## Off

### 1st Off

#### Due process 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].

#### The 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 affirmative’s universal silence on the question of sexual difference and reinterpret the 1AC harms through the lens of sexual difference.

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.

### 1NC – CP

#### Thus Amy and I advocate the following: The Executive branch of the United States should publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection. The Executive branch of the United States should establish intra executive review of targeted killing policies. The United States Congress should enact a resolution and issue a white paper stating that, in the conduct of its oversight it has reviewed ongoing targeted killing operations and determined that the United States government is conducting such operations in full compliance with relevant laws, including but not limited to the Authorization to Use Military Force of 2001, covert action findings, and the President’s inherent powers under the Constitution.

#### And, the counterplan competes—ensures the endpoint of the affirmatives advocacy is desirable. Even if they win the justifications of the aff are important the counterplan solves those justifications because it ensures that secrecy and due process protections are provided. The negative CANNOT dismiss the counterplan as not relevant to the aff because that would foreclose public debate about the aff that is vital to the public sphere that they want to energize

#### Solves---the combination of executive disclosure and Congressional support boosts accountability and legitimacy – solves the secrecy portion of their aff ensures vital public debate while not restricting the president’s war powers

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Perhaps the most obvious way to add accountability to the targeted killing process is for someone in government to describe the process the way this article has, and from there, defend the process. The task of describing the government’s policies in detail should not fall to anonymous sources, confidential interviews, and selective leaks. Government’s failure to defend policies is not a phenomenon that is unique to post 9/11 targeted killings. In fact, James Baker once noted

"In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…"519

Publicly defending the process is a natural fit for public accountability mechanisms. It provides information to voters and other external actors who can choose to exercise a degree of control over the process. However, a detailed public defense of the process also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). However, the Executive branch, while wanting to reveal information to defend the process, similarly recognizes that by revealing too much information they may face legal accountability mechanisms that they may be unable to control, thus their caution is understandable (albeit self-serving).520

It’s not just the Executive branch that can benefit from a healthier defense of the process. Congress too can bolster the legitimacy of the program by specifying how they have conducted their oversight activities. The best mechanism by which they can do this is through a white paper. That paper could include:

A statement about why the committees believe the U.S. government's use of force is lawful. If the U.S. government is employing armed force it's likely that it is only doing so pursuant to the AUMF, a covert action finding, or relying on the President's inherent powers under the Constitution. Congress could clear up a substantial amount of ambiguity by specifying that in the conduct of its oversight it has reviewed past and ongoing targeted killing operations and is satisfied that in the conduct of its operations the U.S. government is acting consistent with those sources of law. Moreover, Congress could also specify certain legal red lines that if crossed would cause members to cease believing the program was lawful. For example, if members do not believe the President may engage in targeted killings acting only pursuant to his Article II powers, they could say so in this white paper, and also articulate what the consequences of crossing that red line might be. To bolster their credibility, Congress could specifically articulate their powers and how they would exercise them if they believed the program was being conducted in an unlawful manner. Perhaps stating: "The undersigned members affirm that if the President were to conduct operations not authorized by the AUMF or a covert action finding, we would consider that action to be unlawful and would publicly withdraw our support for the program, and terminate funding for it."

A statement detailing the breadth and depth of Congressional oversight activities. When Senator Feinstein released her statement regarding the nature and degree of Senate Intelligence Committee oversight of targeted killing operations it went a long way toward bolstering the argument that the program was being conducted in a responsible and lawful manner. An oversight white paper could add more details about the oversight being conducted by the intelligence and armed services committees, explaining in as much detail as possible the formal and informal activities that have been conducted by the relevant committees. How many briefings have members attended? Have members reviewed targeting criteria? Have members had an opportunity to question the robustness of the internal kill-list creation process and target vetting and validation processes? Have members been briefed on and had an opportunity to question how civilian casualties are counted and how battle damage assessments are conducted? Have members been informed of the internal disciplinary procedures for the DoD and CIA in the event a strike goes awry, and have they been informed of whether any individuals have been disciplined for improper targeting? Are the members satisfied that internal disciplinary procedures are adequate?

3) Congressional assessment of the foreign relations implications of the program. The Constitution divides some foreign policy powers between the President and Congress, and the oversight white paper should articulate whether members have assessed the diplomatic and foreign relations implications of the targeted killing program. While the white paper would likely not be able to address sensitive diplomatic matters such as whether Pakistan has privately consented to the use of force in their territory, the white paper could set forth the red lines that would cause Congress to withdraw support for the program. The white paper could specifically address whether the members have considered potential blow-back, whether the program has jeopardized alliances, whether it is creating more terrorists than it kills, etc. In specifying each of these and other factors, Congress could note the types of developments, that if witnessed would cause them to withdraw support for the program. For example, Congress could state "In the countries where strikes are conducted, we have not seen the types of formal objections to the activities that would normally be associated with a violation of state's sovereignty. Specifically, no nation has formally asked that the issue of strikes in their territory be added to the Security Council's agenda for resolution. No nation has shot down or threatened to shoot down our aircraft, severed diplomatic relations, expelled our personnel from their country, or refused foreign aid. If we were to witness such actions it would cause us to question the wisdom and perhaps even the legality of the program."

### 1NC D/A

#### Obama has cultivated broad enforcement discretion and that makes executive flexibility inevitable in the status quo.

Will 13

[George F. Will, Pulitzer Prize winning journalist and Washington Post columnist, “Obama’s extreme use of executive discretion,” Washington Post, December 18, 2013, http://www.washingtonpost.com/opinions/george-will-obamas-extreme-use-of-executive-discretion/2013/12/18/656ae4be-680d-11e3-ae56-22de072140a2\_story.html // wyo-ch]

Congressional Republicans’ long-simmering dismay about Barack Obama’s offenses against the separation of powers became acute when events compelled him to agree with them that the Affordable Care Act (ACA) could not be implemented as written. But even before he decreed alterations of key ACA provisions — delaying enforcement of certain requirements for health insurance and enforcement of employers’ coverage obligations — he had effectively altered congressionally mandated policy by altering work requirements of the 1996 welfare reform; and compliance requirements of the No Child Left Behind education law; and some enforcement concerning marijuana possession; and the prosecution of drug crimes entailing mandatory minimum sentences; and the enforcement of immigration laws pertaining to some young people. Republicans tend to regard Obama’s aggressive assertion of enforcement discretion as idiosyncratic — an anti-constitutional impatience arising from his vanity. This interpretation is encouraged by his many assertions that he “can’t wait” for our system of separated powers to ratify his policy preferences. Still, to understand not only the extravagance of Obama’s exercises of executive discretion but also how such discretion necessarily grows as government does, read Zachary S. Price’s “Enforcement Discretion and Executive Duty” forthcoming in the Vanderbilt Law Review. Price, a visiting professor at the University of California’s Hastings College of the Law, demonstrates that the Constitution’s “text, history, and normative underpinnings” do not justify the permissive reading Obama gives to its take care clause, which says the president “shall take care that the laws be faithfully executed.” It is, says Price, part of America’s “deeply rooted constitutional tradition” that “presidents, unlike English kings, lack authority to suspend statutes” or make them inapplicable to certain individuals or groups. Indeed, the take care clause may have been intended to codify the Framers’ repudiation of royal suspending prerogatives. Hence the absence of an anti-suspension provision in the Bill of Rights. Congress’s excessive expansion of the number of federal crimes, however, has required the husbanding of scarce prosecutorial and judicial resources, which has made enforcement discretion central to the operation of today’s federal criminal justice system. But Obama’s uses of executive discretion pertain to the growth of the administrative state. The danger, Price says, is that the inevitable non-enforcement of many federal criminal laws will establish “a new constitutional norm of unbounded executive discretion” beyond the criminal justice system. Price says the enforcement discretion exercised in the context of the resource-constrained criminal justice system provides “no support for presidential authority to decline enforcement with respect to any other given civil regulatory regime, such as the Affordable Care Act.” The difference is between priority-setting and policy-setting, the latter being a congressional prerogative because of Congress’s primacy in lawmaking. Absent “a clear statutory basis, an executive waiver of statutory requirements” is “presumptively impermissible.” It has, however, become “a nearly irresistible temptation” for presidents to infer permission from the courts’ abandonment of judicial review that limits Congress’s power to delegate essentially legislative powers to the executive branch. So, Price asks: “If President Obama may postpone enforcement of the ACA’s insurance requirements and employer mandate, could a subsequent president ignore the Affordable Care Act altogether?”

