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#### PQD on war powers high now- unity doctrine, Goldwater v. Carter and Curtiss-Wright prove

Moore 2014

[David H. Moore, Professor of Law, J. Reuben Clark Law School, Brigham Young University, 2014, Beyond One Voice, <http://www.minnesotalawreview.org/wp-content/uploads/2014/02/Moore_MLR.pdf>, uwyo//amp]

Justice Rehnquist’s opinion in Goldwater v. Carter110¶ illus trates. Several members of Congress challenged President ¶ Carter’s termination of a mutual defense treaty with Taiwan.111¶ ¶ Justice Rehnquist concluded that where the Constitution was ¶ silent regarding the power to terminate a treaty, and the an swer might depend on the nature of the treaty, the issue ought ¶ to be left to the political branches, “each of which has resources ¶ available to protect and assert its interests.”112¶ That conclusion, ¶ he thought, was bolstered by the fact that the question sounded ¶ in foreign relations, where the political question doctrine is ¶ particularly appropriate.113¶ The second horizontal dimension of the one-voice doctrine ¶ concerns the distribution of authority between the President ¶ and Congress. As mentioned, Curtiss-Wright provides the par adigmatic example here.¶ ¶ 114¶ Although the case concerned the ¶ constitutionality of a joint congressional resolution giving the ¶ President discretion to criminalize certain conduct to achieve ¶ foreign policy objectives, the Court emphasized the President’s ¶ role “as the sole organ of the federal government in the field of ¶ international relations.”115¶ Designation of the President as the ¶ one voice in foreign affairs resulted in part from the need for ¶ “unity of design,” which the President is well suited to ¶ achieve.116

#### Plan would crack the political question doctrine

Ducat, 2012

2012 SUPPLEMENT¶ FOR¶ CONSTITUTIONAL INTERPRETATION¶ TENTH EDITION¶ CONSTITUTIONAL INTERPRETATION¶ Volume I¶ Powers of Government TENTH EDITION¶ CONSTITUTIONAL INTERPRETATION¶ Volume II¶ Rights of the Individual TENTH EDITION¶ CRAIG R. DUCAT¶ Distinguished Teaching Professor Emeritus Northern Illinois University

A similar objection to unilateral presidential action was raised with respect to targeting American citizens abroad who were deemed to constitute a terrorist threat. Can the President direct the killing of an American citizen overseas simply on his own authority, or does the citizenship status of the target trigger judicial oversight? The father of an American citizen sued to determine the answer to that question. Nasser al- Aulaqi learned through the media that the government had targeted his son, Anwar al- Aulaqi, a U.S. citizen and Muslim cleric hiding overseas and accused of helping to plan attacks by al-Qaeda’s branch in Yemen.8 The elder Aulaqi brought suit to block any¶ 7. In a footnote to the opinion, the district judge expressed frustration at having to waste valuable time and resources on “the relitigation of settled questions of law.” He expressed “dismay that the plaintiffs are seemingly using the limited resources of this Court to achieve what appear to be purely political ends, when it should be clear to them that this Court is powerless to depart from established precedent of the Supreme Court and the District of Columbia Circuit.”¶ 8. Anwar al-Aulaqi was born in New Mexico in 1971, moved to Yemen in 2004, and was believed to play an operational role in a group called Al Qaeda in the Arabian Peninsula. The government claimed that he helped direct the attempted bombing of an airliner headed for Detroit on Christmas Day in 2009. After¶ ￼¶ CHAPTER4 EXECUTIVEPOWER 17¶ assassination attempt unless the government could demonstrate that his son posed an imminent threat. In Al-Aulaqi v. Obama, 727 F.Supp.2d 1 (D.D.C. 2010) , a federal district court dismissed the case because al-Aulaqi, the father, lacked standing to assert constitutional claims as his son’s “next friend” (Anwar al-Aulaqi was an adult and was competent to represent himself)and because such a suit was barred by the political question doctrine. While the Supreme Court had declared in Baker v. Carr (see Text, p. 61), that “it is error to suppose that every case or controversy which touches foreign relations lies beyond judicial cognizance,” the district court concluded that the “particular questions” it would be required to address in this case “pose[d] precisely the types of complex policy questions that \* \* \* ha[ve] historically [been] held non-justiciable under the political question doctrine.” Among the questions the court would presumably have to decide were: “(1) the precise nature and extent of Anwar Al-Aulaqi’s affiliation with AQAP [the Arabian terrorist group]; (2) whether AQAP and al Qaeda [were] so closely linked that the \* \* \* targeted killing of Anwar Al-Aulaqi in Yemen would come within the United States’s current armed conflict with al Qaeda; (3) whether \* \* \* Anwar Al-Aulaqi’s alleged terrorist activity renders him a ‘concrete, specific, and imminent threat to life or physical safety’ \* \* \*; and (4) whether there are ‘means short of lethal force’ that the United States could ‘reasonably’ employ to address any threat Anwar Al-Aulaqi poses to U.S. national security interests.” In turn, “[s]uch determinations \*\*\* would require th[e] [c]ourt \* \* \* to understand and assess ‘the capabilities of the [alleged] terrorist operative to carry out a threatened attack, what response would be sufficient to address that threat, possible diplomatic considerations that may bear on such responses, the vulnerability of potential targets that the [alleged] terrorist \* \* \* may strike, the availability of military and nonmilitary options, and the risks to military and nonmilitary personnel in attempting the application of non-lethal force.’”¶ “Because decision-making in the realm of foreign and military affairs is textually committed to the political branches, and because the courts are functionally ill-equipped to make the types of complex policy judgments that would be required to adjudicate the merits of plaintiff’s claims,” the court found resolution of the suit barred by the political question doctrine. The “mere fact” that the target here was an individual, the court declared, was not sufficient to distinguish this case from a previous suit in which the court of appeals held that the political question doctrine foreclosed judgment on the permissibility of unilaterally targeting alleged enemy property. See El-Shifa Pharmaceutical Industries Co. v. United States, 378 F.3d 1346 (Fed.Cir. 2004). In other words, there was nothing, constitutionally speaking, that entitled an American citizen engaged in terrorist activities abroad to some sort of due process before the President could authorize targeting him.9¶ that failed attempt, media outlets reported that he had been placed on the government’s “kill list.”¶ 9. The district court did not address whether invoking the “state secrets” privilege would absolutely bar suits of this sort, and the government refused to confirm whether Anwar al-Aulaqi was in fact on its “kill list.”¶ ￼¶ 18 CHAPTER4 EXECUTIVEPOWER¶ The fact that Anwar Al-Aulaqi subsequently died as the result of a joint CIA- military drone strike on a convoy traveling in Yemen exemplifies the expanded capacity of the President to conduct secret military operations with much less risk of a congressional or popular backlash over casualties, since drones are unmanned and operated by remote control. Provided one is prepared to tolerate the blowback that comes from mistakes and imprecision, drones can be used at will10 and far more frequently than the risky nighttime raid in Pakistan by U.S. Navy SEALs that killed Osama bin Laden on May 2, 2011. Indeed, in the first three years of the Obama Administration, there have been five times more drone strikes on suspected terrorist targets than were carried out under President George W. Bush.11¶ Although President Obama relied upon a secret legal memorandum justifying the practice,12 Attorney General Eric Holder delivered a public defense of targeting enemies abroad on March 5, 2012, in a speech at Northwestern University Law School. He concluded: “An operation using lethal force in a foreign country, targeted against a U.S. citizen who is a senior operational leader of al-Qaeda or associated forces, would be lawful at least in the following circumstances: First, the U.S. government has determined, after a thorough and careful review, that the individual poses an imminent threat of violent attack against the United States; second, capture is not feasible; and third, the operation would be conducted in a manner consistent with applicable law of war principles.”13¶ D. THE CONCEPT OF THE UNILATERAL PRESIDENCY: FROM GEORGE W. BUSH TO BARACK OBAMA¶ ► Insert at p. 272 following Boumediene v. Bush¶ 10. The Obama Administration has said it adheres to “rigorous” standards in authorizing drone strikes and exercises its discretion “carefully, deliberately and responsibly.” Merely being a member of Al Qaeda apparently is not enough. Policymakers approve the targeted killing of only those individuals, such as operational leaders, who pose a particular threat against the United States. But the Administration has “sidestepped” questions about the use of “signature strikes, in which drones are used to target unidentified people whose activities―such as presence at a training camp―suggest they probably are militants.” New York Times, May 1, 2012, p. A8.¶ 11. See David Rohde, “The Obama Doctrine: How the President’s Secret Wars Are Backfiring,” Foreign Policy, Mar./Apr. 2012, pp. 64-69. Bush approved a total of 44 drone strikes; the Obama Administration so far has carried out 239. The operation of drones has contributed substantially to deteriorating relations with Pakistan.¶ 12. See New York Times, Oct. 9, 2011, pp. A1, A6. A federal statute prohibits the murder of Americans abroad, but it is not “murder” to kill a wartime enemy. There is an executive order that bans the unlawful killing of foreign political leaders in peacetime but not the killing of a target in an armed conflict.¶ 13. For a complete text of the Attorney General’s speech, see http://www.forbes.com/sites/gregorymcneal/ 2012/03/05/holder-national-security-speech-targeted-killing.¶ ￼¶ CHAPTER4 EXECUTIVEPOWER 19¶ On the fourth anniversary of its decision in the Boumediene case, probably its most important ruling in the “war on terrorism,” the Supreme Court denied cert. in a welter of detainee cases that asked it to decide such questions as: whether the federal government’s intelligence reports used to justify detention could be presumed to be reliable unless a detainee could prove they were flawed; what degree of culpability is required to establish that pre-trial detention conditions violate due process; whether the laws of armed conflict apply to limit who may be indefinitely detained under the Authorization for Use of Military Force (AUMF); whether the AUMF authorizes the indefinite detention of someone not shown to have fought for Al Qaeda, or been trained by Al Qaeda, or received instructions from Al Qaeda, or been shown to have furnished aid to Al Qaeda; and whether the AUMF or Boumediene authorizes a standard of proof under which the government can put forward only some credible evidence justifying detention and, to prevail, the detainee must rebut the government’s evidence. Thus, four years after Boumediene, the Court has effectively left oversight of the detainees in the hands of the U.S. Court of Appeals for the District of Columbia. For the appellate court decisions, see, respectively, Latif v. Obama, 666 F.3d 746 (D.C. Cir. 2011); Estate of Henson v. Krajca, 440 Fed. Appx. 341 (5th Cir. 2011); Al-Bihani v. Obama, 2011 WL 611708 (D.C. Cir. 2011); Uthman v. Obama, 637 F.3d 400 (D.C. Cir. 2011); Almerfedi v. Obama, 654 F.3d 1 (D.C. Cir. 2011). The Court denied cert. in all these cases on June 10, 2012. The Court also declined to address whether federal officials responsible for the torture of an American citizen on American soil may be sued for damages under the Constitution. See Lebron v. Rumsfeld, 670 F.3d 540 (4th Cir. 2012), cert. denied, 567 U.S. —, 132 S.Ct. 2751 (2012).¶ ► Insert at p. 280 following the first paragraph of text¶ Ever since 2001, when Congress passed the Authorization for Use of Military Force (AUMF) (see Text, p. 257), the President has had the power to seize and detain individuals suspected of involvement in terrorist activities that are deemed to threaten the security of the United States. In December 2011, Congress passed the National Defense Authorization Act for Fiscal Year 2012 (NDAA), 125 Stat. 1298, which provided $662 billion in military and national-security related funding. The legislation also contained several non-appropriation provisions, such as the authorization of new economic sanctions against Iran. But the most controversial of the additional provisions were contained in Title X, subtitle D, entitled “Counter-Terrorism.” Sections 1021 and 1022 dealt with the detention of individuals the government suspected of terrorist involvement. These provisions not only reaffirmed the sort of presidential authority to apprehend terrorists that the Chief Executive had possessed since 2001 but permitted their indefinite military detention. More significantly, the counter-terrorism provisions allowed the indefinite confinement of American citizens, not just foreign nationals. Because of the importance of providing the military with continuous funding, President Obama signed the bill on December 31, 2011, but immediately issued a presidential policy¶ directive effectively rewriting §§ 1021 and 1022, to which he vigorously objected on grounds that they breached an important guarantee of American citizenship and intruded unnecessarily upon the flexibility the executive branch needed in dealing with the challenge of terrorism. In a statement, prepared for release at the time he signed the policy directive, the President said: “[M]y Administration will not authorize the indefinite military detention without trial of American citizens. \* \* \* I believe that doing so would break with our most important traditions and values as a Nation. My Administration will interpret section 1021 in a manner that ensures that any detention it authorize complies with the Constitution, the laws of war, and all other applicable law.”14 In short, the President’s policy directive made it clear that he retained the power to waive any military custody requirement and would enforce the Act so as to assure maximum counter-terrorism flexibility. For the presidential policy directive, see “Directive on Procedures Implementing Section 1022 of the National Defense Authorization Act for Fiscal Year 2012” at www.gpo.gov/fdsys/pkg/DCPD-201200136/pdf/DCPD-201200136.pdf.¶ With a tin ear to the President’s reservations about the unconstitutional sweep of § 1021, the House of Representatives, by a margin of 182-238, rejected legislation that would have required an American citizen seized on American soil and charged with supporting terrorism to be tried by a civilian court. See New York Times, May 19, 2012, p. A14; Congressional Quarterly Weekly Report, May 28, 2012, p. 1104. A federal district court subsequently held that the government’s authority under § 1021 to seize and indefinitely detain suspected terrorists was both vague and overbroad and, therefore, respectively violated the Fifth and First Amendments. Indeed, although the NDAA purported merely to affirm Congress’s previous exercise of its power to detain suspected terrorists, in fact § 1021 contained a fatal constitutional flaw: it failed to require that any suspect taken into custody have acted knowingly or purposely in aiding forces engaged in hostilities against the United States.15 See Hedges v. Obama, ― F.Supp.2d ― (S.D.N.Y. 2012), 2012 WL 1721124.

#### Violating the political question doctrine on issues of war power causes a wave of litigation – that destroys the effectiveness of US defense contractors

Isenberg 10 (David, Research Fellow – Independent Institute, “Contractor Legal Immunity and the ‘Political Questions’ Doctrine,” CATO Institute, 1-19, <http://www.cato.org/publications/commentary/contractor-legal-immunity-political-questions-doctrine>)

One can easily see why most defense contractors, including private military and security firms working under U.S. government contract, would like to prevent such suits from proceeding. The sheer number of injuries alone gives them reason to want to avoid possible suits. According to ProPublica as of last September 30 the number of private contractors injured in Iraq and Afghanistan totaled 37,652. Of course, not all those injuries are the result of something done wrong. But even a small fraction of them would entail considerable legal costs for a contractor so it is easy to understand why they would want to preventing such suits from being filed in the first place. As I am not a lawyer the following is derived from Maj. Carter’s article. Traditionally, the reason given for this is that such cases may involve “political questions” that the Judicial Branch is ill-equipped to decide. Thus defense contractor advocates claim these actions must be dismissed, else there be grim consequences for Government contingency contracting. But according to Maj. Carter, “the recent developments in political question doctrine case law are significant to the future of Government contingency contracting. However, they are not catastrophic — although portrayed as such by some defense contractor advocates. There will not be an explosion of contracting costs passed on to the Government. There will not be a mass refusal of defense contractors to accept contingency contracts. There will not be chaos on the battlefield. Such predictions are nothing more than “bellowing bungle.” Carter wrote: What is the political question doctrine? According to Chief Justice John Marshall, “[q]uestions, in their nature political, or which are, by the constitution and laws, submitted to the executive, can never be made in [the U.S. Supreme Court].” In 2004, the Court held “[s]ometimes .. . the law is that the judicial department has no business entertaining [a] claim of unlawfulness — because the question is entrusted to one of the political branches or involves no judicially enforceable rights. Such questions are said to be ‘nonjusticiable,’ or ‘political questions.’” What this means is that traditionally courts have deferred to the political branches in matters of foreign policy and military affairs. Policy decisions regarding the employment of U.S. military forces in combat belong to the political branches, not the courts. The Supreme Court has held that, due to their “complex, subtle, and professional” nature, decisions as to the “composition, training, equipping, and control of a military force” are “subject always” to the control of the political branches. Tort suits that challenge the internal operations of these areas of the military are likely to be dismissed as political questions. Yet, notwithstanding the foregoing prohibitions on judicial conduct, the Supreme Court has cautioned, “it is error to suppose that every case or controversy which touches foreign relations lies beyond judicial cognizance.” As mentioned earlier, vast precedent exists for judicial involvement in foreign and military affairs. Case law establishes that military decisions are reviewable by federal courts. An assertion of military necessity, standing alone, is not a bar to judicial action. Merely because a dispute can be tied in some way to combat activities does not prevent a court from reviewing it. Although an action arises in a contingency environment, if a case is essentially “an ordinary tort suit” it is well within the competence of the courts to entertain. Courts have underscored the point: no litmus test exists that prohibits judicial action merely because an issue involves the military in some fashion. Where plaintiffs seek only damages and not injunctive relief, such cases are “particularly judicially manageable.” When such a damages-only lawsuit concerns only a defense contractor (as opposed to the Federal Government), courts have held that such actions do not involve “overseeing the conduct of foreign policy or the use and disposition of military power.” Thus, those actions are less likely to raise political questions than suits against the Government, suits seeking injunctive relief, or both. Given the enormous amount of money involved in Government contingency contracting and the correspondingly large number of contractors and contractor employees performing GWOT (Global War on Terror) contingency contracts, the number of plaintiffs seeking redress for tortious conduct was certain to rise — and it did. Universally, defendant defense contractors invoked the political question doctrine in order to shield themselves from liability in their performance of GWOT contracts, some with more success than others. The first significant case centered around the tragic events at the Abu Ghraib prison in Iraq. In Ibrahim v. Titan Corp., Iraqi plaintiffs alleged they were tortured, raped, humiliated, beaten, and starved while in U.S. custody. Apparently fearing a dismissal on sovereign immunity grounds if they sued the U.S. Government, the plaintiffs instead chose to name as defendants the contractors who provided interpreters and interrogators for the prison. The defendants filed a motion to dismiss, alleging the matter involved political questions. The court held the case should not be dismissed at such an early stage on political question grounds, especially because the United States was not a party to the case. Ibrahim is significant because it was the first GWOT case to underscore the need for full factual development of a case prior to an assessment of justiciability. One particularly interesting point in Carter’s article is this: Judges and scholars openly speculate about the possible consequences of defense contractor tort liability on the federal procurement process. In Boyle, the Supreme Court warned that “[t]he financial burden of judgments against [] contractors would ultimately be passed through, substantially if not totally, to the United States itself, since defense contractors will predictably raise their prices to cover, or to insure against, contingent liability … .” Since private military contracting advocates claim that their firms are more cost effective than the government one might reasonably believe that they can be so only by preventing tort suits against them. If the cost of such suits were factored in, the presumed cost effectiveness could conceivably be significantly less, or perhaps not exist at all. Carter asks “is the situation really this dire? Are contractors at a point where, because of increased litigation risks, they will be forced to charge the Government more for their services or elect to not provide services altogether?” The answers may not be far away. In November 2008, Joshua Eller filed suit in the U.S. District Court for the Southern District of Texas, as a result of injuries he suffered at Balad Air Base, Iraq, while deployed as a contractor employee of KBR from February to November of 2006. The complaint alleges defendants KBR and Halliburton “intentionally and negligently exposed thousands of soldiers, contract employees and other persons to unsafe water, unsafe food, and contamination due to faulty waste disposal systems … .” The complaint also includes allegations of injury from toxic smoke which emanated from an open air burn pit at Balad. The complaint alleges approximately 1,000 other individuals suffered similar injuries and it seeks to combine all of those actions into a single class action lawsuit. More significantly, this action is only one of several suits currently pending that relate to similar KBR activities in Iraq. The political question doctrine will be a major factor in this coming storm of litigation. With the large number of potential plaintiffs compounded by the seriousness of the conduct and injuries alleged, these suits have the potential to dwarf the damages awards previously sought in earlier GWOT cases. Undoubtedly, KBR will seek to raise the political question doctrine as an absolute bar to these and any similar suits. Defense contractor advocates warn of “deleterious effects” to the mission and the contractor-military relationship if tort suits against war zone defense contractors are allowed to proceed. They argue such tort claims “frustrate” and “conflict with” the Government’s ability to control contingency operations and would result in compromised logistical support and mission jeopardy. Furthermore, many companies, especially smaller ones, could be deterred from seeking contingency contracts. For those contractors who do elect to proceed, they will seek to insulate themselves from liability by either self-insuring or obtaining insurance coverage, if it is available. The argument continues that such costs will then be passed onto the Government in the form of higher contract prices. But, most alarmingly, some defense contractor advocates claim the impact of such suits “would be far more profound than financial” and defense contractors may, out of a fear of being sued, refuse to follow the military’s instructions altogether.

#### That’s key to operational success in Afghanistan

Schwartz 9 (Moshe, Specialist in Defense Acquisition – Congressional Research Service, “Department of Defense Contractors in Iraq and Afghanistan: Background and Analysis,” Congressional Research Service, 8-23, http://fpc.state.gov/documents/organization/128824.pdf)

The Department of Defense (DOD) increasingly relies upon contractors to support operations in Iraq and Afghanistan, which has resulted in a DOD workforce in those countries comprising approximately an equal number of contractors (200,000) as uniformed personnel (194,000). The critical role contractors play in supporting such military operations and the billions of dollars spent by DOD on these services requires operational forces to effectively manage contractors during contingency operations. Lack of sufficient contract management can delay or even prevent troops from receiving needed support and can also result in wasteful spending. Some analysts believe that poor contract management has also played a role in abuses and crimes committed by certain contractors against local nationals, which likely has undermined U.S. counterinsurgency efforts in Iraq and Afghanistan.

DOD officials have stated that the military’s experience in Iraq and Afghanistan, coupled with Congressional attention and legislation, has focused DOD’s attention on the importance of contractors to operational success. DOD has taken steps to improve how it manages and oversees contractors in Iraq and Afghanistan. These steps include tracking contracting data, implementing contracting training for uniformed personnel, increasing the size of the acquisition workforce in Iraq and Afghanistan, and updating DOD doctrine to incorporate the role of contractors. However, these efforts are still in progress and could take three years or more to effectively implement.

#### Afghan conflict causes global nuclear war

Morgan 7 (Stephen J., Political Writer and Former Member of the British Labour Party Executive Committee, “Better another Taliban Afghanistan, than a Taliban NUCLEAR Pakistan!?”, 9-23, http://www.freearticlesarchive.com/article/\_Better\_another\_Taliban\_Afghanistan\_\_than\_a\_Taliban\_NUCLEAR\_Pakistan\_\_\_/99961/0/)

As the war intensifies, he has no guarantees that the current autonomy may yet burgeon into a separatist movement. Appetite comes with eating, as they say. Moreover, should the Taliban fail to re-conquer al of Afghanistan, as looks likely, but captures at least half of the country, then a Taliban Pashtun caliphate could be established which would act as a magnet to separatist Pashtuns in Pakistan. Then, the likely break up of Afghanistan along ethnic lines, could, indeed, lead the way to the break up of Pakistan, as well. Strong centrifugal forces have always bedevilled the stability and unity of Pakistan, and, in the context of the new world situation, the country could be faced with civil wars and popular fundamentalist uprisings, probably including a military-fundamentalist coup d’état. Fundamentalism is deeply rooted in Pakistan society. The fact that in the year following 9/11, the most popular name given to male children born that year was “Osama” (not a Pakistani name) is a small indication of the mood. Given the weakening base of the traditional, secular opposition parties, conditions would be ripe for a coup d’état by the fundamentalist wing of the Army and ISI, leaning on the radicalised masses to take power. Some form of radical, military Islamic regime, where legal powers would shift to Islamic courts and forms of shira law would be likely. Although, even then, this might not take place outside of a protracted crisis of upheaval and civil war conditions, mixing fundamentalist movements with nationalist uprisings and sectarian violence between the Sunni and minority Shia populations. The nightmare that is now Iraq would take on gothic proportions across the continent. The prophesy of **an arc of civil war** over Lebanon, Palestine and Iraq **would spread to south Asia, stretching from Pakistan to Palestine, through Afghanistan into Iraq and up to the Mediterranean** coast. Undoubtedly, this would also spill over into India both with regards to the Muslim community and Kashmir. Border clashes, terrorist attacks, sectarian pogroms and insurgency would break out. A new war, and possibly **nuclear war,** between Pakistan and India could no be ruled out. Atomic Al Qaeda Should Pakistan break down completely, a Taliban-style government with strong Al Qaeda influence is a real possibility. Such deep chaos would, of course, open a “Pandora's box” for the region and the world. With the possibility of unstable clerical and military fundamentalist elements being in control of the Pakistan nuclear arsenal, not only their use against India, but Israel becomes a possibility, as well as the acquisition of nuclear and other deadly weapons secrets by Al Qaeda. Invading Pakistan would not be an option for America. Therefore a nuclear war would now again become a real strategic possibility. This would bring a shift in the tectonic plates of global relations. It could usher in a new Cold War with **China and Russia pitted against the US**.

