# 1nc

## 1nc cp

Michael and I stand that the CIA’s authority to conduct drone strikes ought to be fully transferred to the Pentagon and that the United States should make fully transparent legal codes, strike histories, and other covert activity regarding drone strikes.

The counterplan demands a policy change that makes the united states accountable for its actions

Gordon Lubold, National Security Reporter and Shane Harris, Senior Staff writer at Foreign policy, 11/6/13 [“The CIA, Not The Pentagon, Will Keep Running Obama's Drone War,” http://complex.foreignpolicy.com/posts/2013/11/05/cia\_pentagon\_drone\_war\_control#sthash.rWrrCcLt.dpuf]

In May, the White House leaked word that it would start shifting drone operations from the shadows of the CIA to the relative sunlight of the Defense Department in an effort to be more transparent about the controversial targeted killing program. But six months later, the so-called migration of those operations has stalled, and it is now unlikely to happen anytime soo**n**, Foreign Policy has learned.¶ The anonymous series of announcements coincided with remarks President Obama made on counterterrorism policy at National Defense University in which he called for "transparency and debate on this issue." A classified Presidential Policy Guidance on the matter, issued at the same time, caught some in government by surprise, triggering a scramble at the Pentagon and at CIA to achieve a White House objective. The transfer was never expected to happen overnight. But it is now clear the complexity of the issue, the distinct operational and cultural differences between the Pentagon and CIA and the bureaucratic politics of it all has forced officials on all sides to recognize transferring drone operations from the Agency to the Defense Department represents, for now, an unattainable goal.¶ "The physics of making this happen quickly are remarkably difficult," one U.S. official told FP. "The goal remains the same, but the reality has set in."¶ Another U.S. official emphasized that the transfer is still continuing. "This is the policy, and we're moving toward that policy, but it will take some time," the official said. "The notion that there has been some sort of policy reversal is just not accurate. I think from the moment the policy was announced it was clear it was not something that would occur overnight or immediately."¶ The official noted that all involved are mindful not to disrupt the drone program just for the sake of completing the transfer from the CIA to the military. "While we work jointly towards this transition, we also want to ensure that we maintain capabilities."¶ Officials at the CIA and the Defense Department are loathe to try and fix a program that they don't think is broken, even if it has become a political liability for Obama, who has faced constant pressure from human rights activists, his political base, and a growing chorus of libertarian Republicans to scale back the program and subject it to greater public scrutiny. But the pitfalls of transferring operations reside in more practical concerns. The U.S. official said that while the platforms and the capabilities are common to either the Agency or the Pentagon, there remain distinctly different approaches to "finding, fixing and finishing" terrorist targets. The two organizations also use different approaches to producing the "intelligence feeds" upon which drone operations rely. Perhaps more importantly, after years of conducting drone strikes, the CIA has developed an expertise and a taste for them. The DOD's appetite to take over that mission may not run very deep.¶ The military operates its own drones, of course, and has launched hundreds of lethal strikes in Iraq and Afghanistan. But the CIA is more "agile," another former official said, and has a longer track record of being able to sending drones into places where U.S. combat forces cannot go.¶ "The agency can do it much more efficiently and at lower cost than the military can," said one former intelligence official. Another former official with extensive experience in intelligence and military operations said it takes the military longer to deploy drones -- in part because the military uses a larger support staff to operate the aircraft.¶ The military also cannot conduct overt, hostile action in Pakistan, where the drones have been most active and are practically the only means the United States has to attack terrorists and militants in remote regions. Yes, the pace of strikes has significantly decreased since the 2010 peak of an estimated 122 unmanned attacks in Pakistan. But the drones are most certainly still flying. Last week, a drone strike killed the leader of the Pakistani Taliban, Hakimullah Mehsud, who had a $5 million U.S. bounty on his head for his involvement in a 2009 attack in Afghanistan. Over the summer, a spate of drone strikes killed a dozen militants in Yemen.¶ Keeping the drones with the CIA also offers legal cover for drone strikes, former officials argued. By law, the military is not supposed to conduct hostile actions outside a declared war zone, although special forces do so on occasion acting at the CIA's behest.¶ When the White House began floating the idea earlier this year of transferring the drone program to the military, some lawmakers were skeptical, said a former U.S. official. John Brennan -- the White House counterrorism czar turned CIA director -- might have allegedly grown uncomfortable with the targeted killings that he helped oversee for so long. But the congressmen doubted whether the government of Pakistan would ever allow drone strikes run by the U.S. military to occur in their country.¶ "That was the president's aspirational goal, but no one ever believed the Pakistanis were going to let us do that," said the former official, who was involved in discussions over transferring the drone program to the military.¶ For years, the Pakistani government has given tacit approval to CIA-led strikes. But they were conducted as covert actions under U.S. law, meaning they were never officially acknowledged by U.S. officials. That gave the Pakistanis some wiggle room to tell an angry public, which would never tolerate American troops on the ground, that Pakistani leaders had nothing to do with the strikes on their territory.¶ Even though Obama and other senior U.S. officials now publicly discuss CIA drone strikes, they are still conducted as covert operations. In practical terms, that means it's extremely difficult for journalists and outside researchers to obtain data from the CIA about its drone operations. And they are still briefed to Congress as covert operations, so relatively few lawmakers and congressional staff know about them.¶ The secrecy of drone operations could have far reaching effects on U.S. foreign policy as other nations build and deploy their own drone fleets.¶ "We are setting precedent that other nations will follow," said Micah Zenko, a fellow with the Council on Foreign Relations who closely follows the CIA drone program. "If the executive branch wants maximum authority with this very minimal amount of transparency and limited-in-scope oversight, that's a precedent that other countries will look to as well."

## 1nc t

“Statutory restrictions on authority” require the Congress

Peterson, Associate Professor of Law @ George Washington University, 1991

(Todd D. Peterson,; B.A. 1973, Brown University; J.D. 1976, University of Michigan, Book Review: The Law And Politics Of Shared National Security Power -- A Review Of The National Security Constitution: Sharing Power After The Iran-Contra Affair by Harold Hongju Koh, New Haven, Conn.: Yale University Press. 1990. Pp. x, 330, March, 1991 59 Geo. Wash. L. Rev. 747)

Based on both case law and custom, it is hard to argue that Congress does not have substantial power to control the President's authority, even in the area of national security law. From the time of Little v. Barreme, n77 the Supreme Court has recognized Congress's power to regulate, through legislation, national security and foreign affairs. No Supreme Court case has struck down or limited Congress's ability to limit the President's national security power by passing a statute. n78 Although there may be some areas where the Court might not permit statutory regulation to interfere with the President's national security powers, these are relatively insignificant when compared to the broad authority granted to Congress by express provisions of the Constitution and the decisions of the Supreme Court. n79

Even in cases in which the Court has given the President a wide berth because of national security concerns, the Court has noted the absence of express statutory limitations. For example, in Department of the Navy v. Egan, n80 the Court refused to review the denial of a security clearance, but it concluded that "unless Congress specifically has provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security [\*762] affairs." n81 In other cases, of course, such as Youngstown, n82 the Supreme Court has clearly stated that Congress may restrict the President's authority to act in matters related to national security.

Not even Koh's bete noire, the Curtiss-Wright case, n83 could reasonably be interpreted as a significant restriction on Congress's authority to limit the President's authority by statute. First, as Koh himself forcefully demonstrates, Curtiss-Wright involved the issue whether the President could act pursuant to a congressional delegation of authority that under the case law existing at the time of the decision might have been deemed excessively broad. n84 Thus, the question presented in Curtiss-Wright was the extent to which Congress could increase the President's authority, not decrease it. At most, the broad dicta of Curtiss-Wright could be used to restrict the scope of mandatory power sharing on the ground that the President's inherent power in the area of international relations "does not require as a basis for its exercise an act of Congress." n85

Even the dicta of Curtiss-Wright, however, give little support to those who would restrict permissive power sharing on the ground that Congress may not impose statutory restrictions on the President in the area of national security and foreign affairs. Justice Sutherland's claims with respect to exclusive presidential authority are comparatively modest when compared with his sweeping statements about the President's ability to act in the absence of any congressional prohibition. n86 He asserts that the President alone may speak for the United States, that the President alone negotiates treaties and that "[i]nto the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." n87 It is in this context of the President's power to be the communicator for the nation that Justice Sutherland cites John Marshall's famous statement that the President is the "sole organ of the nation" in relations with other nations. n88 This area of exclusive authority in which even permissive sharing is inappropriate is limited indeed. When he writes of the [\*763] need to "accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved," n89 Justice Sutherland refers to the permissibility of a broad delegation, not the constitutional impermissibility of a **statutory restriction**. **Indeed**, **the Court specifically recognized that Congress could withdraw the authority of the President to act** and prohibit him from taking the actions that were the subject of the case. n90

To be fair to Koh, he would not necessarily disagree with this reading of Curtiss-Wright; he clearly believes that Congress does have the authority to restrict the President's national security power. Nevertheless, Koh's emphasis on Curtiss-Wright still gives the case too much import. Oliver North's protestations to the contrary notwithstanding, there is no Supreme Court authority, including the dicta in Curtiss-Wright, that significantly restricts the power of Congress to participate by statutory edict in the national security area. Thus, contrary to Koh's model, Curtiss-Wright and Youngstown do not stand as polar extremes on a similar question of constitutional law. To be sure, they differ significantly in tone and in the attitude they take to presidential power, but the cases simply do not address the same issue. Therefore, it does Koh's own thesis a disservice to suggest that the cases represent different views on the scope of permissive power sharing. There simply is no Supreme Court precedent that substantially restricts Congress's authority to act if it can summon the political will.

**The absence of judicial restrictions on permissive power sharing is particularly important because** it means that **the question of statutory restrictions on the President's** national security **powers should** for the most part **be a political one**, not a constitutional one. **Congress has broad power to act**, and the Court has not restrained it from doing so. n91 The problem is that Congress has refused to take effective action.

Judicial is the courts

MacMillan Dictionary No Date

(http://www.macmillandictionary.com/us/dictionary/american/judicial)

Judicial – definition

ADJECTIVE [ONLY BEFORE NOUN]

1 relating to the judges and courts that are responsible for justice in a country or state

the judicial system

Violation – the plan claims to limit the president’s war power authority by sharing their knowledge – that’s not a statutory or judicial restriction

Vote neg –

They claim to win the debate for reasons other than the desirability of topical action. That undermines preparation and clash. Changing the question now leaves one side unprepared, resulting in shallow, uneducational debate. Requiring debate on a communal topic forces argument development and develops persuasive skills critical to any political outcome.

