# UGA FB Round 4 - Districts

# 1NC

## 1NC Round 4

### 1

#### A. Interpretation – debate is a game that requires the aff to have a defense of the USFG increasing restrictions on the war powers authority of the President in one of the following: targeted killing, indefinite detention, offensive cyber operations, and introduction of US armed forces in hostilities

#### --‘resolved’ means to enact a policy by law.

Words and Phrases 64 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### --“United States Federal Government should” means the debate is solely about the outcome of a policy established by governmental means

Ericson 3 (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow *should* in the *should*-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase *free trade*, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the *affirmative side* in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Restrictions on authority must prohibit actions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. They don’t meet –

#### C. Reasons to prefer:

#### Debate games open up dialogue which fosters information processing – they open up infinite frameworks making the game impossible

Haghoj 8 – PhD, affiliated with Danish Research Centre on Education and Advanced Media Materials, asst prof @ the Institute of Education at the University of Bristol (Thorkild, 2008, "PLAYFUL KNOWLEDGE: An Explorative Study of Educational Gaming," PhD dissertation @ Institute of Literature, Media and Cultural Studies, University of Southern Denmark, http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf)

Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, 51 presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### they’re the vital access point for any theory impact – its key to fairness – huge research burdens mean we can’t prepare to compete – and its key to education – big topics cause hyper-generics, lack of clash, and shallow debate – and it destroys participation

Rowland 84 (Robert C., Debate Coach – Baylor University, “Topic Selection in Debate”, American Forensics in Perspective, Ed. Parson, p. 53-54)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing in scope and size.4 This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breath. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. Naitonal debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change.5 The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of the topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process.6 Despite this advantage of policy debate, Gaske belives that NDT debate is not the best vehicle for teaching beginners. The problem is that broad policy topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breadth of the topic and experience “negophobia,”7 the fear of debating negative. As a consequence, the educational advantages associated with teaching novices through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caugh without evidence or substantive awareness of the issues that confront them at a tournament.”8 The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters or eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much times and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity.9 Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.”10 The final effect may be that entire programs either cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.”11 In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

#### Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into competing truth claims, which 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.

### 2

#### The 1AC subscribes to a politics of publicity that equates democratic outcomes with acts of exposure and revelation – this mode of political engagement reinforces edifices of domination that facilitate enhanced flows of information while evacuating possibilities for social transformation.

Barney 8 [Darin, Canada Research Chair in Technology and Citizenship and Associate Professor of Communication Studies at McGill University, Global Media Journal -- Canadian Edition, Volume 1, Issue 1, “Politics and Emerging Media: The Revenge of Publicity”, p. 101-102]

The complementarity of communicative capitalism and the normative framework of publicity thus sets a trap for those committed to the democratic ends of radical politicization and egalitarianism. The normative framework of publicity valorizes access to information, communication and participation. Communicative capitalism is nourished and sustained by the transaction of information, communication, and interactive participation. In a formulation that resonates with similar claims made by Agamben (2000), Žižek (1999), and Hardt and Negri (2000), Dean (2005: 56) notes that “communicative exchanges, rather than being fundamental to democratic politics, are the basic elements of capitalist production.” Norms of publicity are materialized in emerging media technologies that are instrumental to the extension and intensification of a political-economic order whose relationship to democratic outcomes is, at best, ambiguous and, at worst, pernicious. It is not just that informing, communicating and participating in the forms afforded by emerging media technologies are inadequate relative to demanding conceptions of the political. It is that, in so doing, well-intentioned citizens simultaneously reinforce and legitimize a political-economic order that is arrayed systematically against the democratic ends they at least believe themselves to hold.¶ As Dean writes in her book Publicity’s Secret: ¶ The ideal of the public materializes an economy of transnational telecommunications corporations, media conglomerates, computer hardware, software and infrastructure developers, and content providers. Democratic potentials are thereby collapsed into increases in access and information. Democracy becomes indistinguishable from intensifications and extensions in the circulation of information. Our deepest commitments—to inclusion, equality and participation within a public—bind us into the practices whereby we submit to global capital. (2002: 151) ¶ Here, it is not just that emerging technologies are enlisted to ends that are other than democratic, it is that the principles of publicity themselves—participation, information and communication—offer us no way to distinguish democratic politics from enrollment in the prevailing rhythms and modes of a global economy structured in opposition to the ends of those politics. In this sense, publicity has become “the ideology of technoculture… a model of political life that would work just as well as a motto for Microsoft or AT&T” (Ibid: 4, 14). The ideals of publicity have conditioned us to desire and expect exactly what emerging technologies deliver: more information; more communication; more participation. Who could ask for more? Cruelly, even the practices of deeply politicized social movements, in making highly-effective use of these technologies for purposes of publicization, organization and mobilization, implicitly confirm the edifice they explicitly challenge. Put simply, “[i]n effect, changing the system—organizing against and challenging communicative capitalism—seems to require strengthening the system...Democracy demands publicity” (Ibid: 4).

#### Turns Case - Routing gender activism through techniques of publicity and public discourse solidifies hegemonic forces that drive gender oppression

Dean 7 [Jodi, Associate Professor in the Political Science Department at Hobart and William Smith Colleges, “Feminism, Communicative Capitalism, and the Inadequacies of Radical Democracy”, in Radical Democracy and the Internet: Interrogating Theory and Practice, eds. Lincoln Dahlberg & Eugenia Siapera, p. 226-228]

Under communicative capitalism, should feminists be radical democrats? If radical democracy entails an emphasis on the multiplicity of political identities engaging in agonistic struggle within a framework of liberal democratic norms and institutions, as it does for Ernesto Laclau and Chantal Mouffe (1985), then the answer is no. The changing conditions of signification accelerated by networked information and communication technologies decrease the viability of the production of symbolic identities as a means of left political struggle. At the same time, the tenacity of neoliberalism as an economic project renders allegedly democratic institutions barriers to significant political change. Together, these two aspects of communicative capitalism indicate the limits radical democracy places on left political thought and point to the importance of reinvigorating socialism as a left political project.¶ What is communicative capitalism?¶ ‘Communicative capitalism’ designates the way values heralded as central to democracy take material form in networked communications technologies (Dean, 2002; 2004; 2005). Ideals of access, inclusion, discussion, and participation come to be realized in and through intensifications of global telecommunications. This material realization exposes the inadequacy of these ideals for radical democratic politics in a world of digitalized information and communication networks, the world that facilitates and furthers the neoliberal economic project. Expanded and intensified communicativity has neither enhanced opportunities for the articulation of political struggles nor enlivened radical democratic practices – although it has exacerbated left fragmentation, amplified the voices of right-wing extremists, and delivered ever more eyeballs to corporate advertisers. Instead of leading to more equitable distributions of wealth and influence, instead of enabling the emergence of a richer variety in modes of living and practices of freedom, the deluge of screens and spectacles undermines the political efficacy of and conceals the economic devastation confronting most of the world’s peoples. In communicative capitalism, rhetorics of access, participation, and democracy work ideologically to secure the technological infrastructure of neoliberalism, an invidious and predatory politico-economic project that concentrates assets and power in the hands of the very, very rich (see Saad-Fiho & Johnston, 2005).¶ Saskia Sassen’s (1998) research on the impact of economic globalization on sovereignty and territoriality clarifies how the speed, simultaneity, and interconnectivity of telecommunications networks produce massive distortions and concentrations of wealth. Not only does the possibility of super-profits in the finance and services complex lead to hypermobility of capital and the devalorization of manufacturing, but financial markets themselves acquire the capacity to discipline national governments. Moreover, as David Harvey (2005) explains, neoliberalism’s endeavor ‘to bring all human action into the domain of the market’ requires ‘technologies of information creation and capacities to accumulate, store, transfer, analyze, and use massive databases to guide decisions in the global marketplace’ (p. 3). Sassen’s and Harvey’s work thus provides powerful empirical evidence for the convergence between networked telecommunications and globalized neoliberalism.¶ In a particularly invidious twist of the knife, attempts to adjust to and survive within the debt crises, structural adjustments, privatizations, and overall diminishment of opportunity brought about by globalized neoliberalism themselves further the encroachments of information technologies and the market logics accompanying them into more domains of life. Even progressive activists and non-governmental organizations (NGOs) (that is to say, even those fully aware of the limits of information technology and of the role of networked communications in neoliberal globalization) find themselves working within the terms set by neoliberalism as they struggle to help poor women acquire entrepreneurial opportunities, become more efficient, gain access to information networks, exercise rights to communication, and so on (see, for example, Thas, 2005). Similarly, within the mainstream politics of digitalized, nominally constitutionally democratic countries such as the United States, the standards of a finance- and consumption-driven entertainment culture set the very terms of democratic organization and practice. How can these terms be changed when challenges to them in fact strengthen the very systems they aim to contest?¶ Understood as an economic and political formation, then, communicative capitalism highlights the particular trap set by a neoliberalism dependent on global information and communication networks: the very possibility of economic sustainability and political resistance outside of the terms and conditions set by neoliberalism seems to have been foreclosed. The remarkable quality of this hegemonic formation consists in the way that its materialization formats seemingly counter-hegemonic political practices into programs that strengthen, accelerate, and intensify communicative capitalism as a system.