**There’s no middle ground-congressional action on targeted killing hampers the president’s constitutional authority to respond to security threats**

**Posner 2012**

[Eric Posner, a professor at the University of Chicago Law School, October 17th, 2012, The Drones Are Coming to Libya, <http://www.slate.com/articles/news_and_politics/view_from_chicago/2012/10/drones_attacks_in_libya_an_unprecedented_expansion_of_presidential_power.2.html>, uwyo//amp]

And **even if the president wants to fling drones at non-al-Qaida targets, he can.** Although President **Obama initially distanced himself from President Bush’s claim that Article 2 of the Constitution gives the president the authority to use force unilaterally to protect American interests, he used this justification for** the 2011 **Libya i**ntervention, which was not authorized by Congress, **and he would likely use it to justify an indefinite expansion of drone warfare against any security threat**, including Iran, for example. Congress will not try to stop him. **New threats emerge constantly, leaving no time for a congressional debate before each strike is authorized.** Thus, **Congress must either hand the president blanket authority to use drones as necessary**—the implicit status quo today—**or block him**, which would outrage Americans who fear terrorism. **The choice for our pusillanimous legislature, which so far has acted mainly to prevent President Obama from cutting back on some Bush-era tactics, is obvious**.

**Constrained executive makes it impossible to respond to the rapid and existential nature of the threat posed by terrorism-strong, flexible executive key to check nuclear, chemical, and biological attacks**

**Royal 2011**

[John Paul, Fellow of the Institute for World Politics, 2011, War Powers and the Age of Terrorism, <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>, uwyo//amp]

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago**. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction** developed organically or obtained from rogue regimes, **presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. I**n the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. **Because large states were more powerful, they also had more to lose. They could be deterred"** (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, **we know that threats can emerge quickly. Terrorist organizations** half-way around the world **are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats** and the resultant changes to the international system, **peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attac**k on the United States. In the emerging security environment described above, **pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat** to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that **the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries.** For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, **fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond,** as we approach the tenth anniversary of the September 11, 2001 attacks. **Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States**. We know from the 9/11 Commission Report that A**l Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation** **while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials**” (National Commission 2004, 397). Considering these statements**, rogue regimes** that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, **or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests**. These nations were not necessarily a direct threat to the United States in the past. Now, however, **due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels** and magnitudes than in the past. In addition, **these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interest**s both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). **Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission,** authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

**Terrorist retaliation causes nuclear war – draws in Russia and China**

Robert **Ayson**, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, **2010** (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the **major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal**, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But **these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack**, and especially an act of **nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them.** In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. t may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, **if the act** of nuclear terrorism **came as a** complete **surprise**, and **American** officials refused to believe that a terrorist group was fully responsible (or responsible at all) **suspicion would shift immediately to state possessors**. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list **consisting of North Korea,** perhaps **Iran** if its program continues, and possibly **Pakistan**. But at what stage would **Russia and China** be definitely ruled out in this high stakes game of nuclear Cluedo? In particular**, if the act of** **nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst**? Of course, the chances of **this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war,** as unlikely as these developments may seem at the present time. **The reverse might well apply too**: **should a nuclear terrorist attack occur in Russia or China** during a period of heightened tension or even limited conflict with the United States, **could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack**? **Washington’s** early **response** to a terrorist nuclear attack on its own soil might also **raise the possibility of** an unwanted (and **nuclear** aided) **confrontation with Russia and/or China.** For example, **in the noise and confusion during the immediate aftermath of the terrorist nuclear attack**, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, **it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against** them. In that situation, **the temptations to preempt such actions might grow**, although it must be admitted that any preemption would probably still meet with a devastating response.

## Case

### 1NC – Case: Drone Kritik Affs

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

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

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

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

Lillehammer, 2011

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

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

#### Democratic norms and civil society check totalitarianism and genocide

**Dickinson**, associate professor of history – UC Davis, **‘4**

(Edward, Central European History, 37.1)

In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. **But that analysis can easily become superficial and misleading**, because it obfuscates the **profoundly different** strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively **quite different from totalitarianism.** Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is **functionally incompatible** with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly **narrow limits on coercive policies**, and to have generated a “logic” or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90 Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufé cient numbers of people that I think it becomes useful to conceive of them as productive of a strategic coné guration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, **totalitarianism cannot be the sole orientation point** for our understanding of biopolitics, the only end point of the logic of social engineering. **This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory.** Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. But they are two very different ways of organizing it. The concept “power” should not be read as a universal stiè ing night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite **radically differing potentials.**91

#### No risk of endless warfare

**Gray 7**—Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, [http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf](http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf" \t "_blank))

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is **not at all convincing**. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, **must be nothing if not pragmatic**.

#### Scenario planning is good. In a catastrophe-ridden world—it’s vital to make predictions about the future.

Kurasawa, 2004

[Fuyuki, Professor of Sociology at York University, “Cautionary Tales: The Global Culture of Prevention

and the Work of Foresight.” 2004, Constellations, Vol. 11, No. 4]

Independently of this room for maneuver and the chances of success. Humanitarian, environmental, and techno-scientific activists have convincingly shown that we cannot afford not to engage in preventive labor. contractualist justification, global civil society actors are putting forth a number of arguments countering temporal myopia on rational grounds. They make the case that no generation, and no part of the world, is immune from catastrophe. Complacency and parochialism are deeply flawed in that even if we earn a temporary reprieve, our children and grandchildren will likely not be so fortunate unless steps are taken today. Similarly, though it might be possible to minimize or contain the risks and harms of actions to faraway places over the short-term, parrying the eventual blowback or spillover effect is improbable. In fact, as I argued in the previous section, all but the smallest and most isolated of crises are rapidly becoming globalized due to the existence of transnational circuits of ideas, images, people, and commodities. Regardless of where they live, our descendants will increasingly be subjected to the impact of environmental degradation, the spread of epidemics, gross North-South socioeconomic inequalities, refugee flows, civil wars, and genocides. What may have previously appeared to be temporally and spatially remote risks are ‘coming home to roost’ in ever faster cycles. In a word, then, procrastination makes little sense for three principal reasons: it exponentially raises the costs of eventual future action; it reduces preventive options; and it erodes their effectiveness. With the foreclosing of long-range alternatives, later generations may be left with a single course of action, namely, that of merely reacting to large-scale emergencies as they arise. We need only think of how it gradually becomes more difficult to control climate change, let alone reverse it, or to halt mass atrocities once they are underway. Preventive foresight is grounded in the opposite logic, whereby the decision to work through perils today greatly enhances both the subsequent Moreover, I would contend that farsighted cosmopolitanism is not as remote or idealistic a prospect as it appears to some, for as Falk writes, “[g]lobal justice between temporal communities, however, actually seems to be increasing, as evidenced by various expressions of greater sensitivity to past injustices and future dangers.”36 Global civil society may well be helping a new generational self-conception take root, according to which we view ourselves as the provisional caretakers of our planetary commons. Out of our sense of responsibility for the well-being of those who will follow us, we come to be more concerned about the here and now.

#### Their authors are wrong- Transparency high

Jack Goldsmith, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, March 2012, Power and Constraint, p. xi-xiii

The problem with the conventional wisdom about the expansion of presidential power is that it tells only half the story. The rest of the story, the one I tell in this book, is a remarkable and unnoticed revolution in wartime presidential accountability that checked and legitimated this growth in presidential power. The U.S. Constitution creates a system of "checks and balances" that gives other institutions—Congress, the courts, and the press—the motives and tools to counteract the President when they think he is too powerful, pursues the wrong policies, or acts illegally. Far from rolling over after 9/11, these institutions pushed back far harder against the Commander in Chief than in any other war in American history. The post-9/11 Congress often seemed feckless, especially in its oversight responsibilities. But it nonetheless managed to alter and regulate presidential tactics on issues—interrogation, detention, surveillance, military commissions, and more—that in previous wars were controlled by the President. Congress was often spurred to action because the American press uncovered and published the executive branch's deepest secrets. It was also moved by federal judges who discarded their traditional reluctance to review presidential military decisions and threw themselves into questioning, invalidating, and supervising a variety of these decisions—decisions that in other wars had been the President's to make. Judicial review of the Commander in Chief's actions often left him without legal authority to act, forcing him to work with Congress to fill the legal void. These traditional forces received crucial support from something new and remarkable: giant distributed networks of lawyers, investigators, and auditors, both inside and outside the executive branch, that rendered U.S. fighting forces and intelligence services more transparent than ever, and that enforced legal and political constraints, small and large, against them. On the inside, military and national security lawyers devoted their days and many of their nights to ensuring that the Commander in Chief complied with thousands of laws and regulations, and to responding to hundreds of lawsuits challenging presidential wartime action. These lawyers' checks were complemented by independent executive-branch watchdogs, such as inspectors general and ethics monitors, who engaged in accountability-enhancing investigations of the President's military and intelligence activities. These actors were empowered by a culture of independence that had grown up quietly in the previous three decades. And they enforced laws traceable to 1970s congressional reforms of the presidency that most observers assumed were dead but that turned out to be alive and quite fearsome. On the outside, nongovernmental organizations like the American Civil Liberties Union and the Center for Constitutional Rights connected up with thousands of like-minded lawyers and activists in the United States and abroad. Together, these forces—often, once again, invoking laws and institutions traceable to decades-old legal reforms—swarmed the government with hundreds of critical reports and lawsuits that challenged every aspect of the President's war powers. They also brought thousands of critical minds to bear on the government's activities, resulting in bestselling books, reports, blog posts, and press tips that shaped the public's view of presidential action and informed congressional responses, lawsuits, and mainstream media reporting. The pages that follow will show that these forces worked together in dynamic ways to uncover, challenge, change, and then effectively approve nearly every element of the Bush counterterrorism program. There are many reasons why Barack Obama continued so much of the Bush program as it stood in January 2009. But the most significant reason was that almost all of this program had been vetted, altered, and blessed—with restrictions, investigators, and auditors, both inside and outside the executive branch, that rendered U.S. fighting forces and intelligence services more transparent than ever, and that enforced legal and political constraints, small and large, against them.