Simualted national security legal debates inculcate agency and decision-making skills—that enables activism and avoids cooption

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

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

Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution into competing truth claims such as making sure people know that drones have a dark side, destroys the decision-making benefits of the activity

Steinberg and Freeley ‘13

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, *Argumentation and Debate*

*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four,” because there is simply no controversy about this state­ment. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions of issues, there is no debate. Controversy invites decisive choice between competing positions. Debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants live in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terri­ble job! They' are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do some­thing about this” or, worse, “It’s too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies, The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved; That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean *Iliad* the written word is more effec­tive than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote weII-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advo­cates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

Decisionmaking is the most portable and flexible skill—key to all facets of life and advocacy

Steinberg and Freeley ‘13

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, *Argumentation and Debate*

*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

In the spring of 2011, facing a legacy of problematic U.S, military involvement in Bosnia, Iraq, and Afghanistan, and criticism for what some saw as slow sup­port of the United States for the people of Egypt and Tunisia as citizens of those nations ousted their formerly American-backed dictators, the administration of President Barack Obama considered its options in providing support for rebels seeking to overthrow the government of Muammar el-Qaddafi in Libya. Public debate was robust as the administration sought to determine its most appropriate action. The president ultimately decided to engage in an international coalition, enforcing United Nations Security Council Resolution 1973 through a number of measures including establishment of a no-fly zone through air and missile strikes to support rebels in Libya, but stopping short of direct U.S. intervention with ground forces or any occupation of Libya. While the action seemed to achieve its immediate objectives, most notably the defeat of Qaddafi and his regime, the American president received both criticism and praise for his mea­sured yet assertive decision. In fact, the past decade has challenged American leaders to make many difficult decisions in response to potentially catastrophic problems. Public debate has raged in chaotic environment of political division and apparent animosity, The process of public decision making may have never been so consequential or difficult. Beginning in the fall of 2008, Presidents Bush and Obama faced a growing eco­nomic crisis and responded in part with '’bailouts'' of certain Wall Street financial entities, additional bailouts of Detroit automakers, and a major economic stimu­lus package. All these actions generated substantial public discourse regarding the necessity, wisdom, and consequences of acting (or not acting). In the summer of 2011, the president and the Congress participated in heated debates (and attempted negotiations) to raise the nation's debt ceiling such that the U.S. Federal Govern­ment could pay its debts and continue government operations. This discussion was linked to a debate about the size of the exponentially growing national debt, gov­ernment spending, and taxation. Further, in the spring of 2012, U.S. leaders sought to prevent Iran from developing nuclear weapon capability while gas prices in the United States rose, The United States considered its ongoing military involvement in Afghanistan in the face of nationwide protests and violence in that country1 sparked by the alleged burning of Korans by American soldiers, and Americans observed the actions of President Bashir Al-Assad and Syrian forces as they killed Syrian citizens in response to a rebel uprising in that nation and considered the role of the United States in that action. Meanwhile, public discourse, in part generated and intensified by the cam­paigns of the GOP candidates for president and consequent media coverage, addressed issues dividing Americans, including health care, women's rights to reproductive health services, the freedom of churches and church-run organiza­tions to remain true to their beliefs in providing (or electing not to provide) health care services which they oppose, the growing gap between the wealthiest 1 percent of Americans and the rest of the American population, and continued high levels of unemployment. More division among the American public would be hard to imagine. Yet through all the tension, conflict was almost entirely ver­bal in nature, aimed at discovering or advocating solutions to growing problems. Individuals also faced daunting decisions. A young couple, underwater with their mortgage and struggling to make their monthly payments, considered walking away from their loan; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job and a teenager decided between an iPhone and an iPad. Each of these situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions. Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consider­ation: others scorn to just happen. Couples, families, groups of friends, and co­workers come together to make choices, and decision-making bodies from committees to juries to the U.S. Congress and the United Nations make deci­sions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations. We all engage in discourse surrounding our necessary decisions every day. To refinance or sell one’s home, to buy a high-performance SUV or an eco­nomical hybrid car, what major to select, what to have for dinner, what candi­date to vote for, paper or plastic, all present us with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration? Is the defendant guilty as accused? Should we watch The Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue—all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, Time magazine named YOU its "Person of the Year.” Congratulations! Its selection was based on the participation not of “great men” in the creation of his­tory, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs, online networking, YouTube, Facebook, Twitter, Wikipedia, and many other “wikis," and social networking sites, knowledge and truth are created from the bottom up, bypassing the authoritarian control of newspeople, academics, and publishers. Through a quick keyword search, we have access to infinite quantities of information, but how do we sort through it and select the best information for our needs? Much of what suffices as information is not reliable, or even ethically motivated. The ability of every decision maker to make good, reasoned, and ethical deci­sions' relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength, And, critical thinking offers tools enabling the user to better understand the' nature and relative quality of the message under consider­ation. Critical thinkers are better users of information as well as better advocates. Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized. The executive order establishing California's requirement states; Instruction in critical thinking is designed to achieve an understanding of the relationship of language to logic, which would lead to the ability to analyze, criticize and advocate ideas, to reason inductively and deductively, and to reach factual or judgmental conclusions based on sound inferences drawn from unambigu­ous statements of knowledge or belief. The minimal competence to be expected at the successful conclusion of instruction in critical thinking should be the ability to distinguish fact from judgment, belief from knowledge, and skills in elementary inductive arid deductive processes, including an under­standing of die formal and informal fallacies of language and thought. Competency in critical thinking is a prerequisite to participating effectively in human affairs, pursuing higher education, and succeeding in the highly com­petitive world of business and the professions. Michael Scriven and Richard Paul for the National Council for Excellence in Critical Thinking Instruction argued that the effective critical thinker: raises vital questions and problems, formulating them clearly and precisely; gathers and assesses relevant information, using abstract ideas to interpret it effectively; comes to well-reasoned conclusions and solutions, testing them against relevant criteria and standards; thinks open-mindedly within alternative systems of thought, recognizing, and assessing, as need be, their assumptions, implications, and practical con­sequences; and communicates effectively with others in figuring our solutions to complex problems. They also observed that critical thinking entails effective communication and problem solving abilities and a commitment to overcome our native egocentrism and sociocentrism,"1 Debate as a classroom exercise and as a mode of thinking and behaving uniquely promotes development of each of these skill sets. Since classical times, debate has been one of the best methods of learning and applying the principles of critical thinking. Contemporary research confirms the value of debate. One study concluded: The impact of public communication training on the critical thinking ability of the participants is demonstrably positive. This summary of existing research reaffirms what many ex-debaters and others in forensics, public speaking, mock trial, or argumentation would support: participation improves die thinking of those involved,2 In particular, debate education improves the ability to think critically. In a com­prehensive review of the relevant research, Kent Colbert concluded, "'The debate-critical thinking literature provides presumptive proof ■favoring a positive debate-critical thinking relationship.11'1 Much of the most significant communication of our lives is conducted in the form of debates, formal or informal, These take place in intrapersonal commu­nications, with which we weigh the pros and cons of an important decision in our own minds, and in interpersonal communications, in which we listen to argu­ments intended to influence our decision or participate in exchanges to influence the decisions of others. Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of’ others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job offer, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few Of the thousands of deci­sions we may have to make. Often, intelligent self-interest or a sense of respon­sibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for our product, or a vote for our favored political candidate. Some people make decision by flipping a coin. Others act on a whim or respond unconsciously to “hidden persuaders.” If the problem is trivial—such as whether to go to a concert or a film—the particular method used is unimportant. For more crucial matters, however, mature adults require a reasoned methods of decision making. Decisions should be justified by good reasons based on accurate evidence and valid reasoning.

## 1nc Kritik

The aff’s call to fix a world gone astray is part of debate’s fixation on the suffering of the Other – this perspective is one of prescriptive colonialism that leads to endless violence

Jayan Nayar 12, law prof at the University of Warwick, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, December 15, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

People suffer.17 This is a simple truth that takes little effort to state. Neither does the analysis of structures, of processes, of histories, of suffering require any accountable engagement on our part with suffering bodies (save perhaps in our field-work phase of enquiry as we seek data), nor with any of the vectors of violence whose complex intersections in historical time give material, embodied content to what we, in distance, name ‘suffering’. Put differently, the suffering condition when appropriated for the purposes of theory possesses no experiential meaning. Whilst lip service is paid to ‘voices of suffering’, voices as such are absented of experiential truth or ontological-political significance in any objectification of suffering as condition; voices are retained instead (perhaps, again, through the inclusion of some choice quotes of wretchedness, accumulated as data from the field) as theory’s justificatory launch-pads for intervention. At no point, for most of us theorists, is the suffering voice the voice of theory. Indeed, as Spivak (1988) so trenchantly affirmed, the ‘subaltern cannot speak’!18 The politics of discoursing suffering therefore is a politics of the theorist, suffering a problem to be solved by the theorist, where prescription is divorced from experience, theory from the relationality of violence and its local, day-to-day, normal and norm-alised infliction. At best, those that suffer, are invited to await the trickle-down of whatever benign ‘solution’ theory may purport to offer, post its lengthy journeys through intellectual and policy interrogations, as suffering is validated (or otherwise), its structural causation identified (or otherwise), its alleviation interrogated for many a disputed appropriateness of response (or otherwise).19 Having served the purpose of instigating theory, suffering itself becomes secondary to the politics of the ‘theorist/philosopher’—the ‘Self’ thinking for the suffering Other—of imperial recognition, response and intervention.20 Thus rationalised solutions are offered to the problem of the suffering condition, as if some ideal may indeed be redeemed and made ‘real’ from the incomplete actual of the present, laying as it were, immanent, latent, awaiting (re)discovery. The theorist becomes the technician, the expert wielder of knowledge and strategic wisdom, to overcome the problem of suffering that is perceived as one of inadequate social cognition, institutional organisation and planning. Thus, for example, suffering, as human rights violation becomes the result of inadequate understanding of rights-scope and obligations (Craven 2007; Alston and Quinn 1987), or of the conceptual essence of rights itself, or of the allocation of resources.21 Or, to refer to another example of theory-talk (where the legacy of Levinas is apparent), suffering as global injustice becomes a problem of reformulating political affinities within the new meta-game of globalisation as methodological cosmopolitanism (Beck 2005),22 towards ‘global citizenship’ to overcome the limits of anachronistic notions of political identities and responsibilities (Dower and Williams 2002), of ‘social connection models’ (Young 2006); or of the ‘ethics of assistance’ (Chatterjee 2004) or of cosmopolitan care, responsibility, and the politics of redistribution and institutional reform (Pogge 2008). In these examples of discoursing suffering, thinking suffering and its alleviation, true to the ‘problem of the passage’ in Levinasian thought (Wolcher 2003),23 becomes rational work, and the technocratic, even bureaucratic, measuring of suffering and its (appropriate) responses becomes the practical implication of theory; the constant fluctuations of betrayals and aspirations, always with some justification close at hand, only serving to entrench further the Levinasian injunction to responsibility—for further endeavours of thinking-hope, to serve further the cause of salvation for the lost souls of ‘strangers’, as Wheeler (2000) so poignantly put it. Suffering, as condition, as commodity to be exploited, as depoliticised category rather than experience, as a technical/bureaucratic/managerial problem to be solved, remains therefore the ever-present alibi for legitimate interventions amidst constant (and inevitable) disappointments. A corrupt, violent, imperial, global order(ing) of social relations becomes also the saviour, constantly revitalised and called unto renewed being, with every call for the alleviation of suffering (Douzinas 2007b).24 For all the repeated urgings for the expansion of its boundaries, to repair the various denials of exteriority, totality, it seems, is little affected.25 How, therefore, do we account for the constant supply of suffering (through the cruelties of the world) that continues to move the demand for suffering-based thinking (despite these cruelties)? How might the apparent inconsequentiality of so much humanisation in the pervasiveness of inhumanity demand our critical self-reflection as we engage in the politics of hope? We make a huge assumption—we, who theorise alleviatory possibilities out of the suffering condition—that our faith systems are true to the promises proclaimed. With this assumption, we attempt to think our way out of (continuing) betrayals to enable the realisation of promises in which we wish to believe. Good promises they seemingly are: the promise to eliminate poverty; to end starvation; to realise education for all; the list goes on. We ask the question: what prevents the realisation of these promises? What might enable the realisation of these promises? How many more resources? What kind of political institutions? Perhaps to assuage our faith in the consequentiality of our thoughts, so many questions are followed by so many ‘should’-assertions that crowd our repeated redesigns for Humanity—that the world community should respond to suffering; should expend the necessary (miniscule) resources that would alleviate chronic deprivation; should redress prevailing inequalities and injustices within the global economic order; should prioritise human rights in world trade and economic relations; should enforce legal regimes to hold transnational corporations responsible; should reform and democratise international institutions. The list, again, goes on, as do, notwithstanding all of these manifold ‘shoulds’, the ways of the world in which betrayals remain the normalities of business-as-usual (Robinson and Tormey 2009). Andrew Linklater’s contemplations on the prospects for ‘cosmopolitan obligations’ for ‘distant suffering’ is characteristic of the intellectual idealism of much theorisings of Humanity’s hopeful futures: the gulf between human societies may not be so difficult to bridge. … The obstacles to substantial progress have been well documented, and they will continue to shape the tracks along which globalization travels. But it is not beyond the ingenuity of the human race to rise above increasingly problematical particularistic moralities, and to create global arrangements that have the primary task of implementing cosmopolitan obligations to reduce distant suffering. (Linklater 2007, p. 33) As if the failures thus far have been simply due to a lack of ingenuity of the ‘human race’! What if, instead, the world order of inflicted suffering (and ‘the gulf between human societies’), the order of global impoverishment and insecurities, persists not merely as the outcome of a failure of (humane) consciousness to be corrected by suffering-based ethical theorisations of human rights and global justice, but as the result of created, planned and effected imperialist design as it continuously seeks to reshape world orders for profit? To what extent do the many ethical urgings for global transformations actually encounter the geo-and bio-politics of global coloniality that is defined by the material desires, motivations and actions of globalising elites, for whom, as Bauman (2003, p. 20) tells us, visions of the good life are defined not by attachments (to the suffering Other) but by a ‘disengaged imagination’ that seeks no utopian mission.26 In the face of such actualities, what do we make of the useful suffering of the ethical Self who purports to think for the Other? Inconsequentiality is the least of the criticisms that may be made. Nandy’s observation is pertinent: ‘domination today is rarely justified through oracles, ritual superiority, or claims to birthrights; domination is now more frequently justified in terms of better acquaintance with universal knowledge and better access to universal modes of acquiring knowledge’ (Nandy 2007, p. 227). Theorisations of hope that gaze upon suffering and that purport to contemplate, manage and solve suffering, therefore, as knowing (and modes of knowing) the Other, help create masks of hegemony for the brutal faces of domination.27