#### their 1AC Druck evidence says the 1AC is an act of exposure – the revelatory gesture replicates the political orientation of Wikileaks, re-affirming a conception of citizenship that reduces activism to consumption and mediation of information.

Lew 11 [Robyn, University of Toronto, The McMaster Journal of Communication, Volume 8, “The Politics of Transparency”, p. 101-103]

The terms “truth”, “freedom” and “democracy” frequently occur in the promulgation of intrinsic values and ideologies belonging to North American political and societal systems. However, the recent movement for transparency has put these values into question and has consequently generated a public that is becoming increasingly cognizant of the imbalanced power relations within the socio-political framework of the North American society. The notion that access to, and control over information is linked to the function of power has become a key part of the transparency movement, as expounded by WikiLeaks creator, Julian Assange. In a 2011 interview with Hans Ulrich, Assange claimed that “if we are to build a robust civilization, we need a sophisticated and somewhat comprehensive intellectual record of everything that humanity is about” (Ulrich, Part 2, 2011). During the interview, Assange makes several calls to mend the gaping hole in what he calls the intellectual record. Assange’s response, which hinges on the notion that a civilized society is a democratic society devoid of government secrets, is problematic because it alludes to a frame of thinking that may potentially be more destructive for democracy than reparative.¶ Julian Assange’s obsession with secrecy and his presumption that identifying and revealing secrets will lead to new knowledge is indicative of a pathology that is characteristic of conspiratorial thinkers (Zizek, 2011). This pathology is manifested in a persistent, even compulsive desire to transgress and illuminate boundaries that are erected to protect secrecies despite the potential ramifications. In her book Publicity’s Secret, Jodi Dean (2002) suggests that the misguided belief that more information leads to improved democratic systems is consequential of technoculture’s ideology, whereby publicity is the key to democracy (p. 4). In this way, Assange’s desire to “publish everything that is of diplomatic, political, ethical, or historical significance that has not been published before, and is being suppressed” ignores any and all ethical frameworks in favour of performing an anarchistic ritual of exposure (Ulrich, Part 2, 2011). As a corollary of Assange’s fixation on exposure and publicity, he primarily implements WikiLeaks as a medium where the inculcation of an ideology of publicity can occur. The damaging irony lies in the fact that the very undemocratic nature of North America’s socio-political system that Assange tried to rectify by disclosing classified documents shares the same ideology that he fostered through WikiLeaks. That is, an ideology of publicity and exposure that ascertains that democracy rests on citizens performing their dutiful roles as consumers of information, which subsequently inoculates society against any sense of informational satisfaction and incites a contagious paranoia and a system of distrust. This suggests that the ideology, when at work, motivates both the recalcitrant conspiratorial thinker and the neoliberal state citizen. Thus, this particular ideology enables both the construction and deconstruction of a socio-political framework, suggesting that there is a false consciousness to which both sides of the debate over transparency have become susceptible. Assange’s desire for transparency elicits concern for both the political and ethical ramifications of excessive exposure and is indicative of the spectacle-driven society from which both nationalism and anarchism are born, nurtured and engaged in conflict.

#### Vote negative reject the Aff’s politics of publicity – linking political transformation to strategies of publicity strengthens forces of domination and exploitation. Only embracing strategic secrecy against hegemonic control solves.

Bratich 7 [Jack, Associate Professor of Journalism and Media Studies at Rutgers University, Cultural Studies Vol. 21, No. 1, January, “Popular Secrecy and Occultural Studies”, p. 46-48]

I want to add to this discussion by asking, is there a secret that is not publicity’s secret? Can we only think of secrecy’s activities within the determination made by publicity? Is there a different route, a becoming- popular of secrecy that is not a public execution? In political activism, for instance, the typical assumption is that secrecy is a tool for power, in the service of domination, and kept by elites or the State as a means of maintaining hierarchical exclusions. From the CIA to the KKK, secrecy is a sign of pernicious hidden agendas. But this notion of a cryptocracy depends on assuming publicity’s secrecy: the form of an envelope/box, and disclosure as its opposite and vanquisher. What if we began to think of cryptocracy in other ways, like from the perspective of secrecy itself?¶ As publicity’s other, secrecy is always in negation, never given the powers of negation. Now we can view the secret not from the perspective of its destruction (within revelation) but as a positivity with its own history and effects. How can we make the covert productive? What can be learned from the secret, not just about it? Dean’s deconstructive work on the limits of publicity is a good start, but we also need to find analytic tools that can move secrecy beyond publicity’s shadow.¶ Guy Debord in his short, cryptic book Comments on the Society of the Spectacle (1998) (originally titled Treatise on Secrets, and not to be confused with the original Society of the Spectacle [1970]) introduces the concept of ‘generalized secrecy’. Debord’s point is that our obsession with secrecy as a box to be opened is itself part of the spectacle, a distraction from the myriad ways generalized secrecy permeates the political body. Debord compels us to think secrecy outside of its commonsensical status as opposite of a public.¶ Gilles Deleuze and Felix Guattari (1987) break secrecy down into three components: (1) as the contents in a box or envelope (the common sense of secrecy); (2) as an action, both secret influence (the way secret societies affect social changes) and the propagation of the secret (its spread and leakage, or secretion); (3) as the secret perception of the secret (shadowy revealers, like Deep Throat). Michael Taussig elaborates their second point: ‘To the extent that the secret can be and is revealed, I would like to suggest that revelation is precisely what the secret intends; in other words part of secrecy is secretion’ (2003, p. 297).¶ Taussig, an anthropologist, examines shamanistic trickery and magickal rites but not as a way of describing exotic Others. The techniques of deception in his analysis have wider application: the public secret is ‘a species of knowledge no less political than it is mysterious, if not mystical’ (2003, p. 306). The political public secret orbits around revelation-management. It is not skilled concealment that characterizes the power of secrecy, but the ‘skilled revelation of skilled concealment’ (2003, p. 273): the ‘success of such ritual is not in concealing but in revealing trickery’ (2003, p. 272). Magick is thus effective, not despite its exposure but on account of it, especially in exposing the very techniques of concealment. The fact and mechanisms of secrecy are exposed, but in ways that only enhance those mechanisms. For example, preventive revelations appropriate the power of the challenge, absorbing critique at the moment of publicity.7¶ Rather than surrender to a totalitarian state of secrecy, then, we can pursue secrecy as a strategy. Making this argument entails a shift in focus, unsettling a fundamental assumption among oppositional forces, namely the belief that the publicity of secrets is inherently a progressive force. In the US political imaginary, publicity may no longer be an effective political force against a cryptocracy. When dissent primarily operates by seeking to expose the State’s secrets, it may be playing into a larger logic of concealment and revelation that is ultimately disempowering. Rather, we can explore the generation of secrets and their exposure as a political force. The potential to make these new arrangements belongs to the creative meaning-making powers of the many. Why surrender the capacity to produce these to the State/private sector networks of control?¶ In an age where secrecy is virtually everywhere as a strategy of domination, can we begin to experiment with an insurgent secrecy, a minor secrecy, or a popular secrecy? Secrecy, at best, has been associated with circumstantial necessity. Publicity has been allowed to transcend its own historical conditions (including its Enlightenment origins within secret societies); in fact this detachment is the very condition of possibility for public sphere theory (see Dean 2002). Secrecy may at least be afforded a similar generosity. The oppositional political imaginary up until now has focused on reactive secrecy, placing it in a lineage of nihilistic forces. Why not accord it some affirmative powers? Popular or minor secrecy would be immersed in what Negri (1999) calls ‘constituent power’, the capacities and wills to create new worlds; in other words, an active secrecy. Secrecy as a strategy is already the subject of experimentation in the activist milieu. So what better way to explore active secrecy than by tracing a line through secret activism?

