### Case

#### All empirical evidence supports democratic peace – prefer our conclusive evidence.

Allen Dafoe and Bruce Russett, October 2013, Assistant Professor of Political Science at Yale and Dean Acheson Research Professor of International Relations and Political Science at Yale, Assessing the Capitalist Peace, p.110

The democratic peace—the empirical association between democracy and peace—is an extremely robust finding. More generally, many liberal factors are associated with peace and many explanations have been offered for these associations, including the effects of: liberal norms, democratic signaling, credible commitments, the free press, economic interdependence, declining benefits of conquest, signaling via capital markets, constraints on the state, constraints on leaders, and others. Scholars are still mapping the contours of the liberal peace, and we remain a long way from fully understanding the respective influence of these different candidate causal mechanisms. All this being said, the robustness of the democratic peace, as one interrelated empirical aspect of the liberal peace, is impressive. The democratic peace has been interrogated for over two decades and no one has been able to identify an alternative factor that accounts for it in cross-national statistical analyses. Democracy in any two countries (joint democracy) has been shown to be robustly negatively associated with militarized interstate disputes (MIDs), fatal MIDs, crises, escalation, and wars. The democratic peace is for good reason widely cited and regarded as one of the most productive research programs.

#### Law and Versteeg ignore key measures like case law—variance in constitutional texts are explained by latter judicial developments—US influence is strong

Jackson 12

[November 2012, Vicki C. Jackson is a Thurgood Marshall Professor of Constitutional Law, Harvard Law School., “COMMENT ON LAW AND VERSTEEG”, NEW YORK UNIVERSITY LAW REVIEW ONLINE, Vol. 87:25, November 2012, <http://www.nyulawreview.org/sites/default/files/NYULawReviewOnline-87-5-Jackson.pdf>]

Thus, the headline-grabber of “decline” may depend on whether the focus is on larger ideas or more detailed provisions. But even as to the content of a constitution’s specific provisions, the study’s methodology may understate the degree of similarity that continues to exist between the U.S. constitutional system and those of other countries. Indeed, one might wonder whether there has been any substantial decline in influence, rather than a set of departures in discrete, albeit significant, areas. For one thing, the authors’ research design rests, generally, on comparisons only of formal constitutional texts.10 The exclusion of constitutional case law and conventions may have contributed to the quantifiability and reliability of the empirical analysis. But the study of what can readily be quantified and coded, while interesting, should not obscure that other equally or more important phenomena may be harder to quantify reliably. And the impact of U.S. case law on constitutional design and interpretation in the rest of the world has been considerable. The impact of the authors’ methodology is suggested by the fact that a number of specific rights that the authors describe as existing in “generic”—that is, widely held—constitutions, but not in the United States, are in fact well-fixed in U.S. constitutional case law.11 These include rights of freedom of movement12 and women’s rights.13 Indeed, U.S. case law may well have influenced the adoption of formal rights in later adopted written constitutions.14 Moreover, among the provisions listed as being found only in the U.S. Constitution, and not in the “generic” constitution, are speedy and public trial rights.15 But cognate rights are set out in the European Convention on Human Rights (ECHR)16 and are enforced by the European Court of Human Rights (ECtHR);17 both the Convention and the ECtHR’s case law function as a form of quasiconstitutional supranational public law for forty-seven member states. Law and Versteeg’s methodological choice to focus only on formal constitutional texts (and not to include externally binding human rights commitments) may thus also have resulted in some overstatement of the degree of separation between the U.S. constitutional system and those of other countries.

### K

#### Framework—the primary purpose of debate should be to improve our skills as decisionmakers through a discussion of public policy

#### Decisionmaking skills are necessary to decide between individual courses of action that affect us on a daily basis—flexing our muscles in the high-stakes games of public policymaking is necessary to make those individual decisions easier

#### The neg must connect their alternative to policy concerns and institutional practices—absent these questions shifts in knowledge production are useless – governments’ obey institutional logics that exist independently of individuals and constrain decisionmaking

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of habitus. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the habitus can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A habitus (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the habitus can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the habitus and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the habitus. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

#### Discussions of structure should precede substance—second generation Guantanamo issues require a more detailed focus on the legal system—student advocacy enables us to make change

Marguiles 11, Professor of Law

[February 9, 2011, Peter Margulies is Professor of Law, Roger Williams University., “The Ivory Tower at Ground Zero: Conflict and Convergence in Legal Education’s Responses to Terrorism”Journal of Legal Education, Vol. 60, p. 373, 2011, Roger Williams Univ. Legal Studies Paper No. 100]