Reject their hopeful politics in favor of a focus on the failure that produced suffering – the aff is a caricature of the obsession with success imageries – only the right to fail can rupture the cycle

O’Gorman and Werry ’12 (Roisin O'Gorman, Ph.d., Theater and Drama Studies @ University of Cork, Margaret Werry, Department of Theater, University of Minnesota, “On Failure (On Pedagogy): Editorial Introduction,” Performance Research: A Journal of the Performing Arts Volume 17, Issue 1, 2012)

What has upped the stakes in this absurd drama is the **cultural dominance of hope and success** in a neoliberal age, now the mandate, measure and mantra **of the corporatizing university**. We live in the depressive ruins of the university, an entity dedicated to the rabid pursuit of illusory success when any substantive mission that might give that success substance has long since been mortgaged to market values (see Readings 1996 and Werry and O'Gorman 2009). The fetishization of excellence and outcomes, the prevalence of ‘audit culture’ (Strathern 2000) and prevailing instrumentalism and vocationalism, all institutionalize, codify and restigmatize failure. Now the encompassing regime of the test **eclipses all other ways of understanding** and valuing schooling: through standardized testing, student evaluations and bureaucratic measures of school ‘performance’, the threat of failure is the defining condition under which we (not just students but also teachers and institutions) operate. In these contexts, accidental failure is perilous, and the strategic, emancipatory or experimental use of failure – however much it is still necessary – is freighted with risk, danger and difficulty. The right to fail (with all its promise of inclusiveness, generosity, freedom) can only be claimed at an **ever-mounting cost**. The pedagogy of public art – as recent literature on relational aesthetics and established Freirian and Boalian work on theatre for social change attests – also carries an ameliorative and developmental charge, yoking artistic ventures to teleological narratives of hope, aspiration and social transformation. And it is likewise entwined with legitimating institutions (such as the academy) wedded to success. In public art projects, failure is often disavowed and internalized, mired in blame and shame, and papered over in the next hopeful grant proposal. Yet clearly, most such projects fail most of the time; fail to democratize, raise visibility, transform understandings or experiences or even gain the understanding and support of those they claim to aid. And no wonder: performance is a weapon of the weak aimed at mighty fortresses. We balance impossibly titanic political hopes – conflict-resolution, community-building, antiracism – on the precarious foundation of an art premised on failure. Such marginal efforts are often lodged in **defensive postures**, continually having to justify their existence with missionary zeal: they become good at talking about goals and strategies, less good at dwelling on their often disappointing outcomes and what they reveal about the process by which people and things change, learn, revert, resist, stall and change again, or about the catastrophes and collapses that attend any attempt at true dialogue across social difference. What would it mean to legitimate the continued practice of public art not in spite of but because of its inevitable failure? Dwelling on and in failure, it follows, offers **not only a tool of critique** or a diagnostic of neo-liberal enterprise, but also a way to remodel the theoretical premises of activist work in our discipline, querying the trajectories and temporalities of change enacted in performance. Performance practice teaches us how to live with and as failures, **finding possibility in predicament** and embracing the vulnerability of moments of failure that may also be moments of profound discovery in which we remain open to what transpires, rather than measure it against our intentions. Failure focuses progressive hopes not on future transcendence but in the interstices of present quotidian struggle and in the alternatives and possibilities for ethical action – for thinking and feeling otherwise – which that struggle makes available to us. It stands against the imperialism of hope, generates a reflexive understanding of the inherently agonistic space of learning and change – a space in which aspirations, resistances, prejudices and passions constantly clash, feelings run high and stumbling and flailing are a productive inevitability.3 Performance attunes us to this. Such a recalibration of the political posture of the discipline demands new tools. To look squarely at failure, we need methods designed not to capture the fixities of representation or identity but to help us navigate the slippery, fugitive terrain of process and affect. We might look, for example, to the immanent materialists – such as Bergson and Whitehead, Deleuze or Connolly – ‘philosophers of becoming’ who challenge us to set our analytic sights on moments of openness and uncertainty (where time is not purposive or linear, events not causal). These moments of ‘fecund duration’, in which emergence of the unthought can occur, are often occasions of failure of the known, stable or systemically enduring, requiring a response to which old habits, ideas or rules are not adequate, and for which we as subjects are not adequately prepared. They are acute experiences of the limits of human mastery, exceeding conscious awareness. Failure, we suggest, inaugurates such moments. It is a kind of freedom for which performance is a kind of practice, in which you ‘dwell creatively in uncertain situations’ (Connolly 2008). Uncertainty, of course, is a painful state to inhabit. Failure hurts. Failure haunts. It comes laced with shame, anger, despair, abjection, guilt, frustration – affects we usually wish away or hide. Thinking with failure means making affect an object of our curiosity rather than knowledge's irrelevant remainder. We need to slow failure's ‘ugly feelings’ down (Ngai 2005), ask them: ‘What are you doing here?’ Performance-sensitive work by theorists such as Berlant (2011, 2008), Tincineto Clough (2007), Ahmed (2004), Sedgwick (2003), Halberstam (2011) or Probyn (2005) has exposed the normative or coercive role that positive affect has often played in socio-political processes and worked to recuperate negative feelings as the site of emergence of alternative communities and alternative political imaginaries. (The role of shame in the solidarity of queer communities is a significant example.) Turning too swiftly away from the abyssal affect of failure risks capitulating **to its isolating, freezing effects**; **dwelling on it**, by contrast, allows us to imagine that **failure's misery can be,** **perversely, what unites us**. It allows us to imagine ourselves as members of response-able communities: individuals in a state of openness to moving and being moved by others. As Judith Halberstam has succinctly phrased it: ‘Failure loves company’ (2007: 89). Failure's timely challenge inspired our contributors to address a range of questions. How and why can performance be understood to have failed? What is the analytic power of failure to reveal the limits of the (currently) possible? How does it map what is thinkable, acceptable, appropriate, normal, desirable? What is the quality of failure as an aesthetic and as an affective experience? To what extent might that experience also be a political one? What are the pedagogical benefits of theorizing and practising failure? Can failure help us to shift the entrenched equation of power, knowledge and authority that structures schooling? What is the relationship between failure and change? How does failure prompt us to rethink the progressive transformation imagined by performance? What are the risks of valorizing failure in the way these questions imply? What does such a project stand to learn from those who are set up to fail, doomed to fail or dismissed as failures? We yoke movements for change, or the desire for a more just society, to heroic narratives of future success, but how sustainable is a politics based in hope, transcendence and self-assertion? How can energy, hope, curiosity and momentum withstand the inevitability of failure, as they confront intractable conflicts, historical or structurally entrenched injustices? How do we keep going? How do we remember that keeping going is worth doing?

## 1nc disad

Executive war power primacy now—the plan flips that

Eric Posner, 9/3/13, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.

It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”

Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)

People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

The AFF spills over to destabilize all presidential war powers.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is **no constitutional provision** on whether Congress has the legislative power to **limit, end, or otherwise redefine the scope of a war**. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 **the same cannot be said about Congress’s legislative authority** to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully **declined to grant Congress such powers**. And as this Article argues, granting Congress this power would be **inconsistent with the general war powers structure of the Constitution.** Such a reading of the Constitution would **unnecessarily empower Congress** and **tilt the scales heavily in its favor**. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time **when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

That goes nuclear

Li ‘9

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

## 1nc chapter 1

Obama has followed through with his drone reforms – substantial restraint is depressing criticism

Micah Zenko, Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations, 10/28/13 [“Two Cheers For America's Restraint in the Drone War,” http://www.foreignpolicy.com/articles/2013/10/23/estimated\_recovery\_time\_us\_shutdown#sthash.7ISAAQ5r.dpuf

On Monday, Oct. 28, Al Jazeera reported a "suspected drone strike" that witnesses on the ground blamed the United States for conducting. The strike has been "confirmed" with no additional details by an anonymous U.S. military official, making it the first well-documented U.S. counterterrorism airstrike in Somalia in 20 months, after conducting at least 18 between January 2007 and January 2012. That makes it something of a rarity, these days.¶ As I noted recently, one of the inherent difficulties with evaluating U.S. targeted killing policies is that there is much we do not know, and we have a human tendency to fill that knowledge gap by over-interpreting observable events. This dilemma is driven by the clandestine or covert nature of targeted killings, the difficulty of conducting independent investigations where they occur, and the Obama administration's decision to repeat soothing adjectives about drone strikes, rather than directly answering clarifying questions. A new administration defense of drone strikes was attempted last week by the State Department spokesperson, who denigrated the accuracy of civilian casualty estimates provided by Human Rights Watch and Amnesty International with this unsatisfying rationale: "they don't have a complete picture." The State Department claims that it will review the reports, but it is unlikely the U.S. government will address the charges with any specificity, as they have not with similar reports critical of U.S. foreign policy.¶ However, even while analysts and policymakers evaluate policies based on incomplete information and with motivated biases that does not mean the task is impossible. One apparently observable fact is the diminishing prominence of non-battlefield targeted killings in U.S. counterterrorism strategies. On current trend lines, 2013 will have the fewest targeted killings since President Obama entered office, with drone strikes down 39 percent in Pakistan and 37 percent in Yemen over the same period in 2012.¶ While some people are up in arms about the sourcing and accuracy of certain findings from the HRW and Amnesty reports, there is an important and under-studied trend in U.S. targeted killing policies: The Obama administration's decision not to extend targeted killings into additional non-battlefield settings.¶ Beginning at least as early as March 2013, Iraqi officials have requested U.S. drone strikes against members of al Qaeda in Iraq and al-Sham or Jabhat al-Nusra that are fighting in Syria's civil war and destabilizing Iraq with gruesome terrorist attacks. In August, foreign minister Hoshyar Zebari noted that Iraqis would support drone strikes that "target al Qaeda and their bases," but only provided that they do not create "collateral damage." However, in early October, an anonymous administration official told Foreign Policy that drone strikes in Iraq are not seriously being discussed or even considered.¶ In March 2013, Jordanian officials reportedly offered basing rights for CIA drones in order to conduct lethal strikes in Syria. According to the Pentagon, there were roughly 1,000 U.S. military personnel in Jordan as of this summer. In August, Jordanian officials reportedly asked the United States for surveillance drones to help secure its border with Syria, but Chairman of the Joint Chiefs Gen. Martin Dempsey pointedly told journalists that "If Jordan were offered surveillance systems ... they would be piloted airplanes, not remotely piloted drones." Obviously, President Obama never authorized a limited cruise missile strike against Syria's chemical weapons delivery capabilities, and, to date, has refrained from accepting Jordan's offer of hosting U.S. drones for strikes in Syria.¶ Likewise, the United States has acted with restraint in expanding targeted strikes to other non-battlefield regions. In September, Niger's foreign minister Mohamed Bazoum declared: "I would really welcome armed drones to shoot down drug traffickers, and all those who live from activities linked to drug trafficking. I don't see why that shouldn't be possible." Since February, the U.S. military has flown a small number of unarmed drones out of an airstrip in Niamey -- one crashed in Mali in April -- to track suspected Islamic militants in Mali and provide targeting intelligence to France. Niger initially wanted the U.S. drones to be armed, but as an unnamed senior official claimed: "The whole issue is lethality. We don't want to abet a lethal action." So far, the Obama administration has decided not to arm the drones -- though they have not ruled this out -- and have only authorized their use for surveillance missions in support of French operations.¶ These requests demonstrate that the seductive allure of drone strikes has not been lost on political and military leaders in conflict-prone regions. I have noticed when speaking with diplomatic and military officials from several such countries about U.S. targeted killing policies that their public condemnation of U.S. practices is followed by a private acknowledgment of an interest to acquire the capability to conduct such lethal actions themselves. This explains why leaders from Pakistan, Yemen, Turkey, Iraq, the United Arab Emirates, and elsewhere, have repeatedly requested to procure armed-capable drone systems from the United States. To date, however, all of their requests have been denied -- so far. Nevertheless, they all have programs at various stages of development to buy, jointly develop, or indigenously produce their own armed drones.¶ The requests from Iraq, Jordan, and Niger are examples of negative cases, where an outcome of interest was possible, relevant, or expected, but never happened. Defining what constitutes something as being possible, relevant, or expected is challenging, which explains why there are no databases of drone strikes that never happened. However, for the purposes of evaluating U.S. targeted killings, it is as important to study the instances where lethal force is proposed, debated, and ultimately rejected, as it is to study drone strikes themselves. Moreover, the good news for interested analysts is that the publicly available information about negative cases of drone strikes is perhaps more complete than what one can find for actual events. ¶ This coming Sunday marks the 11th anniversary of America's Third War of non-battlefield targeted killings. U.S. officials and policymakers will tell you that there are as many of the categories of targeted individuals on target lists today as there were three or four years ago, yet the number of overall drone strikes has diminished. It is apparent that President Obama has decided to kill fewer suspected militants and terrorists than he was willing to just a few years ago. Of course, the entire point of the administration's announced reforms in May was to placate public criticism in order to assure that the president would retain the authority to conduct additional lethal strikes at any point in the future. Still, the Obama administration has been wise to reduce the overall number of drone strikes, while rejecting demands for U.S. drone strikes on behalf of additional countries. Such requests are not just a tactic to attempt to kill suspected militants, but a means to deepen America's commitment to providing for that country's security against domestic and regionally focused terrorist organizations. Given that there are several thousand al Qaeda-affiliated terrorists, according to the State Department's own estimates, in the Middle East and North Africa, an open-ended policy of drone strikes for friends would never end. And that, clearly, would only create additional enemies for the United States.