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#### The United States Congress should pass and an appropriate number of the states should ratify a constitutional amendment that states that indefinite detention should be limited to individuals who show support for Al Qaeda, the Taliban or associated forces engaged in hostilities against the United States with an intent and likelihood to produce imminent lawless action and that individuals cannot be indefinitely detained on grounds of speech in support for Al Qaeda, the Taliban or associated forces engaged in hostilities against the United States.

#### More solid framework is needed to maintain the constitution on issues like indefinite detention than the courts or congressional legislation—Bush proves

Chemerinsky 6

[Chemerinsky, Erwin: Alston & Bird Professor of Law and Political Science, Duke University. "Assault on the Constitution: Executive Power and the War on Terrorism." *UC Davis Law Review*. 40.1 (2006): n. page. Web. 30 Jul. 2013. <http://heinonline.org/HOL/Page?handle=hein.journals/davlr40&div=7&g\_sent=1&collection=journals>. //Wyo-BF]

Over thirty years ago, during the Nixon presidency, noted historian Arthur M. Schlesinger, Jr., wrote The Imperial Presidency.1 Nothing Schlesinger described begins to approach what has occurred during the presidency of George W. Bush. The Bush administration has claimed the authority to detain American citizens indefinitely as enemy combatants without warrants, grand jury indictments, or trial by jury and proof beyond a reasonable doubt.2 The administration has asserted the power to ignore statutes and treaties prohibiting torture.3 It has maintained that the administration can engage in warrantless electronic eavesdropping in violation of the Fourth Amendment and federal statutes.' The Bush administration has argued that it can detain foreign citizens indefinitely at Guantanamo Bay, Cuba, without judicial review. Together, these actions are an assault on the Constitution. The Bush administration's positions on these and other issues share several characteristics. First, they all aggrandize executive power. In fact, the Bush administration's approach to executive power can be traced back to Republican presidencies over the last forty years. The Nixon administration's efforts to increase presidential powers were intensified during the Reagan and first Bush presidencies and have come to fruition under President George W. Bush. Second, the Bush administration rejects the ability of the courts to review its actions and even of Congress to check its conduct. Its actions and positions cannot be reconciled with a system based on checks and balances. Third, the Bush administration's approach to presidential power is at odds with the traditional, conservative approach to interpreting the Constitution. For decades, conservatives have argued that the meaning of the Constitution should be determined by looking to its text and the framers' intent.6 But if anything is clear about the framers, it is that they deeply distrusted executive power. Unchecked executive authority cannot be reconciled with the text of the Constitution, and the framers accepted significant executive power only as a necessary evil. This essay discusses why the Bush administration's approach to presidential power is an assault on the Constitution. Part I suggests a framework for analyzing claims of presidential power. Part 11 describes some of the claims of executive power made by the Bush administration. Part III explains why this administration's approach to executive power is unprecedented and antithetical to basic constitutional principles.

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#### Restricting Obama’s war powers fits perfectly with his presidential narrative of oscillations between hard power and soft rhetoric – it does nothing to rupture the narrative of expansionist masculinity which encodes the American Presidency

Landreau 2011 – John C, Ph.D. from Princeton University. Current Professor at TCNJ in Women’s and Gender Studies. *Obamas My Dad: Mixed Race Suspects, Political Anxiety and the New Imperialism,* The Third Space – a journal in feminist theory & culture, Vol 10. No. 1<http://www.thirdspace.ca/journal/article/viewArticle/landreau/408>

More than a few scholars have emphasized the democratic and dialogic character of President Barack Obama's rhetoric, especially in contrast to that of his main rivals in the 2008 presidential campaign (Ivie and Giner, Murphy, Rowland and Jones). While this characterization has merit in some areas, Obama's rhetoric is neither dialogic nor democratizing when he speaks about national security. On issues of national security, both during the campaign and after becoming president, Obama favours the standard-issue idiom of militarism and American exceptionalism that has characterized the rhetoric of presidents from both parties since World War II.[[1]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#1) Indeed, his December 2009 decision to escalate military violence in Afghanistan is testimony to the power of the dominant paradigms of national security thinking in his rhetoric and his policies. Bonnie Mann argues that the suasive force of national security common sense in the United States is substantially provided by "the style of national manhood" (180). By style, Mann refers to the "aesthetic" of masculinity that is "[...]carried by stories and images more than by argument or reason" and that functions to orient our sense of what is legitimate, normal and right (and their opposites). The style of national manhood is hinged to broader political styles so that, for example, support for war becomes "[...]an intentional posture lived viscerally, a matter of who we are as a nation rather than a thoughtful commitment to the justice of a cause" (180). In a similar vein, this paper argues that Obama's national security rhetoric is based upon, and oriented by, the logic of American masculinity, and more specifically by the forms of presidential masculinity that are imbricated with national security thinking in our political culture. To make this argument, I begin with an analysis of the apparent differences between the national security rhetoric and policies of George W. Bush and those of Barack Obama. This is important because much of Obama's success in the 2008 electoral campaign was due to his promise of a new beginning in our approach to terrorism and security (Bostdorff). Also, many pundits and critics have praised his rhetoric in this arena in terms of a dramatic contrast between the two presidents, referring to Obama's appeals to soft rather than hard power, and to his performance of a more democratic, less authoritarian leadership style in the global community (Bostdorff, Ivie and Giner, Landreau). My argument swims against this current in that I characterize both Obama's national security policies, and his performance of presidential masculinity, in a line of continuity with Bush. I substantiate this conclusion with a close analysis of three of Obama's speeches. First, I look at Obama's speech in acceptance of the Democratic Nomination in August, 2008. This speech is important because it reveals a great deal about the gravitational force of masculinity in national security rhetoric as Obama shifts his attention from the Democratic primary against a female candidate who was too militaristic for Democratic voters, to the general election campaign against a male candidate with especially strong national security credentials. Then, I turn to the two major speeches in December 2009 in which Obama justifies and explains the aggressive use of U.S. military violence in the Middle East: these are the speech announcing the escalation of the war in Afghanistan at West Point, and the speech in acceptance of the Nobel Peace Prize. Obama as the anti-Bush: the Rhetoric of a New Beginning Both during his campaign, and in his presidential inauguration speech, Barack Obama promised a "new beginning" in American foreign and national security policy (especially in relation to the Middle East) that would both keep us safe from enemies and "restore our moral standing" (Obama, Acceptance). In particular, this new beginning promised to distance U.S. foreign policy from the grim (and largely illegal) features of the Bush administration's "war on terror" such as the executive sanctioning of the torture of prisoners, the maintenance of a gulag of foreign detention centres where prisoners could be treated outside the guidelines of U.S. and international law, and illegal secret initiatives such as the program to assassinate Al-Qaeda operatives directed by Vice President Cheney (Mazzetti and Shane). In his first day in the White House, on January 22, 2009, Obama issued three executive orders that followed through on this promise.[[2]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#2) In addition to these early executive orders, in the days and months following his election Obama showed great rhetorical sensitivity to the wide-spread negative perception in the Middle East of U.S. imperial behavior and designs, its uncritical support of Israel, and its disregard for civilian casualties and for the civil rights of prisoners. In an effort to reverse the tide of anti-American feeling, Obama's first post-inaugural interview was given to Hisham Melhem of Al Arabiya TV news (Interview). This was followed in April and May by major addresses in Ankara and Cairo whose primary intended audience was Middle Eastern and, more broadly, Islamic. Both of these speeches articulate a new rhetoric of hope for U.S.-Middle Eastern relations. In the speech to the Turkish parliament, for example, Obama declares: I [...] want to be clear that America's relationship with the Muslim community, the Muslim world, cannot, and will not, just be based upon opposition to terrorism. We seek broader engagement based on mutual interest and mutual respect. We will listen carefully, we will bridge misunderstandings, and we will seek common ground. We will be respectful, even when we do not agree [...]. (para. 38) Hope for a new era of U.S Middle East relations is here embodied by an attitude of respect, by a willingness to negotiate differences and find areas of mutual interest, and by an explicit criticism of the unilateral and monologic focus of the Bush administration on the 'war on terror'. This apparent change in direction in national security and foreign policy seems to be characterized by an alternate version of presidential masculinity and by an alternate telling of the myth of American exceptionalism. Many have commented on the muscular character of George W. Bush's rhetoric of war and national security. Indeed, his policies in what he called the 'war on terror' depended almost exclusively on what Joseph Nye famously called "hard power", and were justified rhetorically by a conspicuously militarist and masculinist narrative about America's role in world history and politics.[[3]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#3) In contrast to the "[...] stern projection of a tough national persona" (Ivie and Giner 288) in Bush's rhetoric and policies, Obama seems to articulate a gentler, more reasoned approach to national security and terrorism that includes the use of 'hard' military power but also depends importantly on 'soft' power in the form of diplomacy, international cooperation, and an emphasis on human rights, economic stability and political freedom. Ivie and Giner argue that the success of Obama's rhetorical appeal to 'soft' power during the 2008 presidential campaign was due to his ability to harness and resignify the deeply-resonant myth of American exceptionalism for a more democratic and community-minded projection of America's role in world affairs. In Obama's version of national security, they write: A less tragic sense of order mandated a reduced sense of guilt and thereby decreased the need for redemption via the cult of killing. This expression of national mission in more democratic and practical terms indicated, at least "logologically," the possibility of aligning public culture with a more global and constructive perspective on matters of national security. It revealed the possibility of a founding myth reformed to relax the lethal grip of the Evil One on the conscience of a nation that might do more good in the world if it were burdened less by tragic guilt.[[4]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#4) (296) This conclusion requires a retrospective reassessment in the light of Obama's decision to escalate the war in Afghanistan. How do we reconcile Obama's seemingly dramatic shift from progressive presidential candidate who was proud to have opposed the war in Iraq from the beginning, and who abolished the use of torture and illegal detention in his first day in office, to the president who in December 2009 made the decision to pursue and significantly escalate military violence in Afghanistan? How do we reconcile Obama's seemingly contradictory use of both the soft rhetoric of hope and diplomacy and the hard rhetoric of fear and military violence in his national security statements and speeches? In the analysis that follows I argue that while Obama at times articulates a softer version of foreign policy, and seems to perform a softer, more inclusive presidential masculinity in the area of global politics and terrorism, this does not fundamentally signify a different orientation to national security as some have argued. I emphasize how Obama's rhetoric and policies fall within the standard rhetorical oscillations that constitute the myth of American exceptionalism and presidential masculinity, and that those oscillations are principally and most significantly oriented by the more militarist and conventionally masculinist versions of the myth. Obama's speech at the Democratic National Convention in August 2008 marks the formal shift of his campaign focus from Democratic Party voters towards a national audience, and from his rivalry with Hillary Clinton to a campaign against John McCain. In terms of Obama's national security rhetoric, this is a fascinating moment because, in this new broader context, he makes an attitudinal shift to a more militarized and masculinized mode of speech. In fact, Obama's performance of soft masculinity on issues of national security during the primary campaign was an opportune product of the moment that did not reflect the principal orientation of his thinking.[[5]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#5) This is quite clear in the nomination speech as he shifts his campaign towards a more conservative national audience, and directs his attention from a female rival to a male rival with military credentials. Obama's first sentence about foreign policy in the nomination speech concerns his own stature and ability to lead American troops into battle, and to battle John McCain for the position of commander in chief. "If John McCain wants to have a debate about who has the temperament and judgment to serve as the next commander-in-chief, that's a debate I'm ready to have." (para. 79) What is most interesting about this lead-in to the topic of national security, terrorism, and foreign policy is that its main rhetorical function is to emphasize Obama's masculine capability. It does this by declaring his presidential mettle, but also through the performance of an 'I dare you' challenge to his political adversary. It seems to say, 'if you want to fight, then let's fight. Bring it on!' Why does Obama begin this section of the speech with a flexing of muscle? In part, it has to do with the histrionics of presidential campaigns, and in this particular campaign with the anticipated challenge to Obama's military masculinity from John McCain, a candidate with a powerful story of military bravery and heroism to his credit. At the same time, the foregrounding of presidential masculinity in terms of the resolve and capacity to lead the armed forces into battle is nothing unusual. The most significant human protagonist in the narrative of American exceptionalism is almost always the figure of the president. This is especially true in times of danger, crisis or war. He is the commander in chief of the armed forces. To him goes the job of protecting the national family from outside threats and danger. To do this effectively, he must be brave, decisive and rational. He cannot afford to be feminized by being overly emotional or sympathetic to others; he cannot succumb to doubts, or become scared to act (Cohn, Cuordileone, Hopper, Lakoff, Sylvester, Tickner, Young). It is to this mythos that Obama's beginning performance of masculinity in the speech belongs. In the new context of a national audience, it stands out as a deeply-felt and vigorously articulated orientation towards national security. After this initial show of male plumage, Obama continues the foreign policy section of the nomination speech by contrasting his youthful masculinity to McCain's elderly, bumbling masculinity. For -- while Senator McCain was turning his sights to Iraq just days after 9/11, I stood up and opposed this war, knowing that it would distract us from the real threats that we face. When John McCain said we could just muddle through in Afghanistan, I argued for more resources and more troops to finish the fight against the terrorists who actually attacked us on 9/11, and made clear that we must take out Osama bin Laden and his lieutenants if we have them in our sights. (para. 80-81) While McCain turns his sights away from the target, Obama stands up. While McCain muddles, Obama works to finish the fight and "take out" bin Laden if he's "in our sights." In the subtly crafted metaphor of aiming a gun at an enemy that organizes the passage, McCain appears as a distracted old soldier who aims at the wrong target and is generally confused. In contrast, vigorous and youthful, Obama stands up purposely, aims at the target, and fires. These metaphors all work to highlight the differences between McCain and Obama in terms of their embodiment of a properly militarized masculinity: which candidate can stand up, correctly identify the enemy, and fire the necessary shots to kill him. Obama criticizes McCain for standing alone in "stubborn refusal" to recognize the realities of the conflict (that it is with al Qaeda in Pakistan and Afghanistan, not in Iraq), and therefore for lacking judgment. This lack of judgment is also narrated in terms of a contrast between a youthful and an aging masculinity: "We need a president who can face the threats of the future, not keep grasping at the ideas of the past." (para. 84) Obama declares. The contrast between a man who grasps at the past and one who "faces" the future is coded with messages about age and masculinity: youthful, confident stepping forward into the future versus old, unsteady back-stepping towards the past. At stake in this contrast is which strategy will "defeat" the enemy. "You don't defeat -- you don't defeat a terrorist network that operates in 80 countries by occupying Iraq", (para. 85) Obama argues. These are enemies who must be killed in order to protect the nation. To do this requires a commander-in-chief with masculine resolve and courage who can lead us into battle. This is not work for touchy-feely idealists who want to understand, communicate, and negotiate. And Republicans, Obama points out proudly, are not the only ones with the proper testicular size to lead the army into battle: "We are the party of Roosevelt. We are the party of Kennedy. So don't tell me that Democrats won't defend this country. Don't tell me that Democrats won't keep us safe." (para. 87) As in his opening statement, part of the effectiveness of these lines is their performance of a kind of "I'm up to the challenge masculinity" that talks tough, is aggressive with challengers ("don't tell me"), and does not back down. The rhetoric of American exceptionalism and presidential masculinity foregrounded here in the nomination clearly constitutes the dominant note of continuity in Obama's national security thinking. This is most evident in his two speeches from December 2009 in which he justifies his decision to escalate the war in Afghanistan as the following discussion will show. Obama's December 2009 speech at West Point argues for the strategic necessity and ethical correctness of increased war effort in Afghanistan on the basis of history. The history begins with the 19 Al Qaeda operatives who committed the terrorist atrocities on 9/11 and moves quickly to focus on the Taliban who provided them with a secure base from which to operate. After 9/11, as Obama tells the story, we made great military inroads against the Taliban and Al Qaeda, but then mistakenly turned our attention to Iraq. This provided an opening for the Taliban, and for Al Qaeda, who are now coming back into Afghanistan from Pakistan. The Afghan government cannot fight them off and therefore, he says, summing it all up: "In short, the status quo is not sustainable" (para. 12). How does a rudimentary history like this serve as an explanation or justification for war? What is the mediating logic? The over-simplification of contemporary U.S and Afghan history entailed in this schematic narrative is head-spinning.[[6]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#6) But, even putting that aside, if one accepts the history at face value, it is still the case that our commitment to war is left unexplained and unjustified by the narrative. The history begins with 19 terrorists, and ends with the large-scale military action on the part of the United States. Should it not take a lot more than saying, 'well, the Taliban are gaining momentum and, remember, they are best friends with Al Qaeda' to justify the deployment of 100,000 U.S. troops, predator drones strikes all over northern Pakistan and eastern Afghanistan, full involvement of the CIA, major flows of capital and materiel, and huge contracts with private military contractors like XE Services (aka Blackwater)? Obama's historical narrative simply does not add up to a political argument for this kind of war, and for this kind of outlay of capital. As a justification for war, it seems, rather, to be structured like a myth in the sense that Roland Barthes gave the word. Myth, according to Barthes, is paradoxically effective because, formally, it works like an alibi. It is an explanation based on an absence of evidence and meaning rather than its presence. In an alibi (the accused was absent not present at the scene) the meaning and the evidence are always elsewhere (121-127). Obama's narrative amounts to a mythological explanation for war in the sense that its significance lies not in the history itself but in the formal seriousness of a president telling a story to justify war. That is, its significance lies in the rhetorical gesture that serves to remind the audience of the president's authority as commander in chief and of his role to defend the nation from harm. By telling this story the president in effect quotes an array of motives, intentions, plot sequences and characters that are formally full even if their content in this instance is misleading or empty. To paraphrase Hayden White, in this case the content is the form. Here, the details of the story of the Taliban and Al Qaeda in Afghanistan are significant to the extent that they play a role in a larger narrative already familiar to the American audience: the Unites States stands for peace and prosperity, freedom and democracy but sometimes it is attacked by evil enemies whose irrational desire is to destroy all that is good. In that circumstance, the president must protect the national family through the use of military violence. War is the best and, in fact, the only way to make ourselves secure. Following this schematic historical narrative with which he begins the West Point speech, Obama reassures the audience that his final decision to escalate the war was taken only after a serious and difficult deliberative process. This process, he says, "has allowed me to ask the hard questions, and to explore all the different options, along with my national security team, our military and civilian leadership in Afghanistan, and our key partners. And given the stakes involved, I owed the American people -- and our troops -- no less." (para. 13) The image of the president very seriously asking questions, exploring options, and consulting experts is one intended to produce a sense of citizen confidence both in the decision and in the decider (as George W. Bush famously called himself) again without revealing any of the details or particulars that constitute the decision. The rhetorical appeal here is essentially charismatic and depends on thick cultural associations with the president as benevolent paternal authority, and as rational but determined protector of the nation. The tone of the passage is that of a father reassuring his family that the big decision he has made today was made with great care, and with their communal welfare in mind. Obama's stress on his careful deliberation process but not on the content of the deliberation is reminiscent of Iris Marion Young's emphasis on the "logic of masculinist protection" in national security thinking. This is a logic that connects the protective role of the father in the patriarchal family with the role of commander in chief. In both cases, she argues that one of the prices exacted by benevolent masculinist protection is that the protected woman/feminized citizen must concede "critical distance from decision-making autonomy." (120). In other words, if the fatherly president's allegiance to citizens and soldiers is expressed in the mindfulness with which he makes communal decisions of this magnitude, then it is equally true that our allegiance to the father-president is expressed in our acceptance of his authority and judgment to do what is best for us in these circumstances. The allegiance to the father quickly becomes the measure of our patriotism. As a rhetorical strategy, then, Obama's description of the seriousness of his decision-making process serves to legitimate his decision to escalate war through an appeal to an image of protective presidential masculinity. This appeal interpellates the audience in the role of a complicit, feminized citizenry that needs such fatherly protection.[[7]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#7) After the scant historical review, and a summary of where we are and why we are obliged to go to war, Obama devotes a good portion of the West Point speech to making a series of sequential points, statements of fact, and reasoned arguments. For example, he gives three specific goals for the Afghan intervention, and outlines how those goals will be achieved and how it will all be paid for. He also identifies three possible objections to the escalation and gives reasoned arguments for why these criticisms are incorrect. In sum, he says "As President, I refuse to set goals that go beyond our responsibility, our means, or our interests." (para. 37).As feminist International Relations scholars have argued, to talk about war in rationalist terms as Obama does here tends to divert attention from the cruelties of war, and to imagine the truth of war "abstracted from bodies" (Ruddick 132). It becomes difficult, in this context, to focus on, or give weight to, the terrible details of war, and in particular to the death and destruction that modern wars exact mostly from civilians not soldiers.[[8]](http://www.thirdspace.ca/journal/article/viewArticle/landreau/408#8) As a rhetorical performance, the description of war in terms of rational sequences and formulas also tends to give authority to the rhetorician himself by distancing him from feminized forms of emotionality or care work (Cohn). Obama ends his speech with the conclusion that presidential war speeches commonly have: an eloquent and solemn call to unity and patriotism. "Now, let me be clear: None of this will be easy. The struggle against violent extremism will not be finished quickly, and it extends well beyond Afghanistan and Pakistan. It will be an enduring test of our free society, and our leadership in the world." (para. 41) The logic of a bond between our free society and our leadership in the world is presupposed rather than described or explained. Like all heroes, the hero of the exceptionalist narrative faces a test. In this instance, he is us, and our essential quality of being a free society is linked to our dominance in the world. Since the days of Franklin Roosevelt, and the service and sacrifice of our grandparents and great-grandparents, our country has borne a special burden in global affairs. We have spilled American blood in many countries on multiple continents.We have spent our revenue to help others rebuild from rubble and develop their own economies. We have joined with others to develop an architecture of institutions -- from the United Nations to NATO to the World Bank -- that provide for the common security and prosperity of human beings. We have not always been thanked for these efforts, and we have at times made mistakes. But more than any other nation, the United States of America has underwritten global security for over six decades -- a time that, for all its problems, has seen walls come down, and markets open, and billions lifted from poverty, unparalleled scientific progress and advancing frontiers of human liberty. For unlike the great powers of old, we have not sought world domination.Our union was founded in resistance to oppression. We do not seek to occupy other nations. We will not claim another nation's resources or target other peoples because their faith or ethnicity is different from ours. What we have fought for -- what we continue to fight for -- is a better future for our children and grandchildren. And we believe that their lives will be better if other peoples' children and grandchildren can live in freedom and access opportunity (para. 47-49). Unlike other world powers, we are benevolent, seeking only that which will make the world a better place. We are, that is to say, a world power but not a world empire. Our history shows this: our military violence and our leadership have underwritten global security for over sixty years. Strangely, though, our fatherly sacrifice to protect the world from harm is sometimes misunderstood, and "we have not always been thanked for our efforts." Who are the unthankful and what is their story? In the standard-issue exceptionalist narrative, they are the enemies of freedom, the sowers of chaos, and the ideologically possessed. Obama certainly believes this. At the same time, the statement that "we have not always been thanked for our efforts" also expresses a deep anxiety about the details and the stories that are erased by the great father's version of history. The Nobel Prize acceptance speech, given just nine days after Obama's announcement of the escalation of the war in Afghanistan, provides a fascinating expansion of the plot of "American as good vs. foreign as evil" that informs the narrative justification for war in the West Point speech. In this speech, Obama contextualizes both American exceptionalism in general, and his specific decision to expand the war in Afghanistan, in a sweeping historical narrative of global progress. "At the dawn of history," Obama declares, "war was routinely pursued between tribes and peoples quite simply as a way of 'seeking power and settling disputes." (para. 6) Later, as "man" progressed, legal and diplomatic efforts were made in an attempt to regulate war and the way it was pursued. Obama invokes just war theory citing it as one of the principle ways in which humans have tried to regulate and civilize war. In Obama's narrative, the United States is located at the upper end of this historical progression because it is the United States that has provided the leadership to produce the global "architecture" of peace in the form of the United Nations, support for human rights, nuclear arms reductions, and so on. Elaborating on the schematic history of the United States that appeared in the West Point speech, Obama says The United States of America has helped underwrite global security for more than six decades with the blood of our citizens and the strength of our arms. The service and sacrifice of our men and women in uniform has promoted peace and prosperity from Germany to Korea, and enabled democracy to take hold in places like the Balkans. We have borne this burden not because we seek to impose our will. We have done so out of enlightened self-interest -- because we seek a better future for our children and grandchildren, and we believe that their lives will be better if others' children and grandchildren can live in freedom and prosperity (para. 18). J. Ann Tickner argues that the idea of enlightened self interest corresponds to a masculinist model of international relations in which states are systematic and instrumental they are competitive "profit maximizers that pursue power and autonomy in an anarchic world system