#### And, physical distancing is good- doesn’t create moral detachment, decreases casualties, increases decision legitimacy, increases just responses by pilots-

Whetham 13

(David, Senior Lecturer in the Defence Studies Department of King’s College London, based at the Joint Services Command and Staff College at the UK Defence Academy, degree in Philosophy at the London School of Economics, Masters Degree in War Studies at King’s College, Chair of the King’s College research ethics committee that oversees the research conducted in the Schools of Social Science and Public Policy, Arts and Humanities and Law, The RUSI Journal, “Killer Drones The Moral Ups and Downs,” June 27, 2013, Taylor and Francis//wyo-mm)

Of course, ‘stand-off’ weapons themselves are nothing new and there is a spectrum in terms of such capabilities: a rock thrown a few yards might be at one end, while a Tomahawk cruise missile might be at the other. A soldier with a sniper rifle, able to watch a target through a scope from a distance of several kilometres before pulling the trigger, is also clearly on the stand-off spectrum, as is a fast-jet pilot delivering close air support to those on the ground. From this perspective, therefore, the drone's degree of remoteness is much greater when considering that the operator may sit many thousands of miles away from where the drone is actually flying its mission. However, while the degree of stand-off is obviously greater, this does not necessarily imply that there is any moral difference between the soldier looking down the rifle scope, the pilot using an aircraft's sensor display to target a laser-guided bomb and the drone operator looking at targets on a screen. One of the obvious physical differences is that however safe the sniper is, or however high above the front line the fast-jet pilot is, both are still in, over or at least near the theatre of operations, sharing certain risks with those on the ground, including the targets. These are risks that the drone operator is simply not concerned with. Yet the question remains as to why this should matter at all. If the effect of the combatant's action is going to be the same whether they are pulling the trigger, flying a plane or piloting a drone, it would appear perverse to insist on putting one's own personnel in harm's way, and to claim it as somehow ethically preferable, when the same effect could be achieved without doing so. Bradley J Strawser, an assistant professor in the defence analysis department at the US Naval Postgraduate School and a research associate with Oxford University's Institute for Ethics, Law and Armed Conflict, suggests there might actually be a moral imperative at work that compels the West to pursue and deploy this type of technological development to minimise unnecessary risk to personnel.12 Indeed, it is ‘wrong to command someone to take on unnecessary potentially lethal risks in an effort to carry out a just action for some good’.13 As a programme manager at Honeywell puts it: ‘every time a T-Hawk goes down it means a human didn't.’14 Surely, this should be a good thing, based on a clear common-sense, if not ethical, requirement to reduce risks to one's own personnel where it is possible to do so. This appears to be a strong argument in favour of using more drones rather than fewer. However, there are also other concerns related to this distance between the pilot and the target – primarily that of moral disconnection. Some military training is designed to allow individuals to achieve emotional distance from their enemies and thus enable them to overcome an innate reluctance to kill.15 One of the tools traditionally employed in this regard is dehumanisation – the promotion of a sense of ‘otherness’ in the group that is deemed to be a threat. Those who fall into such a group can then be perceived as ‘non-entities, expendable or undeserving’, making the act of killing them easier to carry out.16 Given Prince Harry's recent comparison of his work as a co-pilot gunner in an Apache gunship to a video game,17 it is easy to see how some people would wonder about the moral effect of killing when the targets are just pixels on a screen and there is no need to look anyone ‘in the eye’– a clear, perhaps even extreme, example of dehumanisation. It also raises the question as to how much easier this would be if the person ‘pulling the trigger’ were 8,000 km away to begin with. The English philosopher A C Grayling notes that an RAF bomber crew in the Second World War could unleash its bombs from 20,000 feet and knowingly kill hundreds or even thousands of women and children. If, however, one gave the same bomber crew a knife and told them to slit the throats of the family in the room next door, they would not be able to do it.18 Indeed, physical separation appears to ease the suspension of moral concerns, even to the extent of making terrible things possible. Interviews with contemporary military pilots with combat experience show that they tend to agree that ‘not only are decisions to kill [from the air] rarely perceived as emotionally charged, the death of friendly, yet physically distant combatants is emotionally dulled’.19 It would appear, then, that such a lack of physical contact associated with remote killing contributes greatly to the alienation of each side from the other. Whether this ‘remoteness’ is achieved through the planting of a roadside improvised explosive device (IED) – for which people bid money via the Internet to win the right to detonate the bomb and watch the results live on a website – or a drone operator ‘wasting’ tiny avatars on a computer screen, it is thus difficult to ensure the essential mutual respect that combatant equality – the bedrock of the law of armed conflict – requires. If a faceless enemy can be so debased, it is easy to see how lines can become blurred and civilians can come to be seen as just another target. However, physical distance does not always guarantee a corresponding emotional separation. An American Second World War veteran recalled the moment at which he opened his aircraft's bomb-bay doors on his first mission over Europe: ‘He felt terrible resistance, nausea, sickness, headaches, despair. He couldn't do it, but his crew chief screamed at him, “Now! Now!” If he didn't, the mission would be a failure and it would be his fault. He finally pushed the button. Then he vomited.’20 Of course, this refers to an act that was part of a total war in which large-scale, devastating attacks on civilian populations were commonplace, rather than the type of highly accurate, precision-targeting policies of wars of choice in the contemporary age, in which the ‘pilot’ can even be on a different continent. Nevertheless, the moral comfort that distance can provide might not extend as far as many would think. Just because the target is viewed through a screen rather than a rifle or bombsight does not mean that taking life has no effect on the person pulling the trigger. Perhaps surprisingly, just as fast-jet pilots can suffer from post-traumatic stress disorder (PTSD), there are also cases among drone pilots who have never personally even been in (or over) the theatre of military operations.21 One wonders if operating a drone for offensive missions in the contemporary operating environment might actually be closer to the experience of military snipers.22 Snipers, too, are separated by distance, but can also be intimately aware of their target, much like the drone operator who might be tracking a target for hours using real-time video feeds before the decision is taken to strike. A sniper deployed in Iraq recalls:23 Theoretically, sniping was supposed to be a matter of clinical, dispassionate killing. ‘Even when we were in Iraq, killing Iraqis, it was target one, target two. Target one's on the left; target two's on the right. OK, scan target one. Target one's down. Scan target two. Fire. Target two's down. That's it. They're just targets; you try to convince yourself of that.’ [However,] imagining a man purely as a target was not easy when you had to aim specifically at him and fire and then watch him fall over, screaming and arching his back in agony. Drone footage can be just as graphic. This raises questions about whether the geographic dislocation is actually providing moral dislocation at all, or at least any dislocation greater than that experienced by a sniper.24 An RAF RPAS operator noted that: 25 [A] day, two days, maybe a month can be spent watching and then when it happens, we don't leave once we've dropped the weapons, we stick around for battle damage assessment and because of the way of the Muslim faith – they like to bury their dead before the sun goes down – generally you will see the funeral procession, the women and children arrive, it can be very emotional and that's one of the things they're looking for to make sure that that doesn't turn into a problem in ten, fifteen years. Such considerations feed into a wider debate regarding the long-term emotional effects of combat on drone operators – and in particular whether the geographical and emotional distance entailed will prove a positive or negative factor. Dave Grossman, in his powerful book On Killing: The Psychological Cost of Learning to Kill in War and Society, notes that those who do not dehumanise their opponents are most likely to be able to deal with the aftermath of war and go on to lead happy and productive lives.26 If it is true that the innate (or at least the socially programmed) inhibitions against killing do not need to be overcome in the same way for drone operators as they do, for example, for infantry who need to be prepared to close with and then kill the enemy, then the psychological repercussions of war might be significantly reduced. It will be interesting to see if incidences of PTSD among drone operators in the longer term turn out to be significantly different – both quantitatively and qualitatively – to those among combatants who are physically present in (or over) the battle space. Putting aside this question of emotional and psychological consequences associated with remote combat, it remains the case that the absence from the physical situation has some obvious implications for the effectiveness of the drone operator. The fact that the operator is not directly at risk when on a ‘mission’ provides him or her with some advantages over a person physically in harm's way. Another drone operator refers to this as the ability to ‘step back and have a bit more of a Hamlet moment as it were … you can hopefully double-check what you're doing is correct’.27 This detachment provides time and space for decision-making that is, quite literally, a world away from the experiences of soldiers on the ground or even of pilots in hostile airspace. The ability to remain cool, calm and detached arguably allows better decisions to be taken in the heat of battle. There are undoubtedly issues of situational awareness linked to the physical limitations of the information feeds, such as the need to ensure sufficient bandwidth for receiving all of the required sensor data, and potential time delays (of about one to two seconds) caused by the distance the signals need to travel, but these are all technical issues that are constantly being minimised or ameliorated. This author has been told by current RPAS pilots who have also flown combat missions in fast jets that, in practice, problems surrounding situational awareness generally have more to do with the quality and chosen field of view of the sensors being employed rather than whether those sensors are on a manned jet or a drone. Just as manned aircraft can increase their situational awareness by calling on visual back-up from other aircraft or other assets in theatre, a drone operator can also refer to images provided by other drones and ISR assets to build up a more detailed and accurate picture of the situation. Of course, this must be balanced against the possible negative effects of drone pilots switching between different platforms or coming ‘on shift’ halfway through an operation, and therefore not having the continuity of focus required to build up an understanding of the ‘story’ playing out on the ground. However, such issues should be avoidable and one might expect that as technology continues to improve, the quality of the decisions being made should also therefore increase. There may be other advantages to being physically remote: a corresponding emotional distance between the operator and events on the ground may well have a positive influence on the behaviour of the former towards the target. As Strawser notes, ‘Once fear for their own safety is not a pressing concern, one would assume the operator would be more capable, not less, of behaving justly.’28 By contrast, a 2006 report by the US military's Mental Health Advisory Team (MHAT) avers a strong correlation between anger among armed forces personnel and the mistreatment of non-combatants. It also suggests that soldiers and marines who were members of units that had suffered casualties were more likely to treat civilians in negative ways.29 Furthermore, Paolo Tripodi argues that the ability to remain slightly detached from one's immediate situation is one of the attributes of a good commander.30 As such, the enforced detachment of the drone operator might well be a positive thing.