If timidity in the face of government overreaching is the academy’s overarching historical narrative,1 responses to September 11 broke the mold. In what I will call the first generation of Guantánamo issues, members of the legal academy mounted a vigorous campaign against the unilateralism of Bush Administration policies.2 However, the landscape has changed in Guantánamo’s second generation, which started with the Supreme Court’s landmark decision in Boumediene v. Bush,3 affirming detainees’ access to habeas corpus, and continued with the election of Barack Obama. Second generation Guantánamo issues are murkier, without the clarion calls that marked first generation fights. This Article identifies points of substantive and methodological convergence4 in the wake of Boumediene and President Obama’s election. It then addresses the risks in the latter form of convergence. Substantive points of convergence that have emerged include a consensus on the lawfulness of detention of suspected terrorists subject to judicial review5 and a more fragile meeting of the minds on the salutary role of constraints generally and international law in particular. However, the promise of substantive consensus is marred by the peril of a methodological convergence that I call dominant doctrinalism. Too often, law school pedagogy and scholarship squint through the lens of doctrine, inattentive to the way that law works in practice.6 Novel doctrinal developments, such as the president’s power to detain United States citizens or persons apprehended in the United States, get disproportionate attention in casebooks and scholarship. In contrast, developments such as an expansion in criminal and immigration law enforcement that build on settled doctrine get short shrift, even though they have equal or greater real-world consequences. Consumers of pedagogy and scholarship are ill-equipped to make informed assessments or push for necessary changes. If legal academia is to respond adequately to second generation Guantánamo issues, as well as issues raised by any future attacks, it must transcend the fascination with doctrine displayed by both left and right, and bolster its commitment to understanding and changing how law works “on the ground.” To combat dominant doctrinalism and promote positive change, this Article asks for greater attention in three areas. First, law schools should do even more to promote clinical and other courses that give students first-hand experience in advocacy for vulnerable and sometimes unpopular clients, including the need for affirming their clients’ humanity and expanding the venue of advocacy into the court of public opinion.7 Clinical students also often discover with their clients that legal rights matter, although chastened veterans of rights battles like Joe Margulies and Hope Metcalf are correct that victories are provisional and sometimes pyrrhic.8 Second, legal scholarship and education should encourage the study of social phenomena like path dependence—the notion that past choices frame current advocacy strategies, so that lawyers recommending an option must consider the consequences of push-back from that choice. Aggressive Bush Administration lawyers unduly discounted risks flagged by more reflective colleagues on the consequences of push-back from the courts. Similarly, both the new Obama Administration and advocates trying to cope with Guantánamo’s post-Boumediene second generation failed to gauge the probability of push-back from the administration’s early announcement of plans to close the facility within a year. In each case, unexpected but reasonably foreseeable reactions skewed the implementation of legal and policy choices. Students should learn more about these dynamics before they enter the legal arena. Third, teachers need to focus more on ways in which bureaucratic structures affect policy choices. For example, terrorism fears gave conservative politicians like John Ashcroft an opportunity to decimate asylum adjudication, harming many victims of persecution who have been unable to press meritorious claims for refugee status and other forms of relief. Similarly, creation of the Department of Homeland Security turned a vital governmental function like disaster relief into a bureaucratic orphan, thereby paving the way for the inadequate response to Hurricane Katrina. Students need more guidance on what to look for when structure shapes substance.

#### Legal norms are good—prevents liberal democracies from sliding into totalitarianism by eliminating instances of exclusion

Heins, Professor PolSci Concordia, ‘5 (Volker, “Giorgio Agamben and the Current State of Affairs in Humanitarian Law and Human Rights Policy” German Law Journal, Vol 6 No 5)