."(52) In this context, if international cooperation exists, it is explained not in terms of community or an interdependent notion of security and welfare, but rather in terms of rational choice and enlightened self-interest. Here, in Obama's version, we shoulder the burden of world peace and prosperity both heroically (with American blood and military power) but also as rational actors. We act not as an imperial power, but as a benign power exercising rational choices in a dangerous world in order to protect our interests. By virtue of the incantatory power of the exceptionalist narrative, our interests are identical with democratic values and the cause of economic justice. The awkward context of the Nobel Prize speech both clarifies and complicates Obama's justification of war. While acknowledging the "moral force" of the theory of non-violence, he also argues that "evil does exist in the world" and that a realist assessment of the world "as it is" sometimes requires violence. This part of the speech is quite subtle, shuttling back and forth between the recognition that war is terrible and the insistence that it is sometimes necessary. The notion that war is sometimes just and sometimes necessary for building peace is modified throughout with an appeal to "responsibility" and to the rational, measured use of military violence. Obama argues that "all responsible nations must embrace the role that militaries with a clear mandate can play to keep the peace." (para. 26) The rationalist tone of responsibility and militaries with clear mandates is matched by Obama's framing of the philosophical question of war and peace as a matter of human imperfection. The ideals of peace are beautiful, but in the world as it is human beings are not perfect. They sometimes act unaccountably and irresponsibly. And sometimes they must be stopped from perpetrating evil. At the end of the speech, Obama signals what for him is the chief human imperfection that is at the root of so much of the world's violence. He says, As the world grows smaller, you might think it would be easier for human beings to recognize how similar we are; to understand that we're all basically seeking the same things; that we all hope for the chance to live out our lives with some measure of happiness and fulfillment for ourselves and our families. And yet somehow, given the dizzying pace of globalization, the cultural leveling of modernity, it perhaps comes as no surprise that people fear the loss of what they cherish in their particular identities -- their race, their tribe, and perhaps most powerfully their religion. In some places, this fear has led to conflict. At times, it even feels like we're moving backwards. We see it in the Middle East, as the conflict between Arabs and Jews seems to harden. We see it in nations that are torn asunder by tribal lines. And most dangerously, we see it in the way that religion is used to justify the murder of innocents by those who have distorted and defiled the great religion of Islam, and who attacked my country from Afghanistan. These extremists are not the first to kill in the name of God; the cruelties of the Crusades are amply recorded. But they remind us that no Holy War can ever be a just war (para. 47-49). In the context of globalization, what jams the machine is fear of loss of identity. This fear also gets in the way of our universal human aspirations for peace and prosperity. The most notable example of this kind of fear is, of course, the terrorism practiced by al Qaeda. This is a fear underwritten by megalomania: the idea that violence is mandated by God. What is striking about this passage is that it plots opposition to globalization as fear of change, almost as a kind of primitive or childish clinging to identity in a world whose universal characteristics are evident. But can this be the whole story? Can one explain the conflict between Israel and the Palestinians, as Obama appears to do here, as irrational fear of loss of identity? Is opposition to capitalist globalization American-style, and under the paternal arm of American power, always and everywhere a form of childishness or partial vision? In his concluding comments, Obama quotes Martin Luther King's 1964 Nobel Prize acceptance speech in which he talks about the moral necessity of striving for what ought to be rather than accepting things as they are. This is an eloquent but highly impertinent frame for the speech. In his Nobel address, King soundly rejects those versions of history organized around notions of necessary violence. Accepting the prize on behalf of the entire civil rights movement, King says: After contemplation, I conclude that this award which I receive on behalf of that movement is a profound recognition that nonviolence is the answer to the crucial political and moral question of our time - the need for man to overcome oppression and violence without resorting to violence and oppression. Civilization and violence are antithetical concepts. Negroes of the United States, following the people of India, have demonstrated that nonviolence is not sterile passivity, but a powerful moral force which makes for social transformation. Sooner or later all the people of the world will have to discover a way to live together in peace, and thereby transform this pending cosmic elegy into a creative psalm of brotherhood. If this is to be achieved, man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love (para. 4). King clearly rejects the idea that civilization sometimes requires violence, or that violence can sometimes be just or moral. Love, in King's terms, is antithetical to the discourse of innocence, guilt, power and violence that constitutes the narrative of American exceptionalism. Instead, King's ethic of love is consonant with Judith Butler's critique of violence: The violent response is the one that does not ask, and does not seek to know. It wants to shore up what it knows, to expunge what threatens it with not-knowing, what forces it to reconsider the presuppositions of its world, their contingency, their malleability. The nonviolent response lives with its unknowingness about the Other in the face of the Other, since sustaining the bond that the question opens is finally more valuable than knowing in advance what holds us in common, as if we already have all the resources we need to know what defines the human, what its future life might be (35). This is precisely what is wrong with the narrative of American exceptionalism, and with Obama's obligation to it. A story whose plot is organized entirely around the character of its hero does not seek to know. It is narcissistic. It shores up what it knows in fear of the Other, and in this gesture reconfirms that its view of the world is the truth. Obama seems oblivious to the contradictions in his assertion of American power as he struggles here to articulate the oxymoron of peace through war. In the end, what "makes sense" in his justification for war is the cultural and political sense that adheres to the image of embodied presidential masculinity, and to his military leadership performed in patriotic service to America's heroic global mission.

#### Splitting of the atom is a symptom of man’s persistence in his refusal to reunite with and affirm his body and the female body-only through this affirmation does the destruction of humynkind become unthinkable

Irigaray 85

[Luce Irigaray, 1985, “An Ethics of Sexual Difference”, uwyo//amp]

To forget being is to forget the air, this first fluid given us gratis and free of interest in the mother's blood, given us again when we are born, like a natural profusion that raises a cry of pain: the pain of a being who comes into the world and is abandoned, forced henceforth to live without the immediate assistance of another body. Unmitigated mourning for the intrauterine nest, elemental homesickness that man will seek to assuage through his work as builder of worlds, and notably of the dwelling which seems to form the essence of his maleness: language. In all his creations, all his works, man always seems to neglect thinking of himself as flesh, as one who has received his body as that primary home (that Gestell, as Heidegger would say, when, in "Logos," the seminar on Heraclitus, he recognizes that what metaphysics has not begun to address is the issue of the body) which determines the possibility of his coming into the world and the potential opening of a horizon of thought, of poetry, of celebration, that also includes the god or gods. The fundamental dereliction in our time may be interpreted as our failure to remember or prize the element that is indispensable to life in all its manifestations: from the lowliest plant and animal forms to the highest. Science and technology are reminding men of their careless neglect by forcing them to consider the most frightening question possible, the question of a radical polemic: the destruction of the universe and of the human race through the splitting of the atom and its exploitation to achieve goals that are beyond our capacities as mortals.

#### The alternative is to reject the a\*ffirmative’s masculine, universal silence and instead affirm a radical ethics of sexual difference that comes to grips with the sexual violence of the-+ 1AC.

Irigaray 85

[Luce Irigaray, 1985, “An Ethics of Sexual Difference”, uwyo//amp]

Sexual difference is one of the major philosophical issues, if not the issue, of our age. According to Heidegger, each age has one issue to think through, and one only. Sexual difference is prQbably the issue in our time which could be our "salvation" if we thought it through. But, whether I turn to philosophy, to science, or to religion, I find this underlying issue still cries out in vain for our attention. Think of it as an approach that would allow us to check the many forms that destruction takes in our world, to counteract a nihilism that merely affirms the reversal or the repetitive proliferation of status quo values-whether you call them the consumer society, the circularity of discourse, the more or less cancerous diseases of our age, the unreliability of words, the end of philosophy, religious despair or regression to religiosity, scientis tic or technical imperialism that fails to consider the living subject. Sexual difference would constitute the horizon of worlds more fecund than any known to date-at least in the West-and without reducing fecundity to the reproduction of bodies and flesh. For loving partners this would be a fecundity of birth and regeneration, but also the production of a new age of thought, art, poetry, and language: the creation of a new poetics. Both in theory and in practice, everything resists the discovery and affirmation of such an advent or event. In theory, philosophy wants to be literature or rhetoric, wishing either to break with ontology or to regress to the ontological. Using the same ground and the same framework as "first philosophy," working toward its disintegration but without proposing any other goals that might assure new foundations and new works. In politics, some overtures have been made to the world of women. But these overtures remain partial and local: some concessions have been made by those in power, but no new values have been established. Rarely have these measures been thought through and affirmed by women themselves, who consequently remain at the level of critical demands. Has a worldwide erosion of the gains won in women's struggles occurred because of the failure to lay foundations different from those on which the world of men is constructed? Psychoanalytic theory and therapy, the scenes of sexuality as such, are a long way from having effected their revolution. And with a few exceptions, sexual practice today is often divided between two parallel worlds: the world of men and the world of women. A nontraditional, fecund encounter between the sexes barely exists. It does not voice its demands publicly, except through certain kinds of silence and polemics. A revolution in thought and ethics is needed if the work of sexual difference is to take place. We need to reinterpret everything concerning the relations between the subject and discourse, the subject and the world, the subject and the cosmic,' the microcosmic and the macrocosmic. Everything, beginning with the way in which the subject has always been written in the masculine form, as man, even when it claimed to be universal or neutral. Despite the fact that man-at least in French-rather than being neutral, is sexed.

### Off

#### Obama is holding off new Iranian sanctions that would scuttle a deal that makes war likely

Jacob Glass, Truman-Albright Fellow, “As Iran Nuclear Negotiations Begin, Threat of Increased Sanctions Looms Large,” Huffington Post, 3/25/2014. http://www.huffingtonpost.com/jacob-glass/as-iran-nuclear-negotiati\_b\_5024604.html

Last week Iran and the so-called P5+1 countries -- Russia, China, Britain, France, the U.S., plus Germany -- began a new round of negotiations in the Austrian capital of Vienna. While perhaps overshadowed by tensions on the Crimean Peninsula and missing Malaysian Flight 370, the talks mark a significant step towards resolving the Iranian nuclear crisis. Yet misguided calls by Congress to increase sanctions on Iran threaten to scuttle progress, and underscore the fragility of the negotiating process.¶ Over the past three decades, Iran has faced crippling sanctions imposed by America and the international community. Trade restrictions have steadily increased to block Iran's lucrative petroleum export market as well as the country's participation in the global banking system. All told, international sanctions have cost Iran over $100 billion in lost oil profits alone.¶ So called "carrot and stick" policies have long been fundamental to international diplomacy. The "stick" has been a sharp one, and has finally brought the Iranians to the negotiating table.¶ During his September visit to the UN General Assembly in New York, Iranian President Hassan Rouhani spoke with President Obama over the phone, marking the first direct communication between an American and Iranian president since 1979. On November 24, an interim "first-step" deal was reached to freeze Iran's nuclear development program and pave the way for a comprehensive agreement. The deal halts uranium enrichment above 3.5 percent and puts international observers on the ground in Iran, all but ensuring that negotiations cannot be used as a delay tactic.¶ Yet amid these positive signs that diplomacy is working, members of Congress have advocated for even more sanctions to be levied against Iran, specifically in the form of Senate Bill 1881, sponsored by Illinois Republican Mark Kirk and New Jersey Democrat Robert Menendez.¶ New sanctions would torpedo the Vienna talks and reverse the diplomatic progress that has been made.¶ Iranian officials have already promised to abandon negotiations if new sanctions are passed. Even our own allies, along with Russia and China, have opposed the move. Passing unilateral sanctions will splinter the fragile international coalition, needlessly antagonize Iranian negotiators, and make a violent conflict with Iran more likely. Diplomatic victory will only be achieved if the international community stands united before Iran.¶ To this point, the Obama administration has avoided a vote on SB 1881 by threatening a veto of the bill, and the administration's full court press to prevent Senate Democrats from supporting new sanctions has bought international negotiators time. Several influential Democrats, including Senator Richard Blumenthal from Connecticut, have agreed to postpone a vote on the bill, contingent on productive negotiations.¶ Although legislation imposing new sanctions has been avoided thus far, the pressure on Congressional Democrats to act will intensify as talks in Vienna move forward. This round of negotiations is widely projected to be more difficult than the November deal, and inflammatory rhetoric from Tehran is likely. Nevertheless, sanctions are not the answer. Instead, we must continue to let diplomacy run its course.¶ Sanctions have done their job by bringing Iran to the table. In return, Iran expects to be rewarded with sanctions relief. The passage of new trade restrictions would effectively withdraw the carrot, and hit Iran with another stick. Consider the negotiations over.¶ The risks of delaying new sanctions is slight. The sanctions relief Iran is receiving is valued between $6 and $7 billion, and represents only a small fraction of the remaining restrictions blocking Iran from using the international banking system and selling oil. Should Iran prove to be a dishonest negotiating partner, sanctions can be renewed and ratcheted up. Most importantly, international observers will be on the ground in Iran to prevent Tehran from racing towards a nuclear weapon while negotiations are ongoing.¶ At the same time, the benefits of successful diplomacy are immense, as a comprehensive deal would be a dramatic victory for U.S. non-proliferation efforts. Further, the dismantling of Iran's nuclear program would significantly ease tensions between its two biggest rivals in the region, Israel and Saudi Arabia.¶ Our congressional leaders must not be so confident as to think Iran is desperate for a deal. The unprecedented overtures of President Rouhani to the West are widely seen as a test to gauge if a favorable solution can be negotiated with the international community. Should he fail to do so, hardliners within the Iranian government will be empowered to revert back to a pre-Rouhani foreign policy dominated by isolation from the West and an aggressive nuclear development program.¶ Our senators are facing significant political pressure to resist multilateralism and pursue increased sanctions based on an uncompromising mistrust of Iran. But history judges leaders not upon their conformity with party politics, but upon the ultimate results they achieve. It's time to negotiate with the Iranians on good faith, and begin the serious work of establishing a meaningful nuclear agreement that could signal the beginning of a new era in Iranian-Western relations.

#### The plan forces Obama to defend his war power – saps his capital

**Kriner, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 **In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61 **When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Loss of political capital causes Democrats flop and support sanctions

Kraushaar 1-22

(Josh Kraushaar, staff writer at the National Journal. “The Iran Deal Puts Pro-Israel Democrats in a Bind” 1-22-14 http://www.nationaljournal.com/magazine/the-iran-deal-puts-pro-israel-democrats-in-a-bind-20131122//wyoccd)

All of this puts Democrats, who routinely win overwhelming support from Jewish Americans on Election Day, in an awkward position. Do they stand with the president on politically sensitive foreign policy issues, or stake their own course? That difficult dynamic is currently playing out in Congress, where the Obama administration is resisting a Senate push to maintain tough sanctions against Iran. This week, Obama met with leading senators on the Banking and Foreign Relations committees to dissuade them from their efforts while diplomacy is underway. "There's a fundamental disagreement between the vast majority of Congress and the president when it comes to increasing Iran sanctions right now," said one Democratic operative involved in the advocacy efforts. "Pro-Israel groups, like AIPAC, try to do things in a bipartisan way; they don't like open confrontation. But in this instance, it's hard." That awkwardness has been evident in the lukewarm reaction from many of Obama's Senate Democratic allies to the administration's outreach to Iran. Senate Foreign Relations Committee Chairman Robert Menendez of New Jersey said last week he was concerned that the administration seems "to want the deal almost more than the Iranians." Normally outspoken Sen. Chuck Schumer of New York, a reliable ally of Israel, has been conspicuously quiet about his views on the negotiations. In a CNN interview this month, Democratic Rep. Debbie Wasserman Schultz of Florida, whose job as chairwoman of the Democratic National Committee is to defend the president, notably declined to endorse the administration's approach, focusing instead on Obama's past support of sanctions. This, despite the full-court press from Secretary of State John Kerry, a former congressional colleague. On Tuesday, after meeting with Obama, Menendez and Schumer signed a bipartisan letter to Kerry warning the administration about accepting a deal that would allow Iran to continue its nuclear program. The letter was also signed by Sens. John McCain, R-Ariz., Lindsey Graham, R-S.C., Susan Collins, R-Maine, and Robert Casey, D-Pa. Democrats, of course, realize that the president plays an outsized role in the policy direction of his party. Just as George W. Bush moved the Republican Party in a more hawkish direction during his war-riven presidency, Obama is nudging Democrats away from their traditionally instinctive support for the Jewish state. "I can't remember the last time the differences [between the U.S. and Israel] were this stark," said one former Democratic White House official with ties to the Jewish community. "There's now a little more freedom [for progressive Democrats] to say what they want to say, without fear of getting their tuchus kicked by the organized Jewish community." A Gallup survey conducted this year showed 55 percent of Democrats sympathizing with the Israelis over the Palestinians, compared with 78 percent of Republicans and 63 percent of independents who do so. A landmark Pew poll of American Jews, released in October, showed that 35 percent of Jewish Democrats said they had little or no attachment to Israel, more than double the 15 percent of Jewish Republicans who answered similarly. At the 2012 Democratic National Convention, many delegates booed a platform proposal supporting the move of the U.S. Embassy in Israel from Tel Aviv to Jerusalem. In 2011, Democrats lost Anthony Weiner's heavily Jewish, solidly Democratic Brooklyn House seat because enough Jewish voters wanted to rebuke the president's perceived hostility toward Israel. Pro-Israel advocacy groups rely on the mantra that support for Israel carries overwhelming bipartisan support, a maxim that has held true for decades in Congress. But most also reluctantly acknowledge the growing influence of a faction within the Democratic Party that is more critical of the two countries' close relationship. Within the Jewish community, that faction is represented by J Street, which positions itself as the home for "pro-Israel, pro-peace Americans" and supports the Iran negotiations. "Organizations that claim to represent the American Jewish community are undermining [Obama's] approach by pushing for new and harsher penalties against Iran," the group wrote in an action alert to its members. Some supporters of Israel view J Street with concern. "There's a small cadre of people that comes from the progressive side of the party that are in the business of blaming Israel first. There's a chorus of these guys," said a former Clinton administration foreign policy official. "But that doesn't make them the dominant folks in the policy space of the party, or the Hill." Pro-Israel activists worry that one of the ironies of Obama's situation is that as his poll numbers sink, his interest in striking a deal with Iran will grow because he'll be looking for any bit of positive news that can draw attention away from the health care law's problems. Thus far, Obama's diminished political fortunes aren't deterring Democrats from protecting the administration's prerogatives. Congressional sources expect the Senate Banking Committee, chaired by South Dakota Democrat Tim Johnson, to hold off on any sanctions legislation until there's a resolution to the Iranian negotiations. But if Obama's standing continues to drop, and if Israel doesn't like the deal, don't be surprised to see Democrats become less hesitant about going their own way.

#### Sanctions bill causes Israeli strikes

**Perr, 12/24/13 -** B.A. in Political Science from Rutgers University; technology marketing consultant based in Portland, Oregon. Jon has long been active in Democratic politics and public policy as an organizer and advisor in California and Massachusetts. His past roles include field staffer for Gary Hart for President (1984), organizer of Silicon Valley tech executives backing President Clinton's call for national education standards (1997), recruiter of tech executives for Al Gore's and John Kerry's presidential campaigns, and co-coordinator of MassTech for Robert Reich (2002).(Jon, “Senate sanctions bill could let Israel take U.S. to war against Iran” Daily Kos, [http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#](http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran)

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran.¶ On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost **ensures** the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates:¶ If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.¶ Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July:¶ "If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb."¶ Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come."¶ But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway.¶ Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza.¶ That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback?¶ Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### War with Iran escalates and draws in all major powers

-Strikes fail: intel gap and buried

-Iran second strike = nuclear

-Economy: stops oil

-Hegemony: Balancers

-Miscalc/Escalation: Forces on nuclear alter

**Reuveny, 10** – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash.¶ For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.¶ Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground.¶ All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well.¶ By now, Iran has also built redundant command and control systems and nuclear facilities, devloped early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.¶ Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond.¶ Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war.¶ During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve.¶ Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat.¶ In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.¶ An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean.¶ Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe.¶ From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops.¶ Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony.¶ Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.¶ Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted.¶ If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force.¶ While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

### Off

#### The United States Executive should prohibit detention of individuals that support Al Qaeda, the Taliban or associated forces to only those engaged in hostilities against the United States with an intent and likelihood to produce imminent lawless action.

#### De Facto and De Jure self-binding create accountability from the courts and risk political alienation for going back on promises

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 138-139//wyo-sc]

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is "yes, at least to the same extent that a legislature can." Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.61 However, there may be political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

## AT: Chilling Effect Advantage

### 1NC – Frontline

#### No risk of terrorism---too many obstacles

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

#### No environment impact-

Easterbrook 3

(Gregg, senior fellow at the New Republic, “We're All Gonna Die!”, <http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic_set>=)

If we're talking about doomsday - the end of human civilization - many scenarios simply don't measure up. A single nuclear bomb ignited by terrorists, for example, would be awful beyond words, but life would go on. People and machines might converge in ways that you and I would find ghastly, but from the standpoint of the future, they would probably represent an adaptation. Environmental collapse might make parts of the globe unpleasant, but considering that the biosphere has survived ice ages, it wouldn't be the final curtain. Depression, which has become 10 times more prevalent in Western nations in the postwar era, might grow so widespread that vast numbers of people would refuse to get out of bed, a possibility that Petranek suggested in a doomsday talk at the Technology Entertainment Design conference in 2002. But Marcel Proust, as miserable as he was, wrote *Remembrance of Things Past* while lying in bed.

#### No impact to warming

Mendelsohn 9

Robert O., the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### No extinction from disease

Posner 5—Senior Lecturer, U Chicago Law. Judge on the US Court of Appeals 7th Circuit. AB from Yale and LLB from Harvard. (Richard, Catastrophe, http://goliath.ecnext.com/coms2/gi\_0199-4150331/Catastrophe-the-dozen-most-significant.html)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease.

