributor to Parameters, Parameters, Autumn 2002, “[Rolling Back Radical Islam”](http://www.freerepublic.com/focus/f-news/1015395/posts" \t "_self)”

Driven by the ferocity of events, we have begun to react militarily to the violence in Islam’s borderlands, from the Caucasus to the Philippines, as well as in that eternal frontier state, Afghanistan. And much more military engagement will be necessary in the future. But our military can address only the problems of the moment, problems rooted in yesterday. We must begin to examine the dilemmas and opportunities of each new day with greater interest, so that we may help (to the degree we can) struggling societies discover paths to a more peaceful, cooperative tomorrow. Whatever we do or fail to do, our military will be busy throughout the lifetimes of anyone reading these freshly printed lines. Success will never be final, but always a matter of degree—though, sometimes, of high degree: the difference between a bloody contest of civilizations and the routine ebb and flow of lesser conflicts. Our lack of involvement—indeed, our lack of interest—in Islam’s efforts to define its character for the 21st century and beyond has abandoned the field to our mortal enemies. Over the past few decades, Middle Eastern oil wealth has been used by the most restrictive, oppressive states to export a regressive, ferociously intolerant and anti-Western form of Islam to mosques and madrassas abroad, from the immigrant quarters of London to the back-country of Indonesia. When we noticed anything at all, we dismissed it as no more than an annoyance, our attitude drifting between the Pollyanna notion that everyone is entitled to his or her own form of religion (no matter if it preaches hatred and praises mass murder) and the “serious” policymaker’s view that religion is a tertiary issue, far less instructive and meaningful than GDP numbers or arms deals.

### AT Security

#### Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. Boyle '8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological** **problems**. In fact**, terrorism scholars are not only well aware of these problems, but also have provided their own** searching **critiques** of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). **Some of those scholars most associated with the critique of empiricism** implied in ‘Orthodox Terrorism Studies’ **have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism**. For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke’s** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

#### Shifting away from the security framework causes conflict and causes intervention –

**McCormack 10**

[Tara McCormack, ’10, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 59-61)]