According to this basic Principle of Distinction, modern humanitarian action is directed towards those who are caught up in violent conflicts without possessing any strategic value for the respective warring parties. Does this imply that classic humanitarianism and its legal expressions reduce the lives of noncombatants to the "bare life" of nameless individuals beyond the protection of any legal order? I would rather argue that humanitarianism is itself an order-making activity. Its goal is not the preservation of life reduced to a bare natural fact, but conversely the protection of civilians and thereby the protection of elementary standards of civilization which prevent the exclusion of individuals from any legal and moral order. The same holds true for human rights, of course. Agamben fails to appreciate the fact that human rights laws are not about some cadaveric "bare life", but about the protection of moral agency.33 His sweeping critique also lacks any sense for essential distinctions. It may be legitimate to see "bare life" as a juridical fiction nurtured by the modern state, which claims the right to derogate from otherwise binding norms in times of war and emergency, and to kill individuals, if necessary, outside the law in a mode of "effective factuality."34 Agamben asserts that sovereignty understood in this manner continues to function in the same way since the seventeenth century and regardless of the democratic or dictatorial structure of the state in question. This claim remains unilluminated by the wealth of evidence that shows how the humanitarian motive not only shapes the mandate of a host state and nonstate agencies, but also serves to restrict the operational freedom of military commanders in democracies, who can- not act with impunity and who do not wage war in a lawless state of nature.35 Furthermore, Agamben ignores the crisis of humanitarianism that emerged as a result of the totalitarian degeneration of modern states in the twentieth century. States cannot always be assumed to follow a rational self-interest which informs them that there is no point in killing others indiscriminately. The Nazi episode in European history has shown that sometimes leaders do not spare the weak and the sick, but take extra care not to let them escape, even if they are handicapped, very old or very young. Classic humanitarianism depends on the existence of an international society whose members feel bound by a basic set of rules regarding the use of violence—rules which the ICRC itself helped to institutionalize. Conversely, classic humanitarianism becomes dysfunctional when states place no value at all on their international reputation and see harming the lives of defenseless individuals not as useless and cruel, but as part of their very mission.36 The founders of the ICRC defined war as an anthropological constant that produced a continuous stream of new victims with the predictable regularity and unavoidability of floods or volcanic eruptions. Newer organizations, by contrast, have framed conditions of massive social suffering as a consequence of largely avoidable political mistakes. The humanitarian movement becomes political, to paraphrase Carl Schmitt,37 in so far as it orients itself to humanitarian states of emergency, the causes of which are located no longer in nature, but in society and politics. Consequently, the founding generation of the new humanitarian organizations have freed themselves from the ideals of apolitical philanthropy and chosen as their new models historical figures like the Swedish diplomat Raoul Wallenberg, who saved thou- sands of Jews during the Second World War.38 In a different fashion than Agamben imagines, the primary concern in the field of humanitarian intervention and human rights politics today is not the protection of bare life, but rather the rehabilitation of the lived life of citizens who suffer, for in- stance, from conditions such as post-traumatic stress disorder. At the same time, there is a field of activity emerging beneath the threshold of the bare life. In the United States, in particular, pathologists working in conjunction with human rights organizations have discovered the importance of corpses and corporal remains now that it is possible to identify reliable evidence for war crimes from exhumed bod- ies.39

#### Legal strategies are more effective than the alternative—focusing on habeas challenges enables us to mobilize attention and utilize the state to undermine its legitimacy—our evidence assumes the malleability of the law

Ahmad 9, Professor of Law

[2009, Muneer I. Ahmad is a Clinical Professor of Law, Yale Law School, “RESISTING GUANTÁNAMO: RIGHTS AT THE BRINK OF DEHUMANIZATION”, Northwestern University Law Review, Vol. 103, p. 1683, American University, WCL Research Paper No. 08-65]