#### Crisis mapping fails- Libya proves

Thielmann ‘11

[Tristan, senior research fellow at the University of Siegen in Germany. His cross-disciplinary research explores the aesthetics and history of geomedia with a focus on navigation systems, GIS, user interfaces and mobile computing. He has published books and journal issues on the history of analog/digital displays, on the aesthetics of locative media, on media geography, actor-network theory, and the spatial turn in cultural and social sciences. “The place is the map: because of locative media an a-social map,” 09.2011. <https://isea2011.sabanciuniv.edu/panel/beyond-locative-media-arts-after-spatial-turn>//wyo-hdm]

Why has collaborative crisis mapping failed in Libya? Where is the Bernard-Henri Lévy of the locative arts movement? Perhaps he does not exist since locative media art stopped existing a long time ago? This could be one of the reasons...but the truth is much more trivial: locative media only is of use for those people, who already are aware of their location, who know where they came from, and where they are going. It is the gadget nobody needs, as it only grants more privileges to privileged places, causing forgotten places to be rendered even more obsolete. No wonder that the Arabic Revolution does not need any locative media at all!¶ Locative media is (was) only of importance in an affluent society, in a society where the locations are subject to an attention economy. Should we forget about locative media? No: even though locative media failed as a social media, disguised as a new, hip, mobile must-have, it leads us to realize that it is a highly hegemonic instrument of power like any other cartographic medium, shown impressively by www.ushahidi.com. For that reason, it is so interesting to media theories. Interesting because locative media functions as a map even without cartographic representation. This puts into question the definition of what we understood to be a map for centuries. Locative media leads us to realize: The place (not the territory) is the map.

#### Alt causes to chilling effect that the aff can’t solve – NSA scandal

McCauley ‘13

[Lauren, Common Dreams Writer, “Scared Silent: NSA Surveillance has 'Chilling Effect' on American Writers,” 11.12.2013. <https://www.commondreams.org/headline/2013/11/12-5 >//wyo-hdm]

Recent disclosures of the NSA's widespread dragnet program coupled with its frequent targeting of journalists are having a 'chilling effect' on American writers, stifling their freedom of expression at great detriment to society, says a new report Chilling Effects: NSA Surveillance Drives U.S. Writers to Self Censor.¶ Published Tuesday by the group PEN America—an organization of writers dedicated to advancing literature and promoting free speech for writers around the world—surveyed 520 American writers and found they are "not only overwhelmingly worried about government surveillance, but are engaging in self-censorship as a result."¶ "[D]uring the Nixon years," one respondent wrote, "I took it for granted that the administration had an eye on me, and if it didn’t, I wasn’t doing my job. For a political cartoonist, active early on against Vietnam, one expected tax audits and phone taps. Irritating, but not intimidating. I view the current situation as far more serious, and the culpability and defensiveness of the president and his people deeply and cynically disturbing.”¶ Journalists and nonfiction writers responding to the poll were overwhelmingly concerned over how best to protect their sources in this new climate of repressed press freedoms. Eighty-one percent of writers surveyed said they are "very concerned about government efforts to compel journalists to reveal sources of classified information, and another 15% are somewhat concerned."¶ "The NSA’s surveillance will damage the ability of the press to report on the important issues of our time," note the report authors, "if journalists refrain from contacting sources for fear that their sources will be found out and harmed, or if sources conclude that they cannot safely speak to journalists and thus stay silent."¶ As a craft, writing demands extensive research into any number of topics. What the survey found was that disclosures of NSA spying, revealed by whistleblower Edward Snowden, have caused the respondents to shy away from speaking or writing about certain subjects, pursuing research about certain subjects, or communicating with sources abroad.¶ The report notes, "writers reported self-censoring on subjects including military affairs, the Middle East North Africa region, mass incarceration, drug policies, pornography, the Occupy movement, the study of certain languages, and criticism of the U.S. government."¶

**Intervening actors check disease impact**

**Zakaria 9—**Editor of Newsweek, BA from Yale, PhD in pol sci, Harvard. He serves on the board of Yale University, The Council on Foreign Relations, The Trilateral Commission, and Shakespeare and Company. Named "one of the 21 most important people of the 21st Century" (Fareed, “The Capitalist Manifesto: Greed Is Good,” 13 June 2009, http://www.newsweek.com/id/201935)

Note—Laurie Garrett=science and health writer, winner of the Pulitzer, Polk, and Peabody Prize

It certainly looks like another example of crying wolf. After bracing ourselves for a global pandemic, we've suffered something more like the usual seasonal influenza. Three weeks ago the World Health Organization declared a health emergency, warning countries to "prepare for a pandemic" and said that the only question was the extent of worldwide damage. Senior officials prophesied that millions could be infected by the disease. But as of last week, the WHO had confirmed only 4,800 cases of swine flu, with 61 people having died of it. Obviously, these low numbers are a pleasant surprise, but it does make one wonder, what did we get wrong? Why did the predictions of a pandemic turn out to be so exaggerated? Some people blame an overheated media, but it would have been difficult to ignore major international health organizations and governments when they were warning of catastrophe. I think there is a broader mistake in the way we look at the world. Once we see a problem, we can describe it in great detail, extrapolating all its possible consequences. But **we** can rarely **anticipate the human response to that crisis**. Takeswine flu. The virushad crucial characteristicsthat led researchers to worry that it could spread far and fast. They described—and the media reported—what would happen if it went unchecked. But it did not go unchecked. In fact, swine flu was met by an extremely vigorous response at its epicenter, Mexico. The Mexican government reacted quickly and massively, quarantining the infected population, testing others, providing medication to those who needed it. The noted expert on this subject, Laurie Garrett, says, "We should all stand up and scream, 'Gracias, Mexico!' because the Mexican people and the Mexican government have sacrificed on a level that I'm not sure as Americans we would be prepared to do in the exact same circumstances. They shut down their schools. They shut down businesses, restaurants, churches, sporting events. They basically paralyzed their own economy. They've suffered billions of dollars in financial losses still being tallied up, and thereby really brought transmission to a halt." Every time one of these viruses is detected, writers and officials bring up the Spanish influenza epidemic of 1918 in which millions of people died. Indeed, during the last pandemic scare, in 2005, President George W. Bush claimed that he had been reading a history of the Spanish flu to help him understand how to respond. But the world we live in today looks nothing like 1918. Public health-care systems are far better and more widespread than anything that existed during the First World War. Even Mexico, a developing country, has a first-rate public-health system—far better than anything Britain or France had in the early 20th century.

## AT: Norms Advantage

### 1NC No Africa War

#### No impact to African war- no external involvement

#### Barrett, 05

Robert Barrett, PhD student Centre for Military and Strategic Studies, University of Calgary, June 1, 2005, http://papers.ssrn.com/sol3/Delivery.cfm/SSRN\_ID726162\_code327511.pdf?abstractid=726162&mirid=1

Westerners eager to promote democracy must be wary of African politicians who promise democratic reform without sincere commitment to the process. Offering money to corrupt leaders in exchange for their taking small steps away from autocracy may in fact be a way of pushing countries into anocracy. As such, world financial lenders and interventionists who wield leverage and influence must take responsibility in considering the ramifications of African nations who adopt democracy in order to maintain elite political privileges. The obvious reason for this, aside from the potential costs in human life should conflict arise from hastily constructed democratic reforms, is the fact that Western donors, in the face of intrastate war would then be faced with channeling funds and resources away from democratization efforts and toward conflict intervention based on issues of human security. This is a problem, as Western nations may be increasingly wary of intervening in Africa hotspots after experiencing firsthand the unpredictable and unforgiving nature of societal warfare in both Somalia and Rwanda. On a costbenefit basis, the West continues to be somewhat reluctant to get to get involved in Africa’s dirty wars, evidenced by its political hesitation when discussing ongoing sanguinary grassroots conflicts in Africa. Even as the world apologizes for bearing witness to the Rwandan genocide without having intervened, the United States, recently using the label ‘genocide’ in the context of the Sudanese conflict (in September of 2004), has only proclaimed sanctions against Sudan, while dismissing any suggestions at actual intervention (Giry, 2005). Part of the problem is that traditional military and diplomatic approaches at separating combatants and enforcing ceasefires have yielded little in Africa. No powerful nations want to get embroiled in conflicts they cannot win – especially those conflicts in which the intervening nation has very little interest..

### 1NC Nigeria Economy

#### No impact- The Nigerian economy is resilient

Guardian 2/13

[“Nigeria's GDP rises by seven per cent'” 2.12.2013. <http://www.thenigerianvoice.com/nvnews/107706/23/nigerias-gdp-rises-by-seven-per-cent.html>//wyo-hdm]

With an average of seven per cent growth rate of the Gross Domestic Product (GDP) consistently for the past 10 years, the nation's economy is on the path to more development, according to the Minister of Finance and Co-ordinating Minister of the Economy, Dr. Ngozi Okonjo-Iweala. The minister said that the existing growth was in contrast with an average of 2.4 per cent recorded over the previous 10 years. She also said that the existing administration had succeeded in reducing the recurrent expenditure in the 2013 fiscal plan to 68 per cent, against 71 per cent of the 2012, and that plans were under way to bridge the widening gap of inequality in income distribution. On Monday too, the Governor of the Central Bank of Nigeria (CBN), Malam Lamido Sanusi, said that no amount of criticism could make the Monetary Policy Committee to change its mind on the nation's interest rate benchmark of 12 per cent, except this was necessary. He said that the committee was not in a hurry and that nobody should be in a hurry too, adding that it was still monitoring the developments to be satisfied with the need for and possible change. Both the minister and Sanusi made the disclosure at the fourth yearly Investors' Conference of the Renaissance Capital in Lagos yesterday. According to the minister, the time has come for the nation to admit its shortcomings, which continue to stare it in the face, while proactively seeking ways to overcome them. She noted that unemployment which was put at over 23 per cent and rising underemployment in the formal sector and inequality – uneven distribution of wealth and widening gap between the haves and have-nots – had become a national worry and weekly 'agenda at the Federal Executive Council meeting.' 'We are not minimising our challenges. What we are saying is that the present administration is worried about the issues and working hard to fix them. Some of our challenges are global in nature, even the United States (U.S.) and Europe are going through them now. 'Nigeria is an exciting country to be in. While some are looking at the challenges, others are seeing opportunities from the challenges. Nigeria's economy is resilient despite the challenges and that is why it maintained the growth record all these years,' she said. According to her, 'the new strategy included ensuring the fiscal consolidation and growth. This means that there will be less borrowing, increased spending and investments into areas of challenge. Our target is to reduce recurrent expenditure to 65 or 60 per cent by 2015 and plans are being perfected. 'IMF has just concluded its Article IV and the report in debt dynamics for the country was positive. The debt to GDP is at 20 per cent, though high, but it is above global standard. 'There are also plans to establish a source of long-term capital. So, plans are under way for the establishment of a development financing institution, with private sector and multilateral organisations participating. 'Reforming the mortgage sector is also top priority. The World Bank is in partnership with Nigeria and has given $300 million pledge for its take-off. The mortgage sector would offer huge employment opportunities.' On his part, Sanusi said: 'It is very easy to take financial and economic stability for granted, especially when there is seeming stability in the financial system. Even with low rate at this point, banks may still not be able to lend. 'The investors cannot wait until everything is fixed, because they can bring the change by their activities. The economy is still growing despite the challenges and leading other world economies in growth. The truth is that the government has taken many steps to address these problems,' she added. (Guardian)

### 1NC – Squo Solves

#### Generous free speech protection now

Brooks 13

[Ronald Collins Books, Harold S. Shefelman Scholar at the University of Washington School of Law, “The Roberts Court and the First Amendment”, SCOTUS blog, July 9th, 2013 <http://www.scotusblog.com/2013/07/the-roberts-court-and-the-first-amendment//wyo> CTL]

Judging from the federal government’s briefs that he <<Roberts>> co-authored (in his role as the Principal Deputy Solicitor General) in United States v. Edge Broadcasting Co. (1993) (arguing against commercial speech claim) and Rust v. Sullivan (1991) (defending free speech restrictions placed on government-funded programs), one might have thought that John Roberts would have a cramped view of the First Amendment. That, however, has not proven to be the case, as the Chief Justice has often provided (by his authorship of a majority opinion or by his vote) a generous dollop of protection in First Amendment cases. Chief Justice Roberts is at the helm of the Court’s new First Amendment jurisprudence. As noted above, his number of majority opinions far exceeds those of all others on the Court, including Justice Anthony Kennedy. And consider the fact that he wrote the majority opinions in Morse v. Frederick and Holder v. Humanitarian Law Project, two important First Amendment cases in which the free speech claims were denied. Then again, he also wrote the majority opinions in United States v. Stevens and Snyder v. Phelps in which the Court boldly sustained the free speech rights at stake in those cases. Also, more than all others, the Chief Justice assigned to himself four of the Court’s twelve opinions in First Amendment free expression cases (claims affirmed and denied) in which the judgment was unanimous or near unanimous.

### 1NC Instab Inev

#### Boko Haram decimates stability and economic growth in Nigeria

Odey et al 14

[Simon Odey Ering, P.hD Department of Sociology, Faculty of Social Sciences University of Calabar, Calabar AND Cletus Ekok Omono Department of Sociology, Faculty of Social Sciences University of Calabar AND Chibugo Moses Oketa Department of Sociology and Anthropology Faculty of Social Sciences, Ebonyi State University “Islamic Militancy and Global Insecurity: The Challenge of Boko-Haram in Nigeria” Journal of Educational and Social Research Vol. 4 No.1 January 2014, <http://mcser.org/journal/index.php/jesr/article/view/1868/1867>, wyo-sc]

Also, the insecurity created by the Boko-Haram sect in Nigeria has made it necessary for the leaders to also ¶ contribute troops to Mali’s French led intervention force. Today, with the withdrawal of French forces Nigeria has taken ¶ the mandate of leading the African intervention force. The Nigerian government made that timely intervention because it ¶ was reported that the Boko-Haram insurgents were involved in the broad coalition of terror groups in the Islamic ¶ Mangreb, who were helping the Tuaregs to topple the Malian government (Okotie, 2013). The operation in Mali is costing ¶ the country millions of dollars. The argument is that there is no wasteful spending considering the pre-captive nature of ¶ the intervention. The anti-terror war against Boko-Haram, and other armed groups is taking a heavy toll on our finances. ¶ Interestingly also, the state of emergency in the North-East and the accompanying military operations in that axis ¶ have the potential of adversely affecting economic activities generally, including agricultural production and food prices ¶ as well as consumer demand. Scholars have argued that the insurgency and its activities have the potential of crippling ¶ the economy of northern Nigeria, and affecting economic growth, particularly in a period where food production is ¶ decreasing in alarming proportion.¶ There is also the larger threat of instability in the entire Sahel region, where the Al-Qaeda’s influence appears to ¶ be growing worst. Though the militant Al-Qaeda group seem seriously weakened after the killing of Osama Bin Laden ¶ and some of his key lieutenants by the United States special forces, the terrorist network appears to be regaining ¶ capacity with the enlisting of regional terror groups like Al-Shaabbah, in the Eastern Horn of Africa, and the Al Qaeda in ¶ the Arabian peninsula and our home grown Boko-Haram. This is coupled with the effect of the Arab spring that has ¶ created a wave of instability in North Africa and the Middle East. Particularly, splinter groups seem to be emerging in ¶ Libya, Tunisia, Egypt, Yemen and Syria with the possession of heavy weapons. ¶ The general atmosphere of insecurity created in the North by the Boko-Haram sect will for a considerable long ¶ time to come discourage investment from within and outside the country. No investor with his or her right senses will put ¶ money in an area where it will not yield any return to investment or go into the drain. One of the main facilitating factors ¶ for investment to strive is a conductive environment in terms of infrastructural development and security of lives and ¶ property. Where these are lacking, it becomes difficult for would be investors to be attracted to such an area or country.

#### Regional wars in Africa inevitable over water—instability also inevitable because lack of food and water

Gusikit and Lar 2014

[Gusikit, R.B., Department of Geology and Mining, University of Jos, Jos-Nigeria

and Lar, U.A., Department of Geology and Mining, University of Jos, Jos-Nigeria

“Water Scarcity And The Impending Water-Related Conflicts In Nigeria: A Reappraisal” Volume 8, Issue 1 Ver. II (Jan. 2014), PP 20-26 <http://www.iosrjournals.org/iosr-jestft/papers/vol8-issue1/Version-2/C08122026.pdf>, wyo-sc]

Food can be said to be the most important necessity for any life, both animal and human, to survive. It ¶ is disheartening that a country like Nigeria has been listed as one of the nations that are going to face food ¶ scarcity, despite all the human and natural resources that we have in the country large enough to feed the world ¶ (Oluwayinka, 2013). ¶ The Federal Government has asked Nigerians to brace up for some hunger as the nation may be ¶ plagued by food scarcity owning to the effects of flooding that washed away farmlands and ravage residential ¶ quarters across the country. It is believed that if relevant stakeholders had prepared well and did not divert all ¶ their attention to the oil sector, may be the country would not have found itself in this mess (Oluwayinka, 2013). ¶ There has been a dramatic increase in food prices around the globe for stable foods such as maize, ¶ lentils, flour, etc. These basic foods are the substance that many families around the world live on from day to ¶ day. When the costs of these essential foods rise, it dramatically affects those relying on them. For example, ¶ what used to take a day’s wage to buy may now take three weeks wages (Oluwayinka, 2013). ¶ Nigeria is particularly prone to food shortages due to the constant flooding and droughts the country is ¶ experiences. Natural disasters like flooding wipe out crops and diminish the food supply. Food shortages which ¶ can also be attributed to the lack of water, reduced rainfall, along with no good methods of capturing rainfall in ¶ basins or containers, both eventually lead to a lack of food in some form or another. People don’t have the ¶ means to water their crops or irrigate their fields. There is also no water for livestock or even their own personal ¶ uses. (Oluwayinka, 2013). The River Niger is of great significance in the management of water resource, not only in Nigeria, but ¶ in other countries in West Africa sub-region. It is one of Africa’s 55 international rivers, traversing in such ¶ countries as the Republic of Benin, Burkina Faso, Chad, Cote d’Ivoire, Guinea, Mali, Niger, Nigeria and Sierra ¶ Leone (World Bank, 1995). The River Niger is therefore a potential water-conflict zone (Figure 1). Other ¶ possible flashpoints in Nigeria are River Benue and Chad basins Figures 2 and 3. As shown on Table 2 above, ¶ River Benue (the Upper and Lower) and Lower Niger Rivers constitute a larger source of annual renewal water ¶ in Nigeria. ¶ It has been estimated that in the next 25years, water will be the main source of conflict in Nigeria as ¶ other countries sharing rivers with Nigeria will fight for access to the scarce resources. If the population of ¶ Nigeria rises as predicted from 140 million in 2006 to 254.7 million in 2025 (Federal Republic of Nigeria , ¶ 2007), then there could be intense competition for the increasingly limited resource. ¶ Since, water is already a catalyst for regional conflicts, the countries concerned should come together and agree ¶ on common criteria for the control and management of the scare commodity.

#### Nigeria instability is inevitable—poor GDP, rampant poverty, and colonial legacy are root causes of instability

Bouchat 13 [Clarence J. Bouchat, Lt. Colonel, Retired U.S. Air Force officer and currently a senior researcher with the Strategic Studies Institute and an adjunct professor at the U.S. Army War College, “THE CAUSES OF INSTABILITY IN NIGERIA AND IMPLICATIONS FOR THE UNITED STATES” August 2013, http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=1163, wyo-sc]

Nigeria also demonstrates many of the problems ¶ that plague much of Africa’s stability and progress. ¶ Nigerians have routinely endured strife along their ¶ many internal differences, from the bloody 1967-70 ¶ civil war to the one million Nigerians displaced by ¶ internal turmoil between 1999 and 2004.4¶ Its larder of ¶ natural resources brings in much needed foreign rev- enue, but is a vast source of corruption, internecine ¶ conflict, and degradation to the environment and agri-cultural livelihoods. Its history since independence in ¶ 1960 has been tossed by political tumult with numer- ous military coups and autocratic governments, four 2¶ different republics, and a poor human rights record. ¶ Such problems have hobbled economic, social, and ¶ human development in Nigeria, which suffers a low ¶ gross domestic product (GDP) per capita (purchasing ¶ power parity) of $2,500 (175th in the world), literacy ¶ rate of only 61 percent, life expectancy of 47.6 years ¶ (220th in the world), and poverty rate at 70 percent, ¶ all making Nigeria one of the 20 poorest countries per ¶ capita in the world.5¶ The country is noted as a hub for ¶ cyber crimes, drug and human trafficking, piracy, and ¶ nascent native extremism, as well as disease and gen- eral human suffering.6¶ Nigeria is a troubled land.¶ This paradox of a nation offers much to its citizens ¶ and the world, but Nigeria has been unable to deliver ¶ on its potential or realize its aspirations.7¶ Although ¶ currently in a positive trend of strong economic ¶ growth and improving democratic resiliency, the fun- damental problems that have challenged Nigerian ¶ progress throughout its history remain simmering. ¶ These problems have been ascribed to many complex ¶ causes, including its colonial legacy, international in- trigue, poverty, and cultural and religious conflicts, ¶ that leave Nigeria sometimes tottering at the edge of ¶ instability and liable to fracturing. However, the root ¶ cause for these and other problems may be the result ¶ of the political economy of Nigeria and the resulting ¶ centrifugal and centripetal forces that hold Nigeria as ¶ a unified state in the balance. To test this assertion, ¶ this monograph will first explain the definition of po- litical economy employed here; why Nigeria wavers ¶ sometimes on the edge of failing as a state through ¶ the negative interaction of competing economics, ¶ politics, and societies; and the resulting rampant cor- ruption and ossified fault lines that could splinter the ¶ state. It then makes modest recommendations for the 3¶ U.S. Government, and the U.S. military in particular, ¶ to assist Nigerians in attaining the stability needed to ¶ remain a functioning, integrated state. With its large ¶ population, ethnic tapestry, rich economic potential, ¶ diplomatic clout, and military strength, Nigeria re- mains an important regional power in Africa with ¶ increasing influence in international affairs. Accord- ing to both the Departments of Defense (DoD) and ¶ State (DoS) in their 2010 engagement activities report ¶ to Congress:

## AT: Solvency

### 1NC – Frontline

#### Four reason to reject case: journalists have no standing means no jurisdiction, no judicial precedent, NDAA DOES solve first amendment standards AND the AUMF wasn’t challenged means the court cannot conclude aff

BHARARA et al 12

[PREET BHARARA STUART F. DELERY United States Attorney Acting Assistant Attorney General BENJAMIN H. TORRANCE BETH S. BRINKMANN CHRISTOPHER B. HARWOOD Deputy Assistant Attorney General Assistant United States Attorneys ROBERT M. LOEB JEH CHARLES JOHNSON (202) 514-4332 General Counsel AUGUST E. FLENTJE Department of Defense (202) 514-3309, BRIEF FOR THE APPELLANTS, “On Appeal from the United States District Court for the Southern District of New York, Case No. 12-cv-331,” 12-3176, 12-3644 IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT CHRISTOPHER HEDGES, Daniel Ellsberg, Jennifer Bolen, Noam Chomsky, Alexa O’Brien, US Day of Rage, Kai Wargalla, Hon. Birgitta Jonsdottir M.P., Plaintiffs-Appellees, v. BARACK OBAMA, individually and as representative of the United States of America, Leon Panetta, individually and in his capacity as the executive and representative of the Department of Defense, Defendant-Appellant, <http://www.lawfareblog.com/wp-content/uploads/2012/11/Hedges-Opening-Brief.FINAL_.FILED_.pdf> //uwyo-baj]

This suit is brought by a handful of journalists and activists who, based on their stated activities, are in no danger whatsoever of being subject to capture and detention by the U.S. military, and who presented no evidence that anyone similarly situated has faced military detention in the current conflict under the detention standards as at issue here. The district court nonetheless issued an extraordinary and sweeping injunction at their behest. The court reached out to strike down as facially unconstitutional a duly enacted Act of Congress, Section 1021(b)(2) of the National Defense Authorization Act (NDAA). Section 1021(b)(2) explicitly reaffirms that the President’s detention authority under Congress’s Authorization for Use of Military Force (AUMF) encompasses those who are “part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners.” NDAA § 1021(b)(2). The AUMF was passed in the immediate aftermath of the terrorist attacks on September 11, 2001, and constitutes the President’s central legislative authority for the ongoing military operations against al-Qaeda, the Taliban, and associated forces, including operations in Afghanistan. The district court nonetheless entered a sweeping permanent injunction against the President, in his role as Commander in Chief, barring “enforcement of § 1021(b)(2) in any manner, as to any person” worldwide. SA-189-90. The court also reached out to reject longstanding interpretations of the AUMF, which had been endorsed by all three Branches of government, including Congress, two Presidents, and the D.C. Circuit, even though the AUMF was not challenged in this case. To make matters worse, the district court threatened the Executive with contempt sanctions if the military detains those it captures – even during ongoing operations in Afghanistan – in a manner inconsistent with the court’s own narrow reading of the military’s authority. SA-92. As we will explain, the court’s unprecedented order must be reversed for four independent reasons. First, the plaintiffs do not have standing because they face no threat of military detention under a proper interpretation of the law. Second, no action lies here to prospectively enjoining the President, as Commander in Chief, and those acting under his command in the conduct of congressionally authorized military operations against enemy forces as defined by Congress. Indeed, there is no precedent in our history for such a sweeping facial and ex ante challenge to the President’s authority to wage war in a congressionally declared armed conflict. Third, a statute authorizing the use of military force in broad terms is not subject to an ex ante or facial challenge for being unconstitutionally vague or overbroad, and in any event Section 1021(b)(2) satisfies due process and First Amendment standards even if they were to apply. Finally, the injunction is not an appropriate exercise of a court’s equitable powers in this context and, by applying worldwide and reaching actions that were not even challenged, it is, in any event, vastly overbroad.