### 1NC Case

#### Targeted killing vital to effective counterterrorism---disrupts leadership and makes carrying out attacks impossible

Anderson 13 (Kenneth, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6, http://www.volokh.com/2013/05/22/the-case-for-drones/)

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.¶ Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.¶ If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.¶ Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

Michael Cohen 13, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels". ¶ I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so. ¶ This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy. ¶ Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates. ¶ There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones. ¶ When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there." ¶ While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage. ¶ Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen. ¶ These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year. ¶ Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".¶ Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.¶ Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Extinction

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

#### War causes structural violence – not the other way around

**Goldstein 1** (Joshua, Professor of International Relations – American University, War and Gender: How Gender Shapes the War System and Vice Versa, p. 412)

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. **The evidence** in this book **suggests that causality runs** at least as **strongly the other way**. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.9 So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the **most important way** to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be **empirically inadequate**.

#### The plan exacerbates problems in the status quo – the state will coopt your academic theory

**McCormack 10** (Tara, Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster, *Critique, Security and Power: The political limits to emancipatory approaches*, page 137-138)

In chapter 7 I engaged with the human security framework and some of the problematic implications of ‘emancipatory’ security policy frameworks. In this chapter I argued that the shift away from the pluralist security framework and the elevation of cosmopolitan and emancipatory goals has served to **enforce international power inequalities** rather than lessen them. Weak or unstable states are subjected to greater international scrutiny and international institutions and other states have greater freedom to intervene, but the citizens of these states have no way of controlling or influencing these international institutions or powerful states. This shift away from the pluralist security framework has not challenged the status quo, which may help to explain why major international institutions and states can easily adopt a more cosmopolitan rhetoric in their security policies. As we have seen, the shift away from the pluralist security framework has entailed a shift towards a more openly hierarchical international system, in which states are differentiated according to, for example, their ability to provide human security for their citizens or their supposed democratic commitments. In this shift, the old pluralist international norms of (formal) international sovereign equality, non-intervention and ‘blindness’ to the content of a state are overturned. Instead, international institutions and states have more freedom to intervene in weak or unstable states in order to ‘protect’ and emancipate individuals globally. Critical and emancipatory security theorists argue that the goal of the emancipation of the individual means that security must be reconceptualised away from the state. As the domestic sphere is understood to be the sphere of insecurity and disorder, the international sphere represents greater emancipatory possibilities, as Tickner argues, ‘if security is to start with the individual, its ties to state sovereignty must be severed’ (1995: 189). For critical and emancipatory theorists there must be a shift towards a ‘cosmopolitan’ legal framework, for example Mary Kaldor (2001: 10), Martin Shaw (2003: 104) and Andrew Linklater (2005). For critical theorists, one of the fundamental problems with Realism is that it is unrealistic. Because it prioritises order and the existing status quo, Realism attempts to impose a particular security framework onto a complex world, ignoring the myriad threats to people emerging from their own governments and societies. Moreover, traditional international theory serves to obscure power relations and omits a study of why the system is as it is: [O]mitting myriad strands of power amounts to exaggerating the simplicity of the entire political system. Today’s conventional portrait of international politics thus too often ends up looking like a Superman comic strip, whereas it probably should resemble a Jackson Pollock. (Enloe, 2002 [1996]: 189) Yet as I have argued, contemporary critical security theorists seem to show a marked lack of engagement with their problematic (whether the international security context, or the Yugoslav break-up and wars). Without concrete engagement and analysis, however, the critical project is undermined and critical theory becomes nothing more than a **request that people behave in a nicer way** to each other. Furthermore, whilst contemporary critical security theorists argue that they present a more realistic image of the world, through exposing power relations, for example, their lack of concrete analysis of the problematic considered renders them actually **unable to engage** with existing power structures and the way in which power is being exercised in the contemporary international system. For critical and emancipatory theorists the central place of the values of the theorist mean that it cannot fulfil its promise to critically engage with contemporary power relations and emancipatory possibilities. Values must be joined with engagement with the material circumstances of the time.

#### Securitized images of war good – they create room for emancipation

Ken Booth, visiting researcher - US Naval War College, 2005, Critical Security Studies and World Politics, p. 22

The best starting point for conceptualizing security lies in the real conditions of insecurity suffered by people and collectivities. Look around. What is immediately striking is thatsome degree of insecurity, as a life-determining condition, is universal. To the extent an individualor groupis insecure, to the extent their life choices and changes are taken away; thisis because of the resources and energy they need to invest in seeking safety from domineering threats–whether these are the lack of food for one’s children, or organizing to resist a foreign aggressor.The corollary of the relationship between insecurity and a determined life is that a degree of security creates life possibilities. Security might therefore be conceived as synonymous with opening up space in people’s lives. This allows for individual and collective human becoming–the capacity to have some choice about living differently–consistent with the same but different search by others.Two interrelated conclusion follow from this. First, security can be understood as an instrumental value; it frees its possessors to a greater or lesser extent from life-determining constraints and so allows different life possibilities to be explored. Second,security is not synonymous simply with survival. One can survive without being secure (the experience of refugees in long-term camps in war-torn parts of the world, for example). Security is therefore more than mere animal survival(basic animal existence). It is survival-plus, the plus being the possibility to explore human becoming. As an instrumental value, security is sought because it free people(s)to some degree to do other than deal with threats to their human being. The achievementof a levelof security–and security is always relative –gives to individuals and groups some time, energy, and scope to choose to beor become,other than merely survivingas human biological organisms. Security is an important dimension of the process by which the human species can reinvent itselfbeyond the merely biological.

####  Legal norms don’t cause wars and the aff can’t effect liberalism

David Luban **10**, law prof at Georgetown, Beyond Traditional Concepts of Lawfare: Carl Schmitt and the Critique of Lawfare, 43 Case W. Res. J. Int'l L. 457

Among these associations is the positive, constructive side of politics, the very foundation of Aristotle's conception of politics, which Schmitt completely ignores. Politics, we often say, is the art of the possible. It is the medium for organizing all human cooperation. Peaceable civilization, civil institutions, and elemental tasks such as collecting the garbage and delivering food to hungry mouths all depend on politics. Of course, peering into the sausage factory of even such mundane municipal institutions as the town mayor's office will reveal plenty of nasty politicking, jockeying for position and patronage, and downright corruption. Schmitt sneers at these as "banal forms of politics, . . . all sorts of tactics and practices, competitions and intrigues" and dismisses them contemptuously as "parasite- and caricature-like formations." n55 The fact is that Schmitt has nothing whatever to say about the constructive side of politics, and his entire theory focuses on enemies, not friends. In my small community, political meetings debate issues as trivial as whether to close a street and divert the traffic to another street. It is hard to see mortal combat as even a remote possibility in such disputes, and so, in Schmitt's view, they would not count as politics, but merely administration. Yet issues like these are the stuff of peaceable human politics.

Schmitt, I have said, uses the word "political" polemically--in his sense, politically. I have suggested that his very choice of the word "political" to describe mortal enmity is tendentious, attaching to mortal enmity Aristotelian and republican associations quite foreign to it. But the more basic point is that Schmitt's critique of humanitarianism as political and polemical is itself political and polemical. In a word, the critique of lawfare is itself lawfare. It is self-undermining because to the extent that it succeeds in showing that lawfare is illegitimate, it de-legitimizes itself.

What about the merits of Schmitt's critique of humanitarianism? His argument is straightforward: either humanitarianism is toothless and [\*471] apolitical, in which case ruthless political actors will destroy the humanitarians; or else humanitarianism is a fighting faith, in which case it has succumbed to the political but made matters worse, because wars on behalf of humanity are the most inhuman wars of all. Liberal humanitarianism is either too weak or too savage.

The argument has obvious merit. When Schmitt wrote in 1932 that wars against "outlaws of humanity" would be the most horrible of all, it is hard not to salute him as a prophet of Hiroshima. The same is true when Schmitt writes about the League of Nations' resolution to use "economic sanctions and severance of the food supply," n56 which he calls "imperialism based on pure economic power." n57 Schmitt is no warmonger--he calls the killing of human beings for any reason other than warding off an existential threat "sinister and crazy" n58 --nor is he indifferent to human suffering.

But international humanitarian law and criminal law are not the same thing as wars to end all war or humanitarian military interventions, so Schmitt's important moral warning against ultimate military self-righteousness does not really apply. n59 Nor does "bracketing" war by humanitarian constraints on war-fighting presuppose a vanished order of European public law. The fact is that in nine years of conventional war, the United States has significantly bracketed war-fighting, even against enemies who do not recognize duties of reciprocity. n60 This may frustrate current lawfare critics who complain that American soldiers in Afghanistan are being forced to put down their guns. Bracketing warfare is a decision--Schmitt might call it an existential decision--that rests in part on values that transcend the friend-enemy distinction. Liberal values are not alien extrusions into politics or evasions of politics; they are part of politics, and, as Stephen Holmes argued against Schmitt, liberalism has proven remarkably strong, not weak. n61 We could choose to abandon liberal humanitarianism, and that would be a political decision. It would simply be a bad one.