#### Fourth, no impact- drones have no effect on the acceptability of war, don’t make war more likely, and are key to decreases detriments of war

Etzioni 13

(Amitai, professor of international relations at George

Washington University, Military Review, “Great Drone Debate,” 2013, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>) /wyo-mm

Mary Dudziak of the University of Southern California’s Gould School of Law opines that “[d]rones are a technological step that further isolates the American people from military action, undermining political checks on . . . endless war.” Similarly, Noel Sharkey, in The Guardian, worries that drones represent “the ﬁnal step in the industrial revolution of war—a clean factory of slaughter with no physical blood on our hands and none of our own side killed.” This kind of cocktail-party sociology does not stand up to even the most minimal critical examination. Would the people of the United States, Afghanistan, and Pakistan be better off if terrorists were killed in “hot” blood—say, knifed by Special Forces, blood and brain matter splashing in their faces? Would they be better off if our troops, in order to reach the terrorists, had to go through improvised explosive devices blowing up their legs and arms and gauntlets of machinegun ﬁre and rocket-propelled grenades—traumatic experiences that turn some of them into psychopath-like killers? Perhaps if all or most ﬁghting were done in a cold-blooded, push-button way, it might well have the effects suggested above. However, as long as what we are talking about are a few hundred drone drivers, what they do or do not feel has no discernible effects on the nation or the leaders who declare war. Indeed, there is no evidence that the introduction of drones (and before that, high-level bombing and cruise missiles that were criticized on the same grounds) made going to war more likely or its extension more acceptable. Anybody who followed the American disengagement in Vietnam after the introduction of high-level bombing, or the U.S. withdrawal from Afghanistan (and Iraq)—despite the considerable increases in drone strikes—knows better. In effect, the opposite argument may well hold: if the United States could not draw on drones in Yemen and the other new theaters of the counterterrorism campaign, the nation might well have been forced to rely more on conventional troops and prolong our involvement in those areas, a choice which would greatly increase our casualties and zones of warfare. This line of criticism also neglects a potential upside of drones. As philosopher Bradley Strawser notes, this ability to deploy force abroad with minimal United States casualties may allow America to intervene in emerging humanitarian crises across the world with a greater degree of ﬂexibility and effectiveness.61 Rather than reliving another “Blackhawk down” scenario, the United States can follow the model of the Libya intervention, where drones were used by NATO forces to eliminate enemy armor and air defenses, paving the way for the highly successful air campaign which followed, as reported by The Guardian’s Nick Hopkins.

#### And, no internal link or impact- drones don’t desensitize us towards violence, they don’t make war a zero-risk option for the U.S., and they’ve caused a mass decline in civilian casualties

Jacobson 13

Mark R., The Washington Post, “5 Myths about Obama's drone war,” February 10, 2013, ProQuest//wyo-mm

Drones are neither autonomous killer robots nor sentient beings making life-or-death decisions. Yet, with the "Terminator"-like connotations of the term, it is easy to forget that these vehicles are flown via remote control by some 1,300 Air Force pilots. Drones are an evolution in military technology, not a revolution in warfare. From a moral and ethical standpoint, drones are little different from rifles, bombers or tanks. Decisions about how and when to use them are made by people. No doubt, the distance between the human warfighter and the battlefield has never been longer, but the psychological proximity can be closer for drone pilots than for other military personnel. Intense surveillance makes these pilots so familiar with their targets - when they sleep, eat and see their families - that some have reported difficulty reconciling that intimacy after they've pulled the trigger. The toughest moral question is not about technology but about targeting and transparency: When militants plotting against America operate globally, don't wear uniforms and may even be U.S. citizens, who can be targeted and where? The White House recently released to members of Congressa Justice Department memo providing details of the targeting process - this may alleviate, but not eliminate, those concerns. 2.Drone strikes cause inordinate civilian casualties. Armed drones are some of the most precise weapons used in conflict; we hit what we aim for. But any lethal force results in some civilian casualties, and the use of drones beyond "hot battlefields" means that the civilian-combatant distinction is harder to make. The New York Times has reported that the Obama administration counts all military-age males in a strike zone as combatants - an approach that would underreport civilian casualties. But the New America Foundation's Peter Bergen argues that, since 2008, the civilian casualty rate from drones has declined dramatically and as of last summer was"at or close to zero." While many dispute this figure, civilian casualties in drone strikes are clearly fewer than if massive bombs were used instead. Armed drones can strike fear in the hearts of America's adversaries and provide a military edge. But Washington may have to deal with blowback. John Bellinger, a former State Department legal adviser in the George W. Bush administration, worries that drones might "become as internationally maligned as Guantanamo." Retired Gen. Stanley McChrystal has said that U.S. drone strikes are "hated on a visceral level." If drones are perceived as unjust, or if the deaths of innocents are attributed to them, correctly or not, America's larger strategic objective - defeating al-Qaeda and the ideology that feeds it - could be at risk. 3.Drones allow us to fight wars without danger. The allure is simple: A drone swoops in while its operator is safe, thousands of miles away, and the precision-guided ordnance hits a target, with little risk to our troops. But drones should not give us a false sense of security. After all, the intelligence required for targeting may require U.S. boots on the ground. And drone attacks will not improve governance in a nation that offers a haven to terrorists. Yes, drones can attack a target accurately, quickly and stealthily while reducing the danger to the pilot. But they cannot train foreign troops, engage with tribal leaders or strengthen local governments - the centers of gravity in most U.S. conflicts today. The exaggerated promise of drones risks substituting targeting for strategy.