A corollary of this retreat from a political interpretation of conflict or social instability, is the delegitimation of social transformation in developing countries. Historically, social and political transformation has often been accompanied by war and strife. By pathologising conflict, the human security framework acts to prohibit social or political transformation, as such changes can only be understood in an entirely negative way (see for further discussion, Cramer 2006). As an important contributor to the human security framework has argued: ‘much human insecurity surely results from structural factors and the distribution of power, which are essentially beyond the reach of individuals’ (Newman, 2004b: 358). Thus to actually overcome human insecurity, collective action and change is needed. But this **may result in** **internal conflict or strife**, **precisely the changes that human security problematises in the first place**. People may be prepared to experience disruptions to their daily existence, or even severe societal conflict or economic deprivation in the pursuit of some other goals which are understood as worthy. The shift away from the pluralist security framework is **highly problematic**. The formal links between the state and its citizens are problematised and weak and failing states are potentially held up to increased international scrutiny and international intervention. International institutions and states have potentially greater freedom to intervene in other states, but with no reciprocal methods of control to replace the old political links between the state and its citizens which are weakened. The shift away from the pluralist security framework and the rhetorical adoption by international institutions and states of a more cosmopolitan security framework **does not challenge contemporary power inequalities, rather it serves to entrench them**. Once we separate rights from any rights bearing subject, these rights are only things that can be given by external agencies, indeed as Chandler (2009) has argued, here the subject is created by external powers. Ultimately the cosmopolitan and emancipatory framework which seeks to give universal human rights through international law or forms of intervention posits abstract rights, seeking to make the world conform to universal human rights and justice in the absence of a political constituency to give it content. Indeed this is seen as necessary in the face of the current global injustices. Yet the problem is that **without a political constituency to give content to those rights these rights are gifts of the powerful, they are closer to charity**. **Rights in themselves, without political form, are of little value**. Here rights are assumed to be able to correct political and economic and social wrongs, such as inequality or disempowerment. Yet such problems are not the result of a lack of rights, and cannot be corrected through rights. A lack of development is a political, economic and social problem (Lewis, 1998; Heartfield, 1996), the lack of rights or equality and empowerment stem from the real inequalities and power relations in the world. Divorcing rights from rights bearing subjects, and positing abstract individual rights that can only be ‘given’ by external agencies, does not enhance rights but ends up formalising real inequality (Lewis, 1998). Indeed, this is precisely what we can see with, for example, human security and contemporary interventions. Here, the old formal equality of the pluralist security framework is no longer relevant and it is increasingly accepted that more powerful states have a right to intervene in other states and to frame certain states as ‘outlaw states’ (Simpson, 2005). Conclusion In this chapter I have argued that there have been significant shifts in the post-Cold War security problematic which cannot be understood in terms of the pluralist security framework. The most striking aspect of the contemporary international security problematic seems to be a shift away from and problematisation of the old security framework in both international and national security policy discourse. I have already discussed that the pluralist security framework with its underlying commitments of non-intervention and sovereign equality is held to be both anachronistic and immoral. This chapter lends support to broadening the initial conclusions drawn about the critical security theory more generally. In their own terms critical security theorists do not seem to be very critical. Critical security theorists **are not** **critically engaging and explaining the contemporary security problematic and offering an alternative** to contemporary power inequalities. A critical question to ask would be why have international institutions and states framed their security policies in terms of a rejection of the pluralist security framework and taken up cosmopolitan rhetoric? Where does this shift come from? Despite their ostensible focus on power and power inequalities, it is striking that critical security theorists exclude the way in which power is being exercised in the post-Cold War international order from their analysis. Were critical security theorists to include this in their analysis they would discover that they seem to be sharing many of the assumptions and aims of the post-Cold War international order. Specifically in the context of the shifting international security problematic, critical security theorists seem to share a normative and ethical critique of the old security framework, combined with a depoliticised account of conflict and social, economic and political instability, and a depoliticised and idealised view of the potential of major international institutions and states to intervene. Moreover, in the behaviour and rhetoric of international institutions, the problematic theoretical implications of critical security theory’s idealised assumptions of the potential of international institutions or transnational organisations to be a force for emancipation and freedom for individuals is shown to be problematic in practice. I have argued that this rejection of the pluralist security framework does not challenge the status quo, but serves to further entrench power inequalities. In fact, it seems to reflect the increased freedom of the international community to intervene in other states.

#### One speech act doesn’t cause securitization – it’s an ongoing process

**Ghughunishvili 10**

Securitization of Migration in the United States after 9/11: Constructing Muslims and Arabs as Enemies Submitted to Central European University Department of International Relations European Studies In partial fulfillment of the requirements for the degree of Master of Arts Supervisor: Professor Paul Roe <http://www.etd.ceu.hu/2010/ghughunishvili_irina.pdf>

As provided by the Copenhagen School securitization theory is comprised by speech act, acceptance of the audience and facilitating conditions or other non-securitizing actors contribute to a successful securitization. The causality or a one-way relationship between the speech act, the audience and securitizing actor, where politicians use the speech act first to justify exceptional measures, has been criticized by scholars, such as Balzacq. According to him, the one-directional relationship between the three factors, or some of them, is not the best approach. To fully grasp the dynamics, it will be more beneficial to “rather than looking for a one-directional relationship between some or all of the three factors highlighted, it could be profitable to focus on the degree of congruence between them. 26 Among other aspects of the Copenhagen School’s theoretical framework, which he criticizes, the thesis will rely on the criticism of the lack of context and the rejection of a ‘one-way causal’ relationship between the audience and the actor. The process of threat construction, according to him, can be clearer if external context, which stands independently from use of language, can be considered. 27 Balzacq opts for more context-oriented approach when it comes down to securitization through the speech act, where a single speech does not create the discourse, but it is created through a long process, where context is vital. 28 He indicates: In reality, the speech act itself, i.e. literally a single security articulation at a particular point in time, will at best only very rarely explain the entire social process that follows from it. In most cases a security scholar will rather be confronted with a process of articulations creating sequentially a threat text which turns sequentially into a securitization. 29 This type of approach seems more plausible in an empirical study, as it is more likely that a single speech will not be able to securitize an issue, but it is a lengthy process, where a the audience speaks the same language as the securitizing actors and can relate to their speeches.