#### Strategic planning to prevent crisis escalation avoids future spirals of insecurity. Total descuritization is impossible.

PH **Liotta**, Pell Center for IR & Public Policy, **‘5** [*Security Dialogue* 36.1, “Through the Looking Glass: Creeping Vulnerabilities and the Reordering of Security,” p. 65-6]

Although it seems attractive to focus on exclusionary concepts that insist on desecuritization, privileged referent objects, and the ‘belief’ that threats and vulnerabilities are little more than social constructions (Grayson, 2003), all these concepts work in theory **but fail in practice.** While it may be true that national security paradigms can, and likely will, continue to dominate issues that involve human security vulnerabilities – and even in some instances mistakenly confuse ‘vulnerabilities’ as ‘threats’ – there are distinct linkages between these security concepts and applications. With regard to environ- mental security, for example, Myers (1986: 251) recognized these linkages nearly two decades ago:

National security is not just about fighting forces and weaponry. It relates to water-sheds, croplands, forests, genetic resources, climate and other factors that rarely figure in the minds of military experts and political leaders, but increasingly deserve, in their collectivity, to rank alongside military approaches as crucial in a nation’s security. Ultimately, we are far from what O’Hanlon & Singer (2004) term a global intervention capability on behalf of ‘humanitarian transformation’. Granted, we now have the threat of mass casualty terrorism anytime, anywhere – and states and regions are responding differently to this challenge. Yet, the global community today also faces many of the same problems of the 1990s: civil wars, faltering states, humanitarian crises. We are nowhere closer to addressing how best to solve these challenges, even as they affect issues of environmental, human, national (and even ‘embedded’) security. Recently, there have been a number of voices that have spoken out on what the International Commission on Intervention and State Sovereignty has termed the ‘responsibility to protect’:10 the responsibility of some agency or state (whether it be a superpower such as the United States or an institution such as the United Nations) to enforce the principle of security that sovereign states owe to their citizens. Yet, the creation of a sense of urgency to act – even on some issues that may not have some impact for years or even decades to come– is perhaps **the only appropriate first response**. The real cost of not investing in the right way and early enough in the places where trends and effects are accelerating in the wrong direction is likely to be **decades** and decades of economic and political frustration – and, potentially, **military engagement.**  Rather than justifying intervention (especially military), **we ought to be justifying investment.**

Simply addressing the immensities of these challenges is not enough. Radical improvements in public infrastructure and support for better governance, particularly in states and municipalities (especially along the Lagos–Cairo–Karachi–Jakarta arc), will both improve security and create the conditions for shrinking the gap between expectations and opportunity. A real debate ought to be taking place today. Rather than dismissing ‘alternative’ security foci outright, a larger examination of **what forms of security** are **relevant** and right among communities, states, and regions, and which even might apply to a global rule-set – as well as what types of security are not relevant – seems appropriate and necessary. If this occurs, a truly **remarkable tectonic shift might** take place in the conduct of international relations and human affairs.

Perhaps, in the failure of states and the international community to respond to such approaches, what is needed is the equivalent of the 1972 Stockholm conference that launched the global environmental movement and estab- lished the United Nations Environmental Programme (UNEP), designed to be the environmental conscience of the United Nations. Similarly, the UN Habitat II Conference in Istanbul in 1996 focused on the themes of finding adequate shelter for all and sustaining human development in an increas- ingly urbanized world. Whether or not these programs have the ability to influence the future’s direction (or receive wide international support) is a matter of some debate. Yet, given that the most powerful states in the world are not currently focusing on these issues to a degree sufficient to produce viable implementation plans or development strategies, there may well need to be a ‘groundswell’ of bottom-up pressure, perhaps in the form of a global citizenry petition to push the elusive world community toward collective action.

Recent history suggests that military intervention as the first line of response to human security conditions underscores a seriously flawed approach. Moreover, those who advocate that a state’s disconnectedness from globalization is inversely proportional to the likelihood of military (read: US) intervention fail to recognize unfolding realities (Barnett, 2003, 2004). Both middle-power and major-power states, as well as the international com- munity, must increasingly focus on long-term creeping vulnerabilities in order to avoid crisis responses to conditions of extreme vulnerability. Admittedly, some human security proponents have recently soured on the viability of the concept in the face of recent ‘either with us or against us’ power politics (Suhrke, 2004). At the same time, and in a bit more positive light, some have clearly recognized the sheer impossibility of international power politics continuing to feign indifference in the face of moral categories. As Burgess (2004: 278) notes, ‘for all its evils, one of the promises of globalization is the unmasking of the intertwined nature of ethics and politics in the complex landscape of social, economic, political and environmental security’. While it is still not feasible to establish a threshold definition for human security that neatly fits all concerns and arguments (as suggested by Owen, 2004: 383), it would be a tragic mistake to assume that national, human, and environmental security are mutually harmonious constructs rather than more often locked in conflictual and contested opposition with each other. Moreover, aspects of security resident in each concept are indeed themselves embedded with extraordinary contradictions. Human security, in particular, is not now, nor should likely ever be, the mirror image of national security. Yet, these contradictions are not the crucial recognition here. On the contrary, rather than focusing on the security issues themselves, we should be focusing on the best multi-dimensional approaches to **confronting and solving them.** One approach, which might avoid the **massive tidal** impact of creeping vulnerabilities, is to sharply make a rudder shift from constant crisis intervention toward **strategic planning**, strategic investment, and strategic attention. Clearly, the time is now to **reorder our** entire **approach** to how we address – or fail to address – security.

#### Security key to avoid fascism—We should manage violence instead of trying to create a metapolitics of difference and peace.

Ole **WAEVER** Senior Research Fellow @ Copenhagen Peace Research Inst. **‘2K** in *International Relations Theory and the Politics of European Integration* eds. Kelstrup and Williams p. 284-285

The other main possibility is to stress responsibility. Particularly in a field like security one has to make choices and deal with the challenges and risks that one confronts - and not shy away into long-range or principled trans- formations. The meta-political line **risks** (despite the theoretical commitment to the concrete other) **implying** that **politics can be contained within large 'systemic' questions**. In line with the classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical transformation), there will he no more problems whereas in our situation (until the change) we should not deal with the 'small questions' of politics, only with the large one cf. Rorty 1996). However, the ethical demand in post- structuralism (e.g. Derrida's 'justice') is of a kind that can never be instantiated in any concrete political order - it is an experience of the undecidable that exceeds ny concrete solution and re-inserts politics. Therefore, politics can never be reduced to meta-questions; there is no way to erase the small, particular, banal conflicts and controversies.

In contrast to the quasi-institutionalist formula of radical democracy which one finds in the 'opening' oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and 'produce events' (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place 'in the singular event of engagement' (Derrida 1996: R3). In contrast to the quasi-institutionalist formula of radical democracy which one finds in the 'opening' oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and 'produce events' (Derrida $994: 89) means to get involved in specific struggles. Politics takes place 'in the singular event of engagement' (Derrida 1996: 3),

Derrida's politics is focused on the calls that demand response/responsibility contained in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. 'Security' is not a way to open (or keep open) an ethical horizon. Security is a much more situational concept oriented to the handling of specifics. It belongs to the sphere of how to handle challenges - and **avoid 'the worst'** (Derrida 1991). Here enters again the possible pessimism which for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some 'good deed', '1 have assumed my responsibilities' (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of another nation, of one family to the detriment of another family, of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would he no ethical problems or decisions. (ibid.) and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks - and the question of how to handle them. Should developments be securitized (and if so, in what terms)? Often, our reply will he to aim for de-securitization and then politics meet meta-politics, but occasionally the underlying pessimism regarding the prospects for orderliness and compatibility among human aspirations will point to scenarios sufficiently worrisome that responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence - even if this occasionally means invoking/producing 'structures' or even using the dubious instrument of securitization. In the case of the current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of **pre- empting and avoiding numerous instances of local securitization** that could lead to security dilemmas and **escalations,** violence and mutual vilification.