#### Supreme Court Action can be subverted by congress; nullifies affirmative plan

Landau ‘12

[Joseph Landau, Assoc. Prof. Fordham University civil procedure, national security and immigration law, “CHEVRON MEETS YOUNGSTOWN: NATIONAL SECURITY AND THE ADMINISTRATIVE STATE”, Boston University Law Review, December 2012, p. proquest, //wyo TL]

Reaching the issue of the commissions' legality, the Court refused to grant the President's use of military commissions the same deference it would accord an ordinary administrative agency, and the difference may have been due to the lack of congressional endorsement of the Guantánamo tribunals. After all, while the DTA created a statutory judicial review mechanism, it did not actually create the tribunals or expressly delegate the President authority to do so. It merely spelled out the D.C. Circuit's limited review mechanism of the President's CSRTs and military commissions. This explains Hamdan's more skeptical approach toward the government's argument that military commissions were a creature of statute. The Court rejected the government's proffered statutory bases for the President's military commissions at Guantánamo, finding that neither the AUMF,256 nor the DTA,257 nor the Uniform Code of Military Justice (UCMJ)258 provided the necessary statutory mandate. Absent clear authorization from Congress, the commissions could not proceed.259 In that sense, Hamdan, like Hamdi, noted the need for a clearer expression of statutory authority as a basis for broad deference.¶ Although the Court rejected all bases supplied by the Bush Administration as authorization for its commissions, four Justices specifically noted that Congress could authorize them via statute. In perhaps the clearest articulation of this point, Justice Kennedy pointed out in his concurrence that Congress could, "after due consideration," alter the law if it were to "deem[] it appropriate to change the controlling statutes."260 Justice Breyer also noted in his concurrence that "[n]othing prevents the President from returning to Congress to seek the authority he believes necessary."261 These opinions reinforce the importance of congressional delegations, both during times of heightened national security as well as during ordinary circumstances.

#### Hedges is only the 2012 NDAA, their author

Davidson 13

[Lawrence, is a history professor at West Chester University, “The Permanent ‘War on Terror”, *Consortium News*, 8/15/13 <http://consortiumnews.com/2013/08/15/the-permanent-war-on-terror//wyo> CTL]

In January 2012, former war correspondent Christopher Hedges and others, including Noam Chomsky and Daniel Ellsberg, filed a lawsuit in federal court challenging the constitutionality of the 2012 National Defense Authorization Act (NDAA) and specifically the Act’s Section 1021(b)(2), which allows for indefinite detention by the U.S. military of people “who are part of or substantially support Al Qaeda, the Taliban or associated forces engaged in hostilities against the United States.”

#### The NDAA doesn’t do anything on its own, it’s just the AUMF AND 1021 will never be interpreted to infringe on free speech

Obama 11

[Barack, mothafuckin prez, Office of the Press Secretary, “Statement by the President on H.R. 1540”, The White House, December 31, 2011 <http://www.whitehouse.gov/the-press-office/2011/12/31/statement-president-hr-1540//wyo> CTL]

Section 1021 affirms the executive branch's authority to detain persons covered by the 2001 Authorization for Use of Military Force (AUMF) (Public Law 107-40; 50 U.S.C. 1541 note). This section breaks no new ground and is unnecessary. The authority it describes was included in the 2001 AUMF, as recognized by the Supreme Court and confirmed through lower court decisions since then. Two critical limitations in section 1021 confirm that it solely codifies established authorities. First, under section 1021(d), the bill does not "limit or expand the authority of the President or the scope of the Authorization for Use of Military Force." Second, under section 1021(e), the bill may not be construed to affect any "existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." My Administration strongly supported the inclusion of these limitations in order to make clear beyond doubt that the legislation does nothing more than confirm authorities that the Federal courts have recognized as lawful under the 2001 AUMF. Moreover, I want to clarify that my Administration will not authorize the indefinite military detention without trial of American citizens. Indeed, I believe that doing so would break with our most important traditions and values as a Nation. My Administration will interpret section 1021 in a manner that ensures that any detention it authorizes complies with the Constitution, the laws of war, and all other applicable law.

#### The concerns about the 2012 NDAA are nonexistent

Griffin 11

[Tim Griffin, Representative for Arkansas, “Don’t believe the rumors about the 2012 National Defense Authorization Act”, *The Daily Caller*, 12/22/2011 <http://dailycaller.com/2011/12/22/dont-believe-the-rumors-about-the-2012-national-defense-authorization-act//wyo> CTL]

Last week, both the House and Senate passed the 2012 National Defense Authorization Act (NDAA). This annual bill provides critical authorities and resources for the U.S. Department of Defense and the men and women of our Armed Forces. Due to two sections in the larger bill, which contain provisions that affirm and clarify legal authorities for waging the war on terrorism and detaining terrorists, the 2012 NDAA has found itself the subject of an unexpected misinformation campaign that suggests these provisions could lead to the indefinite detention of U.S. citizens without due process. The misinformation surrounding the 2012 NDAA is a result of the misinterpretation of provisions included in Sections 1021 and 1022 of the act. These provisions are an important part of the 2012 NDAA and provide vital clarity for our Armed Forces defending America around the world. Our forces have officially withdrawn from Iraq and are on a timetable for a similar drawdown in Afghanistan. However, terrorists around the world continue to plot devastating attacks against Americans. Section 1021 of the 2012 NDAA solidifies the legal authority under which our forces continue to engage the enemy. It also provides clarity that would otherwise continue to erode as terrorists held at Guantanamo Bay challenge their detention through litigation in federal court. The 2012 NDAA sets a clear standard that U.S. forces retain the authority to detain al Qaida and Taliban terrorists and members of associated forces who are committing acts of war against the U.S. The debate over these provisions; however, has shifted to well-intentioned concerns for our civil liberties. Unfortunately, certain outside groups, to their discredit, launched an attack based on issues that were not addressed in the legislation. They have even gone so far as to allege that a U.S. citizen could accidentally or unknowingly provide substantial support to al Qaida terrorists in committing acts of war against the U.S. Such a proposition defies any plain reading of the bill. A large factual gap has formed between what is being said about the bill and what provisions the bill actually contains. The shared passion for our freedom has exacerbated this gap, as third-party voices like the ALCU and even some members of Congress have committed themselves to defeating controversial provisions that do not exist. I would never support legislation that granted the government authority to indefinitely detain U.S. citizens in the U.S. without the right to challenge the legality of any such detention through a petition for habeas corpus. Nor would any judge, court, or attorney in this nation uphold such an infringement of our rights. To be clear, Section 1021 in no way infringes upon a U.S. citizen’s right to due process. This legislation does not make any changes to existing law as it relates to the treatment of U.S. citizens. The rules of war draw a distinct line between combatants and non-combatants. Our laws also provide a legal distinction between lawful combatants, those who wear a military uniform and abide by the Law of Armed Conflict, and unlawful combatants who seek to use the freedoms of a democratic society to their advantage. Sadly, a few of those unlawful combatants have been U.S. citizens, who took part in planning attacks against the U.S.

# 2NC

### 2NC – Alt Solves

#### Rereading the 1ac through a lens of sexual difference solves the entirety of the affirmative and our criticsm. Prior to policy analysis we need a moment of strong critique from the perspective of sexual different to understand the ways that masculine domination of politics shape the social relations supported by the 1ac. Irigary says this is key to solve violence against nature and other beings because it questions to domination of masculinity against those things deemed inferior.

#### And, strong critique comes first

#### Framing of Gender can be a powerful cultural and political influence. These methodologies become public discourse and utilized to improve future policies. The alternative is a prior question- without it the 1AC becomes another failure of the system.

Beland 9

(Daniel, Professor of Public Policy-University of Saskatchewan, “Gender, Ideational Analysis, and Social Policy”, Social Politics: International Studies in Gender, State and Society, Volume 16(4), Project Muse) LL

As far as the political stream is concerned (Kingdon 1995), ideas can take the form of cultural and discursive frames that actors use to challenge or justify existing policy arrangements (e.g., Béland 2009; Campbell 1998; Schön and Rein 1994). These frames "appear typically in the public pronouncements of policy makers and their aides, such as sound bites, campaign speeches, press releases, and other very public statements designed to muster public support for policy proposals" (Campbell 1998, 394). Discursive frames are part of most political battles and the competition between these frames and between the actors using them points to what Tasleem Padamsee (2009) refers to as the "multiplicity of discourses" present in a society at any given moment. As suggested by the social movement literature, career politicians are not the only actors who engage in cultural and discursive framing (e.g., Benford and Snow 2000; Oliver and Johnston 2000; [End Page 568] Schneider 1997). The work of Pedriana and Stryker (1997) on the symbolic struggles surrounding civil rights in Philadelphia in the late 1960s perfectly illustrates how social movements can use framing processes to bring about policy change. In their detailed study, these sociologists show how civil rights activists transformed the constraints of the legal discourse prevailing at the time into a valuable political and ideological resource that would ultimately help them reshape the law. Throughout their analysis, they "identify diverse symbolic packages that opponents and supporters used to frame [a civil rights plan], its meaning, and the desirability of its enforcement. [They] identify cultural strategies actors used to try to stabilize or transform law by drawing on equal opportunity values and language that law already incorporated" (Pedriana and Stryker 1997, 637). Their account backs the claim that framing processes can strongly influence political struggles and help bring about policy change. In this special issue, Stryker and Wald (2009) provide even more ground to this claim through an analysis of the central role of cultural framing in contemporary US welfare reform, showing that political struggles over cultural meaning were significant for the 1996 welfare reform. As evidenced in their article, cultural framing can become a powerful factor in the politics of policy change. To further illustrate the role of frames in politics and policy change, let me discuss three ways in which political actors can mobilize them. First, frames can take the form of a public discourse used by specific political actors to convince others that policy change is necessary. This is what political scientist Robert H. Cox (2001) calls "the social construction of the need to reform" and what political philosopher Nancy Fraser (1989) has called the "politics of needs interpretation." From this perspective, discursive frames can help convince political actors and the general public that existing policy legacies are flawed, and that reforms should be enacted to solve perceived social and economic problems. Thus, policy learning can feed framing processes in the sense that experts, officials, and interest groups can publicly voice their negative assessments of existing policies to convince other actors that the time has come to improve or even replace them. But "social learning remains analytically distinct from framing activities in part because learning can occur without the emergence of a public discourse about the need to reform. An autonomous set of evaluative activities, social learning generally predates and, in only some cases, informs framing processes" (Béland 2006, 562). Overall, discursive frames help actors make a case for policy change, and this activity generally involves a public discussion of the meaning and performance of existing policy legacies. [End Page 569] Second, these frames help political actors convince other groups and individuals to form a coalition around a concrete proposal or vision for change. As discussed above, ideational processes participate in the construction of interests and the ranking of policy goals. In this context, particular political actors can use frames and political discourse to influence the way other actors see their interests and identify with shared policy goals. From this perspective, policy debates are largely about the construction of interests, policy goals, and identities, without which political coalitions can hardly survive. Although concrete quid pro quos between key political actors are a major aspect of coalition building (Bonoli 2000), frames can help sell concrete policy alternatives to the public and build a stronger coalition around them. On one hand, politicians can "speak to their base" and argue that the measures they support are consistent with the broad ideological principles that cement their existing coalition. On the other hand, ambiguous policy ideas and proposals can make many different actors believe that they have an interest in supporting a complex policy alternative, which can lead to seemingly paradoxical coalitions (Palier 2005). Third, political actors can mobilize framing processes to counter criticism targeting the policy alternatives they support. Thus, one might expand Weaver's notion of blame avoidance strategies (Weaver 1986) to take on a discursive form. For instance, officials may blame economic cycles for higher unemployment rates to convince the public that their decisions are not at the origin of this negative situation. Policymakers can also frame policy alternatives in a way that diverts attention away from their actual departure from well-accepted political symbols or policy paradigms. For example, since the 1980s, Swedish politicians have referred to enduringly popular idea of "social democracy" to legitimize forms of policy change that are arguably closer to neoliberalism than to traditional social democratic ideals (Cox 2004). Blame avoidance frames such as these have a preventive component because political actors use them to shield the policy alternatives they support from criticism (Béland 2005, 11). Scholars interested in the gender–social policy nexus have long analyzed discursive and framing processes (Tannen 1994), and their potential impact on policy change (Lewis 2002). A good example of this type of scholarship is the research of Hobson and Lindholm (1997) on the mobilization of Swedish women during the 1930s. In order to understand this mobilization, the authors bridge the power resource approach and the sociological scholarship on social movements. Their analysis of women's mobilization emphasizes the role of what they call "discursive resources," a concept that [End Page 570] "acknowledges that social groups engage in struggles over the meanings and the boundaries of political and social citizenship. This includes the cultural narratives and metaphors that social actors exploit in their public representations as well as the contesting ideological stances that they take on dominant themes and issues on the political agenda." (Hobson and Lindholm 1997, 479) For these two scholars, ideational processes clearly serve as powerful framing tools in struggles over gender and social policy change. Once again, this discussion of the gender scholarship points to the relationship between ideational processes and categorical inequalities, a major issue that is frequently overlooked in the general ideational literature on policy and politics. By pointing to this key relationship, students of gender and social policy make a strong and original contribution to this ideational literature. The work of sociologist Myra Marx Ferree on the German and the US abortion debates is another fascinating example of how gendered framing processes can play a central role in policy debates. In her comparison between the feminist arguments for abortion rights in Germany and the United States, Marx Ferree convincingly argues that "Although both privacy and protection are part of the feminist repertoire of discourse available to speakers in both countries, they are selectively advantaged differently in each country. In the United States the discursive opportunity structure privileges individual privacy, and in Germany state protection is institutionally anchored in the discourse." (Ferree 2003, 306) Referring to the "institutionally anchored ways of thinking that provide a gradient of relative political acceptability to specific packages of ideas," the concept of discursive opportunity structure is a significant contribution to the ideational scholarship on policy change, as it suggests that framing processes "do not exist in a vacuum." (Ferree 2003, 308–309) Although national cultures are never ideologically cohesive (Quadagno and Street 2005), frames are culturally resonant—and more effective politically—when they draw on a society's dominant cultural repertoire, which forms the symbolic backdrop of national policy debates (Béland 2009). The issue of cultural resonance (Ferree 2003) points to the above-mentioned role of culture in policy development. Through framing processes, political actors can draw on existing cultural resources to promote—or oppose—policy change.

## Impact

### Impact overview

#### Flight from the body constructs everything as bare life- the dematerialization of the body supports a politics of mass extermination that reifes Foucault’s underside of power- leads to mass genocide of marginalized bodies

Alt solves their environment advantage

Nhanenge 2007

(Jytte, Masters @ U South Africa, Accepted Thesis Paper for Development Studies, “ECOFEMINSM: TOWARDS INTEGRATING THE CONCERNS OF WOMEN, POOR PEOPLE AND NATURE INTO DEVELOPMENT, uir.unisa.ac.za/bitstream/10500/570/1/dissertation.pdf)

To rid the world of nuclear weapons, poverty, racism, sexism and other isms of domination discriminations must end. As long as white males hold all the social, political and economic power, women, people of colour, poor people, children and nature will continue to be dominated while poverty and the military mentality will continue unabated. To solve the crises of poverty, violence and natural destruction very different technologies are needed. Wisdom demands that science and technology orientate themselves towards the organic, the gentle, the non-violent and the beautiful. Peace and harmony simply cannot be built on the recklessness and violence of science and technology. Charlene Spretnak (Murphy 1997: 51) finds that the purpose of cultivating ecological wisdom is an antidote to the free-floating anxiety that modern society's blind faith in technology and progress along with militarism has created. The whole culture is free-floating from the lack of grounding in the natural world, the lack of sense of belonging and the lack of healthy relationship between males and females of the species. We are entangled in the patriarchal goal of dominating nature and the female. We therefore need to develop new life styles compatible with the real needs of human nature, with the health of living nature and with the resources of the world. Human beings are alienated from nature and therefore also from the ability to recognise measure and limitation. Nature knows when to stop. There is a measure in all natural things regarding size, speed and violence. As a result the system of nature tends to be self-balancing, self-adjusting and self-cleansing. Not so with technology or man that is dominated by technology. There are no self-limiting principles and no virtue of being self-adjusting. However, any activity that ignores self-limitation is of the devil. In nature and society it acts like a foreign body and it causes crises. Thus any one who bases his or her life on materialism, which includes permanent, limitless expansion in a finite environment, cannot last long. (Kelly 1990: 112- 114; Ekins 1992: 174: Schumacher 1993: 20, 120, 126-127). There is consequently an end to the patriarchal reductionist world-view. Its activities will only be rewarded with positive feedback until the subsystems begin to show signs of stress. At a certain moment its increased technological mastery, its domination of nature and society and the huge profit it generates will affect the social and ecological sub-systems. Then the feedback turns negative. This will lead to a process of decline in the system, since decay and collapse are the proper systemic behaviour under such circumstances. That is the moment the old instrumental yang is turning into a re- emergence of the subtle yin's intuitive consciousness to restore the balance. (Henderson 1978: 329, 400).

#### failure to solve guarantees extinction

Clark 04 [Mary E., PhD and professor of biological studies @ Berkeley, "RHETORIC, PATRIARCHY & WAR: EXPLAINING THE DANGERS OF "LEADERSHIP" IN MASS CULTURE", http://goliath.ecnext.com/coms2/gi\_0199-4005307/Rhetoric-patriarchy-war-explaining-the.html]

I begin by questioning the notion that patriarchy is a "natural" or "inevitable" form of human society. By "patriarchy" I do not mean a community or society where males hold political positions as spokespersons for the whole and often are adjudicators of local disputes. This "male function" is common in tribal and indigenous societies. But men's power over others is severely limited and generally held only at the pleasure of the entire group, especially the elder women. (4) Patriarchies, rather, are those much larger societies where not only is there gender dominance; they also are highly class-structured, with a small, powerful elite controlling the rest of society, A short history of these entities is necessary to understand today's dilemma. Rigidly controlled patriarchies have evolved and disintegrated at many times and in many places in the past few millennia of human existence-which, being the era of written history, is the condition of humankind most familiar to us. But, as I have argued elsewhere (5) this was an unknown political condition throughout earlier human existence, when small, egalitarian, highly dialogic communities prevailed. Even today, small remnants of such societies still exist in comers of the planet that escaped the socially destructive impact of Western colonization. Modern Western "democracies" are, in fact, patriarchal in structure, evolving out of the old, male-dominated aristocracies of late-Medieval Europe. Those historic class/caste hierarchies were legitimized by embedded religious dogma and inherited royal authority. Together, church and monarch held a monopoly of physical and economic power, creating politically stable, albeit unjust, societies. During the gradual development of the religious Reformation, coupled with the Enlightenment's concept of the "individual citizen," emerging egalitarian ideas threatened to destabilize the social coherence of patriarchal regimes. At the same time, principalities and dukedoms were fusing into kingdoms; kingdoms, in turn, were joining together as giant nation states. The United Kingdom was formed of England, Wales and Scotland-each a fusion of local earlier dukedoms. City States of Italy fused rather later. Bismarck created the "Second Reich" out of diverse German-speaking princedoms in the 1870s. And, adding to this growth in the sheer size of patriarchies there was a doubling of populations every couple of generations. Nation-states emerged as "mass cultures," with literally millions of persons under the control of a single, powerful government. The centralized physical power possessed by most of these several industrializing European nations matched or exceeded that of ancient Rome. To achieve coherence of such societies demanded a new legitimating force to create a broad base of support among giant, diverse populations. The erosion of the belief that classes were a god-given, "natural" state of affairs was hastened by the introduction of low-cost printing and rapidly growing levels of literacy (both necessary to underpin the new Industrial Age). These politically equalizing forces unleashed a host of social discontents that had to be controlled. The old religious threats of damnation or excommunication were fast losing their force, and new legal systems circumscribed the absolute powers of monarchs to control social behavior. This very cacaphony of voices threatened the stability of the new giant states. The "solution," of course, was to take control of the public dialogue, to define the legitimate "topics of conversation." This is the primary role of political "leadership" in today's mass societies, and that leadership uses two major tools to wield its influence: rhetoric and the mass media. I suggest, then, that the high potential for internal instability in giant patriarchal states is a primary factor in setting the stage for today's global insecurity and the extreme militaristic rhetoric that exists both within and between nations. Before continuing this discussion of patriarchy's dangers, I would note that, although in modern Western patriarchies the domination of women by men is less evident as women have gained increasing political and economic status, women with such status tend to assume the "shoulder pads" and "language" of men when it comes to political and economic institutions. Women like Indira Gandhi, Prime Minister of India, Golda Melt, Israeli Prime Minister; Jeanne J. Kirkpatrick, Reagan's Ambassador to the United Nations; Madeleine Albright, Clinton's Secretary of State; Margaret Thatcher, Britain's Prime Minister; and Condoleezza Rice, George W. Bush's Security Advisor, come readily to mind. (Thatcher cites the following terms the media applied to her: Iron Lady, Battling Maggie, and Attila the Hen. (6)) The glass ceiling in the corporate world has proved harder to crack, however, so fewer well-known examples exist there of powerful females. (Katherine Graham, who became publisher of the Washington Post after the death of her husband, was one of the few powerful women who to her credit, did not adopt the patriarchal mode.) Hence, I regard the Western nations' politico-economic world view as very much in accordance with that of historical patriarchies, with perhaps one or two Scandinavian exceptions. I thus conclude that the language of international politics today is "gendered" by the political insecurity experienced by leaders of earlier patriarchies, and that the presence of women in such governments has little effect on the framework of public dialogue. (I recall hearing Geraldine Ferraro, when running for Vice-President in 1984, assure an interviewer that she would not hesitate to push the "nuclear button" if necessary.) Hence, it is not our X and Y chromosomes that are at issue here; it is the gendered world view that underpins our institutions and frames our behaviors. As long as those in power "think" in this patriarchal box, we will live in a globally-armed camp, where war-leading even to the annihilation of our species-is a constant, real possibility.