## 1NR

#### FELLOW-FEELING OR COMPASSION ARE IMPOSSIBLE UNDER A CAPITALIST LOGIC -IT MONETIZES ALL LIFE, ENABLING THE WORST ATROCITIES IMAGINABLE

Kovel 02

Joel Kovel, Alger Hiss Professor, Social Studies, Bard College, THE ENEMY OF NATURE: THE END OF CAPITALISM OR THE END OF THE WORLD, 2002, p. 141.

Capital produces egoic relations, which reproduce capital. The isolated selves of the capitalist order can choose to become personifications of capital, or may have the role thrust upon them. In either case, they embark upon a pattern of non-recognition mandated by the fact that the almighty dollar interposes itself between all elements of experience: all things in the world, all other persons, and between the self and its world: nothing really exists except in and through monetization. This set-up provides an ideal culture medium for the bacillus of competition and ruthless self-maximization. Because money is all that ‘counts’, a peculiar heartlessness characterizes capitalists, a tough-minded and cold abstraction that will sacrifice species, whole continents (viz. Africa) or inconvenient sub-sets of the population (viz. black urban males) who add too little to the great march of surplus value or may be seen as standing in its way The presence of value screens out genuine fellow-feeling or compassion, replacing it with the calculus of profit-expansion. Never has a holocaust been carried out so impersonally When the Nazis killed their victims, the crimes were accom­panied by a racist drumbeat; for global capital, the losses are regrettable necessities.

### Perm

#### RESISTANCE MUST BE A TOTAL NEGATION OF THE SYSTEM FROM OUT-SIDE OF GOVERNMENT—WHILE SOME INSIDE POLITICAL GAINS ARE POSSIBLE, THEY ARE TRUMPED BY THE ABILITY OF THE SYSTEM TO USE REFORMS TO RESTABILIZE CAPITAL AND MARGINALIZE LABOR AS A SOCIAL ALTERNATIVE

MESZAROS (Prof. Emeritus @ Univ. Sussex) 1995

[Istavan, Beyond Capital: Towards a Theory of Transition, p. 738// wyo]

Thus the role of labour’s extra-parliamentary movement is twofold. On the one hand, it has to assert its strategic interests as a social metabolic alternative by confronting and forcefully negating in practical terms the structural determinations of the established order as manifest in the capital-relation and in the concomitant subordination of labour in the socioeconomic reproduction process, instead of helping to restabiize capital in crisis as it happened at important junctures of the reformist past. At the same time, on the other hand, the political power of capital which prevails in parliament needs to be and can be challenged through the pressure which extra-parliamentary forms of action can exercise on the legislative and executive, as witnessed by the impact of even the ‘single issue’ anti-poll-tax movement which played a major role in the fall of Margaret Thatcher from the top of the political pyramid. Without a strategically oriented and sustained extra-parliamentary challenge the parties alternating in government can continue to function as convenient reciprocal alibis for the structural failure of the system towards labour, thus effectively confining the role of the labour movement to its position as an inconvenient but marginalizable afterthought in capital’s parliamentary system. Thus in relation to both the material reproductive and the political domain, the constitution of a strategically viable socialist extra-parliamentaty mass movement — in conjunction with the traditional forms of labour’s, at present hopelessly derailed, political organization, which badly needs the radicalizing pressure and support of such extra-parliamentary forces — is a vital precondition for countering the massive extra-parliamentary power of capital.