New reports on civilian casualties are wrong

Kenneth Anderson, American University Law Professor, 10/24/13, Three Deep Flaws in Two New Human-Rights Reports on U.S. Drone Strikes, www.newrepublic.com/article/115329/amnesty-international-human-rights-watch-drone-reports-are-flawed

Amnesty’s report is candid on this point. In the introduction, the authors note that the document “is not a comprehensive survey of U.S. drone strikes in Pakistan” but “a qualitative assessment based on detailed field research into nine of the 45 reported strikes” in North Waziristan between January 2012 and August 2013. The report “highlights incidents in which men, women and children appear to have been unlawfully killed or injured.” At one level, this focus makes sense. Human rights groups report on human rights violations, so one can’t fault the groups for shining a light on those cases that seem most problematic. But as a reader, one needs to be careful not to generalize from findings like these. Even if we take all of the facts both groups allege at face value, neither report really changes our understanding of either the likelihood of civilian casualties, the number of them, or the utility of drones as a tool in overseas counterterrorism. Examining the costs is a worthy endeavor, but the much more important question is the scope and magnitude of those costs—and on that point neither report adds much to the existing conversation.

What’s more, military analyst David Axe has raised questions about whether the Amnesty report is really describing drone strikes by the United States in all of its accounts:

It’s not at all clear that pilotless warplanes were truly responsible for all the attacks Amnesty studied. The Pentagon and CIA declined to discuss the drone campaign with the rights group.

Some of the eyewitness accounts in the new report are inconsistent with known drone tactics and the well-understood limitations of unmanned aircraft in general. The attackers could have been manned warplanes, and Pakistani rather than American.

Even assuming the facts are as bad as the groups contend, both reports—in slightly different ways—seem to overstep analytically what the facts they report will actually support. Sometimes, the overreach is subtle and factual. Sometimes, it’s legal—and pretty blatant. Three of these overreaches warrant specific mention.

First, Human Rights Watch builds much of its analysis around the proposition that the drone strikes it examined “did not adhere to policies for targeted killings that President Barack Obama disclosed in a speech in May 2013.” Yet as the group acknowledges, all of the strikes examined in the report predate Obama’s speech at the National Defense University, some by several years. Human Rights Watch mentions this fact a few times but it does not seem to have assimilated it. This speech announced changes in policy with respect to drone strikes. Yet throughout the report, Human Rights Watch holds the administration accountable for not complying with policies it had not yet adopted, and it sometimes seems to treat violations of those policies as somehow indicative of violations of violations of international law.

Second, the reports—particularly the Amnesty report—have a way of conflating legitimate targeting which may produce civilian collateral damage with horrible errors that simply should not happen. The most glaring example of this is Amnesty’s treatment of the June 4, 2012 strike that killed Abu Yahya Al-Libi, a senior Al Qaeda leader. According to the Amnesty report, an initial drone strike killed five people and injured four others (the report does not say whether any were civilians). A group of 12 people, including both local residents and foreigners “whom villagers said were Arabs and Central Asians who were likely to be members of al-Qa’ida” showed up “to assist victims.” Al-Libi was “overseeing the rescue efforts” and was killed in the second strike, along with between 9 and 15 other people, including six local tribesman who “as far as Amnesty International could determine, had come only to assist victims.” In other words, six tribesman were killed working alongside a group of Al Qaeda operatives under a senior Al Qaeda official were killed.

Amnesty considers this strike a potential “war crime” both because it constituted an attack on civilian rescuers and, quite amazingly, because Al-Libi may not have been directly participating in hostilities at the time of the strike. Amnesty’s position, in short, is that it may be a war crime to target a senior Al Qaeda leader when he’s doing something other than plotting attacks—if, that is, it’s lawful to target him at all. There are many serious issues these reports raise; this kind of overreach undermines them all.

## 1nc chapter 2

Their conception of violence is reductive and can’t be solved

Boulding 77

Twelve Friendly Quarrels with Johan Galtung

Author(s): Kenneth E. BouldingReviewed work(s):Source: Journal of Peace Research, Vol. 14, No. 1 (1977), pp. 75-86Published

Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science.

He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

 Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

Their focus on methodology causes endless paradigm wars

**Wendt**, professor of international security – Ohio State University, **‘98**

(Alexander, “On Constitution and Causation in International Relations,” British International Studies Association)

As a community, we in the academic study of international politics spend too much time worrying about the kind of issues addressed in this essay. The **central point** of IR scholarship is to increase our knowledge of how the world works, not to worry about how (or whether) we can know how the world works. What matters for IR is ontology, not epistemology. This doesn’t mean that there are no interesting epistemological questions in IR, and even less does it mean that there are no important political or sociological aspects to those questions. Indeed there are, as I have suggested above, and as a discipline IR should have more awareness of these aspects. At the same time, however, these are questions best addressed by philosophers and sociologists of knowledge, not political scientists. Let’s face it: most IR scholars, including this one, have little or no proper training in epistemology, and as such the attempt to solve epistemological problems anyway will **inevitably lead to confusion** (after all, **after 2000 years, even** the **specialists are still having a hard time**). Moreover, as long as we let our research be driven in an open-minded fashion by substantive questions and problems rather than by epistemologies and methods, there is little need to answer epistemological questions either. It is simply not the case that we have to undertake an epistemological analysis of how we can know something before we can know it, a fact amply attested to by the success of the natural sciences, whose practitioners are only rarely forced by the results of their inquiries to consider epistemological questions. In important respects we do know how international politics works, and it doesn’t much matter how we came to that knowledge. In that light, going into the epistemology business will distract us from the real business of IR, which is international politics. **Our great debates should be about first-order issues of substance**, like the ‘first debate’ between Realists and Idealists, **not second-order issues of method.**

Unfortunately, it is no longer a simple matter for IR scholars to ‘just say no’ to epistemological discourse. The problem is that this discourse has already contaminated our thinking about international politics, helping to polarize the discipline into ‘**paradigm wars’**. Although the resurgence of these wars in the 1980s and 90s is due in large part to the rise of post-positivism, its roots lie in the epistemological anxiety of positivists, who since the 1950s have been very concerned to establish the authority of their work as Science. This is an important goal, one that I share, but its implementation has been marred by an overly narrow conception of science as being concerned only with causal questions that can be answered using the methods of natural science. The effect has been to marginalize historical and interpretive work that does not fit this mould, and to encourage scholars interested in that kind of work to see themselves as somehow not engaged in science. One has to wonder whether the two sides should be happy with the result. Do positivists really mean to suggest that it is not part of science to ask questions about how things are constituted, questions which if those things happen to be made of ideas might only be answerable by interpretive methods? If so, then they seem to be saying that the double-helix model of DNA, and perhaps much of rational choice theory, is not science. And do post-positivists really mean to suggest that students of social life should not ask causal questions or attempt to test their claims against empirical evidence? If so, then it is **not clear by what criteria their work should be judged**, **or how it differs from art or revelation**. On both sides, in other words, the result of the Third Debate’s **sparring over epistemology is often one-sided, intolerant caricatures** of science.

# 2nc

## t

No brightline between public and private

Birkbak ’13 (Andreas Birkbak, Ph.D. fellow in the Techno-Anthropology Research Group at Aalborg University, Copenhagen, “What is Public and Private Anyway?” XRDS - Crossroads: The ACM Magazine for Students, 20(1), 18-21)

This is hardly the place to go into discussions about how capitalism justifies itself, or not. The point I want to make by venturing into political philosophy is merely if it feels intuitively right that the public and the private are domains that should be kept separate, it is probably because of the powerful and widespread logics just described. These are important political philosophies that will no doubt continue to be central to the way we think about and practice democracy. However, by pointing to the philosophical origins of our ideas about public and private, it also becomes possible to see that there must be philosophical alternatives. The alternative vantage point for thinking about the Web in terms of publics, which I find most fruitful, is that of pragmatism. One general in sight pragmatist thought has to offer is that in practice, we never exist as isolated individuals. **Even in our most private moments**, we always draw on the habits, skills, and ideas passed over to us from others, and we constantly imagine the thoughts and reactions of others when we decide on a course of action. This means any ideal of perfect **privacy must be taken with a grain of salt**. At the same time, importantly, there is also no collective level floating around over the heads of individuals, such as **“society,” “democracy,” or “the public sphere.”** **In practice, it is always individuals who act**. Even when we say we are all caught up in an uncontrollable process of globalization, for example, it always takes an individual to actually trade stocks across continents, and a prime minister or an activist to express concern that we have lost control over the global economy. The consequence of this pragmatist viewpoint is that when we talk about “the public” it never exists automatically, but is brought into being by a lot of connected individual acts. The point I would like to reiterate is the widespread intuition that the public and private should ideally be kept separate **oversimplifies how these things work in practice.** This is what I tried to illustrate with the case study of how Facebook groups were used in the Bornholm snowstorm. The philosophical assumptions lying behind the conventional view on privacy and democracy come from a specific place and might thus be replaced. One fruitful experiment might be to replace these assumptions with more pragmatist ones. Because while we should not accept uncritically what shiny, new Web technologies have to offer, we should also not discount the ways in which social media might make productive moves across the public/private divide easier for millions of regular users in thousands of specific situations.

There is no single public vs. private opposition – their employment of the phrase is politically ambiguous and can never be employed

Weintraub ’97 (Jeff, University of Pennsylvania, Philosophy, Politics, & Economics, *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy*, Introduction, U Chicago, 1997)

However, the use of the conceptual vocabulary of “public” and “private” often generates **as much confusion as illumination,** not least because different sets of people who employ these concepts mean very different things by them—and sometimes, without quite realizing it, mean several things at once. The expanding literature on the problem of "public goods," which takes its lead from neoclassical economics, is addressing quite a different subject from the "public sphere" of discussion and political action delineated by Jiirgen Habermas or Hannah Arendt, not to mention the "public life" of sociability charted by Philippe Aries or Richard Scnnett. What do the current debates over "privatization," largely concerning whether governmental functions should be taken over by corporations, have to do with the world explored by Aries and Duby's multivolume History of Private Life\*—families, sexuality, modes of intimacy and obligation—or with the way that "privacy" has emerged as a central concept in the controversy over abortion rights?