#### Indefinite detention is a gendered system that seeks to reify desirable masculine, American subjectivity by feminizing and subordinating Middle Eastern and North African men by painting them as irrational/feminine agents in need of surveillance and control

Wilcox 03 [Lauren, PhD in IR @ University of Minnesota, BA @ Macalester College, MA @ London School of Economics, “Security Masculinity: The Gender-Security Nexus”]

These statements give several clues as to the implications of ”barbaric‘ behavior. Terrorists are barbaric and uncivilized, and opposed to democracy. Those who commit evil acts commit attacks against civilization, therefore, being uncivilized is equivalent to being evil. Finally, terrorists fight without rules, they kill innocents and women, and they are cowards, therefore they are barbaric and uncivilized. Overall, the message is clearly that of a dichotomous world, in which there are only two choices; civilization or barbarism, us or them.

In order to understand the significance of the use of the discourse of civilization versus barbarism in the war on terror, a brief history of this discourse is helpful. Applying the label ”barbaric‘ to people from the Middle East, or any non-white peoples is hardly a new historical development. In his book Orientalism˙ Edward Said critiques the discipline of Oriental Studies in the European and American academies for reproducing stereotypes and using their privileged status to create knowledge about people in the Middle East that served to justify and increase their control and domination over these people. 63 Said describes the relationship between West and the Middle East, as seen from the West, —to be one between a strong and a weak partner,“ and adds that, —many terms were used to express the relations…The Oriental is irrational, depraved (fallen), childlike, ”different‘; thus the European is rational, virtuous, mature, ”normal.‘ “64 This relationship is gendered in that ”Orientals‘ are assigned traits associated with femininity and inferiority. This dichotomous relationship is replicated in political discourses as well as in academic and literary circles.

The discourse of civilization/barbarism was used in order to justify colonialism of non-white peoples throughout the world, and has a long history in US foreign history. A people labeled ”uncivilized‘ is considered to be unable to rule themselves, and is need of guidance from more civilized people. The use of force against ”barbarians‘ is also justified.65 Furthermore, the rules of humane and civilized warfare do not apply to wars against ”barbaric‘ peoples. Against this background, the use of the discourse of barbarism can be seen as an attempt to foretell the coming war and to persuade people of the necessity of using force against al-Qaeda and their hosts in Afghanistan. The additional measures of control, surveillance, and detention of Middle Eastern and North African men in the process of securitizing immigration served to harass, demean and subordinate this ”inferior‘ masculinity, contributing to the constructing of the hegemonic masculinity of American men. The ”special‘ registration requirements for the National Security Entry-Exit System is evidence of the gendered inside/outside, us/them distinction in regards to national identity. This program, instituted as part of the securitization of immigration, serves to support the construction and maintenance of the current articulation of hegemonic masculinity, which differentiates American men as superior to men in the Middle East. The special registration requires that men and boys over the age of fifteen with non-immigrant visas from countries in the Middle East, Northern Africa, countries with large Muslim populations such as Indonesia and Pakistan, and an outlier, North Korea, be interviewed and have their whereabouts tracked by the INS.66 These persons will be finger printed and photographed, with their fingerprints matched against fingerprints of known or suspected terrorists and used by law enforcement. They are also required to submit personal contact information, and are required to notify the Attorney General when the change addresses. These measures are in addition to the detention and questioning of thousands of men of Arab or Muslim background after the September 11 that tacks, some allegedly detained without access to attorneys or proper food.67 The INS has also recently changed its policy on asylum, as people seeking asylum from thirty-three countries, mostly in the Middle East, are now being detained pending the processing of their applications, where previously they have been released.68 By concentrating on men as the ”outsiders‘ Middle Eastern men specifically service not only as the ”other‘ that American identity is contrasted again, but a feminized ”other‘ that American masculinity is defined against.

### 2NC – Framework

#### Our role of the ballot is to vote for the team with the best strategy to solve violence and oppression-

#### Our scholarship is good and ethical-An ethics of sexual difference is a prerequisite to all questions of subjectivity- sexual difference constitutes the first and ever-forgotten symbol that is deployed to systematically exclude women from access to the symbolic and thus, their own subjectivity

Irigaray 85

[Luce Irigaray, 1985, “An Ethics of Sexual Difference”, uwyo//amp]

Nietzsche used to say that we would continue to believe in God as long as we believed in grammar. Yet even, or perhaps particularly after the fall of a certain God, discourse still defends its untouchable status. To say that discourse has a sex, especially in its syntax, is to question the last bastion of semantic order. It amounts to taking issue with the God of men in his most tradi-tional form. Even if language is emptied of meaning-or perhaps the more it is emptied of meaning?-respect for its technical architecture must remain intact. Discourse would be the erection of the totem and the taboo of the world of man. And the more man strives to analyze the world, the universe, himself, the more he seems to resist upsetting the foundations of discourse. His analysis would serve only to confirm and double discourse's immutability. From the start, discourse would be for man that other of nature, that mother, that nature-womb, within which he lived, survived, and risked being lost. The discourse that had been intended as his tool for breaking ground and cultivating the world changed into an intangible, sacred horizon for him. That which is most his own and yet most alien to him? His home within the universe. And, inside that tentacular technical machine that man has made, a machine that threatens him today, not only in stark reality but also by assimilation to his fantasies and the nightmares he has of a devouring mother, man seems to cling ever tighter to that semblance of familiarity he finds in both his everyday and his scientific discourse. As if that technical universe and that language were not his creation, which, because of its failure to preserve the other, fails to preserve him too. The work of his hand, in which he cannot even recognize himself, in which he has drowned the other, now threatens to drown him in turn. He has all the animist fears of a child in the face of nature. He is afraid to touch his machine in case it is activated by his approach, as if it were a mechanism owed respect because of its transcendence. Language, in all its shapes and sizes, would dimly represent for man the allpowerful and ever-unknown mother as well as the transcendent God. Both. Man cannot or will not recognize or reinterpret in his symbols this duality in his technical productions The most obvious symbol, that closest to hand and also most easily forgotten, is the living symbol of sexual difference. But theory would claim that this symbolizes only itself. And women would serve only as a potential symbol to be exchanged by men, by peoples, and would never achieve symbolism or be able to use symbols. 11 Does the symbol constituted by sexual difference implacably split into two? The female would fall into the category of fallow land, matter to be made into a product, or currency symbol, mother or virgin without any identity as a woman. The masculine would no longer enter into. the body or the flesh of the symbol but fashion it or pass it from hand to hand from the outside. The bond between or the function shared by the pieces would be achieved secretly thanks to the female; the exchange of symbols would be assured by the masculine. By serving in this way as mediation from within the symbol, the feminine would have no access to sharing, exchanging, or coining symbols. In particular, the mother-daughter relationship, the attraction between mother and daughter, would be hidden in the symbol. Daughters, wives, and indeed mothers would not have, or would no longer have, signs available for their own relationships, or the means of designating a reality transcendent to themselves-their Other, their God or divine being. No articulated language would help women escape from the sameness of man or from an uninhabitable sameness of their own, lacking a passage from the inside to the outside of themselves, among themselves. Because they are used in mediation, as mediators, women can have within themselves and among themselves a same, an Other only if they move out of the existing systems of exchange. Their only recourse is flight, explosion, implosion, into an immediate relationship to nature or to God.

#### Don’t weigh their impacts—the aff uses an ethical approach that creates crisis-based politics that means that we will be infinitely entrenched in the system

Cuomo 96

Professor of Philosophy, 1996 Chris, Hypatia 11.4, proquest //Wyo-BF

Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states lead to crisis-based politics and analyses. For any feminism that aims to resist oppression and create alternative social and political options, crisis-based ethics and politics are problematic because they distract attention from the need for sustained resistance to the enmeshed, omnipresent systems of domination and oppression that so often function as givens in most people's lives. Neglecting the omnipresence of militarism allows the false belief that the absence of declared armed conflicts is peace, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief. The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. Antiwar resistance is then mobilized when the “real” violence finally occurs, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war might actually keep resisters complacent about and complicitous in the general presence of global militarism. Seeing war as necessarily embedded in constant military presence draws attention to the fact that horrific, state-sponsored violence is happening nearly all over, all of the time, and that it is perpetrated by military institutions and other militaristic agents of the state.

#### Failure to account for the ontological roots of modern politics ensures serial policy failure – we will repeatedly reproduce the same problems that we seek to solve

Dillon & Reid 2000 [Michael & Julian, Prof of Politics & Prof of International Relations, “Global Governance, Liberal Peace, and Complex Emergency,” *Alternatives: Social Transformation & Humane Governance* 25.1]

As a precursor to global governance, governmentality, according to Foucault's initial account, poses the question of order not in terms of the origin of the law and the location of sovereignty, as do traditional accounts of power, but in terms instead of the management of population. The management of population is further refined in terms of specific problematics to which population management may be reduced. These typically include but are not necessarily exhausted by the following topoi of governmental power: economy, health, welfare, poverty, security, sexuality, demographics, resources, skills, culture, and so on. Now, where there is an operation of power there is knowledge, and where there is knowledge there is an operation of power. Here discursive formations emerge and, as Foucault noted, in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality.[ [34](http://web.ebscohost.com/ehost/detail?vid=4&hid=106&sid=5c6ed1cd-918f-452a-a061-c91626aee543%40sessionmgr113&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl#bib34)] More specifically, where there is a policy problematic there is expertise, and where there is expertise there, too, a policy problematic will emerge. Such problematics are detailed and elaborated in terms of discrete forms of knowledge as well as interlocking policy domains. Policy domains reify the problematization of life in certain ways by turning these epistemically and politically contestable orderings of life into "problems" that require the continuous attention of policy science and the continuous resolutions of policymakers. Policy "actors" develop and compete on the basis of the expertise that grows up around such problems or clusters of problems and their client populations. Here, too, we may also discover what might be called "epistemic entrepreneurs." Albeit the market for discourse is prescribed and policed in ways that Foucault indicated, bidding to formulate novel problematizations they seek to "sell" these, or otherwise have them officially adopted. In principle, there is no limit to the ways in which the management of population may be problematized. All aspects of human conduct, any encounter with life, is problematizable. Any problematization is capable of becoming a policy problem. Governmentality thereby creates a market for policy, for science and for policy science, in which problematizations go looking for policy sponsors while policy sponsors fiercely compete on behalf of their favored problematizations. Reproblematization of problems is constrained by the institutional and ideological investments surrounding accepted "problems," and by the sheer difficulty of challenging the inescapable ontological and epistemological assumptions that go into their very formation. There is nothing so fiercely contested as an epistemological or ontological assumption. And there is nothing so fiercely ridiculed as the suggestion that the real problem with problematizations exists precisely at the level of such assumptions. Such "paralysis of analysis" is precisely what policymakers seek to avoid since they are compelled constantly to respond to circumstances over which they ordinarily have in fact both more and less control than they proclaim. What they do not have is precisely the control that they want. Yet serial policy failure--the fate and the fuel of all policy--compels them into a continuous search for the new analysis that will extract them from the aporias in which they constantly find themselves enmeshed.[ [35](http://web.ebscohost.com/ehost/detail?vid=4&hid=106&sid=5c6ed1cd-918f-452a-a061-c91626aee543%40sessionmgr113&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl#bib35)] Serial policy failure is no simple shortcoming that science and policy--and policy science--will ultimately overcome. Serial policy failure is rooted in the ontological and epistemological assumptions that fashion the ways in which global governance encounters and problematizes life as a process of emergence through fitness landscapes that constantly adaptive and changing ensembles have continuously to negotiate. As a particular kind of intervention into life, global governance promotes the very changes and unintended outcomes that it then serially reproblematizes in terms of policy failure. Thus, global liberal governance is not a linear problem-solving process committed to the resolution of objective policy problems simply by bringing better information and knowledge to bear upon them. A nonlinear economy of power/knowledge, it deliberately installs socially specific and radically inequitable distributions of wealth, opportunity, and mortal danger both locally and globally through the very detailed ways in which life is variously (policy) problematized by it. In consequence, thinking and acting politically is displaced by the institutional and epistemic rivalries that infuse its power/ knowledge networks, and by the local conditions of application that govern the introduction of their policies. These now threaten to exhaust what "politics," locally as well as globally, is about.[ [36](http://web.ebscohost.com/ehost/detail?vid=4&hid=106&sid=5c6ed1cd-918f-452a-a061-c91626aee543%40sessionmgr113&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl#bib36)] It is here that the "emergence" characteristic of governance begins to make its appearance. For it is increasingly recognized that there are no definitive policy solutions to objective, neat, discrete policy problems. The "subjects" of policy increasingly also become a matter of definition as well, since the concept population does not have a stable referent either and has itself also evolved in biophilosophical and biomolecular as well as Foucauldian "biopower" ways.

### Link – Free Speech

#### Free speech is founded on the notion of masculine language—the criticism is key to ensure that the speaking subject that they liberate includes the possibility of a feminine subject

Irigaray and Carlston, 1989

[Luce Irigaray and Erin G. Carlston, The Language of Man, Source: Cultural Critique, No. 13, The Construction of Gender and Modes of Social Division, (Autumn, 1989), pp. 191-202, JSTOR] /Wyo-MB

The problem of the sexuation of discourse has, paradoxically,¶ never been posed. Man, as an animal gifted with language¶ (langage), as rational animal, has always represented the only¶ possible subject of discourse, the only possible subject. And his¶ language (langue) appears to be the universal itself. The mode(s)¶ of predication, the categories of discourse, the forms of judg- ment, the dominion of the concept ... have never been interrogated¶ as determined by a sexed being. If the relation of the subject speaking to nature, to the given or fabricated object, to God the cre-¶ ator, to other intraworldly existants, has been questioned in the different epochs of history, it has never seemed, still does not seem, necessary to call into question this a priori: that this is, still and always, a matter of a universe or world of man. A perpetually unrecognized (meconnue) law prescribes all realizations of lan-¶ guage(s) (langage[s]), all production of discourse, all constitution of language (langue), according to the necessities of one perspec- tive, one point of view, one economy: the necessities of man, sup- posed to represent the human race.¶ It seems that this self-evident truth (evidence),which is at once immediate and inscribed in our entire tradition, has to remain occulted, has to function as the radically blind point of entry of the¶ subject into the universe of speech (dire).To open one's eyes here amounts to extreme impudence, a folly as yet unheard of, a vio- lence that calls for the mobilization of all kinds of arguments- even those apparently in contradiction-to maintain the estab- lished order.¶ Such a reaction shows that this question is not innocent, that¶ it shakes the foundations of what was given as universal, beyond the¶ reach of empirical imperatives, of subjective or historical particu- larities. Such an interrogation cannot, therefore, remain local. It doesn't touch only a few of the modalities of speech (dire), the¶ singularities of expression possible in a language (langue). It can't be formulated from within an already-existing general code. In¶ short, it doesn't belong to the idiomatic register. The problem of the sexuation of the production of discourse can't be boiled down to the problem of an idiolect, unless we admit that the language (langue) that lays down the law is already the idiom of men, the manifestation of man as ~~idiot~~.¶ The recourse to etymology won't mute the effect of what is startling in the discovery of such a truth: the universal appears¶ there as a particular,proper to man. Why not? Hasn't this particu- lar proved its effectiveness? Why would a power or a will-to do¶ or to speak-only be valuable on the condition of being univer- sally valid, of imposing itself as unique and exclusive? Doesn't this nonlimitation-limitation of its range reduce its powers of com-¶ prehension? And doesn't there remain, in consciousness, mind, subject, and all the figures of discourse, a naivete (in the Hegelian sense of the term) masking itself under the absolute predicate: that the sexuation of discourse and, more generally, of language¶ (langue) is forgotten? Or perhaps, the failure to recognize (mecon- naissancede) a matter sexed masculine, producing its truth, affirm-¶ ing and denying itself in Truth, Being, Mind, Presence, etc. Or simply, Language (la Langue).¶ Certainly, some anthropologists of distant or local peoples raise the question of the men/women difference in the mecha-¶ nisms constitutive of a culture and its language or languages (son ou ses langages). But their affirmations seem always to have to be resubmitted to a "first philosophy," never to return to the anchor-¶ ing point of the word (parole)in order to interpret it as andrologic¶ and not as anthropologic. A sexed subject imposes its imperatives¶ as universally valuable, as if they alone were capable of defining¶ the forms of reason, of thought, of meaning, of exchanges in general. It leads us back, still and always, to the same logic, to the¶ only logic: of the One, of the Same. Of the Sameness of the One.

#### Landreau 10-

Kritik of just war- the idea that there is ever a need for the violent response is rooted in American exceptionalism and the heroic president- where the center of the narrative is always the primacy of the United States- that eliminates the embrace of difference by always taking us and putting them in relationship to us

The alternative embraces the unknowingsness about the other in the face of the other-rather than knwing that what ties us to to the other it is the muslim body- their argument is non radicalness we need to embrace radicalness and difference- living in between/insecurity valuable for –fecundity

Moral justifications for war- malevolent/benevolent masculinity- two sides of the same coin-

Distinction between good/bad muslims- difference of opinion those who engage in political struggle rather – the opposite side of muslim charities- those whose charities we don’t agree with explicit anti-american value-

Concern is if we don’t help those charities radicalization happens

Fremon 98-

Law is always sexed- the idea of a neutral force/arbiter ignores the specific history of the way in which law has been denied women or used subjugate women- that history colonizes any laws that arise from it-

Particularly true in the concept of “free speech’ ignores the way in which female speech is privatized/contained to the hme and never public/ free

#### The rhetoric of war masks the ongoing violence committed against women’s bodies- we must redefine “war” versus “peace”

Ray 1997

[E. Ray “The Shame of it: gender-based terrorism in the former Yugoslavia and the failureof international human rights law to comprehend the injuries.” The American University Law Review. Vol 46. ]

In order to reach all of the violence perpetrated against the women of the former Yugoslavia that is not committed by soldiers or other officials of the state, human rights law must move beyond its artificially constructed barriers between "public" and "private" actions: A feminist perspective on human rights would require a rethinking of the notions of imputability and state responsibility and in this sense would challenge the most basic assumptions of international law. If violence against women were considered by the international legal system to be as shocking as violence against people for their political ideas, women would have considerable support in their struggle.... The assumption that underlies all law, including international human rights law, is that the public/private distinction is real: human society, human lives can be separated into two distinct spheres. This division, however, is an ideological construct rationalizing the exclusion of women from the sources of power. 2 6 The international community must recognize that violence against women is always political, regardless of where it occurs, because it affects the way women view themselves and their role in the world, as well as the lives they lead in the so-called public sphere. 2 6 ' When women are silenced within the family, their silence is not restricted to the private realm, but rather affects their voice in the public realm as well, often assuring their silence in any environment. 262 For women in the former Yugoslavia, as well as for all women, extension beyond the various public/private barriers is imperative if human rights law "is to have meaning for women brutalized in less-known theaters of war or in the by-ways of daily life." 63 Because, as currently constructed, human rights laws can reach only individual perpetrators during times of war, one alternative is to reconsider our understanding of what constitutes "war" and what constitutes "peace. " " When it is universally true that no matter where in the world a woman lives or with what culture she identifies, she is at grave risk of being beaten, imprisoned, enslaved, raped, prostituted, physically tortured, and murdered simply because she is a woman, the term "peace" does not describe her existence. 2 5 In addition to being persecuted for being a woman, many women also are persecuted on ethnic, racial, religious, sexual orientation, or other grounds. Therefore, it is crucial that our re-conceptualization of human rights is not limited to violations based on gender." Rather, our definitions of "war" and "peace" in the context of all of the world's persecuted groups should be questioned. Nevertheless, in every culture a common risk factor is being a woman, and to describe the conditions of our lives as "peace" is to deny the effect of sexual terrorism on all women. 6 7 Because we are socialized to think of times of "war" as limited to groups of men fighting over physical territory or land, we do not immediately consider the possibility of "war" outside this narrow definition except in a metaphorical sense, such as in the expression "the war against poverty." However, the physical violence and sex discrimination perpetrated against women because we are women is hardly metaphorical. Despite the fact that its prevalence makes the violence seem natural or inevitable, it is profoundly political in both its purpose and its effect. Further, its exclusion from international human rights law is no accident, but rather part of a system politically constructed to exclude and silence women. 2 6 The appropriation of women's sexuality and women's bodies as representative of men's ownership over women has been central to this "politically constructed reality. 2 6 9 Women's bodies have become the objects through which dominance and even ownership are communicated, as well as the objects through which men's honor is attained or taken away in many cultures.Y Thus, when a man wants to communicate that he is more powerful than a woman, he may beat her. When a man wants to communicate that a woman is his to use as he pleases, he may rape her or prostitute her. The objectification of women is so universal that when one country ruled by men (Serbia) wants to communicate to another country ruled by men (Bosnia-Herzegovina or Croatia) that it is superior and more powerful, it rapes, tortures, and prostitutes the "inferior" country's women. 2 71 The use of the possessive is intentional, for communication among men through the abuse of women is effective only to the extent that the group of men to whom the message is sent believes they have some right of possession over the bodies of the women used. Unless they have some claim of right to what is taken, no injury is experienced. Of course, regardless of whether a group of men sexually terrorizing a group of women is trying to communicate a message to another group of men, the universal sexual victimization of women clearly communicates to all women a message of dominance and ownership over women. As Charlotte Bunch explains, "The physical territory of [the] political struggle [over female subordination] is women's bodies." 7 2

#### Egalitarian politics is not real and not possible within the confines of the nation state- the state demands that woman give up her sexual difference to become a citizen, to become “neuter”, and to become incorporated into the masculine universal- women cannot participate in the law or judicial circuits because they have no language

Fermon 98

[Nicole Ferman, 1998, Women on the Global Market: Irigaray and the Democratic State, Diacritics, Vol. 28, No. 1, Irigaray and the Political Future of Sexual Difference¶ (Spring, 1998), pp. 120-137¶ uwyo//amp]

Best known for her subtle interrogation of philosophy and psychoanalysis, Luce Irigaray ¶ clearly also conducts a dialogue with the political, proposing that women's erasure from ¶ culture and society invalidates all economies, sexual or political. Because woman has ¶ disappeared both figuratively and literally from society [see Sen, "More Than 100 Million ¶ Women Are Missing"], Irigaray conceives the contemporary ethical project as a recall to ¶ difference rather than equality, to difference between women and men-that is, sexual ¶ difference. She characterizes relations between men and women as market relations in ¶ which women are commodities, objects, but never subjects of exchange, objects to men ¶ but not to themselves: women do not belong to themselves but exist "to keep relationships ¶ among men running smoothly" [TS 192]. Women under these conditions require imagi- ¶ native ways to reconfigure the self, to subvert the melancholy and regression of ¶ masculinist economies and envisage a future in which women would not be ashamed of ¶ the feminine, would experience it as a positivity worth emulating. ¶ Irigaray contends that after the gains of egalitarian politics are carefully examined, ¶ the inclusion of women in the political arena has failed to take into account women's ¶ distinct and different position from men, and from each other, as well as perpetuating the ¶ fiction of the "neutral" citizen, the ahistorical individual citizen of the nation-state. It is ¶ that fiction Irigaray dispels in her critique of liberal democratic politics and its creation, ¶ "citizens who are neuter in regard to familial singularity, its laws, and necessary sexual ¶ difference" [SG 112] in order to benefit the State and its laws. The subject is male; the ¶ citizen is neuter. Who is the female citizen in contemporary society? What is the ethical ¶ elaboration of the contractual relations between women and men, and between sexed ¶ individuals and the community? How do women imagine a distinct set of rights and ¶ responsibilities based on self-definition and autonomy, given the particular strictures of ¶ contemporary politics-that is, the market-driven, antidemocratic nature of the current ¶ economic national and global forces? Irigaray suggests that "the return of women to ¶ collective work, to public places, to social relations, demands linguistic mutations" and ¶ profound transformations, an embodied imagination with force and agency in civil life ¶ [TD 65]. ¶ Irigaray warns that if civil and political participation is construed in overly narrow ¶ terms, if focus is on economic or judicial "circuits" alone, we overlook the symbolic ¶ organization of power-women risk losing "everything without even being acknowl- ¶ edged" [TD 56]. Instead an interval of recognition can expand the political to include the ¶ concerns and activities of real women, lest silence imply consent to sexual neutrality, or ¶ more likely, to women's obliteration under men's interests and concerns. Women's ¶ insistence on self-definition and wage labor, on love and justly remunerated work, ¶ testifies to the obduracy of women's difference, one that is not likely to disappear. The ¶ patriarchal family is still the legal norm, even when certain exceptions are made, while ¶ enduring questions regarding women's health and children's physical welfare as priori- ¶ ties beyond market considerations are consigned to legislative obfuscation, still a political ¶ afterthought. Instead, in the US the liberal state removes the slender welfare net specific ¶ to women and children, Aid to Families with Dependent Children, and fails to provide ¶ medical coverage to those who are among the most vulnerable of its citizens. Women ¶ without access to the legal protection of sex-neutral citizenship, poor working women ¶ without language (the money for an effective "mouthpiece" to represent their distress in ¶ a court of law), are further disempowered by liberal politics' insistence on sexual ¶ neutrality-that is, on repression or amnesia regarding the lived experiences of women. ¶ Sexual difference is key to any project of self-definition by women. Irigaray insists ¶ on the sexual nature of this self-definition, not solely for its obvious procreative necessity, ¶ but because the natural world is a source of renewal and fecundity which requires attentive ¶ interrogation and respect [SG 15]. This rebirth seems alien to the structure of male politics, ¶ which instead seem to provoke disasters (Bhopal, Chernobyl, or the current runaway ¶ jungle fires of Indonesia, courtesy of commercial logging, spreading thick pollution to ¶ neighboring countries) and untimely death.' We talk about social justice and forget its ¶ origins in nature and not merely as an engagement between men in abstraction. Irigaray ¶ believes that recognition and respect of difference between the sexes is prior to productive ¶ and generative relations between women, between men, and between men and women. ¶ Sexual difference is universal and allows us to participate in "an immediate natural given, ¶ and it is a real and irreducible component of the universal" [ILTY 47]. It is this prior ¶ recognition of two, rather than the One that has dominated world politics and thought, ¶ which must be acknowledged, along with the possibility of a political economy of ¶ abundance, not only that of man-made scarcity then attributed to nature. This melancholic ¶ (male) script pays romantic tribute to motherhood in the abstract without due recognition ¶ of the relations between real mothers and children, thus failing to properly acknowledge ¶ and protect mother or child. Our ability to address the specifics of race, ethnicity, and ¶ religious and other differences with respect hinges on our ability to acknowledge and ¶ respect the feminine, to see it as a source of invention and possibilities. To do so would ¶ of course affect relations between the sexes, "men and women perhaps... communicat[ing] ¶ for the first time if two different genders are affirmed," it would allow a new configuration ¶ rather than continuing the present regime: "the globalization and universalization of ¶ culture ... ungovernable and beyond our control" [SG 120; ILTY 129].