# 2NC

### Passitivity Turn

#### Exposure is counterproductive – it actively promotes passivity.

Barney 8 [Darin, Canada Research Chair in Technology and Citizenship and Associate Professor of Communication Studies at McGill University, Global Media Journal -- Canadian Edition, Volume 1, Issue 1, “Politics and Emerging Media: The Revenge of Publicity”, p. 96]

It is important to keep in mind that, in this formulation, people are not immobilized because they are taken in by centrally-distributed ideologies that conceal from them the facts about power, or because they are distracted by confectionary entertainments. They are immobilized precisely because they are informed, and thereby relieved of the need to judge and to act. In this way, information, one of the key principles of publicity, becomes simultaneously a principle of depoliticization. How else to explain a situation whereby millions of readers of a mainstream, national newspaper remain unmoved when informed that “public gang rape,” visited upon thousands of women, has become the “signature tactic” in a Congolese war wherein armed groups fight for control over mining territories rich with coltan, the mineral used to manufacture cell phones, laptop computers, and Sony Playstations (Nolen, 2008: A10)? Detailed, high-quality information about the connection between coltan mining, electronics production, ecological collapse and the systematic rape and murder of women in the Congo has been easily available on the internet, in great volumes, for years. One might surmise from this that being informed is not simply insufficient motivation to judge and to act. For most people, most of the time, it also is a convenient substitute for these more demanding practices. As the same newspaper informs, in a separate and more prominently placed article in the same edition, despite an unprecedented crisis in world financial markets that has initiated cascading recessions in the advanced capitalist economies, Apple’s iPhone remains a “hot seller,” informed consumers having determined that “The iPhone is practical. It is not a useless luxury” (Agrell & Peritz, 2008: A3).

### 2NC Link Wall

#### 1) POWERLESS COMPASSION – the 1AC Kelly evidence says the 1AC is an act of recognizing those who are silenced – this pressing of gender oppression into public discourse solidifies and depoliticizes the structures through which such oppression is carried out while evacuating alternative possibilities for resistance and social transformation

Brown 2005 – Class of 1936 First Professor of Political Science at the University of California, Berkeley (Wendy, *Edgework : Critical Essays on Knowledge and Politics*, p. 84-85)

Here is the way this problem unfolds politically: insurrection requires breaking silence about the very existence as well as the activity or injury of the collective insurrectionary subject. Even dreams of emancipation cannot take shape unless the discursively shadowy or altogether invisible character of those subjects, wounds, events, or activities is redressed, whether through slave ballads, the flaunting of forbidden love, the labor theory of value, or the quantification of housework. Nor are the silences constituted in discourses of subordination broken forever when they are broken once. They do not shatter the moment their strategic function has been exposed, but must be assaulted repeatedly with stories, histories, theories, and discourses in alternate registers until the silence itself is rendered routinely intelligible as a historically injurious force. In this way, those historically excluded from liberal personhood have proceeded against the spectrum of silences limning the universal claims of humanist discourse for the past several centuries. Jews, immigrants, women, people of color, homosexuals, the unpropertied: all have pressed themselves into civic belonging not simply through asserting their personhood but through politicizing— articulating— the silent workings of their internally excluded presence within prevailing notions of personhood. But while the silences in discourses of domination are a site for insurrectionary noise, while they are the corridors to be filled with explosive counter tales, it is also possible to make a fetish of breaking silence. It is possible as well that this ostensible tool of emancipation carries its own techniques of subjugation— that it converges with unemancipatory tendencies in contemporary culture, establishes regulatory norms, coincides with the disciplinary power of ubiquitous confessional practices; in short, it may feed the powers it meant to starve. Neither a defense of silence nor an injunction to silence, this essay interrogates the presumed authenticity of “voice” in the implicit equation between speech and freedom entailed in contemporary affirmations of breaking silence. Borrowing tacitly from Foucault’s theorization of confessional discourse, Joan W. Scott’s problematization of experience, and Shoshana Felman’s and Dori Laub’s identification of our time as the age of testimony, 1 the essay asks whether our contemporary crisis of truth has not been displaced into an endless stream of words about ourselves, words that presume to escape epistemological challenges to truth because they are personal or experiential. It asks as well whether this stream of words does not perpetuate the crisis of which it is a symptom. In the course of this inquiry, silence is considered as not simply an aesthetic but a political value, a means of preserving certain practices and dimensions of existence from regulatory power, from normative violence, as well as from the scorching rays of public exposure. A link is examined, too, between, on the one hand, a contemporary tendency concerning the lives of public figures— the confession or extraction of every detail (sexual, familial, therapeutic, financial) of private and personal life––and, on the other, a putatively countercultural or emancipatory practice: the compulsive putting into public discourse of heretofore hidden or private experiences, from catalogues of sexual pleasures to litanies of sexual abuses, from chronicles of eating disorders to diaries of home births and gay parenting. In linking these two phenomena— the privatization of public life via the mechanism of public exposure of private life on the one hand, and the compulsive and compulsory cataloguing of the details of marginalized lives on the other— I want to highlight a modality of regulation and depoliticization specific to our age that is not simply confessional but empties private life into the public domain. The effect is both to abet the steady commercialization and homogenization of intimate attachments, experiences, and emotions already achieved by the market and to usurp public space with often trivial matters, rendering the political personal in a fashion that leaves injurious social, political, and economic powers unremarked and untouched. In short, while intended as a practice of freedom (premised on the modernist conceit that the truth makes us free), these productions of truth may have the capacity not only to chain us to our injurious histories as well as the stations of our small lives, but to instigate the further regulation of those lives while depoliticizing their conditions.

#### 2) CONSCIOUSNESS RAISING – the 1AC Druck evidence says the problem is that QUOTE “costs associated with war will fade out of the collective consciousness” – CX proves this [on flow]

#### Focusing on consciousness raising and agenda setting re-affirms elite power, reducing politics to the circulation of communication.

Dean 7 [Jodi, Associate Professor in the Political Science Department at Hobart and William Smith Colleges, “Feminism, Communicative Capitalism, and the Inadequacies of Radical Democracy”, in Radical Democracy and the Internet: Interrogating Theory and Practice, eds. Lincoln Dahlberg & Eugenia Siapera, p. 230-231]

Analyzing global women’s movements, Carol Barton (2004) observes how, since the end of the cold war, much activism has moved into the NGO arena. Rather than engaging in mass-based organizing strategies, NGO activists engage in public–private partnerships to fund specific projects, participate in UN sponsored summits and conferences that issue reports, pass resolutions, and seek to pressure national governments, and try to build and consolidate information networks that enhance their reputations as experts and stakeholders. Both the conferences and the networks enable feminist activists to develop their analyses of gender and health, development, and security (among many other issue areas), and to keep these items on a global agenda. At the same time, insofar as this agenda is not metaphorical but refers to the actual shape and content of specific conferences as well as the determination of their outcomes, activist practices necessarily involve strategic and tactical maneuverings with respect to different NGOs, feminist and non-feminist alike. Within a setting of global conferences, competing bidding for funding, and increased cooperation with states as paid advisors and consultants, these maneuverings are part of a more general political deradicalization.¶ In this vein, Gita Sen (2005) describes the trap facing feminist participants at the 1994 Cairo Conference on Population and Development and the 1999 Beijing Conference on Women. In the heavily neoliberal economic environment, feminists were presented with the false choice of capitalism or patriarchy. Sen explains that religious conservatives (particularly the Vatican) sought to appear as champions of the global south against northern recalcitrance on issues of trade, debt, financing, and development:¶ On the one hand, complex and poorly regulated processes of globalization appeared as the new form of a free market juggernaut creating deep and growing inequalities of wealth and income, and in which rising numbers of impoverished people, especially women, were being marginalized from access to secure livelihoods. On the other hand, one set of reactions to globalization was the strengthening of national, religion-based, ethnic or other identities in which the assertion of ‘traditional’ gender roles and systems of authority and control was central.¶ The environment in which these conferences took place thus induced feminist activists to compromise and develop (generally temporary) alliances. Yet, a compensatory benefit was the accrual of ‘considerable expertise and credibility’.¶ The terrain upon which negotiating occurred changed for feminist activists once George W. Bush entered the White House, increasing pressure for further deradicalization and compromise. As Sen (2005) writes, ‘There is no “clash of civilizations” on reproductive and sexual rights and gender equality between the neocons and the religious conservatives.’ Not only has the Bush administration taken over the Vatican’s role as chief opponent to gender equality and reproductive health but it has also been closely allied with Islamic fundamentalists. In the wake of neoliberal privatizing of even minimal public health-care systems across the globe, such conservative alliances at the transnational level – from the public–private partnerships to their pressures on the various agencies within the UN system – have disastrous results for poor women worldwide. The combination of economic neoliberalism and religious conservatism impacts the agendas of donors and corporate funders which in turn conditions the shape of possible alliances. How, for example, will NGOs focused on poverty and development link up with or integrate the concerns of NGOs emphasizing women’s reproductive health, particularly in a competitive funding environment? (see Barton, 2005). And, what happens to feminist commitments to the larger spectrum of LGBT (Lesbian, Gay, Bisexual, and Transgendered) rights in a pro-children, pro-family setting? Donna Murdock’s (2003) research on NGOs working under neoliberal economic pressures in Columbia suggests not only a retrenchment from feminist politics but a more disturbing overall delegitimation of feminism.¶ In sum, the combination of the neoliberal economic environment and religiously conservative political environment in which NGOs work makes sense of their postdemocratic governmentality, their shift away from representation and toward expertise, an expertise that extends from financial knowledge, technological knowledge, knowledge of procedures, rules, and best practices to knowledge of the language, ideals, and principles guiding government and private funders. As with the global participant-consumer so with the NGO network do we find neoliberalism providing the economic frame for our current depoliticized, deradicalized, postdemocratic constellation of forces. Under communicative capitalism, the very arrangements heralded as advancing democracy serve neoliberalism instead, rendering ostensibly progressive practices of organization and resistance into the very mechanisms whereby elite power is consolidated.