Unfortunately, the widespread invocation of "public" and "private" as organizing categories is **not usually informed** by a careful consideration of the meaning and implications of the concepts themselves. And, even where there is sensitivity to these issues, those who draw on one or another version of the public/private distinction are **rarely attentive** to, or even clearly aware of, the **wider range of alternative frameworks** within which it is employed. For example, many discussions take for granted that distinguishing "public" from "private" is equivalent to establishing the boundary of the political4—though, even here, it makes a considerable difference whether the political is conceived in terms of the administrative state or of the "public sphere." But the public/ private distinction is also used as a conceptual framework for demarcating other important boundaries: between the "private" worlds of intimacy and the family and the "public" worlds of sociability or the market economy; between the inner privacy of the individual self and the "interaction order" of Erving Goftman's Relations in Public; and so on in rich (and overlapping) profusion.

The public/private distinction, in short, is not unitary, but protean. It comprises, not a single paired opposition, but a complex family o( them, neither mutually reducible nor wholly unrelated. These different usages do not simply point to different phenomena; often they rest on **different underlying images** of the social world, are **driven by different concerns, generate different problematics, and raise very different issues.** It is all too common for these different fields of discourse to operate in mutual isolation, or to generate confusion (or absurdity) when their categories are casually or unreflectively blended. If the phenomena evoked by these different usages, and the issues they raise, were entirely disconnected, then it might not be terribly difficult to sort them out; but matters are not as simple as that, either. Rather, these discourses of public and private cover a variety of subjects that are analytically distinct and, at the same time, subtly—**often confusingly**—overlapping and intertwined.

Critiquing the law solves - cia

Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

V. RESTORING CRITICAL OPTIMISM IN THE LEGAL FIELD

“La critique est aisée; l’art difficile.”

A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. **Despite its weaknesses, however, law is an optimistic discipline**. It operates both in the present and in the future. **Order without law is often the privilege of the strong**. Marginalized groups have used legal reform precisely because they lacked power. Despite limitations, these groups have often successfully secured their interests through legislative and judicial victories. **Rather than experiencing a** disabling disenchantment **with the legal system, we can learn from both the successes and failures of past models, with the aim of** constantly redefining the boundaries of legal reform **and making visible law’s broad reach**.

The process of inculcating critical thinking is more transformative than their [demand / ethical stance]

Catherine Fox, teaches writing at Iowa State University. Her research interests focus on feminist and critical pedagogies, critical race theory, and feminist rhetorics, 2002, The Race to Truth: Disarticulating Critical Thinking from Whiteliness, Pedagogy 2.2 (2002) 197-212

We also tend to acknowledge critical thinking only as an analytic form of thought that "resists" the status quo. David Wallace and Helen Rothschild Ewald (2000: 21) point out that cultural critique is often the primary goal of feminist and critical pedagogies. "**Privileging resistance can itself become an expression of a teacher's absolute authority**," however, **and is antithetical to our goal of transforming relations of power and authority**. In feminist and critical pedagogies, resistance to the status quo becomes the answer that students are expected to arrive at after analyzing texts. For example, Shor (1992: 41) presents critical thinking as follows: Had I tried to be a "neutral" teacher who ignored the pro-business bias of news organizations, I would have cheated students of a chance for critical thinking about the real world they live in. For a teacher or syllabus to ignore business bias would have been just as political in orientation and less scientific; that would have meant avoiding the criticism of the way power actually operates in the media to create manipulative images of the world. . . . A syllabus without critical questions is not neutral or apolitical. In fact, it supports the status quo by not questioning it. . . . Students in the media class gained a critical perspective on their TV, radio, and daily papers. . . . When I posed [the antilabor tilt in these media] as a problem, they had a chance to see one structure in society for what it really is [emphasis mine]. I agree that no classroom is "neutral," and I do not deny the pro-business bias of the media, but I struggle with Shor's construing of critical thinking (which is fairly typical for the literature on alternative pedagogies). In the problem-posing approach to teaching, which relies on critical thinking as the primary tool for finding solutions, the instructor too often has already solved the problem. In my own composition classrooms, some students seem to equate critical thinking with figuring out what my opinion is and then reproduce it in their papers and class comments. I have told them that I do not expect them to agree with me; I simply want them to think critically. But in reflecting on the comments I put on their papers and the ways that I lead class discussions, I become uneasy, because my comments, which are intended to encourage critical thinking, often point to my unintentional use of it to guide my students to the "right" answer, the "right" perspective—which is always my answer, [End Page 200] my perspective. My experiences as a feminist educator and my review of the literature indicate that, too often, the "chance for critical thinking" means the chance finally to know the "truth."Rather than "an analytic and imaginative habit of mind**," critical thinking** comes to mean seeing from and believing in the feminist or critical **instructor's perspective** on the manipulative powers that serve the status quo. In this way critical thinking, however "revolutionary," is "still running in old cycles." 3 In sum, I perceive the following problems with the way that feminist and critical pedagogues posit critical thinking: 1. In general, we consider it an unquestionable good, and as such it operates as a god-term. 2. We equate it with analytic thinking that leads students to see issues in the "right" way. 3. Thus we tend to conflate critical thinking with feminist and critical ideologies. 4. Ultimately, doing so creates a race to truth whose telos is the same as that of the traditional pedagogies criticized for using transmission models of language, knowledge, and learning. Critical Thinking: Racing to Truth One way to disarticulate this conflation is through the metaphor of whiteliness. Ruth Frankenberg (1993, 1997) and Michelle Fine et al. (1997) explore the social construction of whiteliness and offer broad analyses of how it manifests itself (in such realms as history, sociological and cultural studies, subjectivity and the performance of identities, and social movements). Importantly, some scholars argue that studying whiteliness reifies its central position in discussions of race and racism. I believe, however, that naming and defining what has been considered "transparent" are also important steps toward disrupting systems of domination. 4 In "Identity: Skin Blood Heart," in which she explores her struggles against racism and anti-Semitism, Pratt (1984: 14-15) lists four characteristics of the white, southern female identity that she contends with in attempting to live in "connection" with others: "I was taught to be a judge, of moral responsibility and of punishment only in relation to my ethical system; was taught to be a martyr, to take all the responsibility for change, and the glory, to expect others to do nothing; was taught to be a peacemaker, to mediate, negotiate between opposing sides because I knew the right way; was taught to be a preacher, to point out wrongs and tell others what to do." She defines this white identity as a false identity that has taught her to lead her life through [End Page 201] "ought-to's" rather than through the need and desire for social change and connection to other people. 5 Frye (1992: 153) uses Pratt's four characteristics to launch her own discussion of whiteliness. She explains that the white, southern, Christian identity she was taught to espouse was based on the motto "Right is might": "'We' knew right from wrong and had the responsibility to see to it right was done; that there were others who did not know what is right and wrong and should be advised, instructed, helped and directed by us." Frye offers the following "lessons learned" about how to be whitely, all of which pertain primarily to Pratt's characteristic of judge: 6 I was taught that because one knows what is right, it is morally appropriate to have and exercise what I now would call race and class privilege. Whitely people have a staggering faith in their own rightness and goodness, and that of other whitely people. We are not crooks. Whitely people do have a sense of right and wrong, and are ethical. Their ethics is in a great part an ethics of forms, procedures and due process. Whitely people tend to believe that one preserves one's goodness by being principled, by acting according to rules instead of according to feeling. Authority seems to be central to whiteliness, as you might expect from a people who are raised to run things, or to aspire to that: belief in one's authority in matters practical, moral and intellectual exists in tension with the insecurity and hypocrisy that are essentially connected with the pretense of infallibility. (153-54) Turning next to white women's whiteliness, Frye argues that it is based on integrity, dignity, and respectability, which whitely women use as levers to raise themselves to the level of whitely men. She calls on white women to unlearn whiteliness, just as men are expected to unlearn masculinity, if the ultimate goal is to achieve more egalitarian relationships with others. The judgmentalism of whitely people and the presumed rightness that protects them from having to justify their ability to know right from wrong shed light on what is intuitively wrong with conflating critical thinking and a particular political agenda. 7 For example, Elizabeth Ellsworth (1992: 96) characterizes critical thinking as "judging the truth and merit of propositions . . . and the critical [and feminist] pedagogue is one who enforces the rules of reason in the classroom." When we teach students how to analyze texts as feminist and critical pedagogues, we often assume that we are being principled, ethical, and morally appropriate because we are following the "rules of reason" [End Page 202] as they have been established during the long history of Western intellectualism. 8 When analyzing and writing about the advertising industry's representation of women in my composition classroom, I often found myself approaching discussions and the evaluation of student papers with the assumption that I had the right analyses of the ads; my job was simply to pose leading questions to my students. If they arrived at my point of view, I rewarded them with oral or written comments that suggested that they had learned to think critically. If they did not arrive, I had such faith in my own rightness and righteousness that I could dismiss them as resisting my pedagogy and therefore as being unreachable. Rather than state my ideological position and goals as a feminist educator explicitly, I seductively named what I did "teaching my students to think critically." One's positioning as a feminist or critical pedagogue, then, rests on the assumption that one has already arrived at the position of being a critical thinker. It follows, since we have attained the right answer or political position, that we have the moral or ethical responsibility of getting our students to do the same. In assuming that critical thinking is a point of arrival and, perhaps more important, in using it to race students to the truths we have discovered, we manifest and reproduce whitely ways of being in the world. Thus critical thinking becomes a lever, similar to the integrity, dignity, and respectability whitely women use to raise themselves to the level of white men. In our classrooms, when we posit critical thinking as the moment of arriving at the right answer, we use it as a lever to raise students to our level. Transformation is supposedly undergone by the nonwhitely students; we instructors are exempt from it. Students who do not arrive at the right answer or resist the idea of the right answer do not get raised; in general, we do not reward their good critical thinking with high grades, favorable evaluations, and our interest in or involvement with them. The students whom we deem good critical thinkers can feel a "staggering faith in their own rightness and goodness and that of other whitely people" and can use their newly honed critical thinking skills to raise nonwhitely people to their level. When we replace dominant worldviews with "alternative" ones, moreover, we use critical thinking to reproduce dichotomous thinking between "us" and "them," between "right" and "wrong." There is nothing radical or transformative about supplanting a conservative, hegemonic truth with a leftist, marginalized truth—it is only more "running in old cycles." The parallels between theories of whiteliness and the uses of critical thinking in alternative pedagogies raise crucial questions for reflection: How much of the critical thinking that we laud in ourselves is embedded in our assumed righteousness, principled conduct, goodness, and standing as moral and ethical citizens and teachers who, because we possess these whitely qualities, have the authority to run things? Does the critical thinking we encourage our students to apply lead them to aspire to the same qualities? **If so, it poses the danger of** reproducing the very hegemony that radical pedagogues aim to disrupt. To the extent that we can name and understand how whiteliness manifests itself in critical thinking and in our ways of being in the world, however, we can begin to transform them into new ways of being. 9 Disarticulating Critical Thinking from Whiteliness Critical thinking, when disarticulated from a particular ideological standpoint, offers us a means of engaging in the self-reflexivity needed to question the truth of our positions. To begin to move away from whiteliness, we might construe critical thinking as a self-reflexive process that is pragmatically oriented, rather than as a right answer or a point of arrival. Kate Ronald and Hephzibah Roskelly (2001: 629), quoting C. S. Peirce, suggest that we link pragmatism with liberatory pedagogy to find fruitful methods of discovering transformative possibilities: "'Grant an idea to be true' . . . then ask 'what concrete difference will its being true make in anyone's actual life.'" Adopting the pragmatic insistence that "meaning resides in consequences" (614), we might begin by positing critical thinking as what examines the consequences of our choices and the locations from which we make them, not what suggests the relative correctness of choices and locations. Two concepts from Paulo Freire indicate an approach to critical thinking that supersedes the revolutionary cycles that race to the truth. 10 In Letters to Cristina Freire (1996: 115) explains that critical thinking begins with "epistemological curiosity" and leads to critical consciousness, which enables students to make broad connections between themselves and the social. For Freire, critical thinking involves the ability not only to know and analyze concepts but to imagine things beyond the present reality; students who possess this ability become knowers and doers, creators of the word and the world. In Teachers As Cultural Workers (Shor and Freire 1998: 40), Freire also explains the necessity of humility: "Humility does not flourish in people's insecurities but in the insecure security of the more aware, and thus this insecure security is one of the expressions of humility, as is uncertain certainty, unlike certainty, which is excessively sure of itself." Importantly, humility is not akin to meekness or docility, which has often been demanded of marginalized peoples and so is at odds with the goal of transformation. Hence we must understand the [End Page 204] locations from which we teach and speak; the degree to which we may invoke humility is contingent on the extent to which our positions already carry whitely notions of rightness and righteousness. **Imagination and humility** seem to **go underground when we collapse critical thinking with** feminist and **critical ideologies**. Ann Berthoff (1988: 38) aptly describes the imaginative, critical mind as "fresh and open," as a mind that "opens out" into the arena of the possible. The very idea of possibilities, rather than certainties, might keep our minds and our students' minds fresh and open. If we emphasized critical thinking as an imaginative habit of mind, we might move past moral ought-to's and stop urging our students to race to truths that we have already discovered. We might construe critical thinking, then, not as a way to home in on the truth through rational deliberation but as an inclination to look for multiple solutions and question their consequences. This inclination might lead us back to an attitude of humility, of "uncertain certainty," beyond the whitely notion that through critical thinking we can "judg[e] the truth and merit of propositions" infallibly. That is, if we could question the consequences of our actions, the ways that meaning resides in the consequences of a choice, we might see new ways of being that move past revolution, past replacing old truths with feminist or critical ideological truths, and into moments of transformation, moments in which we engage in constructing meaning and knowledge with our students, rather than transmit knowledge to them. The first-year composition course I teach at Iowa State University, a predominantly white, middle-class institution, encourages students to see writing as a powerful tool for both intellectual life and civic action. In it I use a local conflict or issue, for example, the "education crisis" that Iowa (like many states) is facing, as an occasion to engage in a reconceived kind of critical thinking. 11 Iowa loses teachers to neighboring states because its public schools lack the funding and other incentives to retain the new teachers that the local colleges train. To counteract this loss, a bill now under consideration proposes to secure quality teachers for Iowa's public schools through a new structure of promotion. I begin this project by having the class research the history of education in Iowa, identify what incentives draw its new teachers to other states, and investigate the solutions that citizens and legislators have recommended to stem the loss. The focus of this project then turns to a specific solution, such as the education bill. To learn about its consequences, my students may interview professors and students in the College of Education for their perspectives or local schoolteachers (both new and experienced) for the opinions of the citizens whom the bill would affect most directly. After [End Page 205] gaining these multilayered perspectives (and thus avoiding a single "truth" handed down from the teacher's position of authority), we formulate our own stances toward the bill. Finally, in keeping with the course's objectives, we choose some way to enter the conflict. I give the students various options for doing so, such as creating a Web page that helps educate citizens about the bill, assembling a brochure that takes a stand on it, or writing a letter to the editor or to a congressional representative. Toward the end of the project, we discuss the consequences of the options we have chosen; we also question the project itself and the choices I made in designing it. Certainly, the focus on working within institutionalized structures, such as the legal system, proceeds from trust in the authority and rules of preestablished systems of negotiation; hence the activities that I offer my students in this project move their thinking in a particular direction. I place my own choices on the table for discussion to model a pragmatic process of critical examination that asks: What difference do my choices make? What options do they preclude or open? Examining **many perspectives**, then, is vital to the critical thinking I want to promote, but so is questioning one's own stake in a particular position or solution, because it is where reflection and humility enter the process. One of the best ways I have found to encourage these habits is continually to ask students to think about their thinking, to consider why they think what they do about the conflict under investigation. To distance students from the component of whiteliness that judges only in relation to one ethical system, I often ask them: What do you stand to lose if you give up that belief or position or to gain if you hold on to it? The point is to engage them in a self-reflexivity that might forestall the collapsing of critical thinking with the whitely tendency to judge from a position of presumptive rightness and righteousness. Moreover, the teacher must become a coparticipant in the making of meaning so as to model critical thinking that resists the whitely feminist and critical assumption of having already arrived at the truth, at the position of "criticality." In a workshop at the Learning Community Institute at Iowa State, Jean MacGregor (2001) described an interdisciplinary project created through linked-learning community classes (in composition and environmental science) that struck me as a useful example of how critical thinking can be pragmatically reenvisioned in feminist and critical classrooms. The project centers on the local conflict over the Cushman Dam, which provides electricity for the city of Tacoma, Washington, but is threatening the local salmon population, whose migratory route it blocks. MacGregor's students research the various sides of the conflict and decide whether the dam should remain in place [End Page 206] or be torn down. In papers they then address the consequences: if they argue that the dam should be destroyed, they must suggest alternative sources of electricity; if they decide that the dam should be kept, they must find a way to save the dwindling salmon population. Asking students to reflect on the effects of their choices embraces the pragmatism that Ronald and Roskelly (2001) suggest might make transformation possible, because it moves us away from the dogmatism of feminist and critical discourse. It also positions us to question the truths that we forward. Confronting Closure and Embracing Uncertain Certainty Notwithstanding the examples above, it remains possible for critical thinking to be posited in whitely ways. For example, feminist and critical teachers have clear opinions about education; therefore it can be difficult for us not to posit the "right" answers when discussing conflicts that relate to education. It takes active commitment to move away from the assumption that we who have invested our lives in practicing and theorizing about learning already know the truth about the education crisis or the specific issues of an education bill. Where I know that I have strong vested interests, I make a concerted effort to model for my students the reflection, humility, and imagination that I have suggested we need to incorporate into critical thinking. Yet no matter how carefully I do so, **I** still **struggle against an** ideology **of critical thinking that gives priority to social involvement and social responsibility**. From one angle I perceive a set of moral ought-to's in how I have **construe**d critical thinking in the above projects. For example, my definition of it assumes that humility is an admirable trait. For students who have been institutionally and socially constructed to be humble, or who are already unsure of their ability to make meaning and arrive at solutions, the emphasis on questioning can further undermine the ability to claim and voice an opinion in a conflict. These projects also presuppose that change is necessary and that good citizens are those who participate in the democratic process, assumptions that may run counter to students' understanding of democracy and even of the purposes of a college education. For example, MacGregor's project enforces the idea of disrupting the status quo, which not all students hold as a requirement of citizenship. Instructors will always bring to the classroom ideologies that drive our pedagogical choices. However, if we are committed to questioning the conflation of critical thinking with **one ideological stance** and to positing critical thinking as a pragmatic process of knowing, acting, being, and reflecting, we may begin to **move from revolutionary cycles to spaces of transformation**. [End Page 207] How do we deal with students who do not share our ideological assumptions? First, we can avoid summarily dismissing them as simply resistant to our agenda or our pedagogy. Second, we can find methods of using their dissonance to model critical thinking in ways that match our transformative goals. Redefining critical thinking as a recursive engagement in inquiry and then thinking about our thinking represent, for me, moves away from closure and toward the opening of the mind and imagination. **We might model this process by** opening a **dialogue** with our students about the structure of a class or the design of a project in order to explain our pedagogical choices to them. But simply explaining and justifying these choices would reify our authority and power to run things. Rather, we might invite students into a reflective consideration in which to show us some of the consequences of our choices in designing the course. The point of inviting students to do so is to show them that we are genuinely interested in these consequences and to enable students to collaborate in the development, or even the reconstruction, of the project or course. Indeed, I once stopped a project in midsemester when it was apparent that it was not working. In an evaluation I asked the students anonymously to describe the project's strengths and weaknesses and suggest how to reconfigure the remainder of the project and semester. I then presented their responses to the whole class as a starting point. Throughout this process I attempted to model explicitly the critical engagement central to my course curriculum. I realize that I am placing a tall order for feminist and critical educators to fill in one semester or one quarter. Nonetheless, I believe that it will allow us actually to engage in processes of critical thinking alongside our students. In Freire's (1996: 3) words, we need to be "rigorously coherent so as to not lose [ourselves] in the enormous distance between what [we] do and say." My point is not that we should rid our classrooms of truths or ideologies. In fact, we cannot do so, because our agenda is to teach something. However, we can ask for what purpose we posit critical thinking in our classrooms. If we do it in the service of our truth, we must recognize that there is nothing inherently liberatory about any ideological stance, **no matter what the supposed emancipatory goals**. We also can unlearn whitely ways of being in the world; we can disarticulate a whitely construction of critical thinking from feminist and critical ideologies by being more reflective and humble about ourselves as critical thinkers. Not only do we need to represent critical thinking differently to our students, but we need to model it for them if we are to transform the processes of learning and teaching. This modeling requires, in part, more mutual engagement with students in making and reflecting on [End Page 208] meanings. Rather than race students to the truths that we have already figured out, rather than reproduce whitely ways of being, we might begin to construe critical thinking as a process that we engage in with our students. That is, we might see critical thinking as a different approach to learning and teaching: not a specific point of arrival, not a specific form of content, but a cycle in which together we make meaning, arrive at solutions, question the consequences, and return again to making meaning.