As I have discussed thus far, we believed the commission to be a purely political apparatus, devoid of legal legitimacy, and yet, rather than boycott the proceedings, we participated in them. Moreover, despite our keen awareness that the system was built upon a rights-free edifice, we insisted on making rights-based arguments in the commission, as opposed to accepting the rights-free system presented to us. Thus, we argued that the Constitution, and in particular, Fifth Amendment due process protections, extended to Omar, as did substantive and procedural protections of the Geneva Conventions;255 we argued that Omar had rights as a child, under in-ternational treaty obligations256 as well as customary international law; and we argued that human rights law applied, and could not be displaced by international humanitarian law.257 In contrast, the Pentagon would have had us accept their system as is, and either persuade our clients to plead guilty (as the first defense lawyers were asked to do) or proceed to a trial governed by substandard rules and an unknown jurisprudence. This rights-based strategy might seem futile given the malleability of law and the contingency of its definitions and structures at Guantánamo, epitomized by the ever-shifting nature of such seemingly bedrock questions as who is an ―enemy combatant‖ and what is a ―war crime‖; so long as the political context in which rights reside can be redefined, so, too, can the rights themselves.258 While all rights questions are subject to change over time, as I have argued, the legal indeterminacy at Guantánamo was especially problematic because of the novelty of its core principles, its disavowal of extant jurisprudence, and the unavailability of meaningful judicial review. Moreover, the danger of a rights-based strategy is not merely futility, but complicity in the commission‘s project of self-legitimation, a concern that haunted us throughout the process. Indeed, one of the most sobering events for me came during the first session of Omar‘s commission, in which I had made a lengthy legal argument. During a break, a presiding officer from another case thanked me for the quality of my presentation and said that I had elevated the process. Although I did not create it, I had helped to hold up the commission‘s curtain of legitimacy. The indeterminacy of rights at Guantánamo did not only render them unstable, but suggested that they were politically determined as well. Like the velvet drapes in the military commission room, it seemed clear that law and its rhetoric, structures, and trappings were serving as a cover for the operation of political power. Still, we doggedly pursued a rights-based strategy on Omar‘s behalf. The question of why one might engage in rights-based litigation in as rights-starved an environment as Guantánamo involves tactical, strategic, and theoretical considerations,259 each of which is discussed below. Rights Tactics and Rights Strategies When confronted with profound, seemingly irremediable injustice in the primary forum of contest, the lawyer‘s instinct, if not the human one, is to appeal to a higher authority. In the military commissions, that higher authority was a federal habeas court, which, unlike the commission, stood independent of the Executive and enjoyed a legitimacy to which the commission could only aspire. As a tactical matter, therefore, we sought in the commission proceedings to dramatize the irregularity of the commission, in contrast to the proceedings a criminal defendant could expect in a regular court—either a military court martial or federal district court. Rights were an effective discourse strategy for this project, for they provided instantly recognizable handles for the comparison: the right to see the evidence against you, the right to confront witnesses, and the right to competent counsel were all so familiar within the American courtroom that their invocation in the commission—not just in principle but in the language of rights—would help to cast the commission as fatally deficient in the eyes of the habeas court when they reviewed the proceedings. This recalls Rick Abel‘s insight regarding the apartheid regime in South Africa: ―Because the regime used legal institutions to construct and administer apartheid, it was vulnerable to legal contestation.‖ 260 Similarly, Abel has observed that even though a reflection of power, law nonetheless can be a source of countervailing power as well, because state power is divided among the branches and therefore potentially heterogeneous.261 Such heterogeneity creates opportunities for even nonstate actors to wield power, strategically and interstitially, working the gaps and crevices within a complex state apparatus. Notably, recourse to the habeas court proved to be the most successful strategy in challenging the legitimacy of the military commissions: the Hamdan case, which invalidated the original military commission system at Guantánamo, was brought via a collateral habeas action.262 As a corollary to Abel‘s theorem, our invocation of rights was designed not only to appeal to the judiciary, but also to Congress, civil society actors, and the press. Rights may be an impoverished discourse, susceptible of manipulation and, even when recognized, unable to execute themselves without political consent, but they are nonetheless a familiar and shared discourse whose resonance carries across branches of government and across different segments of society. When we engaged in rights talk within the military commission, we knew that we were speaking to multiple au-diences simultaneously—―playing to the gallery,‖ as it is often pejoratively described—and we knew that the language of rights, as a metric of both correctness and fairness, was accessible to all. As I have discussed previously, the structure of the commissions and their early conduct convinced us that our assertions of rights would almost always fail. But claiming the language of rights forced the government