#### CAPITALISM IS AN INERTIAL SYSTEM—ANY VESITAGE LEFT REMAINING BY THE PERMUTATION WILL INEVITABLY SPIN BACK UP. LIKE A MANY-HEADED HYDRA, IT WILL REGENERATE WITH EVERY ATTEMPT THAT ATTACKS THE INSTRUMENTS AS OPPOSSED TO THE SYSTEM ITSELF\*\*\*

KOVEL (Alger Hiss Prof. At Bard) 2002

[Joel, The Enemy of Nature, Zed Books, p. 142-3//wyo-tjc]

The value-term that subsumes everything into the spell of capital sets going a kind of wheel of accumulation, from production to consumption and back, spinning ever more rapidly as the inertial mass of capital grows, and generating its force field as a spinning magnet generates an electrical field. This phenomenon has important implications for the reformability of the system. Because capital is so spectral, and succeeds so well in ideologically mystifying its real nature, attention is constantly deflected from the actual source of eco-destabilization to the instruments by which that source acts. The real problem, however, is the whole mass of globally accumulated capital, along with the speed of its circulation and the class structures sustaining this. That is what generates the force field, in proportion to its own scale; and it is this force field, acting across the numberless points of insertion that constitute the ecosphere, that creates ever larger agglomerations of capital, sets the ecological crisis going, and keeps it from being resolved. For one fact may be taken as certain — that to resolve the ecological crisis as a whole, as against tidying up one corner or another, is radically incompatible with the existence of gigantic pools of capital, the force field these induce, the criminal underworld with which they connect, and, by extension, the elites who comprise the transnational bourgeoisie. And by not resolving the crisis as a whole, we open ourselves to the spectre of another mythical creature, the many-headed hydra, that regenerated itself the more its individual tentacles were chopped away. To realize this is to recognize that there is no compromising with capital, no schema of reformism that will clean up its act by making it act more greenly or efficiently We shall explore the practical implications of this thesis in Part III, and here need simply to restate the conclusion in blunt terms: green capital, or non-polluting capital, is preferable to the immediately ecodestructive breed on its immediate terms. But this is the lesser point, and diminishes with its very success. For green capital (or ‘socially/ecologically responsible investing’) exists, by its very capital-nature, essentially to create more value, and this leaches away from the concretely green location to join the great pool, and follows its force field into zones of greater concentration, expanded profitability — and greater ecodestruction.

### Method comparison

#### GENEALOGY CAN’T SOLVE- TAKING EACH EVENT AS A SINGULAR SEVERS THE HISTORICAL EXPLANATION KILLING ANY UNDERSTANDING OF SYSTEMATIC CAUSES

Ebert 09

[Teresa L. Ebert, Proessor of Cultural Theory @ Univerisyt of Albany State University of New York, “The Task of Cultural Critique”, 2009, pg 49-51, \\wyo-bb]

Genealogy's rejection of cause and effect is rooted in Nietzsche's theory that it is a fiction of chronology invented to satisfy the will to truth because in actuality, Nietzsche contends, effect always comes before cause (we first fall, then we find the cause of the fall), but we reverse the concrete order of the empirical occurrence of events in order to produce a metaphysical truth (Beyond Good and Evil 33). The entire project of genealogy and its master concepts, such as discursive formation, discontinuity, effective history, series, and events, are aimed at dismantling cause-and-effect relations in history and showing that effects do not bear a resemblance to their causes. Consequently, "the forces operating in history are not controlled by destiny or regulative mechanisms, but respond to haphazard conflicts" (Foucault, "Nietzsche" 154). Power is, therefore, isolated from its material cause (or any cause, for that matter) and turned into an all-encompassing relation that corresponds to all social relations because it is said to be a "multiplicity of force relations immanent in the sphere in which they operate and which constitue their own organizations (Foucault,History of Sexuality 92). This view of power obscures its cause and eliminates the binary of the powerful and powerless (which is causes by the class binary of capital and labor/owners and workers): “There is no binary and all encompassing opposition between rulers and ruled path the root of power relations” (94). For Grosz, following Foucault, genealogy turns history into a series of autonomous “events” without any depth (causal relations). She defines events as “discrete, disparate, often randomly connected material conjunctions of things or processes” (Volatile Bodies 145). The meaning of events is said to lie on their “surfaces,” which is another way of banishing the “deep” abstract causes of history to the diaspora of metaphysics. According to Foucault, the event- a wound, a victory –defeat, death – is always an effect produced by bodies colliding, mingling, or separating, but this effect is never a corporeal nature; it is the intangible, inaccessible.. physics concerns causes, but events, which arise as its effects, no longer belong to it... As bodies collide, mingle, and suffer they create events on their surfaces, events that are without thickness , mixture, or passion; for this reason they can no longer be causes… An event is not a state of things, something that could serve as a referent for a proposition. [Language, Counter-Memory 173] To treat an event as a material effect, Foucault argues in his review of Deleuze’s writings, is “in a schizoid fashion” to reduce “surfaces into deapth” (language, Counter-Memory 175). An event, then, is the nonmaterial material, an incorpreality, that obliterates the materialism of history. “Event” is essentially an abstraction such as “dying” that “can never verify anything” (173). It annihilates the materialism of the “dead,” which threatens to become a “referent for a proposition” and thus reduce an event to a depth. Unlike abstraction in Foucault’s account in Lenin leads to a materialist knowledge of history that paves the path to critical practice. In his conversation with Foucault, Deleuze rejects Lenin’s model and states that “theory and practice” are nonidentical: “For us… the relationship between theory and practice are fare more partial and fragmentary”(205). Although Genealogical projects side with the oppositional and discontinuous knowledge that aims at questioning hegemonic practices, they are not emancipatory and regard emancipation as part of a meta physics of freedom from repression (Foucault, History of Sexuality, 17-35). Foucault opens his introduction to Herculine Barbin by asking: "Do we truly need a true sex?" (vii, emphasis in original). For genealogy, freedom is not freedom from necessity but freedom from categories and concepts: how what is constituted conceptually as a discourse (for example, as "class") can be deconstituted and released from the discourses that have formed it. The goal is to show that behind the social practices there is "not a timeless and essential secret, but the secret that they have no essence or that their essence was fabricated in a piecemeal fashion from alien forms" and that history is born "from chance" (Foucault, "Nietzsche" 142). Thus exploitation is not systematically caused by capital's practice of extracting surplus labor from workers, but rather is seen as an event without regulatory mechanism, as a contingent matter.