### Link – Disease

#### The scientist and philosopher are constructed subjects

Braidotti 2011

[Braidotti, Rosi. Nomadic Subjects : Embodiment and Sexual Difference in Contemporary Feminist Theory (2nd Edition). New York, NY, USA: Columbia University Press, 2011. p 5.

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By situating scientific discourse within this frame, Foucault took critical distance from the classical Marxist notion of science as the critique of ideology. Rather, he shifted the focus away form macrostructure to the analysis of the constitution of the scientist or the philosopher as privileged “knowing subjects.” Foucault’s discourse analysis also stressed the extent to which visualization techniques also imply a strict regime of self-control and training of the eye and the mind of the thinker himself. (The gender is no accident.) The epistemology of the eye and the training to see is central not only to the scientific enterprise but also to the process of the constitution of the subject as an ethical and political entity. As Daston and Galison astutely point out, for Foucault: “the mastery of scientific practices is inevitably linked to self-mastery, the assiduous cultivation of a certain kind of self” (Daston and Galison 2007:40). In other words, a self-disciplining and moralizing function is implicitly at work in the process of styling the scientific self. The “epistemic virtues” upheld by scientific methodology constitute the normative core of what gets presented as the value-free hard core of scientific “objectivity.” These values apply across the board and not only in science— they constitute the inner fabric of active citizenship. The most radical epistemological implication of the foucauldian technology of the self is, therefore, political. The privilege of extraterritoriality granted to the scientific mind and its embodied equivalent— the white, male, European subject— is suspended and grounded in a more empirical approach that takes into account the concrete, material formations of such epistemic privileges as well as their social repercussions. One is not born; one becomes a scientific and political subject. To quote Daston and Galison again: “however distinctive, the scientific self was nonetheless part of a larger history of the self” (2007:37). This larger history inscribes the scientific subject into complex social mechanisms and relations that are the very stuff power is made of. In other words, Foucault stresses the workings of power in discourse as a series of interlinked equations: visualization = scientific gaze = methodological accuracy = objectivity = selfstyling of the scientist as epistemological agent = power and credibility of scientific discourse = prototype of responsible citizenship. Visualization in science has its counterpart in the social process of self-imaging; both practices combine to produce the image of the citizen as the responsible subject of both knowledge and self-understanding an image resting on a web of relations, both external and intersubjective, that structure the process of subject formation. Patterns of exclusions and selection punctuate the process and are active throughout.

#### Biomedical gaze reduces the body to a corpse

Braidotti 2011

[Braidotti, Rosi. Nomadic Subjects : Embodiment and Sexual Difference in Contemporary Feminist Theory (2nd Edition). New York, NY, USA: Columbia University Press, 2011. p 5.

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What is also striking about the discourse and the practice of clinical anatomy, with its proximity to death, is that it marks an experience of violation and loss of bodily integrity. The fantastic, imaginary dimension that was so strong in the premodern discourse of the alchemists, or the simple curiosity before the living organism’s complexity, is replaced by the detached power of observation in the clinical standpoint. Fedida adds: “the body doctors always forget is just the body of your childhood: the imaginary body of desire. It is the body that was buried by medicine when it turned into a scientific encyclopedia and technique” (1971:125). Necropolitics is the experience of the clinical gaze. The body that is open to scrutiny, observation of the biomedical gaze, is in fact a body that fully coincides with its own image, i.e., a corpse. It can be manipulated; it is a useful, purposeful bodily matter that can produce knowledge, thus legitimating the power of the biomedical profession. As I pointed out in the previous chapter, for the French school of epistemological thought, technology— even biotechnology in modernity— is not inimical to humanity. There is rather mutual receptivity between matter and technology, the hand and the machine and a sense of prosthetic interconnection between the two. Here the French school of epistemology (Bachelard and Canguilhem) stresses the primitive anthropomorphism that pervades the technical universe: all machines copy the human body. The organic and the technological therefore complement each other, prompting a reflection on the concrete materiality of the subject as a biocultural event. In Canguilhem’s view, the aim of biology should be not only to dissect the organism but also to pursue a philosophical kind of inquiry about the structure of the living being as such.

### Link – Indefinite Detention

Our impact is about structural forms of vilence embedded in w ay gendered subjects exist

## AT: essentialism

#### queer theory disregards lived experience of transsexuals and ignores that they long to belong to a specific pole of the gender/sex bianry

Braidotti 2011

[Braidotti, Rosi. Nomadic Subjects : Embodiment and Sexual Difference in Contemporary Feminist Theory (2nd Edition). New York, NY, USA: Columbia University Press, 2011. p 5.

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Andrijasevic: The discussion on sexuality has mainly been taken up by queer theory and activism. Theoretical explorations of gay, lesbian, and queer sexualities do not speak of shifts of the imaginary or address the issue of how desire is constituted in the space between bodies. As in Judith Butler’s work, much emphasis is being put on the critique of heteronormativity and the rights of transsexual and intersexed persons. It’s well known that you are not a queer theorist, but don’t you think that there might be a convergence between your interest in rethinking desires and the queer project of destabilizing the categories of sex, gender, and desire? Braidotti: It is absolutely true that my nomadic subject is very compatible with queering practices, so long as we agree on the terms and the structure of the exercise. Sexuality for me is not linguistically mediated, but rather an embodied practice of experimentation with multiple relations in an affirmative manner. I have devoted a large amount of my book Metamorphoses to a critique of queer theory in Butler’s work, and she responded in Undoing Gender. This has often led to some sort of polarization among younger theorists, as if one felt compelled to choose either/or. Neither of us agrees with easy polarizations, but we do work with different paradigms. For me the transsexual paradigm is inadequate. There are three main reasons: first, this paradigm is culture specific, and it derives from the now hegemonic lesbian critique of heteronormativity that runs from Gayle Rubin to Teresa de Lauretis via the Californian phase of Monique Wittig. This does not easily translate back into the history and concepts of European feminisms, to which I, as you know, am deeply committed. Second, I have a serious conceptual disagreement with queer theory on heteronormativity being the matrix of power. Heteronormativity, as I see it, is one model of power, not necessarily the main one. Power relations cannot be reduced to compulsory heterosexuality only. Power has no matrix; it is not a centralized notion, but rather a weblike pervasive situation of controls and regulations. Foucault, of course, has been here! The negative or confining aspects of power operate, as Deleuze and Guattari suggested, as a sort of reduction of the multiple potentials of our bodies and our desires at all levels. Power enacts a sort of generalized theft of our intensities and our polymorphous perversity, which is something other than just the setup of the gender binary, though the latter is a major component of this takeover. The only way to counteract this violent dispossession is to imagine and enact alternative ways of experimenting with our bodies in multiple relations with others. Sexuality is work-in-progress, risk and exploration. Third, the transsexual paradigm does not convince me as a paradigm, for two reasons. The first is that most of the research I have read on this shows that transsexual people long for sexual clarity and want to belong unequivocally to the pole of the gender binary they recognize as affirming their identity. This means that the idea of sexual indeterminacy as a paradigm actually disregards the desires of real-life transsexuals and constrains their lived experience into a tidy metaphor. Moreover, the emphasis on degrees of indeterminacy, or in-betweenness, is a form of identity politics that is endemic to advanced capitalism, with its emphasis on individualism narrowly defined as the right to choose. All I see here is a quantitative proliferation of pluralist options for one’s identity and lifestyle. This, coupled with the often implicit suggestion that the aim of both feminist and gay and lesbian struggles should be the destruction of the “gender system,” makes for a heady and in my eyes unsustainable set of ideas.

#### we can’t ignore the biological nodes of oppression that women born as women experience

Nussbaum 99

[Martha, TheNewRepublic.com, http://www.akad.se/Nussbaum.pdf]

And yet it is much too simple to say that power is all that the body is. We might have had the bodies of birds or dinosaurs or lions, but we do not; and this reality shapes our choices. Culture can shape and reshape some aspects of our bodily existence, but it does not shape all the aspects of it. "In the man burdened by hunger and thirst," as Sextus Empiricus observed long ago, "it is impossible to produce by argument the conviction that he is not so burdened." This is an important fact also for feminism, since women's nutritional needs (and their special needs when pregnant or lactating) are an important feminist topic. Even where sex difference is concerned, it is surely too simple to write it all off as culture; nor should feminists be eager to make such a sweeping gesture. Women who run or play basketball, for example, were right to welcome the demolition of myths about women's athletic performance that were the product of male-dominated assumptions; but they were also right to demand the specialized research on women's bodies that has fostered a better understanding of women's training needs and women's injuries. In short: what feminism needs, and sometimes gets, is a subtle study of the interplay of bodily difference and cultural construction. And Butler's abstract pronouncements, floating high above all matter, give us none of what we need.

#### affirmation of embodiment of the subject is critical to define the body as multifunctional and complex, material and symbolic

Braidotti 2011

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These figurations are evidence of the many heterogeneous ways in which feminists today are exploring alternative forms of subjectivity and of their struggle with language to produce affirmative representations. The array of terms available to describe this new female feminist subjectivity is telling: Monique Wittig (1991) chooses to represent it through the figuration of the “lesbian,” echoed by Judith Butler with her “queer parodic politics of the masquerade” (1991); others, quoting Nancy Miller (Miller 1986b) prefer to describe the process as “becoming women,” in the sense of the female feminist subjects of another story. De Lauretis calls it the “eccentric” subject (1990a:115– 150); alternative feminist subjectivities have also been described as “fellow-commuters” in an in-transit state (Boscaglia 1991:122– 135) or as “inappropriated others” (Minh-ha 1989) or as “postcolonial” (Mohanty 1984:333– 358; Spivak 1989b, c) subjects. These last analyze gender in relation to other geopolitical concerns in terms of transnational feminist links. The starting point for most feminist redefinitions of subjectivity is a new form of materialism that develops the notion of the corporeal by emphasizing the embodied and therefore sexually differentiated structure of the speaking subject. Consequently, rethinking the bodily roots of subjectivity is the starting point for the epistemological project of nomadism. The body or the embodiment of the subject is to be understood as neither a biological nor a sociological category, but rather as a point of overlapping between the physical, the symbolic, and the sociological. I stress the issue of embodiment so as to make a plea for different ways of thinking about the body. The body refers to the materialist but also vitalist groundings of human subjectivity and to the specifically human capacity to be both grounded and to flow and thus to transcend the very variables— class, race, sex, gender, age, disability— that structure us. A nomadic vision of the body defines it as multifunctional and complex, as a transformer of flows and energies, affects, desires, and imaginings. From psychoanalysis I have learned to appreciate the advantages of the nonunitary structure of the subject and the joyful implication of the unconscious foundations of the subject. Complexity is the key to understanding the multiple affective layers, complex temporal variables, and internally contradictory time and memory lines that frame our embodied existence. In contrast to the oppositions created by a dualistic mode of social constructivism, a nomadic body is a threshold of transformations. It is the complex interplay of the highly constructed social and symbolic forces. The body is a surface of intensities and an affective field in interaction with others. In other words, feminist emphasis on embodiment goes hand in hand with a radical rejection of essentialism. In feminist theory one speaks as a woman, although the subject “woman” is not a monolithic essence, defined once and for all, but rather the site of multiple, complex, and potentially contradictory sets of experiences, determined by overlapping variables such as class, race, age, lifestyle, and sexual preference. One speaks as a woman in order to empower women, to activate sociosymbolic changes in their condition: this is a radically antiessentialist position.

# 1NR

#### And, Oppression D/A-The permutation rejects woman’s attempt to stand outside of the masculine universal, undifferentiated, and demands her oppression

Irigaray 85

[Luce Irigaray, 1985, “An Ethics of Sexual Difference”, uwyo//amp]

One configuration remains in latency, in abeyance: that of love among women. A configuration that constitutes a substrate that is sometimes mute, sometimes a disturbing force in our culture. A very live substrate whose outlines, shapes, are yet blurred, chaotic, or confused. Traditionally, therefore, this love among women has been a matter of rivalry with: - the real mother, - an all-powerful prototype of maternity, - the desire of man: of father, son, brother. This involves quantitative estimates of love that ceaselessly interrupt love's attraction and development. When we hear women talking to each other, we tend to hear expressions like the following: -like you; - me too; - me more (or me less). Such nagging calculations (which may be unconscious or preconscious) paralyze the fluidity of affect. We harden, borrow, situate ourselves on the edges of the other in order to "exist." As proofs of love, these comparatives eliminate the possibility of a place among women. We prize one another by standards that are not our own and which occupy, without inhabiting, the potential place of our identity. These statements bear witness to affects which are still childish or which fail to survive the death struggle of a narcissism that is always put off: to infinity or else to the hands of a third party as judge. One of the remarks you often hear one woman say to another woman who is a little better situated in her identity is: just like everyone else. Here we have no proof of love, but a judgmental statement that prevents the woman from standing out from an undifferentiated grouping, from a sort of primitive community of women, unconscious utopias or atopias that some women exploit at times to prevent one of their number from affirming her identity. Without realizing it, or willing it, in most cases, women constitute the most terrible instrument of their own oppression: they destroy anything that emerges from their undifferentiated condition and thus become agents of their own annihilation, their reduction to a sameness that is not their own. A kind of magma, of "night in which all the cats are gray," from which man, or humanity, extracts for free what he needs for food, lodging, and survival. These like you J me too J me more (or less) J just like everyone else kinds of remarks have little to do with a loving ethics. They are trace-symptoms of the polemos7 among women. There is no with you in this economy. But there may be a fusional state out of which nothing emerges or should emerge, or else a blind competition to occupy a place or space that is ill-defined but which arouses attraction, envy, passion. It is still not another woman who is loved but merely the place she occupies, that she creates, and that must be taken away from her, rather than respected. This tends to be the way with passions among women. We have to move against the current of history for things to be any different. Which does happen. And constitutes one of the most essential places for an ethics of the passions: no love oj other without love oj same.

#### Second, Men in Fem D/A

#### The perm is severance and demands the rejection of Hancock- Men in feminism cannot participate in feminism because they have not experienced the historical oppression on the basis of sex-results in metaphysical cannibalism in which men become subversive at the expense of the subjectivity of woman

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In spite of my commitment to joyful, positive affirmation of alternative values, according to the Dionysian spirit of nomadic philosophy, there are times when a dose of resentful criticism appears as irresistible as it is necessary. Such is the case whenever I cast an ironic glance at “male-stream” poststructuralist philosophy. The question I will start of with is what is the position of men in feminism. How does the nomadic feminist look upon this issue? There is something both appealing and suspect in the notion of “men in feminism,” like many of the other contributors, my gaze lingers on the preposition “IN” wondering about the spatial dimension it throws open. Is it the battleground for the eternal war of the sexes? Is the space where bodily sexed subjectivities come to a head-on collision? I can only envisage this topic as a knot of interconnected tensions, an area of intense turmoil, a set of contradictions. Somewhere along the line, I am viscerally opposed to the whole idea: men aren’t and shouldn’t be IN feminism: the feminist space is not theirs and not for them to see. Thus the discursive game we are trying to play is either profoundly precarious or perversely provocative— or both at once. A sort of impatience awakens in me at the thought of a whole class/caste of men who are fascinated, puzzled, and intimidated by the sight of a penhandling female intelligentsia of the feminist kind. I do not know what is at stake in this for them and thus, to let my irony shine through between the lines, I am tempted to de/reform a sign and write, instead of phallic subtexts, “men in Pheminism.” Why insist on a letter, for instance? Contextual Constraints Of all Foucault ever taught me, the notion of the “materiality of ideas” has had the deepest impact. One cannot make an abstraction of the network of truth and power formations that govern the practice of one’s enunciation; ideas are sharp-edged discursive events that cannot be analyzed simply in terms of their propositional content. There is something incongruous for me to be sitting here in ethnocentric messed up Europe, thinking about “men in Pheminism.” I cannot say this is a major problem in my mind or in the context within which I am trying to live. There is something very American, in a positive sense, about this issue. The interest that American men display in feminism reflects a specific historical and cultural context: one in which feminist scholarship has made it to the cutting edge of the academic scene. This is not the case in Europe yet. As a European feminist I feel both resistant to and disenchanted with the reduction of feminism to “feminist theory” and the confining of both within academic discourse. This attitude points out a danger that the pioneers of women’s studies courses emphasized from the start: that our male “allies” may not be able to learn how to respect the material foundations, experiential bases, and hence the complexity of the issues raised by feminism. Following a century-old mental habit that Adrienne Rich (1977) analyzes so lucidly, men-in-feminism, however, cannot resist the temptation of short-circuiting this complexity. In a drive to straighten out feminist theory and practice, they streamline the feminist project in a mold. Blinded by what they have learned to recognize as “theory,” they bulldoze their way through feminism as if it were not qualitatively different from any other academic discipline. They are walking all over us. “They” are those white, middle-class male intellectuals who have “got it right” in that they have sensed where the subversive edge of feminist theory is. “They” are a very special generation of postbeat, preneoconfortyto-fifty-year-old men who have “been through” the upheavals of the 1960s and have inherited the values and the neuroses of that period. “They” are the “new men” in the “postfeminist” context of the politically reactionary 1990s. “They” are the best male friends we’ve got, and “they” are not really what we had hoped for. “They” can circle round women’s studies departments in crisis-struck arts faculties, knowing that here’s one of the few areas of the academy tht is still expanding financially with student enrollment at both undergraduate and graduate levels. “They” play the academic career game with great finesse, knowing the rule about feminist politics of locations and yet ignoring it. “They” know that feminist theory is the last bastion of constructive radical thought amidst the ruins of the postmodern gloom. “They” are conscious of the fact that the debate about modernity and beyond is coextensive with the woman question. Some of them are gay theorists and activists whose political sensibility may be the closest to feminist concerns. Next are heterosexual “ladies men,” whose preoccupation with the feminine shines for its ambiguity. What the heterosexual men are lacking intellectually— the peculiar blindness to sexual difference for which the term sexism is an inadequate assessment— is a reflection on their position in history. The politics of location is just not part of their genealogical legacy. They have not inherited a world of oppression and exclusion based on their sexed corporal being; they do not have the lived experience of oppression because of their sex. Thus most of them fail to grasp the specificity of feminism in terms of its articulation of theory and practice, of thought and life. Maybe they have no alternative. It must be very uncomfortable to be a male, white, middle-class, heterosexual intellectual at a time in history when so many minorities and oppressed groups are speaking up for themselves; a time when the hegemony of the white knowing subject is crumbling. Lacking the historical experience of oppression on the basis of sex, they paradoxically lack a minus. Lacking the lack, they cannot participate in the great ferment of ideas that is shaking up Western culture: it must be very painful, indeed, to have no option other than being the empirical referent of the historical oppressor of women, asked to account for his atrocities. The problem, in my perspective, is that the exclusion of women and the denigration of the feminine— or of blackness— are not just a small omission that can be fixed with a little good will. Rather, they point to the underlying theme in the textual and historical continuity of masculine self-legitimation and ideal self-projection (Lloyd 1985; Benjamin 1980). It’s on the woman’s body— on her absence, her silence, her disqualification— that phallocentric discourse rests. This sort of “metaphysical cannibalism,” which Ti-Grace Atkinson (1974) analyzed in terms of uterus envy, positions the woman as the silent groundwork of male subjectivity— the condition of possibility for his story. Psychoanalytic theory, of the Freudian or the Lacanian brand, circles around the question of origins— the mother’s body— by elucidating the psychic mechanisms that make the paternal presence, the father’s body, necessary as a figure of authority over her. Following Luce Irigaray, I see psychoanalysis as a patriarchal discourse that apologizes for and provides a political anatomy of metaphysical canni­ balism: the silencing of the powerfulness of the feminine (potentia). Refusing to dissociate the discourse about the feminine, the maternal, from the historical realities of the condition and status of women in Western culture, Irigaray equates the metaphorization of women (the feminine, the maternal) with their victimization or historical oppression. One does not become a member of the dark continent, one is born into it. The question is how to transform this century-old silence into a presence of women as subjects in every aspect of existence. I am sure “they” know this, don’t “they”?