to disclaim it. Each time we argued that the Geneva Conventions compelled some protection for Omar, the government was forced to argue the inapplicability of the Geneva Conventions. This was also the case when we argued constitutional due process and international human rights claims. Our hope was to dramatize, through the cumulative governmental disclaiming of rights, what Omar understood intuitively: that Guantánamo was a rightsfree zone. The fact of divided government and diffuse power263 does not, of course, compel the exercise of countervailing power. Just as the commissions rejected our rights-based arguments, so, too, could the federal courts, Congress, and the public. But the existence of multiple sources of power also permits different relationships between law and power. The appeal of rights, their narrative and jurisprudential meaning, can be expected to vary with the narrative frame of the audience; rights may vary across space and time. Because the commissions were a creation of the Executive and housed within the cultural and command structures of the military, they were institutionally situated far differently than the Article III habeas courts and subject to different political pressures than Congress. Thus, the repeated failure of rights-based arguments in the commissions was not necessarily itself a failure if competing arbiters of rights, in both the popular and legal imaginations, were to come to different conclusions. In many ways, our rights-based strategy was focused less on U.S. institutions and more on Canada, Omar‘s country of citizenship. This reflects a geopolitical view that Omar‘s continued detention and his trial by military commission are partially the function of Canadian acquiescence to American power. To date, the Canadian government has not publicly criticized either Guantánamo or Omar‘s trial by military commission. In contrast, other countries, most notably Great Britain, have rejected both the detention and trial by military commission of their citizens, stating publicly the unacceptability of these practices, and expending political capital in order to end them.264 As a result of these efforts, all Britons have been released from Guantánamo,265 suggesting that international political arrangements circum-scribe Omar‘s legal predicament at Guantánamo. The political domain, then, includes not only the United States, and not only U.S.–Canada relations, but the domestic politics of Canada as well. The case of former Guantánamo prisoner David Hicks is instructive in this regard. Hicks, an Australian citizen, was one of the first Guantánamo prisoners to be charged before a military commission. Through the extraordinary work of his legal counsel and effective advocacy in Australia by his family, Hicks became a cause célèbre in Australia, and a symbol of American injustice toward an Australian citizen.266 His advocates forged a narrative according to which as an Australian, Hicks was entitled to rights which the military commissions failed to afford. Hicks ultimately pleaded guilty to a single charge and was transferred back to Australia267 under an agreement that was widely understood to be a political compromise between the Australian and American governments rather than the product of independent legal process.268 Thus, even if rights-based arguments fall flat in the United States, Omar‘s circumstances might be improved if rights-based arguments were to alter political discourse in Canada. This strategy could be viewed as reducing rights to politics, and deploying rights as mere political devices. But once more we see how the value of rights can vary. Even as we worried that a post-September 11 politics had made the United States inhospitable to rights claims on behalf of terrorist suspects, we understood that in the same historical moment, rights might have greater purchase in Canada. A rightsbased strategy therefore feeds into what is essentially ongoing interlocutory review of Omar‘s case by the Canadian government (admittedly, governed by its own political process, but a different politics), which is in turn informed by broader Canadian public opinion. And so our rights-based strategy in the military commissions attempted to negotiate the uneasy relationship between law and politics, to view rights as less than self-defining but more than ―nonsense on stilts.‖ 269 We sought to subject the ―law‖ of the commissions to the scrutiny of a range of political actors. Thus, our strategy did not depend on victory in the commission itself. Indeed, the goal of demonstrating the legal emptiness of the commissions was better served by our arguments—for due process, for rules of evidence, for prohibitions on coerced testimony—failing in them. We used the commission, and its rejection of our rights-based strategy, for its political and educational value, echoing Jules Lobel‘s call for deliberate use of courts as forums for protest.270 In so doing, we ―drag[ged] the courtroom into politics.‖ 271 Clearly, not all of our tactics worked, and certainly they did not produce our ultimate goal of returning Omar to Canada. Moreover, even these tactics came at a cost of partially legitimizing the commission as a site of legal contest.272 Nonetheless, I believe the strategic potential of rights-based argument was sufficient to make our approach defensible. I must admit, however, that it was not all clear-eyed strategy that led me to the rightsbased approach, for even before I had thought through the strategic potential, I was inclined toward arguing rights. This rights tropism is the logical and predictable consequence of our professional training as lawyers. Indeed, it is an occupational hazard. I do not mean to disclaim rights wholesale, but at the same time, I am mindful, and wary, of rights as the first recourse for helping our clients achieve their goals.273 Rights become the faith story for many of us, holding out hope for a gradualist, liberal perfection of the injustice in the world.