#### Engaging policy solutions over war powers authority is already solving public deliberation

**Mellor 13**

The Australian National University, ANU College of Asia and the Pacific, Department Of International Relations,   
“Why policy relevance is a moral necessity: Just war theory, impact, and UAVs,” European University Institute, Paper Prepared for BISA Conference 2013, DOA: 8-14-13

**This** section of the paper **considers** more generally **the need for** just war **theorists to engage with policy debate** **about the use of force**, **as** **well as to engage with the** more **fundamental moral and philosophical principles** of the just war tradition. **It draws on** John **Kelsay’s** **conception of just war thinking as being a social practice**,35 **as well as on** Michael **Walzer’s understanding of the role of the social critic in society**.36 It argues that the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.”37 Kelsay argues that: **[T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force** . . . **citizens who choose to speak in just war terms express commitments** . . . [i**]n the process of giving and asking for** **reasons for going to war**, **those who argue** in just war terms **seek to influence policy** **by persuading others that their analysis provides a way to express and fulfil the desire that military actions be** both **wise and just.38** He also argues that “**good just war thinking involves continuous and complete deliberation**, in the sense that one attends to all the standard criteria at war’s inception, at its end, and **throughout the course of the conflict**.”39 **This** is important as it **highlights the need for** just war **scholars to engage** **with the ongoing operations in war and the specific policies that are involved**. **The question of** **whether a particular** war is just or unjust, and the question of whether a particular **weapon (like drones**) **can be used in accordance with the jus in bello criteria**, only **cover a part of the overall justice of the war**. **Without an engagement with the reality of war**, **in** **terms of the policies used** in waging it, **it is impossible to engage with the “moral reality of war,”40 in terms of being able to discuss it and judge it in moral terms** Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. The just war theorist, **as a social critic, must be involved with his or her own society and its practices**. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 the just war **theorist must be close to and must understand the language through which war is constituted, § Marked 14:41 § interpreted and reinterpreted**.**42 It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to** **demonstrate** its **hypocrisy** **and to show the gap that exists** between its practice and its values.43 **The tradition** itself **provides a set of** **values and principles and**, as argued by Cian O’Driscoll, **constitutes a “language of engagement**” **to spur participation in public and political debate**.44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 **These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force**.46 **By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis. Engaging with the reality of war requires** recognising that war is, as Clausewitz stated, **a continuation of policy**. **War**, according to Clausewitz, **is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued**.47 **Engagement and political debate are morally necessary** **as the alternative is disengagement and moral quietude**, **which is a sacrifice of the obligations of citizenship**.48 **This engagement must bring** just war **theorists into contact with the policy makers** **and** **will require work that is** accessible and **relevant to policy makers**, **however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power.** **By engaging in detail** **with the policies being pursued** and their concordance or otherwise with **the principles of the just war tradition the policy-makers will be forced to account for their decisions and justify them in just war language.** **In contrast to the view**, **suggested** by Kenneth **Anderson, that “the public cannot be made part of the debate**” **and that “[w]e are** necessarily **committed into the hands of our political leadership**”,49 it is incumbent upon just war theorists to ensure that the public are informed and are capable of holding their political leaders to account. **To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility**. As Walzer has argued, it is precisely because it is “our country” that we are “especially obligated to criticise its policies.”51 This paper has discussed the empirics of the policies of drone strikes in the ongoing conflict with those associate with al Qaeda. It has demonstrated that there are significant moral questions raised by the just war tradition regarding some aspects of these policies and it has argued that, thus far, just **war scholars have not paid sufficient attention or engaged in sufficient detail with the policy implications of drone use.** **As such it has been argued that it is necessary for just war theorists to engage more directly with these issues and to ensure that their work is policy relevant**, **not in a utilitarian sense of abdicating from speaking the truth in the face of power**, **but by forcing policy makers to justify** their **actions according to the principles of the just war tradition, principles which they invoke themselves in formulating policy.** **By highlighting hypocrisy and providing the tools and language** **for the interpretation of action**, **the just war tradition provides the basis for the public engagement and political activism that are necessary for democratic politics.52**

#### Their refusal to defend the consequences of the plan replicates a totalitarian disregard for life – they sacrifice political responsibility on the altar of morality, which turns the case.

Jeffrey C. Isaac, James H. Rudy Professor of Political Science and Director of the Center for the Study of Democracy and Public Life at Indiana University, Summer 2002, Social Research, “Hannah Arendt on human rights and the limits of exposure, or why Noam Chomsky is wrong about the meaning of Kosovo”

What does Arendt mean here? She does not attribute primary responsibility, either causal or moral, for the rise of totalitarianism to these intellectuals, who were basically without power. But she does imply that they were guilty of a serious intellectual and indeed ethical failure, connected to the fact that while brilliant they were also cynical. Disgusted with bourgeois hypocrisy and its double standards, they abandoned standards altogether. Revolted by the impoverishment of social relationships, they abandoned all sense of genuine solidarity with fellow citizens or human beings. It was not simply that they lacked any clear sense of the actual consequences of their rage against liberalism. They also failed to offer, or to stand by, any moral values. They were enemies of hypocrisy rather than partisans of liberty. They lacked any "sense of reality"--any sense of their responsibility for the common world inhabited by men and women, and any sense of the role of their own ideas as potential sources of human good or evil. The theme of the conjunction of intellect and evil recurs again in the concluding sections of Origins, this time in connection not with the irresponsibility of intellectuals as such, but with the relentless logic of totalitarian ideologies. There is, she argues, not simply a dogmatism but a cruelty inherent in the totalistic explanations furnished by such ideologies. Such cruelty derives from the complete independence of totalitarian ideologies from "all experience." Totalitarian thinking reduces all that is unique, novel, or contingent to the simple terms of its own purported truth. All experience becomes reducible to the terms of that truth, and is forced, not simply politically but also intellectually, to conform to these terms. This accounts for what Arendt considers the most terrifying feature of totalitarian thought, its "stringent logicality." Ideological thinking, she argues, "orders facts into an absolutely logical procedure which starts from an axiomatically accepted premise, deducing everything else from it; that is, it proceeds with a consistency that exists nowhere in the realm of reality" (Arendt, 1973: 471). The ideologue, Arendt maintains, demands a consistency that is inconsistent with "the realm of reality." She does not deny that logic is a method of ordering concepts, or that consistency may be an intellectual virtue. But she maintains that such consistency is not and cannot be a defining quality of the world. The world is too complex, too pluralistic, to admit such consistency. It consists of the disparate experiences, beliefs, and convictions of diverse individuals and groups. And it consists of complex situations that admit of difficult and often tragic choices. The demand for consistency in such a world is too monistic. It is an intellectual conceit--and a conceit specific to intellectuals--to imagine that inconsistency or contradiction is the world's most profound problem, and that the resolution of such inconsistency by logical methods is the most important intellectual-cum-political task. For the elimination of inconsistency may well threaten the elimination of situational ambiguities and differences of opinion that are endemic to the human condition. And, more to the point, the world's most profound problem is not inconsistency or ambiguity or even hypocrisy. It is the infliction of harm and suffering on humans by other humans, and the consequent denial of elemental human dignity to the vulnerable and dispossessed. It is, in short, the denial of freedom to human beings. The "stringent logicality" of ideological thinking not only fails to make this suffering a primary concern; it actually exacerbates this suffering, through its own cruel lack of political responsibility, and through its tendency to gravitate toward cruel and unsavory causes that seem noble because of their relentless ideological consistency (see Shklar, 1984). I want to be clear about this. Arendt is talking about totalitarian ideologies, principally Nazism and Stalinism. She is not arguing that all of those who turn "logicality" into a supreme virtue are quasi totalitarians. But in criticizing totalitarian modes of thinking, she also makes a more general point: that "strict logicality," whatever its intellectual merits, can be hostile to other and more important human values. Intellectuals, she believes, are peculiarly liable to ignore this, for they often inhabit an imaginary world of pure ideality, in which ideas, especially their own ideas, predominate. This is the peculiar unworldliness of the intellectual. It is the source of much brilliance. But if intellectuals want to be social critics then they must become worldly, They must appreciate the irreducible complexity and plurality of the world (see Arendt, 1971: 50-54).

#### Aff can’t solve- public deliberation on war policies will inevitably fail because governments distort their knowledge

Keller and Mitchell 06

(William Walton and Gordon R., Hitting First: Preventive Force in U.S. Security Strategy, Pg. 117//wyo-mm)

Administration critics claim that the failure to find nuclear, biological or chemical (NBC) weapons in Iraq quite strongly suggests that the administration distorted the prewar debate about Iraq. This is a very serious concern. Government participants in national security debates can undercut the purpose of public deliberation by employing what communications scholar Gordon Mitchell calls “strategic deception.”5 Such governmental trickery is troublesome on matters of war and peace because official participants in public debates about national security policy have substantial advantages over nongovernmental participants. Their job titles grant them authority and credibility, which is further secured by their unique access to classified information.16’ Public debate about national security will be greatly distorted in their favor if authoritative figures exploit their advantages by dubiously overemphasizing evidence that supports their arguments and by ignoring and/or blocking the release of countervailing evidence and caveats. Many political theorists and analysts argue that open and inclusive political debate rewards the ideas that best withstand critical scrutiny in the political mar ketplace.’7 Indeed, this is a position often taken by classic liberal theorists like John Stuart Mill and Frankfurt-school critical theorists such as Jürgen Habermas. The evidence presented in this chapter substantiates the great danger of distorted debate about the alleged need for preventive war.