### Violent

#### REVOLUTIONARY CONSCIOUSNESS REQUIRES A FULL BREAK WITH BOURGEOIS VALUES, MAKING VIOLENCE LEGITIMATE

FINLAY ’06

(Christopher, University College Dublin, “Violence and Revolutionary Subjectivity,” European Journal of Political Theory, <http://ept.sagepub.com/cgi/reprint/5/4/373>, uw/mjs)

In the writings of Sorel, Fanon and Zizek, two important stresses are added to the theory as it appears in the writings of Marx and Engels: first of all, they emphasize and radicalize the idea that the consciousness of the revolutionary class and, consequently, the consciousness of post-revolutionary humanity as a whole, will involve a break with contemporary, bourgeois values. Second, they see this form of consciousness as being achieved fully only at the end of a process of development within capitalism (or in Fanon’s case colonialism); only at the point of revolutionary rupture itself does it achieve complete realization. To echo the words of the Communist Manifesto, only at the actual point of revolution itself and not prior to that moment does the proletariat assume a form of subjectivity in which it really has ‘nothing to lose but [its] chains’.40 If it still has something to lose, then it still has a possible particular interest and is therefore not purely proletarian and not yet truly revolutionary. An important issue for these thinkers, therefore, concerns the establishment of this authentic form of revolutionary subjectivity, a process that each of them addresses in part through a psychological framework.41 In all three cases, this results in two thoughts about revolutionary violence: first, that it may be justified by its contribution to the formation and dissemination of revolutionary subjectivity; and, second, that it is legitimate to the extent that it originates in this emergent form of consciousness. To the extent that the consciousness of the revolutionary class is understood to give rise to new values for a new order, this opens up the further possibility that whatever kinds of violence result from it are self-validating and not subject to the norms of existing conceptions of justice.