#### The use of “ableism” obscures the discussion of the marginalized social categories seen as disabled or unproductive and reinforces the oppression of these groups

Chapman 10, Professor of Social Work at York University

(Christopher S., Crippling narratives and disabling shame: disability as a metaphor, affective dividing practices, and an ethics that might make a difference, still.my.revolution.tao.ca/node/68)

I used to use the term "ableism" to describe oppression against people who are labeled as disabled and/or the idea that disabled people are not as good as to non-disabled people. Within the past year or so, however, I have begun using the word "disablism" instead. There are a lot of reasons for this, but the primary one is the fact that ableism implies that this oppression is somehow related to ability – which it is not. Disability is a social category and its label is imposed on certain groups of people because of their perceived characteristics as un(der)productive. Internationally, disablism is the more commonly used term and, it is my understanding, ableism is really used only in North America and Australlia. The reason for this, I believe, is the way the disability rights movement emerged in each country. In the U.K., the emphasis was on the construction of disability and how people were disabled by social barriers. In the U.S. the focus was rights. There are, however, some folks in the United States who do use disablism exclusively or who use them both. When I began writing and speaking about disability, I used the term ableism; that is what I had been exposed to living in Canada. I didn't question the term and when, years later, I began to learn about the (British) social model I just thought it was one of those word differences that we have across the pond, like tampon and fanny pack or cigarette and fag. I only began to appreciate the intentional usage of “disablism” in the past few years. Then, one day, a non-disabled friend of mine was chatting about how someone at her work was being (dis/)ableist. But, she didn't say that, what she said was "what about ability?" That was when I realized that using ableism makes it really easy for people to equate ablesim with discrimination based on ability. This is a very problematic association. That is why I started using disablism rather than ableism to describe disabled people's oppression. Lisa, author of Lizy Babe's Blog, writes: "If 'racism' is discrimination on the grounds of race, surely it is logical that the word for discrimination on the grounds of disability would be 'disablism'?" She goes on to argue that "'ableism' is derived from the medical model of disability - the idea that a disability is something we have, that we are disabled by a lack of ability." I also think it is easier for those who use the term ableism to talk about able-bodied people, but this too is very problematic. The opposite of disabled is not able-bodied for a number of reasons. Firstly, "able-bodied" describes a physical state. Many people can be disabled and able-bodied at the same time as there are a number of different aspects of disability, not solely physical disability. What then, within this linguistic logic would you call people who are not psychiatized and don't have intellectual disabilities? Able-brained? Able-minded? I am offended by my invention of these words and can't imagine them being used. Also in the realm of the physical is the fact that able-bodied is adopted from a medical model, as I have already said, disability is not about "the body" of an individual, it is about the social categorization of certain kinds of people. Lastly, the idea that there are people who are able-bodied and not able-bodied is very troubling. Everyone has an "able body." Our bodies are what keep us alive, what sustain us – disabled or not. Words like "paralysis" and "disabled" are often used in disablist ways to talk about full stops but this is far from the way disabled people live our lives. If someone becomes disabled, their life continues and their body, while different (and possibly even painful or frustrating) is what allows their life to continue. Chris Chapman writes: In fact, we could imagine a less ableist account of literal paralysis – perhaps – as being more in line with what Kris describes: if I was to literally lose mobility in my legs today, my life won’t stop, but I’ll be fundamentally changed in enormous ways that I could never anticipate beforehand. It’s only ableism (sic) that situates paralysis as signifying only immobility in every aspect of life.\* We all have able bodies. If we don't have able bodies we are dead – otherwise our bodies are working, they are able. The opposite of disabled is not able-bodied, it is non-disabled. Of course, the use of the term dis/Abled also contributes to the idea that disability is about ability. This particular term is used by some very well meaning disabled people and supporters. It is written this way to encourage people to focus on our abilities. However, the problem for disabled people is not a branding issue, it is oppression. The fact that women have proven that they are as smart and capable as men hasn't changed the reality that women still make roughly 70% of what men make (something that has changed little in several decades). And, to show what women are equally as competent as men, they don't feel the need to call themselves wo/Men. While dis/Abled often comes from a well intentioned place, it is individualistic and it falsely connects disability with ability which actually works to reinforce our oppression, not the other way around.

#### Use of the term ableism blocks effective resistance to discrimination

Egan 08

(Lisa, Disablism Vs. Ableism, lisybabe.blogspot.com/2008/05/disablism-vs-ableism.html)