## cp

There already is massive public concern being voiced about our drone program – articulating the rules in a transparent ways would force accountability of the program while retaining effectiveness

Zenko 13 (Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial coun- terterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and inter- national humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 per- cent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gun- ships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forc- ing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making signifi- cant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allow- ing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resis- tance—such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attack- ing Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below.

Counterterrorism isn’t an unthetical policy to defend – the insurgents in north Waziristan terrorize the lives of Pakistani citizens whom the Pakistani government is unable to protect

Kenneth Anderson, American University Law Professor, 10/24/13, Three Deep Flaws in Two New Human-Rights Reports on U.S. Drone Strikes, www.newrepublic.com/article/115329/amnesty-international-human-rights-watch-drone-reports-are-flawed

Third, both Amnesty and Human Rights Watch seem to be alleging war crimes while not quite admitting that’s what they are doing. Human Rights Watch does this subtly—by laying out standards of law the United States does not accept, reporting facts that seem to violate those standards, and then demanding “prompt, thorough, and impartial investigations into all cases where targeted strikes may have resulted in unlawful killings” with “criminal prosecutions as appropriate.” Amnesty is more blatant about it. The group coyly declares at the outset that it is “unable to reach firm conclusions” about its case studies and their “status under international law,” going so far only as to say it is “seriously concerned” that the strikes “may constitute extrajudicial executions or war crimes.” But draw firm conclusions it then does. For example, on page 23, it declares flatly that its evidence “indicates that Mamana Bibi was unlawfully killed”—leaving open only the question of whether the illegality was a war crime or an extrajudicially execution.

It is also worth being cautious about the groups’ blithe claims that drones strikes are turning the populations of these countries en masse against the United States and its counterterrorism efforts. At least with regards to Pakistan—the subject of Amnesty’s report—it bears noting that there are voices pushing back on the question of how the local population, of Pakistan in general and the tribal regions where the strikes take place in particular, view drone strikes. It is not entirely consistent with the views of Amnesty’s report; something, in fact, of the opposite. The Economist magazine reported in its October 19, 2013 issue that a “surprising number of Pakistanis are in favor of drone strikes.” The article notes that while opinion polls find Pakistanis widely opposed to U.S. drone strokes, there is pushback both within the country and within the tribal regions themselves:

[W]hen Sofia Khan, a school administrator from Islamabad, travelled with hundreds of anti-drone campaigners to a ramshackle town bordering the restive Federally Administered Tribal Areas (FATA) last October she was stunned by what some tribesmen there had to say. One man from South Waziristan heatedly told her that he and his family approved of the remote-controlled aircraft and wanted more of them patrolling the skies above his home. Access to the tribal regions is very difficult for foreign journalists; but several specialists and researchers on the region, who did not want to be identified, say there is at least a sizeable minority in FATA who share that view.

Surveys are also notoriously difficult to carry out in FATA. A 2009 poll in three of the tribal agencies found 52% of respondents believed drone strikes were accurate and 60% said they weakened militant groups. Other surveys have found much lower percentages in favour. But interviews by The Economist with twenty residents of the tribal areas confirmed that many see individual drone strikes as preferable to the artillery barrages of the Pakistani military. They also insisted that the drones do not kill many civilians—a view starkly at odds with mainstream Pakistani opinion. “No one dares tell the real picture,” says an elder from North Waziristan. “Drone attacks are killing the militants who are killing innocent people.”

The reason for this, it appears, is something that Amnesty’s report elides in its background section about the violence in the border regions. Amnesty’s report is addressed to U.S. drone strikes, and the violence of U.S. drone strikes. And without question, civilians get killed on occasion in drone strikes—though the Bureau of Investigative Journalism, a British NGO, suggests a “fall in civilian casualties” in Pakistan with “most news sources claiming no civilians killed this year despite 22 known strikes.” Amnesty’s report describes many violent actors in the tribal regions, including the Taliban, foreign Al Qaeda fighters, and the Pakistani military doing battle with its own Taliban insurgent groups. It describes all this violence, yet makes its focus U.S. drone strikes, despite the fact that the U.S. drone strikes are the most precise and probably the least harmful to civilians of all of the various forms of violence and fighting in the region.