#### PROLETARIAN VIOLENCE REFLECTS THE AUTHENTICITY OF REVOLUTIONARY SUBJECTIVITY

FINLAY ’06

(Christopher, University College Dublin, “Violence and Revolutionary Subjectivity,” European Journal of Political Theory, <http://ept.sagepub.com/cgi/reprint/5/4/373>, uw/mjs)

The second part of the answer will be that whatever the proletariat and its political leaders have to say about violence – its justifications, its scope and its limitations – will be valid to the extent that it truly reflects the perspective of the last social class at its final, revolutionary stage of oppression and contributing to its dissemination and radicalization.38 In the discussion that follows, this perspective is characterized in its fully realized form as ‘revolutionary subjectivity’. It offers a theory of the legitimacy of revolutionary violence in the sense that violence owes its validity to its origin in an authentic human perspective. While the idea of a dictatorship of the proletariat imagined by Marx and Engels (and later developed by Lenin in The State and Revolution) could be interpreted as reflecting quite directly the possibilities for commissioning violence implied in the first two pillars discussed above,39 the possibilities of this third pillar for articulating a theory of violence are not fully articulated in the writings of Marx and Engels themselves. But it was this pillar, rather than the first two, which provided a basis for the theories of violence argued by Sorel and Fanon, criticized by Arendt and lately reprised by Zizek.

### GG

#### Their Gibson-Graham evidence is nothing more than the politics of giving up—attempting to de-totalize resistance to capitalism erases our ability to conceive of it as a system—this politics of PRIVATE resistance reinforces the violence of class exploitation

COTTER 2002

[Jennifer, nqa, “War and Domestic Violence”, Red Critique, Sept/Oct, p. online //wyo-tjc]

In their book The End of Capitalism (As We Knew It), Katherine Gibson and Julie Graham (who write under the common pen name "J.K. Gibson-Graham"), argue for a "resistant agency" in response to globalization and violence against women. Following Sharon Marcus' deconstruction of "rape", Gibson-Graham argue that both globalization and violence against women need to be re-understood not as "inevitable truths" but as "language scripts" that can be "rewritten" and "resisted". For Gibson-Graham, like Marcus, re-understanding globalization and violence against women in these terms allows for "agency" on the part of women and workers to "resist" physical or economic violence in the "act" and to prevent it. For instance, according to Marcus, by approaching "rape" as a "language script", feminism can "shift the scene from rape and its aftermath" in the courts "to rape situations themselves and to rape prevention" (Marcus 387). This is also the dominant understanding of "prevention" in such films as Enough starring Jennifer Lopez and Panic Room starring Jodie Foster, which mark the degree to which in capitalist culture "self-defense" is understood as the limit of intervention into domestic violence in particular, and violence against women in general. Agency, on these terms, is the individual woman's capacity to prevent an assault from occurring in the first place by not accepting her "victimization" as inevitable and instead "fighting back". What this assumes is a very limited notion of "agency" as freedom of the "private individual". This is, in short, a re-articulation of the notion of "resistant citizenship" as the freedom of the monadic subject from the state. Domestic violence in this view becomes a matter of individualized agency—of volunteerism for women—and is cut off from the social relations of production that make it possible. This notion of "prevention" makes domestic violence not a SOCIAL concern, therefore requiring investigation into the underlying social and economic conditions that enable the reproduction of violence against women, but a PRIVATE matter and an individual woman's private responsibility. This is a highly destructive position for women because it steps backwards from the struggle to understand domestic violence as a public and social issue and, therefore, a matter of the organization of social resources (i.e., property relations) and instead makes individuals responsible for "managing" social contradictions on their own. Moreover, by generalizing Marcus' understanding of "rape prevention" to explain globalization in all of its practices, Gibson-Graham represent "resistance" to globalization on these same terms: as an autonomous act of private individuals not requiring general transformation of the social conditions of production for all. Far from offering a mode of "resistance", this actually offers a position that is highly useful to transnational capitalism, which is daily trying to dismantle any social resources committed to the economic, social, and physical well being of workers in general, and women in particular, in the international division of labor. In short, this position is consistent with the efforts of transnational capital to dismantle social resources and re-privatize them and destroy any conditions for social citizenship in order to stave off declines in the rate of profit. Gibson-Graham's privatized view of globalization and violence against women, for instance, follows the same logic as the Bush administration, which, working on behalf of transnational capital, has been working to dismantle social resources for women and reprivatize them.

#### And you should prefer our evidence—Gibson-Graham’s critique is nothing but a crude bastardization of a Marxist analysis of class. They may have a good critic of economic determinism but that is because it relies on nothing more than a caricature.