Those of you who don't know, "ableism" is the American/Australian word for "disablism". And I think it's ludicrous. For one thing it reminds me of those ridiculously over-PC words like "handicapable" or "differently abled", which are only used by people who are trying to pretend that disability doesn't exist. Secondly, it's unclear what it actually means. If "disablism" is discriminating against people for being disabled, surely "ableism" is discriminating against people for being able? In season three, episode 18 of My Name Is Earl, Earl and Randy go into a "wheelchair bar". In this bar there are no chairs, so it's obviously discriminating against people who are able to walk thus haven't brought their own seat with them. That's what I would call "ableism". In reality, in the UK it is illegal to discriminate against someone for being disabled, but it is legal to discriminate against someone for not being disabled. So for example, it is legal to advertise a job as being for disabled applicants only. This I would also call "ableism" (though I don't think this is wrong). Someone on an Internet message board I use started a discussion on ableism. She was Australian, and angered that she had tried to introduce a non-disabled person to the concept of ableism. The non-disabled person laughed at such a ludicrous term. Obviously I did too, because it's a silly word. But this person laughed, because she didn't believe that such a thing existed. I wonder if she would have still laughed if Australians used the more accurately descriptive word "disablism". On that thread several people mentioned that they struggle to get non-disabled people to understand concepts of ableism. I never have any trouble getting people to understand disablism; could this be because of the language I use? I believe that calling disablism "ableism" is akin to calling racism "whiteism". I've heard some people disagree, and argue that grammatically "ableism" is more correct. I fail to see their point. If "racism" is discrimination on the grounds of race, surely it is logical that the word for discrimination on the grounds of disability would be "disablism"? I shall await the barrage of comments from people who have studied the English language in greater depth than me pointing out why I'm an idiot. So my appeal for this Blogging Against Disablism Day is for us all to call disablism what it really is. If we are using a word like "ableism" which tries to pretend that disability doesn't exist, how can we fight against discrimination on the basis of disability? If we're trying to pretend that disability doesn't exist, then how can discrimination on the basis of it exist? "Sexism", "racism" and "homophobia" are used by English speakers the whole world over. How are we supposed to expect non-disableds to fully understand concepts of disablism if we can't even come up with a unified word for it? Say it with me people: Diss-A-Buh-Lism. Then go and read what my cat had to say for BADD. Edit May 8th: Thanks for all the comments on this post. I was especially interested by the thoughtful comment by maudite entendante in which she said: Highly Obvious to me that the "abl-" in "ableism" is just the prefix form of "ability" (because, really, "abilityism" just isn't a possible English word), and it means "discrimination based on [amount or type or category of] ability" Looking at the term "ableism" in that context makes it clear that "ableism" is derived from the medical model of disability - the idea that a disability is something we have, that we are disabled by a lack of ability. I'm a believer in the social model of disability, the idea that we are disabled by barriers which prevent us from living as full and equal citizens. The term "disablism" doesn't have such obvious medical model roots. Another reason why I think this term is superior.

#### No single cause of conflict – be suspicious of their “master variable”, authors exaggerate problems their programs have the best chance of solving

Barnett et al 7

Michael, Hunjoon Kim, Madalene O’Donnell, Laura Sitea, Global Governance, “Peacebuilding: What is in a Name?”, Questia

Because there are multiple contributing causes of conflict, almost any international assistance effort that addresses any perceived or real grievance can arguably be called "peacebuilding." Moreover, anyone invited to imagine the causes of violent conflict might generate a rather expansive laundry list of issues to be addressed in the postconflict period, including income distribution, land reform, democracy and the rule of law, human security, corruption, gender equality, refugee reintegration, economic development, ethnonational divisions, environmental degradation, transitional justice, and on and on. There are at least two good reasons for such a fertile imagination. One, there is no master variable for explaining either the outbreak of violence or the construction of a positive peace but merely groupings of factors across categories such as greed and grievance, and catalytic events. Variables that might be relatively harmless in some contexts can be a potent cocktail in others. Conversely, we have relatively little knowledge regarding what causes peace or what the paths to peace are. Although democratic states that have reasonably high per capita incomes are at a reduced risk of conflict, being democratic and rich is no guarantor of a positive peace, and illiberal and poor countries, at times, also have had their share of success. Second, organizations are likely to claim that their core competencies and mandates are critical to peacebuilding. They might be right. They also might be opportunistic. After all, if peacebuilding is big business, then there are good bureaucratic reasons for claiming that they are an invaluable partner.

#### Calculating key to ethical engagement in the world – trying to identify with suffering directly fails

Santilli, Philosophy Professor at Siena College, ‘3 (Paul, May 22, “Radical Evil, Subjection, and Alain Badiou’s Ethics of the Truth Event” World Congress of the international Society for Universal Dialogue, www.isud.org/papers/pdfs/Santilli.pdf)

From the standpoint of an ethics of subjection there is even something unnecessary or superfluous about the void of suffering in the subject bearers of evil. For Levinas, the return to being from the ethical encounter with the face and its infinite depths is fraught with the danger the subject will reduce the other to a "like-me," totalizing and violating the space of absolute alterity. As Chalier puts it, "Levinas conceives of the moral subject's awakening, or the emergence of the human in being, as a response to that pre-originary subjection which is not a happenstance of being."28 But if there really is something inaccessible about suffering itself, about the 'other' side of what is manifestly finite, subjected, and damaged, then to a certain extent it is irrelevant to ethics, as irrelevant as the judgment of moral progress in the subject-agent. Let me take the parent-child relation again as an example. Suppose the child to exhibit the symptoms of an illness. Are not the proper "ethical" questions for the parent to ask questions of measure and mathematical multiples: How high is the fever? How long has it lasted? How far is the hospital? Can she get out of bed? Has this happened before? These are the questions of the doctor, the rescue squads and the police. They are questions about being, about detail, causes and effects. Ethically our response to the needs of must be reduced to a positivity simply because we have access to nothing but the symptoms, which are like mine. Our primary moral responsibility is to treat the symptoms that show up in being, not the radically other with whom I cannot identify. Say we observe someone whose hands have been chopped off with a machete. How would we characterize this? Would it not be slightly absurd to say, "He had his limbs severed and he suffered," as though the cruel amputation were not horror enough. Think of the idiocy in the common platitude: "She died of cancer, but thank God, she did not suffer", as though the devastating annihilation of the human by a tumor were not evil itself. For ethics, then, the only suffering that matters are the visible effects of the onslaught of the world. All other suffering is excessive and inaccessible. Therefore, it is in being, indeed in the midst of the most elemental facts about ourselves and other people, that we ethically encounter others by responding to their needs and helping them as best we can.