One would be hard-pressed reading Amnesty’s report to understand that the biggest and least discriminate forms of violent force in the tribal regions comes from the Pakistani military, which has long engaged in bombardment and shelling against villages as it engages with its Taliban insurgents. Compared to that violence, at least some villagers seem to be saying, drones are less feared and far less harmful. Some observers in urban Pakistan have said so; in 2010, the Economist notes, “a group of politicians and NGOs published a ‘Peshawar Declaration’ in support of drones. Life soon became difficult for the signatories. … Many commentators admit to approving of drones in the absence of government moves to clear terrorist sanctuaries. But they dare not say so in print.”

The villagers who support drone strikes are not crazy. An end to American drone strikes would not mean an end to the violence in the tribal regions, nor would it mean an end to government attacks against Taliban militants. Quite the contrary. It would probably mean an intensification,

mark

 if anything, as the Pakistani government was forced to fall back on its usual tools: artillery and air strikes. There is precedent for this. A few years ago, it sought to reach an accommodation with the Taliban, and saw the insurgents take the Swat Valley and threaten a move toward the capital. The Pakistani army pushed back with the tools it had available: massive artillery barrages that leveled villages, left thousands dead, and left nearly a million people homeless. If we're going to talk about "blowback" from drones, then we had better talk about "blowback" from "no drones" too.

The Amnesty report acknowledges the existence of the army’s violence, and the Taliban insurgency. But by myopically focusing on American drone strikes, it makes no comparisons between these. It fails to acknowledge the judgment that at least some of the villagers in the Economist story appear to have made: that American drones are what they claim to be, and they are attractive compared to the realistic alternative to them. And for some people, at least, the drones are killing their enemy: Taliban insurgents and militants who have moved to take over their villages.

Militants kill countless innocents in Pakistan - drones are necessary to curb this violence

Qazi 13

Muatasim Qazi is the Assistant Editor of The Baloch Hal, Balochistan’s first online English newspaper, Seattle Globalist, June 3, 2013, "The 6 big myths that turned us against drone strikes", http://www.seattleglobalist.com/2013/06/03/six-myths-about-drone-strikes-in-pakistan/13558

However, there are also many Pakistanis who argue drones are effective in fighting an enemy that their own military is either incapable or unwilling to confront. Civilian casualties, they contend, are often blown out of proportion by their own media, politicians and government, while the fact that militants killed in these drone strikes have carried out deadly attacks inside Pakistan is played down.

Pakistan’s military says more than 40,000 civilians and soldiers have died in militant violence since 2001.

By comparison, The Bureau of Investigative Journalism estimates that drone strikes have killed roughly 3000 people since 2004, between 500 and 900 of whom were civilians.

While the civilian casualties are much talked about inside Pakistan, the narrative that drones are effective gets little attention in the mainstream debate. The drones have significantly dismantled the networks of al-Qaeda and the Taliban in Pakistan and Afghanistan, forcing the unseen enemy to flee to new safe havens like Yemen and Somalia.

An abandonment of the US drones program would be a major setback for not only the people in the tribal regions of Pakistan and across the border in Afghanistan, but also for the rest of Pakistan and the world at large, because it would provide the terrorist groups an opportunity to regroup and plan future attacks.

Outside Pakistan, opposition to drones has increased in recent years. That’s because very little is known about what’s actually happening on the ground, and because the wider picture inside Pakistan is ignored.

# 1nr

## overview

They have a defense of rhetoric but no defense of the use of the suffering of others to justify taking action and to give them the ballot. Even if the suffering they've presented is "bad" that's not a justified reason to vote aff -

The K comes before the case for two reasons

A – commodification – the invocation of the plight of the Other as a tool for winning the ballot is a colonial seizure of experience that makes violence inevitable

B – methodology – the savior mentality compels their call to action, so we’re impact turning their insistence on an ethical obligation

Jayan Nayar 12, law prof at the University of Warwick, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, December 15, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

Suffering, as a witnessed condition of others, serves as a renewable, inexhaustible and non-polluting commodity for the insatiable industries of (still colonial) theory production, both individually for the theory-producer as s/he progresses through professional and academic career paths, and institutionally as policy, educational and civil society markets are sought to be captured.15 And these are mega-industries whose reach covers vast spans of the (neo/post)colonised/integrated/globalised world where the desires of civilisation in the form of expertise accumulation and accreditation are peddled in the name of education and training. There are no losses in this economic enterprise of exploiting the suffering condition as commodity, only profits. Suffering does indeed generate surplus value. Both the academic and the policy-maker may invoke the suffering condition of the Other fearlessly as we product-place our suffering-based theoretical/policy merchandise—those variously conjured up designs for the various exteriorites of suffering to be redeemed in totality—within global epistemological markets. There is no danger that we may be confronted by any sufferer seeking payment over their ownership of their suffering, or for royalties for the use of their suffering, in the production of either the printed word of the theory-producers, or in teaching/research programmes as marketable products for global consumption.16 Neither do we have to suffer the inconvenience of the material nature of bodies that suffer contaminating the sanitised conditions within which our production takes place, or even the repercussion that these suffering bodies may rise up and expect the theories thought in the name of suffering to deliver the promised transformations of totality! And most advantageously, suffering-based theory production is a marketing god-send for its non-polluting nature—what is more pristine in its emissions than (the promise) of global human welfare out of suffering? Few of us who exploit the suffering condition in our intellectual-economic production stand to account in any way, to any one **real** embodiment of suffering (in)Humanity; the suffering-Other plays her part well in this, and importantly, remains in her place compliantly. Suffering is indeed plentiful for our productive plunder, and how profitably we, thinkers of hope, suffer in this respect.

## 2nc k turns case

Turns the case - Their claim to resolve the suffering of the Other is just a way of incorporating the passive victim into the folds of the Enlightenment ideal

Jayan Nayar 12, law prof at the University of Warwick, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, December 15, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

We see, therefore, that for all of our (Levinasian) efforts to break from the Western assumption of the ‘originality’ of the ‘rational subject’, the ethical ‘Self’ as an ‘articulation’ (as an ‘I’ that thinks ‘for’), remains the one who invests in its ‘I’ a right/power/authority (articulated as responsibility) to judge the Other(s) according to the colonial ontology of the Self. In this way, responsibility for ‘suffering as such’, remains born out of a **philosophical imperialism** which assumes the right/obligation to define the scope of description and analysis of the human condition (suffering) based on the dualities of good here/evil there, normal here/deviance there, welfare here/suffering there, salvation here/damnation there, saviour here/victim there, agency here/passivity there, Being here/Non-Being there. From this location of colonial ontology—the assumption of the ethical Self to (responsibly) think hope for the suffering Other—the Self, as subject in Totality, thinks exteriority (the Other) as a problem to be solved. Thus, the Other is sought to be heard and known, to be approached and understood, their knowledges to be revealed and translated.31 Contemporary concerns for the suffering condition of the wretched folk may indeed be motivated by a more sincere aspiration for a humane Humanity than earlier versions of the ‘white man’s burden’, yet the colonial orientation of salvation, of rescue, persists; the suffering-Other is to be delivered from their wretchedness, by our useful suffering; by our recognition of, and response to suffering as such, out of their darkness, into our (En)light(enment).32 The weight of the burden thus remains. ‘Pity and a sense of superiority [still] unite the humanitarians’ (Douzinas 2007a, p. 16). Hope remains the civiliser’s gift of deliverance, and thinking hope remains a civil-ising thinking that retains the Same as the universal ideal, and the Other as incomplete object. Responsibility for the suffering Other thus translates into a ‘humanitarian’ responsibility of rescue, and humanitarianism for the alleviation of suffering defines after all the foundational, legitimising, claim of the rich (and impoverishing) theorisations of so many (historically determined-)guises of human-ising, colonising and civil-ising missions (Douzinas 2007b). The I that is born out of the encounter with the Other, as it comes to be for the Other, therefore, returns to the I that thinks as Dussel’s ego cogito-conquiro – ‘[b]efore the ego cogito there is an ego conquiro; “I conquer” is the practical foundation of “I think”’ (Dussel 2003, p. 52, emphasis in original)—within the security, and the assuredness, of its Totality. Following this scheme of ‘ethics as first philosophy’, the Other (of Totality), named by a colonial ontology, is brought into Totality as the conquered, **tamed**, suffering-Other; her role is at most to appear as face—of the Self’s Other, or less intimately, as the Other of the Other’, the ‘Third’—to voice and enact her (useless) suffering by way of **appeal** (‘please help me’, ‘please don’t let me starve/die’, ‘please don’t kill me’),33 and await and receive, in hope, the due, and hope-fully, due response of salvation as judged and determined by the Self.34 We see from this that whilst totality is amenable to challenge by thinking hope for the suffering Other, and whilst the historical inclusions and exclusions of totality-exteriority may be subject to the possibilities of negotiated change, Totality itself, Being itself, as normal and norm-alised, remains intact. In this sense at least suffering is indeed **useful** to the continuing affirmations of present day colonisers. However, the Other who suffers, I venture, may hold out less hope for any significant ‘repair’ of the world to emerge out of such Levinasian suffering-thought.

## 2nc alt

The alternative -

starting from failure moves away from this cycle and allows for ethical action targeted towards mundane suffering which is a stable basis for resistance.

Key to knowledge production – coalitional politics to stop drone strikes blinds them to potential problems in their theory and method, accepting failure makes reflexivity the goal and allows for greater adaptability in theory, that’s O’Gorman.

If we win that failure can be productive, vote negative to vote aff—it’s a uniquely more radical way to affirm the 1ac.

Vote neg to rupture the aff’s complacency about their representations

Jayan Nayar 12, law prof at the University of Warwick, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, December 15, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

For this purpose, the question I begin with is what is revealed by thinking that purports to take responsibility for the suffering-Other as its point of departure. My argument, to be elaborated in the following discussion, is as follows. Philosophies of hope which originate in the assumption of a responsibility for the suffering-Other retain the civil-ising rationalities of global **coloniality** (of power and knowledge), which, in the name of the Other’s becoming out of exteriority, affirms the sovereignty of the Self’s Being in Totality. The Other as suffering-Other, as Non-Being, as bare life (Agamben, 1998), here continues to serve her historical role as **philosophical fount** of colonial logics of hope and as alibi for colonising interventions of salvation. Central here is what I shall refer to as an ontology of ‘totality-exteriority’ (in lower case): this corresponds to how the problematic of suffering is commonly understood; it is how the politics of hope—as a politics of inclusion/exclusion, belonging/absence, Being/Non-Being, familiar to suffering-obsessed philosophies of hope—is consequently engaged with. In opposition, I present a decolonial ontology of Totality-Exteriority (in upper case).10 A perspective that opens our view to Totality-Exteriority provokes a more subversive philosophy, as it serves to rupture this complacency of the continuing coloniality of ontology. In upper case so expressed, what is revealed is more than the materialities of denial, more than the experiential fact of suffering. Rather, Totality/Exteriority brings to attention the coloniality of ‘Being’. It brings to view the ontological borders between Being and Other-Being, as opposed to Being and Non-Being/Becoming. The distinction is, quite simply, a matter of how we, thinkers of hope, understand the Other in the World: either as exteriority-to-totality to be redeemed from their suffering by their inclusion into a totality ever open to repair, as subject; or as Exteriority-in-Totality, the constitutive radical Other who stands in incommensurable encounter against Totality.