Barbara Foley (Department of English, Rutgers University) 2003

[“Book Reviews” Science & Society, Vol. 67 No. 2, loghry]

In general, however, these two volumes raise serious doubts about the neo-Marxist enterprise that they outline and exemplify. For one thing, the arguments are frequently couched in highly loaded binary oppositions, contrasting traditional Marxism with the authors’ methodology, which assume rhetorically what they should prove: reductionism versus complexity, teleology versus open-endedness, the politics of postponement versus that of opportunity, contingency and particularity versus fixity and essentialism, etc. One might suppose that theorists schooled in the poststructuralist critique of power/knowledge might have been more self-conscious about their own proclivities toward verbal bullying. What this opportunistic rhetorical practice suggests is the writers’ felt need to reduce Marxism to economic determinism in order then to correct it by means of the overdetermination model. While useful criticisms are offered of certain reductionist elements in the Marxist tradition — in particular, of productive forces determinism and mechanistic stagism — these do not warrant the caricatured dismissal of 20th-century Marxism appearing throughout both volumes, where much of the theoretical debate is in fact directed against a straw man. It is questionable, moreover, whether much of what is proposed by way of an alternative to “reductionist” Marxism here can be said to be “Marxist” in any meaningful sense. The criticism that has often been directed at post- Althusserian theory — namely, that overdetermination results in plural causality, that relative autonomy becomes absolute autonomy, and that even Althusser’s insistence upon “determination in the last instance” by the economy disappears — applies here, it seems to me, with a vengeance. Indeed, beneath the claim to revolutionary optimism, the essays routinely advocate a rewarmed liberalism. Gibson-Graham and O’Neill’s “decentered and desolidified representation of the enterprise,” for example, results in an advocacy of “new claims on the social wealth that flows through the corporation” based in an ahistorical and idealist notion of ethics (RC, 56). Biewener’s notion that “money . . . lent to finance investment in a noncapitalist class process . . . ceases to function as capital in the process of production” and in fact “enables productive investment in a communal or communist sense” (RC, 139–40) amounts to the proposition that we can have communism now, if only banks can be made “community”-conscious. Chakrabarti and Cullenberg’s predication of an “open and heterogeneous social totality” in which “history has no inner logic” results in a call for framers of transition policies to revert to the model of Khadi — entailing “distributive fairness” — advocated by Gandhi (RC, 186, 200). Finally, with the exception of the essays by Rio, Hotch, and Southern, much of the project contained in Class and Its Others has little to do with Marxist categories of analysis, neo- or otherwise, and strikes me as “culturalist” in the most problematic of senses — that is, projecting discourse and cultural activity as the locus of change — as well as quietistic. Even Amitava Kumar, in his introduction to the volume, admits that Jahoda’s picture-narrative, which rejects the “familiar association of female, penetrated, exploited, and colored bodies with relative powerlessness,” does not “highlight or emphasize class but lets it emerge surreptitiously, to shape and indeed to queer (or suggest the queerness of) subjectivity and identity” (18); one wonders why it is in the book at all. Fraad’s penetrating analysis of the emotional exhaustion of children by needy parents does not, finally, use the notions of necessary and surplus labor in anything more than a metaphorical way; its theoretical apparatus ends up being largely irrelevant to its insights. Cameron’s suggestion that housewives who gain fulfillment from the nurturing tasks they perform are “authoritative and acting subjects” whose situations signal “the emancipatory possibilities that might already be contained within the current domestic order” overlooks, indeed effaces, the “double burden” borne by women who labor both on the job and in the home (57, 65). Finally, to formulate a “discourse of class difference in the sex industry, in which capitalist, independent, slave, feudal, and communal relations can be seen to coexist and interact,” and to claim that this theorization “could foster a politics of economic innovation and empowerment,” as does van der Veen, tragically disregards the oppression that forces women into prostitution (C&O, 123). If such texts are the fruits of Resnick’s and Wolff’s theorization of overdetermination, fundamental and subsumed class processes, and the co-existence of multiple modes of production, we may ask whether these fruits have truly been plucked from the historical materialist tree.