# 2NC

#### Drones are intimately tied to the masculine gaze- like rape, drone warfare is normalized violence that we are terrified of and yet culture legitimates the use of rape and drones as tools of war- taking back the archetypes of drones and sexual difference is key

Rothstein 2012

[Adam Rothstein, November 23rd, 2012, regular contributor at The State, The New Inquiry, and Thizome, and The Atlantic Tech, , uwyo//amp]

The ethical problem with voyeurism is not simply that rape may follow. And the ethical problem with drone warfare is not simply that it is asymmetric, inhumane, imperialist, or a war crime. Behaviors, technology, and strategies that exploit the distribution of power to cause pain and suffering has existed for a long time. But there is a difference with drones. Unlike earlier horrors–atom bombs, mustard gas, machine guns, etc–we conceive of this new sort of terror technology as somehow normal, even though it is distinctly new. It is not thought of as a killing machine. it is just computers, cameras, GPS, apps, and radio-controlled aircraft. This is what makes it New Aesthetic–it stands out as terrible and shocking, but while remaining incredibly familiar. We are supposedly “terrified” of the reality of drone warfare, and yet we like drones. We want to ban drones in the same way we want to ban guns–we propose a solution that we know very well is impossible. We hate drones and love them at the same time, like our booze, like our drugs, and like our violent, occular sex.¶ In the discourse of psychoanalysis, the gaze is a primarily a means for visually recording knowledge and interpolating it into our thought processes. Luce Irigaray criticized Freud and Lacan for rooting this gaze in the presence or absence of the phallus–automatically putting women at a disadvantage in this distribution of knowledge.¶ “Nothing to be seen is equivalent to having no thing. No being and no truth.” – Irigaray, The Sex Which Is Not One¶ The ethical flaw of both drones and the gaze is in its distribution and its control. Outside of the discourse of psychoanalysis, distribution is still controlled by privileged power regime. Drones are controlled by the State, and the supporters of rape culture control the gaze. These do not have to be tools of violence, but because of who holds the controls, they are made to be. It is a fact that technology allows us to observe, record, and track each other. But it is through the archetype of Drones that we have internalized the notion that the State can be the arbiter of this power. It is a fact that sex is visual, and visual performance is the means by which we will always read and express our desire. But it is through the archetypes of culturally abstracted sex that we have internalized the idea that if you see something you can touch it, if you observe a sexuality, it is yours to own. By dealing with these abstractions as ideas rather than accessible behaviors and technologies, we limit our ability to reorient their distribution to benefit our own bodies, and those of our consenting partners and communities. We only know drones the way the State knows drones. We only see sex the way rape culture sees sex. Internalizing these distributions in the abstract, we do what these power regimes would already have us do. We ignore the sexuality of others if it is not a visible thing–we equate what one-can-see to all-that-is. Contemporary politics ignores democracy that does include surveillance–If you’re not doing anything wrong, you should not be hiding, and if you are not voting, you should not be speaking. It is not that drones and the gaze are part of politics and sexuality, it is that by reducing our awareness of these things to their archetypes, there cannot be any surplus politics or sexuality outside of these limited terrains which we are allowed to control. With seeing, comes a notion of being. We are beginning to call it telepresence–our ability to be in a space or travel through a space constituted by our technological visual engagement with that space. But what we require, just as we always have, is a deeper engagement with the environment. We require telepraxis. It is not enough to simply observe the archetype, we must engage and perform with it to the point of fetish–the point at which it is no longer simply a signifier for what culture decides that it means, but it is part of a living relationship and performance with individuals other than ourselves.¶ This is a difficult thing to do right, and rape culture and drone wars are the sign of our continuing failure. These archetypes, like Foucault’s Panopticon, do not just symbolize a particular way that things might happen, but signify a strong magnetic tendency of culture, pulling all signification in line with this particular regime. Like the phallus of psychoanalysis, the only meaning given credence is meaning translated through this regime. This is not an idle pattern, but feedback loop reinforcing itself. “The discipline of the workshop, while remaining a way of enforcing respect for the regulations and authorities, of preventing thefts or losses, tends to increase aptitudes, speeds, output and therefore profits; it still exerts a moral influence over behavior, but more and more it treats actions in terms of their results, introduces bodies into a machinery, forces into an economy.” – Foucault, Discipline and Punish¶ Just because there is lots of money and privilege tied up into rape culture and the surveillance state, is not the reason we say this is a class issue. Like an economic class, these systems exist solely to perpetuate themselves, and those who benefit by them, at the expense of others. Nor is it enough to say that these systems disproportionately harm lower economic classes. Each is in fact, it’s own sort of class–a technological and epistemological class. Rape culture is a class. Surveillance culture is a class. It is not enough to find the way that drones and the gaze are being maligned, subverted, and distributed in order to harm others and criticize it. One cannot simply point out the existence of a class. Class is something that must be fought. We must create a contesting praxis, that will pull the sexual gaze and drones back from these power regimes, and use them to smash the negative archetypes. This is a terrain worth fighting over, because it is the only terrain on which human beings live and knows themselves.

#### Patriarchy is the root cause of war, which in turn recreates patriarchy

Workman 96 [Thom, Poli Sci @ U of New Brunswick, YCISS Paper no. 31, p. 7, January 1996, http://www.yorku.ca/yciss/publications/OP31-Workman.pdf]

**The practices of war emerge within gendered understandings that inflect all spheres of social life.** As we created "man" and "woman" we simultaneously created war. Contemporary warfare, in complementary terms, emerges within the inner-most sanctums of gendered life. **Gender constructs are constitutive of war; they drive it and imbue it with meaning and sense**. War should not be understood as simply derivative of the masculine ethos, although it numerous facets accord with the narratives and lore of masculinity. **The faculty of war is our understanding of man and women**, of manliness and womanliness, **and particularly of the subordination of the feminine to the masculine**. It is the twinning of the masculine and the feminine that nourishes the war ethic. This can be illustrated by examining the infusion of the language of war with heterosexual imagery typically of patriarchy, that is, with ideas of the prowess-laden male sexual subject conquering the servile female sexual object. **Both sex and war are constituted through understandings of male domination and female subordination. The language is bound to be mutually reinforcing and easily interchangeable**. War is a metaphor for sex and sex is a metaphor for war. A recent study of nicknames for the penis revealed that men were much more inclined to metaphorize the penis with reference to mythic or legendary characters (such as the Hulk, Cyclops, Genghis Khan, The Lone Ranger, and Mac the Knife), to authority figures and symbols (such as Carnal King, hammer of the gods, your Majesty, Rod of Lordship, and the persuader), to aggressive tools (such as screwdriver, drill, jackhammer, chisel, hedgetrimmer, and fuzzbuster), to ravening beasts (such as beast of burden, King Kong, The Dragon, python, cobra, and anaconda), and to weaponry (such as love pistol, passion rifle, pink torpedo, meat spear, stealth bomber, destroyer, and purple helmeted love warrior).11 **The intuitive collocation of sexuality with domination, conquering, destruction, and especially instruments of war is confirmed** by this study. **Both sex and war**, however, **are manifestations of the gendered notions of power-over, submission, inequality, injury, contamination, and destruction. Both practices are integral expressions of patriarchal culture and proximate to its reproduction.** It is hardly surprising that **the language of sexuality and war is seamless.**

### Alt Overview: Irigaray

#### Reinterpret everything through a lens of sexual difference- that reinterpretation is a clearing out of masculine forms of thought and a way to

#### Give birth to new thought, art, and politics that are outside of masculinity

#### -our link args in the 1NC is that clearing of space and reinterpretation, includes a gendered perspective

our alternative solves the links-

#### Language is always inherently masculine because masculinity constructed that language-founds the language of politics, rationally deliberate in the pub sphere in which women were excluded

AT: the public sphere is founded on that exclusion, it is language itself that contains those binaries

Alt clearing out the foundations of those masculine thought- moment to clear out language upon which the public sphere is based, fundamental exclusion to language used by those structures, root cause of exclusion, political/private in terms of speech all those other bianries threat/friend emanate from- needed that original moment of language

## ROB v. K affs

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

Prefer to critical scholar

#### Sexual difference must come first- the ethical informs the political and this politics refuses the reduction of woman to the male subject