It is precisely by identifying being and not pretending that we know any thing about suffering, other than it is a hollow in the midst of being, that we can act responsibly. What worries me about Levinas is that by going beyond being to what he regards as the ethics of absolute alterity, he risks allowing the sheer, almost banal facticity of suffering to be swallowed in the infinite depths of transcendence. Indeed, it seems to me that Levinas too often over emphasizes the importance of the emergence of the subject and the inner good in the ethical encounter, as though the point of meeting the suffering human being was to come to an awareness of the good within oneself and not to heal and repair. I agree with Chalier's observation that Levinas's "analyses adopt the point of view of the moral subject, not that of a person who might be the object of its solicitude."29 Ethics has limits; there are situations like the Holocaust where to speak of a moral responsibility to heal and repair seems pathetic. But an ethics that would be oriented to the vulnerabilities of the subjected (which are others, of course, but also myself) needs to address the mutilation, dismemberment, the chronology of torture, the numbers incarcerated, the look of the bodies, the narratives, the blood counts, the mines knives, machetes, and poisons. Evil really is all that. When the mind does its work, it plunges into being, into mathematical multiples and starts counting the cells, the graveyards, and bullet wounds. Rational practical deliberation is always about the facts that encircle the void inaccessible to deliberation and practical reason.

### 1AR – K Overview

#### War turns structural violence

Goldstein 1—Prof PoliSci @ American University, Joshua, War and Gender , P. 412

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, "if you want peace, work for justice". Then if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influences wars' outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, "if you want peace, work for peace." Indeed, if you want justice (gener and others), work for peace. Causality does not run just upward through the levels of analysis from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes toward war and the military may be the most important way to "reverse women's oppression/" The dilemma is that peace work focused on justice brings to the peace movement energy, allies and moral grounding, yet, in light of this book's evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

#### Hindsight is blinding – claims of “inevitability” are over-determined and diminish our ability to isolate alternative pathways [highlight]

Scott D. Sagan – Political Science, Stanford –2000, ACCIDENTAL WAR IN THEORY AND PRACTICE – available via: [www.sscnet.ucla.edu/polisci/faculty/trachtenberg/cv/sagan.doc](http://www.sscnet.ucla.edu/polisci/faculty/trachtenberg/cv/sagan.doc)

To make reasonable judgements in such matters it is essential, in my view, to avoid the common "fallacy of overdetermination." Looking backwards at historical events, it is always tempting to underestimate the importance of the immediate causes of a war and argue that the likelihood of conflict was so high that the war would have broken out sooner or later even without the specific incident that set it off. If taken too far, however, this tendency eliminates the role of contingency in history and diminishes our ability to perceive the alternative pathways that were present to historical actors. The point is perhaps best made through a counterfactual about the Cold War. During the 1962 Cuban Missile Crisis, a bizarre false warning incident in the U.S. radar systems facing Cuba led officers at the North American Air Defense Command to believe that the U.S. was under attack and that a nuclear weapon was about to go off in Florida. Now imagine the counterfactual event that this false warning was reported and believed by U.S. leaders and resulted in a U.S. nuclear "retaliation" against the Russians. How would future historians have seen the causes of World War III? One can easily imagine arguments stressing that the war between the U.S. and the USSR was inevitable. War was overdetermined: given the deep political hostility of the two superpowers, the conflicting ideology, the escalating arms race, nuclear war would have occurred eventually. If not during that specific crisis over Cuba, then over the next one in Berlin, or the Middle East, or Korea. From that perspective, focusing on this particular accidental event as a cause of war would be seen as misleading. Yet, we all now know, of course that a nuclear war was neither inevitable nor overdetermined during the Cold War.