#### 3) EXPOSURE – their 1AC Druck evidence says the 1AC is an act of exposure – the revelatory gesture replicates the political orientation of Wikileaks, re-affirming a conception of citizenship that reduces activism to consumption and mediation of information. Lew evidence says that this illusion is wrong – we only assume that this exposure is worng - CX

#### 4) DEMOCRACY – the 1AC Kelly evidence says that recognizing suffering is good because it helps us achieve real democracy – framing political strategies around the end-goal of democracy forecloses the possibility of a more radical politics – critically scrutinizing democracy itself is a prerequisite to addressing global violence and inequality.

Dean 7 [Jodi, Associate Professor in the Political Science Department at Hobart and William Smith Colleges, Theory & Event, Vol. 10, Iss. 4, “The Democratic Deadlock”]

2. This depiction is misleading. It occludes the way these seeming opponents continue to appeal to democracy. Thus, the administration of George W. Bush presents itself as actively engaged in bringing democracy to the Middle East, as encouraging countries throughout the world to strengthen their democratic institutions. The Left, although seemingly opposed to the Bush administration, also appeals to democracy as that which it wishes to restore, redeem, or reach.¶ 3. Why does the Left continue to appeal to democracy? Is democracy, as Slavoj Zizek asks, the ultimate horizon of political thought?1 For Zizek, to accept this horizon is to accept an impoverished political field, a diminishment of aspirations to something better. We accept the limitation of democracy, convinced that this is as good as it gets.¶ 4. Real existing constitutional democracies privilege the wealthy. They exclude, exploit, and oppress the poor. Crucial determinants of our lives and conditions remain outside the frame of political deliberation and response. The expansion and intensification of networked communications that was supposed to enhance democratic participation integrates and consolidates communicative capitalism.2 Nevertheless, we on the Left continue to present our political hopes as aspirations to democracy. Despite democracy's inability to represent justice in the social field that has emerged in the incompatibility between the global neoliberal economy and states' willingness to retain the promise of social security and collective welfare, left political and cultural theorists continue to appeal to arrangements that can be filled in, substantialized, by fundamentalisms, nationalisms, populisms, and conservatisms diametrically opposed to progressive visions of social and economic equality. Continuing to appeal to democracy, we fail to emphasize the divisions necessary for politics, divisions that should lead us to organize against the interests of corporations and their stockholders, against the values of the fundamentalists and the individualists, and on behalf of collectivist arrangements designed to redistribute benefits and opportunities more equitably. We proceed as if democracy were already the solution to contemporary political problems rather than symptomatic of them.¶ 5. Concerned with the way that continued adherence to democracy absorbs and incorporates hope so as to displace politics into a field of already given possibilities - rather than inspiring efforts to think and act otherwise - I consider here three current invocations of democracy: democracy as radical ideal, democracy as political practice, and democracy as theoretical justification for rule. I choose these three invocations because they capture those overlapping modes in which democracy is figured today. In appealing to democracy, political theory remains trapped in the terms and suppositions conditioning these invocations, terms and suppositions that I analyze by drawing upon Zizek's elaboration of Jacques Lacan's four discourses.¶ 6. Some theorists, such as Zizek and Jacques Ranciere, to name but two, construe the contemporary deadlock as indicative of a post-political formation. They argue that current socio-economic arrangements are premised on the foreclosure of political struggle, on the fundamental impossibility of politicization, of raising particular claims to a universal level. This is not my view. The problem is not one of foreclosed politics: the current situation is the result of politicization from the right, of neoliberal and neoconservative mobilization and their resulting hegemonization of the social field. Left acceptance of and acquiescence to right wing terms and conditions has displaced progressive political possibilities onto micropolitical struggles and hysterical demands meant to be rejected. To the extent that the Left - from mainstream Democrats, to radical democrats and progressives, to democratic theorists - continues to accept the inevitability of global capitalism and acquiesce to a political arrangement inadequate to the task of responding to the brutal inequity, immiseration, and violence this capitalism generates, it will fail to provide a viable alternative politics. If politicization from the Left is to mean anything at all, it requires politicizing democracy, that is, demonstrating how this organizational form and polemical concept serves highly particular interests and stands in the way of universalization.3

### 2NC Alt

#### 1) Rejecting the politics of publicity is a prerequisite to confronting and dismantling the harmful policies they describe – extend 1NC Bratich. Rather than affirming a politics of publicity that reduces activism to the circulation of communication, the alt’s embrace of direct action techniques and strategic re-appropriations of secrecy constitutes new political communities that create new worlds and promote interminable transformation.

Bratich 7 [Jack, Associate Professor of Journalism and Media Studies at Rutgers University, Cultural Studies Vol. 21, No. 1, January, “Popular Secrecy and Occultural Studies”, p. 51-52]

Much like the infinite secretion of anonymity spurred on by black bloc, the Zapatista balaclava is intolerable to the State. The State abhors masks that are not its own. The Zapatistas remind us that the State is always masked, and not just when its riot police wear armored disguises (Taussig 2002, p. 239). It wishes to make itself imperceptible while eliminating other instances of becoming-imperceptible. As Agamben argues, ‘the threat the state is not willing to come to terms with is precisely the fact that the unrepresentable should exist and form a community without either presuppositions or conditions of belonging’ (2000, p. 89). During the World Economic Forum demonstrations in 2002 and again at the Republican National Convention in 2004, New York City police invoked a little-known state law dating back to 1900 that banned more than three masks at protests (from the days when tenant farmer uprisings against landlords employed tactical masking).9¶ But just as the State wishes to keep all the masks and to unmask others, Taussig alerts us to the mystery-making impact of any exposure done by the State. He analyzes how the Mexican government ‘unmasked Marcos’ (

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the Zapatista subcomandante) at a news conference by revealing a photo of his ‘true face’ (2002, pp. 238 - 46). But instead of disempowering him, this public act proliferated a magical force (in the subsequent re-maskings performed by the Zapatistas). While we might accept these practices as part of ‘primitive societies’, this public secrecy infuses modern societies, where these revelation-rituals are performed as a matter of public policy and media spectacle.¶ Taussig isolates a fascinating component of masking, namely the practice of nahual (2002, pp. 239 - 42). Originating from the Nahuatl language indigenous to many parts of Latin America, including Chiapas, nahual refers to both disguise and co-essence (or familiar). The mask donned as nahual is often one of an animal, signifying not simply the negation of one’s identity, but the transformation into another being. Masking is an act of shape-shifting, of becoming-animal (interestingly, Deleuze and Guattari also link becoming- imperceptible to becoming-animal).¶ The nahual fuses the power of secrecy with the power of transformation. Why is this important? Because, as Taussig argues, the State attempts to appropriate nahual for itself. The State, in seeking to monopolize the power of masking, desires ‘to control transformation . . . and appropriate becomings’ (2002, p. 248). Becoming itself is becoming the property of the State. As the State appropriates secrecy, masking, and unmasking, it seeks to appropriate becoming as such, to give it proper identities and interiorities. To reappropriate this becoming through the preservation and proliferation of masking is indispensable for the current conjuncture.10¶ Masking, becoming-imperceptible, and reappropriating secrecy are affirmative gestures of disappearance, not simply utopic withdrawals. Beyond the defensive tactic, a clandestine action group or affinity web operates in a self-valorizing manner - beyond naming, gazing, and the State’s ability to see. As Bey puts it, ‘the New Left never really believed in its own existence till it saw itself on the Evening News’ (1985), p. 132). Perhaps today, existence comes with the exodus from this spectacle. At least there is less need for recognition, for a conferral of identity by the State and its vision. Why bother to ‘face’ a power that has operated through, and partially become, simulation and spectacle? It would only provide the same spectacle with a new object of representation and an easy target of inveigling. The coming politics of secrecy might involve a confrontation that is not face-to-face, but mask-to-mask.11