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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This implies the redefinition of the relationship of power to knowledge within feminism: as women of ideas devoted to the elaboration of the theory and practice of sexual difference, we are responsible for the very notions that we enact and empower. Thinking justly— of justness and not only of justice— is a top item in our agenda. This ethical dimension is for me as important as the political imperative. Feminist thinking cannot be purely strategic, i.e., the expression of a political will, it must rather attempt to be adequate as a representation of experience. Feminist theorizing must be adequate conceptually, as well as being suitable politically: one’s relationship to thinking is the prototype of a different relationship to alterity altogether. If we lose sight of this ethical, relational foundation of thinking, that is to say, the bond that certain discourses create among us, we are indeed in danger of homologation and therefore of purely strategic or instrumental kinds of thought. There can be no justice without justness, no political truth without adequation of our words, our ideas, and consequently our thought to the project of redefining female subjectivity in a nonlogocentric mode. As a consequence, the first priority for feminist theory today is to redefine the subject as a gendered unity inextricably connected to the other. For feminism, in the beginning there is alterity, the nonone, a multiplicity. The founding agent is the common corpus of female subjects who posit themselves theoretically and politically as a collective subject. This communal bond comes first— then and only then there arises the question of what political line to enforce. It is the ethical that defines the political and not vice versa: hence the importance of positing the feminist audience as the receptive, active participant in a discursive exchange that aims at changing the very rules of the game. This is the feminist community to which the “she-I” makes herself accountable. The paradox of the ontological basis of desire is that not only is it intersubjective, but it also transcends the subject. Desire also functions as the threshold for a redefinition of a new common plane of experience: “each woman is the woman of all women . . . ” The recognition of a common ground of experience as women mutually engaged in a political task of resistance to “Woman”—the dominant view of female subjectivity— lays the foundation for new images and symbolizations of the feminist subject. If we take as our starting point sexual difference as the positive affirmation of my facticity as a woman, working through the layers of complexity of the signifier “I, woman,” we end up opening a window onto a new genderized bond among different women. Identity politics is, in feminism, a collective project. By genderized collective subjectivity I mean a symbolic dimension proper to women in recognition of the nonreductability of the feminine to the masculine and yet, at the same time, of the indestructible unity of the human as an embodied self structurally linked to the other. It is the complex intersecting of never-ending levels of differing of self from other and self from self. As Adriana Cavarero (1990) put it: what is at stake in this is the representability of a feminine subject as a self-representing entity. It is less a question of founding the subject than of elucidating the categories by which the female feminist subject can be adequately represented. This is an important political gesture because thinking through the fullness of one’s complexity in the force of one’s transcendence is something women have never historically been able to afford. What seems to be at stake in the project of sexual difference, through the extreme sexualization of the subject, is a Nietzschean transmutation of the very value we give to the human and to a universal notion of commonness, of common belonging. I will want to argue that the aim of this transmutation of values is to be able to bring the multilayered structure of the subject to the fore. As Lispector points out: “the life in me does not have my name, “I” is not the owner of the portion of being that constitutes his being. To the extent that “she-I” accepts this, can “she-I” become the woman of all women and be accountable for her humanness? Only this highly defined notion of singularity can allow us to posit a new general sense of being: only situated perspectives can legitimate new general standpoints. In this sense, the experience of utter singularity that G.H. undergoes in her microcosm remains emblematic of the process of women becoming other than the “Woman” they were expected and socialized into being. G.H. shows us paths of transcendence specific to our gender and to women’s own, discontinuous time of becoming.

#### Our scholarship is good and ethical- 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.

### AT: You’re Essentialist

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

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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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.

### Links

#### Extend Fermon 98-

The lack of a sexually different subjectivity for the feminine invalidates all political action because it is founded on the fundamental exclusion of the feminine from its economy

-don’t have same access to due process- must prove ourselves in order to qualify for due process, domestic violence is a “private” problem, women must confess their sexual history to the court to aide in proof that she has been assaulted

-anecdotal evidence is eliminated- may be the only evidence women/victims have

-link is particularly true that we politics and political change can only occur in the public sphere as if the private sphere is not where violence and oppression are committed- ther personal is political

#### Civil society is founded upon the exclusion of women- the “public sphere” act as markers of the universal bourgeois, male class

Fraser 90

[Nancy Fraser. Rethinking the Public Sphere. Social Text. No 25/26.]

Now, let me juxtapose to this sketch of Habermas's account an alternative account that I shall piece together from some recent revisionist historiography. Briefly, scholars like Joan Landes, Mary Ryan, and Geoff Eley contend that Habermas's account idealizes the liberal public sphere. They argue that, despite the rhetoric of publicity and accessibility, that official public sphere rested on, indeed was importantly constituted by, a number of significant exclusions. For Landes, the key axis of exclusion is gender; she argues that the ethos of the new republican public sphere in France was constructed in deliberate opposition to that of a more woman- friendly salon culture that the republicans stigmatized as "artificial," "effeminate," and "aristocratic." Consequently, a new, austere style of public speech and behavior was promoted, a style deemed "rational," "virtuous," and "manly." In this way, masculinist gender constructs were built into the very conception of the republican public sphere, as was a logic that led, at the height of Jacobin rule, to the formal exclusion from political life of women.4 Here the republicans drew on classical traditions that cast femininity and publicity as oxymorons; the depth of such traditions can be gauged in the etymological connection between "public" and "pubic," a graphic trace of the fact that in the ancient world possession of a penis was a requirement for speaking in public. (A similar link is preserved, incidentally, in the etymological connection between "testimony" and "testicle.")5 Extending Landes's argument, Geoff Eley contends that exclusion are operations were essential to liberal public spheres not only in France but also in England and Germany, and that in all these countries gender exclusions were linked to other exclusions rooted in processes of class formation. In all these countries, he claims, the soil that nourished the liberal public sphere was "civil society," the emerging new congeries of voluntary associations that sprung up in what came to be known as "the age of societies." But this network of clubs and associations-philanthropic, civic, professional, and cultural-was anything but accessible to everyone. On the contrary, it was the arena, the training ground, and eventually the power base of a stratum of bourgeois men, who were coming to see themselves as a "universal class" and preparing to assert their fitness to govern. Thus, the elaboration of a distinctive culture of civil society and of an associated public sphere was implicated in the process of bourgeois class formation; its practices and ethos were marker of "distinction" in Pierre Bourdieu's sense,6 ways of defining an emerge elite, setting it off from the older aristocratic elites it was intent on displacing, on the one hand, and from the various popular and plebeian strata it aspired to rule, on the other. This process of distinction, more over, helps explain the exacerbation of sexism characteristic of the liberal public sphere; new gender norms enjoining feminine domesticity and a sharp separation of public and private spheres functioned as key signifier of bourgeois difference from both higher and lower social strata. It is a measure of the eventual success of this bourgeois project that these norms later became hegemonic, sometimes imposed on, sometimes embraced by, broader segments of society.7 Now, there is a remarkable irony here, one that Habermas's account of the rise of the public sphere fails fully to appreciate.s A discourse of publicity touting accessibility, rationality, and the suspension of status hierarchies is itself deployed as a strategy of distinction. Of course, in and of itself, this irony does not fatally compromise the discourse of publicity; that discourse can be, indeed has been, differently deployed in different circumstances and contexts. Nevertheless, it does suggest that the relationship between publicity and status is more complex than Habermas intimates, that declaring a deliberative arena to be a space where extant status distinctions are bracketed and neutralized is not sufficient to make it so.

#### Patriarchy runs deeper than legal reforms—the 1AC focus on legal practices serves to perpetuate the overarching system

Tickner 92[Ann, Professor @ the School of International Relations USC, B.A. in History, U London, M.A. in IR, Yale, PhD in pol science, “GENDER IN INTERNATIONAL RELATIONS—FEMINIST PERSPECTIVES ON ACHIEVING GLOBAL SECURITY”, pg. 12]

Most contemporary feminist perspectives define themselves in terms of reacting to traditional liberal feminism that, since its classic formulation in the works of Mary Wollstonecraft and John Stuart Mill, has sought to draw attention to and eliminate the legal restraints barring women's access to full participation in the public world. Most contemporary feminist scholars, other than liberals, claim that the sources of discrimination against women run much deeper than legal restraints: they are enmeshed in the economic, cultural, and social structures of society and thus do not end when legal restraints are removed. Almost all feminist perspectives have been motivated by the common goal of attempting to describe and explain the sources of gender inequality, and hence women's oppression, and to seek strategies to end them. Feminists claim that women are oppressed in a multiplicity of ways that depend on culture, class, and race as well as on gender. Rosemary Tong suggests that we can categorize various contemporary feminist theories according to the ways in which they view the causes of women's oppression. While Marxist feminists believe that capitalism is the source of women's oppression, radical feminists claim that women are oppressed by the system of patriarchy that has existed under almost all modes of production. Patriarchy is institutionalized through legal and economic, as well as social and cultural institutions. Some radical feminists argue that the low value assigned to the feminine characteristics described above also contributes to women's oppression. Feminists in the psychoanalytic tradition look for the source of women's oppression deep in the psyche, in gender relationships into which we are socialized from birth.