#### As woman announced the Pentecost woman must share equally in the divine- the permutation is an attempt at assimilation that denies equal partnership

Irigaray 85

[Luce Irigaray, 1985, “An Ethics of Sexual Difference”, uwyo//amp]

The spirit is not to be imprisoned only in the Father-son duality. The spirit eludes this "couple." This event is announced in the Gospel itself: the female, the women partake not in the Last Supper but in the Pentecost, and it is they who discover and announce the resurrection. This seems to say that the body of man can return to life when woman no longer forgets that she has a share in the spirit. In·this way her transfiguration would take place. The moment of her glorification, finally without masochism. Without the infliction of wounds. Without the need for her body to be opened over and again to pleasure, to jouissance, or to conception. The body would be enveloped in her flesh. Inside-outside. Even for conception, the cradle would in some sense be ready. The nest for the child would be possible if the female had its own nest. If woman had her own territory: her birth, her genesis, her growth. With the female becoming in self and for self as Hegel would say. An in self and a for self that are not closed off in the self-sufficiency of a consciousness or a mind. An in self and a for self that always also remain for the other and in a world and a universe that are partway open. For woman to affirm that her desire proceeds or wills thus, woman must be born into desire. She must be longed for, loved, valued as a daughter. An other morning, a new parousia that necessarily accompanies the coming of an ethical God. He respects the difference between him and her, in cosmic and aesthetic generation and creation. Sharing the heaven and the earth in all their elements, potencies, acts.

#### Third, Incrementalism D/A-doesn’t solve-language and subjectivity is fundamentally disparately sexuate- a radical affirmation of difference is a prerequisite

Irigaray 85

[Luce Irigaray, 1985, “An Ethics of Sexual Difference”, uwyo//amp]

Up to this point, my reading and my interpretation of the history of philosophy agree with Merleau-Ponty: we must go back to a moment of prediscursive experience, recommence ev~ rything, all the categories by which we understand things, the world, subject-object divisions, recommence everything and pause at the "mystery, as familiar as it is unexplained, of a light which, illuminating the rest, remains at its source in obscurity. ""If we could rediscover within the exercise of seeing and speaking some of the living references that assign themselves such a destiny in a language, perhaps they would teach us how to form our new instruments, and first of all to understand our research, our interrogation themselves." (P. 130). This operation is absolutely necessary in order to bring the maternal-feminine into language: at the level of theme, motif, subject, articulation, syntax, and so on. Which requires passage through the night, a light that remains in obscurity.

### Link – Disease

#### The scientist and philosopher are constructed subjects

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By situating scientific discourse within this frame, Foucault took critical distance from the classical Marxist notion of science as the critique of ideology. Rather, he shifted the focus away form macrostructure to the analysis of the constitution of the scientist or the philosopher as privileged “knowing subjects.” Foucault’s discourse analysis also stressed the extent to which visualization techniques also imply a strict regime of self-control and training of the eye and the mind of the thinker himself. (The gender is no accident.) The epistemology of the eye and the training to see is central not only to the scientific enterprise but also to the process of the constitution of the subject as an ethical and political entity. As Daston and Galison astutely point out, for Foucault: “the mastery of scientific practices is inevitably linked to self-mastery, the assiduous cultivation of a certain kind of self” (Daston and Galison 2007:40). In other words, a self-disciplining and moralizing function is implicitly at work in the process of styling the scientific self. The “epistemic virtues” upheld by scientific methodology constitute the normative core of what gets presented as the value-free hard core of scientific “objectivity.” These values apply across the board and not only in science— they constitute the inner fabric of active citizenship. The most radical epistemological implication of the foucauldian technology of the self is, therefore, political. The privilege of extraterritoriality granted to the scientific mind and its embodied equivalent— the white, male, European subject— is suspended and grounded in a more empirical approach that takes into account the concrete, material formations of such epistemic privileges as well as their social repercussions. One is not born; one becomes a scientific and political subject. To quote Daston and Galison again: “however distinctive, the scientific self was nonetheless part of a larger history of the self” (2007:37). This larger history inscribes the scientific subject into complex social mechanisms and relations that are the very stuff power is made of. In other words, Foucault stresses the workings of power in discourse as a series of interlinked equations: visualization = scientific gaze = methodological accuracy = objectivity = selfstyling of the scientist as epistemological agent = power and credibility of scientific discourse = prototype of responsible citizenship. Visualization in science has its counterpart in the social process of self-imaging; both practices combine to produce the image of the citizen as the responsible subject of both knowledge and self-understanding an image resting on a web of relations, both external and intersubjective, that structure the process of subject formation. Patterns of exclusions and selection punctuate the process and are active throughout.

#### Biomedical gaze reduces the body to a corpse

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What is also striking about the discourse and the practice of clinical anatomy, with its proximity to death, is that it marks an experience of violation and loss of bodily integrity. The fantastic, imaginary dimension that was so strong in the premodern discourse of the alchemists, or the simple curiosity before the living organism’s complexity, is replaced by the detached power of observation in the clinical standpoint. Fedida adds: “the body doctors always forget is just the body of your childhood: the imaginary body of desire. It is the body that was buried by medicine when it turned into a scientific encyclopedia and technique” (1971:125). Necropolitics is the experience of the clinical gaze. The body that is open to scrutiny, observation of the biomedical gaze, is in fact a body that fully coincides with its own image, i.e., a corpse. It can be manipulated; it is a useful, purposeful bodily matter that can produce knowledge, thus legitimating the power of the biomedical profession. As I pointed out in the previous chapter, for the French school of epistemological thought, technology— even biotechnology in modernity— is not inimical to humanity. There is rather mutual receptivity between matter and technology, the hand and the machine and a sense of prosthetic interconnection between the two. Here the French school of epistemology (Bachelard and Canguilhem) stresses the primitive anthropomorphism that pervades the technical universe: all machines copy the human body. The organic and the technological therefore complement each other, prompting a reflection on the concrete materiality of the subject as a biocultural event. In Canguilhem’s view, the aim of biology should be not only to dissect the organism but also to pursue a philosophical kind of inquiry about the structure of the living being as such.

### Link – Indefinite Detention

#### Indefinite detention is a gendered system that seeks to reify desirable masculine, American subjectivity by feminizing and subordinating Middle Eastern and North African men by painting them as irrational/feminine agents in need of surveillance and control

Wilcox 03 [Lauren, PhD in IR @ University of Minnesota, BA @ Macalester College, MA @ London School of Economics, “Security Masculinity: The Gender-Security Nexus”]

These statements give several clues as to the implications of ”barbaric‘ behavior. Terrorists are barbaric and uncivilized, and opposed to democracy. Those who commit evil acts commit attacks against civilization, therefore, being uncivilized is equivalent to being evil. Finally, terrorists fight without rules, they kill innocents and women, and they are cowards, therefore they are barbaric and uncivilized. Overall, the message is clearly that of a dichotomous world, in which there are only two choices; civilization or barbarism, us or them.

In order to understand the significance of the use of the discourse of civilization versus barbarism in the war on terror, a brief history of this discourse is helpful. Applying the label ”barbaric‘ to people from the Middle East, or any non-white peoples is hardly a new historical development. In his book Orientalism˙ Edward Said critiques the discipline of Oriental Studies in the European and American academies for reproducing stereotypes and using their privileged status to create knowledge about people in the Middle East that served to justify and increase their control and domination over these people. 63 Said describes the relationship between West and the Middle East, as seen from the West, —to be one between a strong and a weak partner,“ and adds that, —many terms were used to express the relations…The Oriental is irrational, depraved (fallen), childlike, ”different‘; thus the European is rational, virtuous, mature, ”normal.‘ “64 This relationship is gendered in that ”Orientals‘ are assigned traits associated with femininity and inferiority. This dichotomous relationship is replicated in political discourses as well as in academic and literary circles.

The discourse of civilization/barbarism was used in order to justify colonialism of non-white peoples throughout the world, and has a long history in US foreign history. A people labeled ”uncivilized‘ is considered to be unable to rule themselves, and is need of guidance from more civilized people. The use of force against ”barbarians‘ is also justified.65 Furthermore, the rules of humane and civilized warfare do not apply to wars against ”barbaric‘ peoples. Against this background, the use of the discourse of barbarism can be seen as an attempt to foretell the coming war and to persuade people of the necessity of using force against al-Qaeda and their hosts in Afghanistan. The additional measures of control, surveillance, and detention of Middle Eastern and North African men in the process of securitizing immigration served to harass, demean and subordinate this ”inferior‘ masculinity, contributing to the constructing of the hegemonic masculinity of American men. The ”special‘ registration requirements for the National Security Entry-Exit System is evidence of the gendered inside/outside, us/them distinction in regards to national identity. This program, instituted as part of the securitization of immigration, serves to support the construction and maintenance of the current articulation of hegemonic masculinity, which differentiates American men as superior to men in the Middle East. The special registration requires that men and boys over the age of fifteen with non-immigrant visas from countries in the Middle East, Northern Africa, countries with large Muslim populations such as Indonesia and Pakistan, and an outlier, North Korea, be interviewed and have their whereabouts tracked by the INS.66 These persons will be finger printed and photographed, with their fingerprints matched against fingerprints of known or suspected terrorists and used by law enforcement. They are also required to submit personal contact information, and are required to notify the Attorney General when the change addresses. These measures are in addition to the detention and questioning of thousands of men of Arab or Muslim background after the September 11 that tacks, some allegedly detained without access to attorneys or proper food.67 The INS has also recently changed its policy on asylum, as people seeking asylum from thirty-three countries, mostly in the Middle East, are now being detained pending the processing of their applications, where previously they have been released.68 By concentrating on men as the ”outsiders‘ Middle Eastern men specifically service not only as the ”other‘ that American identity is contrasted again, but a feminized ”other‘ that American masculinity is defined against.

### Warming

#### The apocalyptic imagining of climate change produces technological or treaty fixes which leave the root cause of environment destruction and makes other environmental problems seem acceptable and allows for species elimination, ocean destruction, deforestation, and other problems

Crist, 2k7

Eileen Crist, Associate Professor of Science and Technology Studies in the Center for Interdisciplinary Studies at Virginia Tech “Beyond the Climate Crisis: A Critique of Climate Change Discourse” Telos 141 Winter 2007

While the dangers of climate change are real, I argue that there are even greater dangers in representing it as the most urgent problem we face. Framing climate change in such a manner deserves to be challenged for two reasons: it encourages the restriction of proposed solutions to the technical realm, by powerfully insinuating that the needed approaches are those that directly address the problem; and it detracts attention from the planet’s ecological predicament as a whole, by virtue of claiming the limelight for the one issue that trumps all others. Identifying climate change as the biggest threat to civilization, and ushering it into center stage as the highest priority problem, has bolstered the proliferation of technical proposals that address the specific challenge. The race is on for figuring out what technologies, or portfolio thereof, will solve “the problem.” Whether the call is for reviving nuclear power, boosting the installation of wind turbines, using a variety of renewable energy sources, increasing the efficiency of fossil-fuel use, developing carbon-sequestering technologies, or placing mirrors in space to deflect the sun’s rays, the narrow character of such proposals is evident: confront the problem of greenhouse gas emissions by technologically phasing them out, superseding them, capturing them, or mitigating their heating effects. In his *The Revenge of Gaia*, for example, Lovelock briefly mentions the need to face climate change by “changing our whole style of living.”16 But the thrust of this work, what readers and policy-makers come away with, is his repeated and strident call for investing in nuclear energy as, in his words, “the one lifeline we can use immediately.”17 In the policy realm, the first step toward the technological fix for global warming is often identified with implementing the Kyoto protocol. Biologist Tim Flannery agitates for the treaty, comparing the need for its successful endorsement to that of the Montreal protocol that phased out the ozone-depleting CFCs. “The Montreal protocol,” he submits, “marks a signal moment in human societal development, representing the first ever victory by humanity over a global pollution problem.”18 He hopes for a similar victory for the global climate-change problem. Yet the deepening realization of the threat of climate change, virtually in the wake of stratospheric ozone depletion, also suggests that dealing with global problems treaty-by-treaty is no solution to the planet’s predicament. Just as the risks of unanticipated ozone depletion have been followed by the dangers of a long underappreciated climate crisis, so it would be naïve not to anticipate another (perhaps even entirely unforeseeable) catastrophe arising after the (hoped-for) resolution of the above two. Furthermore, if greenhouse gases were restricted successfully by means of technological shifts and innovations, the root cause of the ecological crisis as a whole would remain unaddressed. The destructive patterns of production, trade, extraction, land-use, waste proliferation, and consumption, coupled with population growth, would go unchallenged, continuing to run down the integrity, beauty, and biological richness of the Earth. Industrial-consumer civilization has entrenched a form of life that admits virtually no limits to its expansiveness within, and perceived entitlement to, the entire planet.19 But questioning this civilization is by and large sidestepped in climate-change discourse, with its single-minded quest for a global-warming techno-fix.20 Instead of confronting the forms of social organization that are causing the climate crisis—among numerous other catastrophes—climate-change literature often focuses on how global warming is endangering the culprit, and agonizes over what technological means can save itfrom impending tipping points.21 The dominant frame of climate change funnels cognitive and pragmatic work toward specifically addressing global warming, while muting a host of equally monumental issues. Climate change looms so huge on the environmental and political agenda today that it has contributed to downplaying other facets of the ecological crisis: mass extinction of species, the devastation of the oceans by industrial fishing, continued old-growth deforestation, topsoil losses and desertification, endocrine disruption, incessant development, and so on, are made to appear secondary and more forgiving by comparison with “dangerous anthropogenic interference” with the climate system. In what follows, I will focus specifically on how climate-change discourse encourages the continued marginalization of the biodiversity crisis—a crisis that has been soberly described as a holocaust,22 and which despite decades of scientific and environmentalist pleas remains a virtual non-topic in society, the mass media, and humanistic and other academic literatures. Several works on climate change (though by no means all) extensively examine the consequences of global warming for biodiversity, 23 but rarely is it mentioned that biodepletion predates dangerous greenhouse-gas buildup by decades, centuries, or longer, and will not be stopped by a technological resolution of global warming. Climate change is poised to exacerbate species and ecosystem losses—indeed, is doing so already. But while technologically preempting the worst of climate change may temporarily avert some of those losses, such a resolution of the climate quandary will not put an end to—will barely address—the ongoing destruction of life on Earth.

### Terror

#### Their extinction reps of terrorism vastly hype the threat of terrorism with the end of civilization and continue to support an unnecessary form of counter terror and justify state interventions and violence

Jackson 05

[Richard Jackson, Lecturer in International Security at The University of Manchester, “Security, Democracy, and the Rhetoric of Counter-Terrorism”, Democracy and Security, Volume 1, Issue 2, 2005, pages 147-171, Taylor and Francis Online Database, \\wyo-bb]

As David Campbell has shown, discourses of danger and foreign threat have been integral in constituting and disciplining American identity as practiced through its foreign policy. 43 Collectivities, especially those as disparate and diverse as America, are often only unified by an external threat or danger; in this sense, threat creation can be functional to political life. Historically, the American government has relied on the discourse of threat and danger on numerous occasions: the “red scares” of the native Americans who threatened the spread of peaceful civilization along the Western frontier, the workers’ unrest at the time of the Bolshevik Revolution, and the threat to the American way of life during the cold war; the threat of “rogue states” like Libya, Panama, Iran, North Korea, and Iraq; and the threats posed by the drug trade, the proliferation of weapons of mass destruction, and now of course, terrorism. These discourses of danger are scripted for the purposes of maintaining inside/outside, self/other boundaries—they write American identity—and for enforcing unity on an unruly and (dis)United States.¶ Of course, there are other more mundane political functions for constructing fear and moral panic: provoking and allaying anxiety to maintain quiescence, de-legitimizing dissent, elevating the status of security actors, diverting scarce resources into ideologically driven political projects, distracting the public from more complex and pressing social ills. 44 This is not to say that terrorism poses no real threat; the dangers can plainly be seen in the images of falling bodies and the piles of rubble. Rather, it is to point out that dangers are those facets of social life interpreted as threats (in one sense, dangers do not exist objectively, independent of perception), and what is interpreted as posing a threat may not always correspond to the realities of the actual risk of harm. Illegal narcotics, for example, pose less of a risk than the abuse of legal drugs, but a “war on drugs” makes it otherwise. Similarly, the “war on terrorism” is a multi-billion dollar exercise to protect Americans from a danger that, excluding the September 11, 2001 attacks, killed less people per year over several decades than bee stings and lightening strikes. Even in 2001, America's worst year of terrorist deaths, the casualties from terrorism were still vastly outnumbered by deaths from auto-related accidents, gun crimes, alcohol and tobacco-related illnesses, suicides, and a large number of diseases like influenza, cancer, and heart disease. Globally, terrorism, which kills a few thousand per year, pales into insignificance next to the 40,000 people who die every day from hunger, the half a million people who die every year from small wars, the 150,000 annual deaths from increased diseases caused by global warming, 45 and the millions who die from AIDS. And yet, the whole world is caught up in the global “war on terrorism” whose costs so far run into the hundreds of billions. In a world of multiple threats, many of which pose a far greater risk to individual safety, the fact that terrorism is widely seen as posing the greatest and most immediate threat is due to the deliberate construction of a discourse of danger.¶ The initial construction of the threat of terrorism involved fixing the attacks of 9/11 as the start of a whole new “age of terror,” rather than as an extraordinary event, or an aberration (out of 18,000 terrorist attacks since 1968 only a dozen or so have caused more than 100 deaths; high-casualty terrorist attacks are extremely rare and 9/11 was the rarest of the rare). Instead, the attacks were interpreted as the dawning of a new era of terrorist violence that knew no bounds. As Bush stated, “All of this was brought upon us in a single day—and night fell on a different world.” 46 Vice-President Dick Cheney made it even clearer:¶ Today, we are not just looking at a new era in national security policy, we are actually living through it. The exact nature of the new dangers revealed themselves on September 11, 2001, with the murder of 3,000 innocent, unsuspecting men, women, and children right here at home. 47¶ This construct was only possible by severing all links between this act of terrorism and countless others that had preceded it, and by de-contextualizing it from the history of al Qaeda's previous attacks. As we saw earlier, “9/11” was constructed without a pre-history; it stands alone as a defining act of cruelty and evil. This break with the past makes it possible to assign it future significance as the start of “super-terrorism,” “catastrophic terrorism,” or simply “the new terrorism.” Logically, if there's a new super-terrorism, then a new super-war-on-terrorism seems reasonable.¶ A second feature of this discourse of danger is the hyperbolic language of threat. It is not just a threat of sudden violent death, it is actually a “threat to civilization,” a “threat to the very essence of what you do,” 48 a “threat to our way of life,” 49 and a threat to “the peace of the world.” 50 The notion of a “threat to our way of life” is a Cold War expression that vastly inflates the danger: instead of a tiny group of dissidents with resources that do not even begin to rival that of the smallest states, it implies that they are as powerful as the Soviet empire was once thought to be with its tens of thousands of missiles and its massive conventional army. Moreover, as Cheney reminds us, the threat of terrorism, like the threat of Soviet nuclear weapons, is supremely catastrophic:¶ The attack on our country forced us to come to grips with the possibility that the next time terrorists strike, they may well be armed with more than just plane tickets and box cutters. The next time they might direct chemical agents or diseases at our population, or attempt to detonate a nuclear weapon in one of our cities. [ … ] no rational person can doubt that terrorists would use such weapons of mass murder the moment they are able to do so. [ … ] we are dealing with terrorists [ … ] who are willing to sacrifice their own lives in order to kill millions of others. 51¶ In other words, not only are we threatened by evil terrorists eager to kill millions (not to mention civilization itself, the peace of the world, and the American way of life), but this is a rational and reasonable fear to have. We should be afraid, very afraid: “If they had the capability to kill millions of innocent civilians, do any of us believe they would hesitate to do so?.” 52¶ As if this was not enough to spread panic throughout the community, officials then go to great lengths to explain how these same terrorists (who are eager to kill millions of us) are actually highly sophisticated, cunning, and extremely dangerous. As John Ashcroft put it: “The highly coordinated attacks of September 11 make it clear that terrorism is the activity of expertly organized, highly coordinated, and well–financed organizations and networks.” 53 Moreover, this is not a tiny and isolated group of dissidents, but “there are thousands of these terrorists in more than 60 countries” and they “hide in countries around the world to plot evil and destruction”; 54 or, like the plot of a popular novel: “Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning.” 55 In other speeches, officials inflate the numbers of the terrorists to “tens of thousands” of killers spread throughout the world.¶ The next layer of fear is the notion that the threat resides within; that it is no longer confined outside the borders of the community, but that it is inside of us and all around us. As Ashcroft constructs it:¶ The attacks of September 11 were acts of terrorism against America orchestrated and carried out by individuals living within our borders. Today's terrorists enjoy the benefits of our free society even as they commit themselves to our destruction. They live in our communities—plotting, planning, and waiting to kill Americans again [ … ] a conspiracy of evil. 56¶ Like the “red scares” of the past, the discourse of danger is deployed in this mode to enforce social discipline, mute dissent, and increase the powers of the national security state. It is designed to bring the war home, or, as Bush puts it: “And make no mistake about it, we've got a war here just like we've got a war abroad.” 57¶ In another genealogical link to previous American foreign policy, the threat of terrorism is from a very early stage reflexively conflated with the threat of “weapons of mass destruction” and the “rogue states” who might hand them on to terrorists. According to the discourse, rogue states are apparently eager to assist terrorists in killing millions of Americans. As Bush stated in his now infamous “axis of evil” speech,¶ States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. 58¶ This is actually an ingenious discursive slight of hand which allows America to re-target its military from a war against a tiny group of individual dissidents scattered across the globe, to territorially defined states who also happen to be the target of American foreign policy. It transforms the “war against terrorism” from a largely hidden and unspectacular intelligence gathering and criminal apprehension program, to a flag-waving public display of awesome military firepower that re-builds a rather dented American self-confidence. More importantly, it allows for the simultaneous pursuit of geo-strategic objectives in crucial regions such as the Middle East under the banner of the “war on terrorism.” 59¶ Instead of reassuring the nation that the attacks were an exceptional and a unique event in a long line of terrorist attacks against America (that have thus far failed to overthrow freedom), the Bush administration chose instead to construct them as the start of a whole new age of terror—the start of a deadly new form of violence directed at Americans, civilized people all over the world, freedom, and democracy. The Bush administration could have chosen to publicize the conclusions of the Gilmore Commission in 1999, a Clinton-appointed advisory panel on the threat of WMD falling into the hands of terrorists. Its final report concluded that “rogue states would hesitate to entrust such weapons to terrorists because of the likelihood that such a group's actions might be unpredictable even to the point of using the weapon against its sponsor,” and they would be reluctant to use such weapons themselves due to “the prospect of significant reprisals.” 60 Condoleeza Rice herself wrote in 2000 that there was no need to panic about rogue states, because “if they do acquire WMD—their weapons will be unusable because any attempt to use them will bring national obliteration.” 61 Instead, officials engaged in the deliberate construction of a world of unimaginable dangers and unspeakable threats; they encouraged social fear and moral panic. Within the suffocating confines of such an emergency, where Americans measure their daily safety by the color of a national terrorist alert scale (reflected in the glow of every traffic light), it seems perfectly reasonable that the entire resources of the state be mobilized in defense of the homeland, and that pre-emptive war should be pursued. It also seems reasonable that national unity be maintained and expressions of dissent curtailed.¶ The reality effect of scripting such a powerful danger moreover, can be seen in the two major wars fought in two years (followed by costly ongoing “security operations” in each of those states to root out the terrorists), the arrest of thousands of suspects in America and around the world, and the vast sums spent unquestioningly (even by the Democrats) on domestic security, border control and the expansion of the military. Only the “reality” of the threat of terrorism allows such extravagance; in fact, the manner in which the threat has been constructed—catastrophic, ubiquitous, and ongoing—normalizes the entire effort. If an alternative interpretation of the threat emerged to challenge the dominant orthodoxy (that it was vastly over-blown, or misdirected, for example), support for the consumption of such massive amounts of resources might be questioned and the political order destabilized. A massive threat of terrorism then, is necessary for the continued viability of the “war on terrorism”; writing the threat of terrorism is co-constitutive of the practice of counter-terrorism.