### AT: Perm

#### Still links - CX of the 1AC has made it very clear that your ballot is an endorsement of the politics of publicity and exposure. The Alt is mutually exclusive – the link wall makes this very clear

#### Card

political. It is that, in so doing, well-intentioned citizens simultaneously reinforce and legitimize a political-economic order that is arrayed systematically against the democratic ends they at least believe themselves to hold

#### **They don’t get a permutation – their choosing of exposure as a technique forecloses alternative possibilities as liberatory strategies**

Brown 2005 – Class of 1936 First Professor of Political Science at the University of California, Berkeley (Wendy, *Edgework : Critical Essays on Knowledge and Politics*, p. 83-84)

Hegel rendered philosophical what the ancient Athenian elites had struggled with existentially and tragically: if freedom inheres in the capacity to choose a course of action, then it is simultaneously realized and negated in the very act of choosing. Commitment to a particular course of action forecloses the freedom that enabled the commitment. In this regard, freedom is not merely paradoxical in its workings but self-canceling and, finally, unachievable. Hence Foucault’s warning that freedom lies neither in institutions nor in ideals and proclamations, but only in practices.

As freedom is both realized and negated by choice, so is silence convened, broken, and organized by speech. Silence and speech are not only constitutive of but also modalities of one another. They are different kinds of articulation that produce as well as negate each other. Silence calls for speech, yet speech, because it is always particular speech, vanquishes other possible speech, thus canceling the promise of full representation heralded by silence. Silence, both constituted and broken by particular speech, is neither more nor less “truthful” than speech is, and neither more nor less regulatory. Speech harbors silences; silences harbor meaning. When silence is broken by speech, new silences are fabricated and enforced; when speech ends, the ensuing silence carries meaning that can only be metaphorized by speech, thus producing the conviction that silence speaks.

The belief that silence and speech are opposites is a conceit underlying most contemporary discourse about censorship and silence. This conceit enables both the assumption that censorship converts the truth of speech to the lie of silence and the assumption that when an enforced silence is broken, what emerges is truth borne by the vessel of authenticity or experience. Calling these assumptions into question means not only thinking about the relation between silence and speech differently but also rethinking the powers and potentials of silence.

#### Sequencing - Critically rejecting democracy must come prior to evaluating ways to make it better – the term disguises massive global suffering and inequity.

Badiou 11 (Alain, professor at European Graduate School, former chair of Philosophy at the École Normale Supérieure, Democracy in What State?, “The Democratic Emblem,” p. 6-8)

Despite all that is devaluing the word democracyday after day and in front of our eyes, there is no doubt that this word remains the dominant emblem of contemporary political society. An emblem is the "untouchable" in a symbolic system, a third rail. You can say what you like about political society display unprecedented "critical" zeal, denounce the "economic horror," you'll always earn pardon as long as you do so in the name of democracy. The correct tone is something like: "How can a society that claims to be democratic be guilty of this or that?" Ultimately you will be seen to have judged society in the name of its emblem and therefore itself. You haven't gone beyond the pale, you still deserve the appellation of citizen rather than barbarian, you're standing by at your democratically assigned place. Be seeing you at the next election. Well, I say this: before one can even begin to apprehend the reality of our societies, it's necessary, as a preliminary exercise, to dislodge their emblem. The only way to make truth out of the world we're living in is to dispel the aura of the word democracy and assume the burden of not being a democrat and so being heartily disapproved of by "everyone" (tout le monde). In the world we're living in, tout le tnonde doesn't make any sense without the emblem, so "everyone" is democratic. It's what you could call the axiom of the emblem. But our concern is le tn\

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onde, the world that evidently exists, not tout le monde, where the democrats (Western folk, folk of the emblem) hold sway and everyone else is from another world—which, being other, is not a world properly speaking, just a remnant of life, a zone of war, hunger, walls, and delusions. In that "world" or zone, they spend their time packing their bags to get away from the horror or to leave altogether and be with—whom? With the democrats of course, who claim to run the world and have jobs that need doing. What they then find out the hard way is that, warm and cosy in the shelter of their emblem, the democrats don't really want them and have little love for them. Basically, political endogamy obtains: a democrat loves only another democrat. For the others, incomers from zones of famine and killing, the first order of business is papers, borders, detention camps, police surveillance, denial of family reunion. *One* must be "integrated." Into what? Into democracy, clearly. To be admitted, and perhaps on some distant day greeted, one requires training in democracy at home, long hours of arduous toil before the notion of coming to the real world can even be entertained. Study your integration manual, the good little democrat's handbook, in the intervals between bursts of lead, landings by humanitarian paratroopers, famine, and disease! You've got a stiff exam ahead of you and still no guarantee that you won't find the passage from the false world to the "real" one blocked. Democracy? Sure. But reserved for democrats, you understand. Globalization of the world? Certainly, but only when those outside finally prove they deserve to come inside. In sum, if the world of the democrats is not the world of everyone, if tout le monde isn't really the whole world after all, then democracy, the emblem and custodian of the walls behind which the democrats seek their petty pleasures, is just a word for a conservative oligarchy whose main (and often bellicose) business is to guard its own territory as animals do, under the usurped name world. With the emblem dislodged, and the territory seen plainly for what it is—a landscape filled with democrats bustling and reproducing—we can turn to important matters: what conditions must a territory meet before it can present itself speciously as part of tout le monde under the democratic emblem? Or to twist the thought a bit: of what objective space, of what settled collectivity, is democracy the democracy^ At this point we may turn (back) to the moment in philosophy when the democratic emblem was first dislodged: book 8 of Plato's *Republic.* Plato applies the term *demokratia* to a way of organizing the business of the polis, a certain type of constitution. Lenin said the same thing long after: democracy *is* no more than a particular form of State. But both Ptattf and Lenin are more interested in the subjec- tive impact of this State form than they are in its objective status. Thought must shift the focus from the legal framework to the emblem or from democracy to the democrat. The capacity of the democratic emblem to do harm lies in the subjective type it molds; and, not to mince words, the crucial traits of the democratic type are egoism and desire for petty enjoyments.

# 1NR

## Case

#### Viewing all problems through the lens of gender is counter-productive --- blocks crucial progressive action

**Jarvis 00** (Daryl, Lecturer in Government and International Relations – University of Sydney, International Relations and the Challenge of Postmodernism: Defending the Discipline)

Celebrating and reifying difference as a political end in itself thus run the risk of creating increasingly divisive and incommensurate discourses where each group claims a knowledge or experienced based legitimacy but, in doing so, precluding the possibility of common understanding or intergroup political discourse. Instead, difference produces antithetical dis­cord and political-tribalism: only working class Hispanics living in South Central Los Angeles, for instance, can speak of, for, and about their com­munity, its concerns, interests and needs; only female African Americans living in the projects of Chicago can speak "legitimately" of the housing and social problems endemic to inner city living. Discourse becomes con­fined not to conversations between identity groups since this is impossible, but story telling of personal/group experiences where the "other" listens intently until their turn comes to tell their own stories and experiences. Appropriating the voice or pain of others by speaking, writing, or theoriz­ing on issues, perspectives, or events not indicative of one's group-identity becomes not only illegitimate but a medium of oppression and a means to silence others. The very activity of theory and political discourse as it has been understood traditionally in International Relations, and the social sciences more generally, is thus rendered inappropriate in the new milieu of identity politics. Politically, progressives obviously see a danger in this type of discourse and, from a social scientific perspective, understand it to be less than rig­orous. Generalizing, as with theorizing, for example, has fallen victim to postmodern feminist reactions against **methodological essentialism** and the adoption of what Jane Martin calls the instillation of **false difference** into identity discourse. By reacting against the assumption that "all indi­viduals in the world called `women' were exactly like us" (i.e. white, mid­dle class, educated, etc.), feminists now tend "a priori to give privileged status to a predetermined set of analytic categories and to affirm the exis**­**tence of nothing but difference." In avoiding the "pitfall of false unity," feminists have thus "walked straight into the trap of false difference. Club words now dominate the discourse. Essentialism, ahistoricism, uni­versalism, and androcentrism, for example, have become the "prime idiom[s] of intellectual terrorism and the privileged instrument[s] of polit­ical orthodoxy." While sympathetic to the cause, even feminists like Jane Martin are critical of the methods that have arisen to circumvent the evils of essentialism, characterizing contemporary feminist scholarship as imposing its own "chilly climate" on those who question the method­ological proclivity for difference and historicism. Postmodern feminists, she argues, have fallen victim to compulsory historicism, and by "rejecting one kind of essence talk but adopting another," have followed a course "whose logical conclusion all but precludes the use of language." For Martin, this approaches a "**dogmatism** on the methodological level that we do not countenance in other contexts.... It **rules out theories, categories, and research projects** in advance; prejudges the extent of difference and the nonexistence of similarity." In all, it speaks to a methodological **trap** th**at produces many of the same problems as before**, but this time in a language otherwise viewed as progressive, sensitive to the particularities of identity and gender, and destructive of conventional boundaries in disci­plinary knowledge and theoretical endeavor.