#### Simply speaking out against capitalism as a ‘moral outrage’ merely sentimentalizes the violence of capitalist exploitation—we need objective, systemic knowledge of our conditions of oppression

Torrant 2003

[Julie, “Family Labor: Caring for Capitalism”, Red Critique, Fall 2003, p. http://www.redcritique.org/FallWinter2003/printversions/familylaborprint.htm //wyo-tjc]

In short contemporary cultural theorists like Kumar sentimentalize social relations of production under capitalism and, in doing so, they put forward only a "moral" opposition to capitalism which helps to crisis manage capitalism by updating the strategies by which it maintains relations of production based on exploitation. As a consequence, the main "weapon" against capitalism is "moral outrage". Kumar argues in his introduction to J.K. Gibson-Graham et al'.s Class and Its Other, that the lesson of Marx is that "shame" is a "weapon of class struggle" (vii). In like manner, Andrew Ross, in his contribution to World Bank Literature writes, "[a]bove all, it is important not to underestimate public outrage" (108). For Ross, it is affect that provides the basis of struggles between workers and capitalists. Thus, the outrage of workers serves as a lever to produce "shame" within corporations, thus inducing these corporations, and presumably their CEOs and stockholders, to ameliorate the oppressive working conditions of their employees. Thus, Ross writes that "There is no reason why the brand names of AT&T, Phillips, Intel, IBM, Hewlett Packard, Toshiba, Samsung, and Fujitsu cannot be shamed in the same way as Nike, the Gap, Guess, Phillips Van Heusen, and Disney". (108). To be clear, Ross argues that it is ultimately the profit-motive that leads the corporations to change their practices because they depend on their image to sell their goods over their competitors. However, it is the public and its moral "shaming" that induces the company to change its practices. It is this same appeal to "outrage" that Doug Henwood works to activate in his contribution to the volume when he refers to Rudy Guiliani as a "repressive pig" (61). The implication here is that Rudy Guliani is a morally bankrupt person and that this, rather than repressive labor relations, is ultimately the problem with capitalism. Again, this is to call for a new morality within the existing, exploitative labor relations and as such this argument denies that morality is rooted in and determined by the social relations of production. Contrary to Kumar, Ross and Henwood, however, Marx did not base his opposition to capitalism on moral outrage, but rather argues that capitalist social relations are doomed because they have been rendered outdated by the development of the forces of production. Engels makes this point, that is, that Marx's critique was not a matter simply of moral opposition, in his reading of Marx around the question of morality in his introduction to The Poverty of Philosophy. Engels writes: The above application of the Ricardian theory, that the entire social product belongs to the workers as their product, because they are the sole real producers, leads directly to communism. But, as Marx indicates too in the above-quoted passage, formally it is economically incorrect, for it is simply an application of morality to economics. According to the laws of bourgeois economics, the greatest part of the product does not belong to the workers who have produced it. If we now say: that is unjust, that ought not be so, then that has nothing immediately to do with economics. We are merely saying that this economic fact is in contradiction to our sense of morality. Marx, therefore, never based his communist demands upon this, but upon the inevitable collapse of the capitalist mode of production which is daily taking place before our eyes to an ever greater degree… (Poverty 11) What this passage marks is Marx's argument that to morally oppose capitalism because it is a system of legal theft of surplus value from workers is ineffectual. Rather, our opposition to capitalism, according to Marx, needs to be rooted in knowledge of the objective relations of production in capitalism and especially the way in which these relations of production have become outdated. Change does not occur through moral outrage; it requires praxical transformation of the objective structures of production. Marx, however, as Engels points out, does not simply stop after making this point. Rather, he shows that the condition of possibility of the moral outrage that is produced within capitalism is the objective development of the forces of production which are putting in place the objective conditions for a new morality that is not based on private property but rather common ownership of the means of production and thus is based on economic equality. Engels writes: But what formally may be economically incorrect, may all the same be correct from the point of view of world history. If the moral consciousness of the mass declares an economic fact to be unjust, as it has done in the case of slavery or serf labour, that is a proof that the fact itself has been outlived, that other economic facts have made their appearance, owing to which the former has become unbearable and untenable. (112)