AT heterosexism

#### Heteronormative focus is necessary but not SUFFICIENT to solve patriarchy- must begin activate sexual difference

Braidotti 2011

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Where am I speaking from? So many links are missing. At least Virginia Woolf chose an in-transit position; she stood on a bridge and watched the crazy world of patriarchy— the learned men, the men of power, the warlords— marching off to the fulfillment of their in-built death wish. She wrote her magnificent Three Guineas on the eve of the Second World War, and I think very strongly of her today, in post-1989, post– Gulf War Europe. Once again, as many times before, I feel great fear and an unspeakable sadness about our genocidal world. Virginia Woolf watched it from afar, as if suspended in midair, exstatic-implicated and yet exterior, radically other but a dutiful daughter of the patriarchs, nevertheless. Peripherally involved, marginally connected, not entirely in agreement with what she could see, and yet sufficiently close to the common cause of humanity to actually take responsibility for the gruelling mess and dare speak the words: “that’s not it, that’s not the way to do it at all.” For there is not outside, no absolute purity or uncontamination from patriarchal practices of the material and discursive kind. Although the nonmixity of the women’s movement is a powerful strategy, a device prompting a woman-centered mode of analysis, it cannot be conceptually allowed to conceal our implication in a system that has actively discriminated against us, in a culture that has assigned us to a depreciated set of values. Born free, we lived at a discount. We have no choice but staying IN, with one foot out— split twice over and over. There is also a separatism of the mind. My speaking stance as a feminist has accustomed me to address women as my privileged interlocutors— I can only view the prospect of addressing feminist men with a 270 Envy and Ingratitude touch of benevolent fatigue. The feminist in me is a fighter, a winner, a (re)vindicator, an activist, a social figure. She is fully involved with patriarchy through rejection; anger, rebellion, and passion for justice keep her IN, tied to a death-and-life-struggle with her main enemy. Consciously phallic, she wants to get IN— she is politically reformist: wanting to put women IN, all the way. However, the feminist is not all of me; she is directly and intimately related to my being-a-woman-alongside-other-women-in-the-world. There exists a common world of women— as Adrienne Rich put it, a continuum in the woman-centered vision of the world; my subjectivity is attached to the presence of the other woman. The-woman-in-me is not a full-time member of patriarchy, neither by rejection nor by acceptance; she is elsewhere— on the margin, in the periphery, in the shade (to the delight of Lacanian psychoanalysists)—she cannot be contained in one sentence. Contrary to Lacan, I maintain that my ex-centricity vis-à-vis the system of representation points to another logic, another way of “making sense”: the woman-in-me is not silent, she is part of a symbolic referential system by and of women themselves. She just speaks an-other language; radically different (Irigaray). Whereas Monique Wittig, in her essay “The Straight Mind” (1980), claims that the margin of noninvolvement by women with the patriarchal system has to do with lesbian identity, I think, with Adrienne Rich, that the patterns of symbolic female homosexuality transcend the mere choice of women as erotic objects. Choosing to love a woman is not a sufficient (though it may be necessary) condition to escape from the logic of patriarchy. Language and sexuality are not spatial structures that one can just avoid, bypass, and eventually step out of. The woman-in-me is IN language, but in process within it; directly connected to the feminist I chose to be, the woman-in-me has taken her distance from compulsory heterosexuality while remaining involved with men— though not necessarily Pheminist men. The project of redefining the content of the woman-in-me so as to disengage her from the trappings of a “feminine” defined as dark continent, or of “femininity” as the eternal masquerade, will take my lifetime, all the time I have. The woman-in-me is developing, alongside other women, but not exclusively on their behalf, a redefinition of what it means to be human. Being-a-woman is always already there as the ontological precondition for my existential becoming as a subject: one has to start with the body and the bodily roots of subjectivity. This is why feminism matters: it carries ethical and transcendental values that simply cannot be reduced to yet another ideology or theory— a doxa or a dogma for general consumption. Feminism is also the liberation of women’s ontological desire to be female subjects: to transcend the traditional vision of subjectivity as gender free, to inscribe the subject back into his corporeal reality. To make sexual difference operative at last. Feminism as the theoretical project aimed at affirming female subjectivity acts as the threshold through which the fundamental dissymmetry between the sexes turns at last into the question of sexual difference. As Irigaray puts it: this is the utopia of our end of century.

# 1NR

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### AT: Transgender da

#### Braidotti doesn’t erase the transsexual- queer theory disregards lived experience of transsexuals and ignores that they long to belong to a specific pole of the gender/sex bianry

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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.

### AT: Perm F/L

#### He say perm do both- every link we win acts as a DA to the permutation,The aff can’t overcome the links of the public private division- the 1AC has made the strategic choice to prioritize the public as a starting point for effective deliberation- this reinforces the logic that the public was founded upon which is the exclusion of female bodies

#### First, Oppression D/A-The permutation is not an act of love-it 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, § Marked 15:21 § 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.

#### He says perm do plan then alt- this is intrinsic because it adds time to the plan- a voting issue- makes them a moving target because can’t pin down their particular advocacy- also links to our assimilation arguments above because it’s a choice by the negative to incorporate the female body into their discussions only when its convenient, or only when they’ve finished reinforcing the public male dominance

#### And Assimilation DA- 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.

l

#### Men in Fem D/A

#### The perm is severance and demands the rejection of Wichita- Men in feminism, even queer activists and theorists, 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 § Marked 15:22 § 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”?

#### He says alt in all other instances- no warrant or solvency mechanisms- doesn’t escape the links that the public is always sexed, this alternative allows you to justify conveniently including women in the instances that don’t inconvenience you- perm also unfair because debate is about competing methodologies- if we win a link, it proves the aff is a bad idea and a reason to reject the case-

## Case

#### Extend Gray- says American state has evolved to a state of self-restraint and that endless wars are only possible if there’s complete ambiguity- America has self-imposed checks on it that prevent any escalation-

#### No Impact- doesn’t result in atrocity

Ojakangas 05

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

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

#### The state of exception can be contained---no impact

Jennifer Mitzen 11, PhD, University of Chicago, Associate Professor of Political Science at Ohio State University, Michael E. Newell, “Crisis Authority, the War on Terror and the Future of Constitutional Democracy,” PDF

But what Agamben has potentially overlooked is the conversation between the government, public and media concerning the state of exception. Waever’s desecuritization theory tells us that it is possible for continued debate and media coverage to desecuritize a threat in whole or in part (Waever, 1995). As the War on Terror progressed, more academics and government officials began to speak out against the usefulness of interrogations, the reality of the terrorist threat and the morality of the administration’s policies. Some critics suggested that the terrorist threat was not as imminent as the Administration made it appear, and that “…fears of the omnipotent terrorist…may have been overblown, the threat presented within the United States by al Qaeda greatly exaggerated” (Mueller, 2006). Indeed, as Mueller points out, there have been no terrorist attacks in the United States five years prior and five years after September 11th. The resignation of administration officials, such as Jack Goldsmith, who, it was later learned, sparred with the administration over Yoo’s torture memos, their wiretapping program and their trial of suspected terrorists also contributed to this shift in sentiment (Rosen, 2007). The use of the terms “torture,” and “prisoner abuse,” that began to surface in critical media coverage of the War on Terror framed policies as immoral. As the public gradually learned more from media coverage, academic discourse, and protests from government officials, the administration and its policies saw plummeting popularity in the polls. Two-thirds of the country did not approve of Bush’s handling of the War on Terror by the end of his presidency (Harris Poll) and as of February 2009 two-thirds of the country wanted some form of investigation into torture and wiretapping policies (USA Today Poll, 2009).¶ In November 2008 a Democratic President was elected and Democrats gained substantial ground in Congress partly on promises of changing the policies in the War on Terror. Republican presidential nominees, such as Mitt Romney, who argued for the continuance of many of the Bush administration’s policies in the War on Terror, did not see success at the polls. Indeed, this could be regarded as Waever’s “speech-act failure” which constitutes the moment of desecuritization (Waever, 1995). In this sense, Agamben’s warning of “pure de-facto rule” in the War on Terror rings hollow because of one single important fact: the Bush administration peacefully transferred power to their political rivals after the 2008 elections. The terrorist threat still lingers in the far reaches of the globe, and a strictly Agamben-centric analysis would suggest that the persistence of this threat would allow for the continuance of the state of exception. If Agamben was correct that the United States was under “pure de-facto rule” then arguably its rulers could decide to stay in office and to use the military to protect their position. Instead, Bush and his administration left, suggesting that popular sovereignty remained intact.