## Jones

Jones cards aren't a turn - just more links - says that the status quo isn't concerned enough about suffering and that if we can just talk enough about others' suffering then we can create a solution together

## Perm

2AC didn't make a no link claim so the perms are a non-starter - the 1AC commodified suffering by using it to justify the ballot - they hope that by collating the suffering narratives they can produce the prescriptive theory of geopolitical feminism and coalitional politics to spill down to help the hopeless victims

Means the alt is mutually exclusive – the idea of starting from failure is a solvency turn to use of coalitional politics – if they’re right that the aff is compatible then its movement fails and you should vote neg on presumption

Hopeful politics corrupt the alt – turns failure into structural violence

O’Gorman and Werry ’12 (Roisin O'Gorman, Ph.d., Theater and Drama Studies @ University of Cork, Margaret Werry, Department of Theater, University of Minnesota, “On Failure (On Pedagogy): Editorial Introduction,” Performance Research: A Journal of the Performing Arts Volume 17, Issue 1, 2012)

This failure-driven reimagination, however, is taking place within an institutional and political climate ever **more hostile to failure's promise**. We cannot afford to forget – although we often conveniently do – how mutually dependent are the rarified worlds of experimental performance and the massive apparatus of academe, with its work of publishing, teaching, producing audiences and artists, circulating and valorizing artists and their work. How might performance's evolving understanding and practice of failure intervene in this scene, with which most of us – artists and scholars alike – are entangled? Progressive hopes and developmental narratives **cluster around pedagogy**, and the recuperative drive associated with failure is powerfully concentrated here. (Failure is OK only if we learn from it, only if it leads us to ultimate success). Higher education is animated by its **idealization of success and hope**: this much is well-established.2 Schooling of all kinds rests on successful performances of authority that are also performances of sanctioned, normative knowledge, and that form the ticket of admission (for teachers and students alike) to the ranks of power and privilege, hardening the lines of inclusion and exclusion in the process. Here, failure is an instrument of structural violence – to make successes of students, schools must **winnow out the failures**; a dilemma for performance instructors for whom failure **is critical** to creative experimentation. Schooling, furthermore, suffers from a surfeit of hope. Education has historically been the site for ameliorative social projects (often ones compensating for failures elsewhere in our systems), from combating racism, to revitalizing industry or growing the middle class by rescuing students from the ignominy of social and economic failure. Yet in pedagogy, as in performance, **failure is endemic** – they are, after all, both live arts, premised on co-presence. **Efforts misfire.** Opportunities are missed. Communication goes awry. Ignorance is exposed, change resisted, desire thwarted.

## 2nc impact

The savior mentality can only result in the violent eradication of alterity

Jayan Nayar 12, law prof at the University of Warwick, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, December 15, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

Exteriority unlike exteriority, therefore, cannot be accounted for in Totality; Other-Being is the very antithesis of Totality, that which must be negated for Totality to prevail. Totality (the ontology of Being), as it constructs the World, affirms itself as the worlds of Other-Being are negated; absented from the World by both the material destruction of human bodies and socialities (the work of biopolitics), and the philosophical construction of ontology as Being-in-the-World (the work of philosophies of sovereignty). Put differently, Totality (as coloniality) is the philosophical construction of negations, whereby the many worlds of many-Beings are named/tamed/disciplined as the World of Being and Non-Being (as Humanity-Nature); it is the naming of all presences and absences as names-in-the World (as Legal-Illegal), nothing is precluded from its all-encompassing embrace.37 In this respect, Exteriority is not ‘other’ in the sense of a potentiality awaiting emergence out of absence, it is more than a ‘real’ that remains constantly in excess of the historical actual, portending a possible new totality; the worlds of the non-White Man were and are not absent worlds—they were and are worlds already, rich in their cosmologies, in their memories and imaginations. Exteriority, simply put, is not absence. Rather, it is the other-actuals of worlds which refuse to be eradicated, remaining as uncolonised-Other against Totality, speaking and thinking their own philosophies of Being, in the languages of ‘swadeshi’ and ‘swaraj’, ‘ubuntu’, ‘comida’, ‘pachamama’ and so many other wisdoms of the ‘vernacular’, as Ivan Illich (1973, 1981) reminded us not so long ago,38 and which Boaventura de Sousa Santos (2007b) and others have recently reiterated as the wealth of the ‘ecology of knowledges’. For this Other as Exteriority, as Radical Other, becoming out of Totality, within the historical world as it is, is neither an entry into the narrative of progress through reprieve and rescue from suffering, nor a Becoming into History as ‘subject’, not an absence becoming actual, but the ever-uncertain outcome of confrontational encounters with the colonising aspirations of the armies/police/bulldozers/fences, and the teachers/preachers/policy-makers/philosophers of Totality. As a presence of encounter—and they remain persistently present notwithstanding the many technologies of disappearance inflicted upon them—the Radical Other, Exteriority, cannot be permitted existence in the philosophical narration of the World; an encounter with the Other that audaciously presents itself as Other-Being (as opposed to Non-Being), that names itself rather than answering to the names of victim as ascribed, is an encounter with the enemy, with Evil itself. Importantly, such a presence has to be named Evil—the savage, the underdeveloped, the terrorist—for with that naming the Radical Other is returned to domesticity, to sovereign control, their Other-Being silenced, but never quite silent. From across the ontological borders of Totality-Exteriority, the Radical Other as Other-Being with its philosophies from the ‘peripheries’, confronts the Self of Totality in the encounter not with the ‘saying’, ‘please don’t kill me/let me die’, ‘please save me’ etc., but rather, perhaps, with the demands of ‘subversive illegality’ (Dussel 2003, p. 66)—‘get out of our way’, ‘leave us alone’, ‘Ya Basta!’,39 or even the threat, ‘we will kill you’; we hear the ‘violent’ voice of Fanon’s ‘colonised’ clearly in this assertion of ‘humanity’ (Fanon 2001). It is not a ‘potentiality’, of emergence out of absence, that defines the Radical Other, but a latency of an already present (other) Being emerging out of silence, remaking their ‘soil of cultures’ (Esteva and Prakash 1998). Notwithstanding the attempts at colonisation, even in its silence and apparent subservience, it remains always the Radical Other, in cocked rage, in dignity, in rebellious hope, as Scott (1990) has persuasively argued, its politics the ‘infrapolitics’ of everyday struggle and survival, defiance and manoeuvring, its eruption out of its ‘hidden transcripts’ of the politics of the governed ever unpredictable, ever resilient despite the aspirations of ‘end of History’-type assertions of Totality.

## at: “we actually care”

Good intentions mean nothing – the suffering of the Other is always invoked from a position of privilege bent on salvation

Jayan Nayar 12, law prof at the University of Warwick, The Politics of Hope and the Other-in-the-World: Thinking Exteriority, December 15, <http://link.springer.com/article/10.1007/s10978-012-9115-8/fulltext.html>

We thinkers of hope find a sense of meaning in this—our responsibility as we think hope is to suffer the otherwise ‘useless suffering’ of the Other, and this, our suffering of suffering-as-such, directs the politics of hope and the hope for politics. With this Levinasian turn, hope is therefore sought to be reclaimed; the face of the Other in suffering prompts our philosophies of hope out of postmodernity’s banishments. Thus, we engage in repeatedly re-searching for meaning and content for fallen institutions. Given the multiple realities of despair that bombard us within fast changing worlds of social relations (of incredible interconnectedness and visibility) and the persistent and increasing realities of violence and depravation, the work of ‘ethical’ selves to ‘repair’, as Levinas would have it, the created institutions of equal freedom and formal justice, to correct the inevitable betrayals, by ‘the said’, of the ‘sayings’ of the suffering Other, continues with ever more urgency.5 In this, we who think for the Other are both equally moved by disappointment (that our being for the other through our thinking fails to correct the world) and aspirational hope (that our continued thinking is consistent with, and is integrally part of, this paradox of ethical failure). Such is the theory-neurosis that afflicts many of us philosophers of hope: how to return to ethics the inherently profane truths of politics? How to rectify the prevalence of denial within the world of possibilities? How, simply put, to meditate upon hope out of suffering? In Levinasian terms, our obsession, as we think for the Other (and all Others) is how to employ usefully our suffering of the ‘useless suffering’ of the Other. But this ‘persecution’ of the Self,6 of responsibility to suffer usefully for the Other, is, I venture, an affliction of those of us who theorise out of locations of privilege (both material and epistemic)—it is a Western(ised) ailment suffered by prospective missionaries or, as Ashis Nandy prefers, ‘priests’, of civil-isation (Nandy 2007). The privileging of a gaze upon the wretched’s suffering, **is a privileged gaze.** Notwithstanding the best of intentions in making such a gaze upon the face of suffering the foundation of hope, of theories of justice, rights, response and responsibility, despite the claim that this gaze subordinates the Self to the Other-as-Master, there is still a continuity here of an imperial philosophical pedigree; a continuity of the coloniality of ontology.

## turns feminism

Politicizing the identity of the oppressed in opposition to masculinism naturalizes resentment and conflict

Stringer 2K (Rebecca, Professor of Gender Studies at the University of Otago, *A Nietzschean Breed*, p 25-6)

Ressentiment gives birth to morals at the same time that it comes to serve as a means of identity formation, and on the plane of the political the concept can be used to discern the process through which negative and non-transformative political identities are achieved. The feeling of powerlessness and the experience of suffering are always at the root of ressentiment—whether incurred as a result of a loss of power (the noble forced to slavery) or a perpetual state of powerlessness (the “original” slave). In the case of feminism, the “danger” of ressentiment presents itself with the desire to counter the forces that have caused women’s oppression historically. Ressentiment feminism can be understood, to use Yeatman’s term, **as a “reactive project of survival**.” As such, this feminism **forms its political identity** in accordance with the tactic of inversion, and its opposition to the sociocultural configurations that have proved injurious to women is motivated by the will to reverse these configurations. This reversal occurs at an imagined or discursive level—which is not to say that it does not have “real” effects—at the birth of feminist morals or, more specifically, when this feminism comes to equate women’s powerlessness with women’s goodness. As Yeatman describes, echoing the concerns of the popular press feminists dealt with above, “Such a feminism is committed to discovering what is good in women’s distinctive ways of relating and doing things [and] ends up celebrating as virtues all those aspects of identity of the oppressed which are associated with strategic self-preservation in a condition of weakness. Similarly, Brown comments that this feminism **maneuvers towards attaining weakness**.” Similarly, Brown comments that this feminism maneuvers towards attaining “singular purchase on ‘the good.’” For this feminism, patriarchy assumes the appearance of a system that enjoys the privilege of unhindered activity: patriarchy is a “force which does not separate itself from its effects or its manifestations.” This feminism will attempt to forge such a separation by casting the activity or patriarchy as the blameworthy cause of injury, as a force that must be separated from its manifestations (the doer posited beyond the deed) and be made accountable for its effects. With the introduction of accountability through accusation, this feminism casts itself and its constituency as the deserving creditors. However, the less obvious companion of this credit claim is an investment in, or indebtedness to, the power relationship from which it is elaborated. Nietzsche notes that the creature of **ressentiment “requires a hostile world in order to exist”**: here this means that the evils of patriarchy buttress this feminism’s moral identity and serve as a **necessary resource for its “survival”** (GM). In this sense, this **feminism is indebted to the configuration of power against which it is situated**, an indebtedness that has two effects: for Yeatman, it “**preserves that identity of the oppressed subject**”; for Brown, it “inadvertently **redraw[s] the very configurations and effects of power that [it] seek[s] to vanquish**.” As with the previous set of writers I discussed, Brown, Yeatman, and Tapper share the concern that the politics of ressentiment leads feminists to **position themselves “politically”**. In this realm—the margins, the bottom of the hierarchy—participating in power is admonished as an unfeminist act that is equated with “undemocratic domination.” One of the primary points found in each of their critiques is that this realm is no less implicated in a will to power and no less prone to the desire to dominate than is the center, the top of the hierarchy. The French word ressentiment, from which the English resentment was derived, commonly denotes a state of revengeful rancor produced as an effect of an injurious encounter. The word resent conjugates the prefix re-, which designates both repetition and backward motion, with sent, which comes from the Latin verb sentire, “to feel.” Thus ressentiment pertains to reactive feelings repeatedly felt and designates a psychological state that is always and only relational resentment is always the product of “interaction” between injured forces and injuring forces (from the harmful actions of a tyrannical person to the most general condition of human suffering), and it always produces in turns a reactive desire on the part of the injured to exact retribution from the injuring (their assailant, “life”). As Anna Yeatman notes, ressentiment “makes sense to a subject who is systematically brutalized and exploited by more powerful forces.” Ressentiment is an **economy of negative affect** rather than an affect in itself; it is a configuration of emotions wherein pain is constantly remembered and revisited, and in which hatred and the desire for revenge are **constantly renewed**. What is most important for our purposes is the point at which ressentiment becomes “creative”: that is, the point at which it becomes a “condition of possibility” and ceases to be simply a “condition.”