## FW

###  1NR O/V

#### That’s key to legal education which is uniquely good

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

2. Factual Chaos and Uncertainty¶ One of the most important skills for students going into national security law is the ability to deal with factual chaos. The presentation of factual chaos significantly differs from the traditional model of legal education, in which students are provided a set of facts which they must analyze. Lawyers working in national security law must figure out what information they need, integrate enormous amounts of data from numerous sources, determine which information is reliable and relevant, and proceed with analysis and recommendations. Their recommendations, moreover, must be based on contingent conditions: facts may be classified and unavailable to the legal analyst, or facts may change as new information emerges. This is as true for government lawyers as it is for those outside of governmental structures. They must be aware of what is known, what is unsure, what is unknown, and the possibility of changing circumstances, and they must advise their clients, from the beginning, how the legal analysis might shift if the factual basis alters. a. Chaos. Concern about information overload in the national security environment is not new: in the 1970s scholars discussed and debated how to handle the sequential phases of intelligence gathering and analysis in a manner that yielded an optimal result.132 But the digital revolution has exponentially transformed the quantitative terms of reference, the technical means of collection and analysis, and the volume of information available. The number of sources of information – not least in the online world – is staggering. Added to this is the rapid expansion in national security law itself: myriad new Executive Orders, Presidential Directives, institutions, programs, statutes, regulations, lawsuits, and judicial decisions mean that national security law itself is rapidly changing. Lawyers inside and outside of government must keep abreast of constantly evolving authorities. The international arena too is in flux, as global entities, such as the United Nations, the European Court of Human Rights, the G-7/G-8, and other countries, introduce new instruments whose reach includes U.S. interests. Rapid geopolitical changes relating to critical national security concerns, such as worldwide financial flows, the Middle East, the Arab Spring, South American drug cartels, North Korea, the former Soviet Union, China, and other issues require lawyers to keep up on what is happening globally as a way of understanding domestic concerns. Further expanding the information overload is the changing nature of what constitutes national security itself.133 In sum, the sheer amount of information the national security lawyer needs to assimilate is significant. The basic skills required in the 1970s thus may be similar – such as the ability (a) to know where to look for relevant and reliable information; (b) to obtain the necessary information in the most efficient manner possible; (c) to quickly discern reliable from unreliable information; (d) to know what data is critical; and (e) to ascertain what is as yet unknown or contingent on other conditions. But the volume of information, the diversity of information sources, and the heavy reliance on technology requires lawyers to develop new skills. They must be able to obtain the right information and to ignore chaos to focus on the critical issues. These features point in opposite directions – i.e., a broadening of knowledge and a narrowing of focus. A law school system built on the gradual and incremental advance of law, bolstered or defeated by judicial decisions and solidified through the adhesive nature of stare decisis appears particularly inapposite for this rapidly-changing environment. An important question that will thus confront students upon leaving the legal academy is how to keep abreast of rapidly changing national security and geopolitical concerns in an information-rich world in a manner that allows for capture of relevant information, while retaining the ability to focus on the immediate task at hand. Staying ahead of the curve requires developing a sense of timing – when to respond to important legal and factual shifts – and identifying the best means of doing so. Again, this applies to government and non-government employees. How should students prioritize certain information and then act upon it? This, too, is an aspect of information overload. b. Uncertainty. National security law proves an information-rich, factuallydriven environment. The ability to deal with such chaos may be hampered by gaps in the information available and the difficulty of engaging in complex fact-finding – a skill often under-taught in law school. Investigation of relevant information may need to reach far afield in order to generate careful legal analysis. Uncertainty here plays a key role. In determining, for instance, the contours of quarantine authority, lawyers may need to understand how the pandemic in question works, where there have been outbreaks, how it will spread, what treatments are available, which social distancing measures may prove most effective, what steps are being taken locally, at a state-level, and internationally, and the like. Lawyers in non-profit organizations, legal academics, in-house attorneys, and others, in turn, working in the field, must learn how to find out the relevant information before commenting on new programs and initiatives, agreeing to contractual terms, or advising clients on the best course of action. For both government and non-government lawyers, the secrecy inherent in the field is of great consequence. The key here is learning to ask intelligent questions to generate the best legal analysis possible. It may be the case that national security lawyers are not aware of the facts they are missing – facts that would be central to legal analysis. This phenomenon front-loads the type of advice and discussions in which national security lawyers must engage. It means that analysis must be given in a transparent manner, contingent on a set of facts currently known, with indication given up front as to how that analysis might change, should the factual basis shift. This is particularly true of government attorneys, who may be advising policymakers who may or may not have a background in the law and who may have access to more information than the attorney. Signaling the key facts on which the legal decision rests with the caveat that the legal analysis of the situation might change if the facts change, provides for more robust consideration of critically important issues. c. Creative Problem Solving. Part of dealing with factual uncertainty in a rapidly changing environment is learning how to construct new ways to address emerging issues. Admittedly, much has been made in the academy about the importance of problem-based learning as a method in developing students’ critical thinking skills.134 Problem-solving, however, is not merely a method of teaching. It is itself a goal for the type of activities in which lawyers will be engaged. The means-ends distinction is an important one to make here. Problemsolving in a classroom environment may be merely a conduit for learning a specific area of the law or a limited set of skills. But problem-solving as an end suggests the accumulation of a broader set of tools, such as familiarity with multidisciplinary approaches, creativity and originality, sequencing, collaboration, identification of contributors’ expertise, and how to leverage each skill set. This goal presents itself in the context of fact-finding, but it draws equally on strong understanding of legal authorities and practices, the Washington context, and policy considerations. Similarly, like the factors highlighted in the first pedagogical goal, adding to the tensions inherent in factual analysis is the abbreviated timeline in which national security attorneys must operate. Time may not be a commodity in surplus. This means that national security legal education must not only develop students’ complex fact-finding skills and their ability to provide contingent analysis, but it must teach them how to swiftly and efficiently engage in these activities. 3. Critical Distance As was recognized more than a century ago, analytical skills by themselves are insufficient training for individuals moving into the legal profession.135 Critical thinking provides the necessary distance from the law that is required in order to move the legal system forward. Critical thought, influenced by the Ancient Greek tradition, finds itself bound up in the Socratic method of dialogue that continues to define the legal academy. But it goes beyond such constructs as well. Scholars and educators disagree, of course, on what exactly critical thinking entails.136 For purposes of our present discussion, I understand it as the metaconversation in the law. Whereas legal analysis and substantive knowledge focus on the law as it is and how to work within the existing structures, critical thought provides distance and allows students to engage in purposeful discussion of theoretical constructs that deepen our understanding of both the actual and potential constructs of law. It is inherently reflective. For the purpose of practicing national security law, critical thought is paramount. This is true partly because of the unique conditions that tend to accompany the introduction of national security provisions: these are often introduced in the midst of an emergency. Their creation of new powers frequently has significant implications for distribution of authority at a federal level, a diminished role for state and local government in the federalism realm, and a direct impact on individual rights.137 Constitutional implications demand careful scrutiny. Yet at the time of an attack, enormous pressure is on officials and legislators to act and to be seen to act to respond.138 With the impact on rights, in particular, foremost in legislators’ minds, the first recourse often is to make any new powers temporary. However, they rarely turn out to be so, instead becoming embedded in the legislative framework and providing a baseline on which further measures are built.139 In order to withdraw them, legislators must demonstrate either that the provisions are not effective or that no violence will ensue upon their withdrawal (either way, a demanding proof). Alternatively, legislators would have to acknowledge that some level of violence may be tolerated – a step no politician is willing to take. Any new powers, introduced in the heat of the moment, may become a permanent part of the statutory and regulatory regime. They may not operate the way in which they were intended. They may impact certain groups in a disparate manner. They may have unintended and detrimental consequences. Therefore, it is necessary for national security lawyers to be able to view such provisions, and related policy decisions, from a distance and to be able to think through them outside of the contemporary context. There are many other reasons such critical analysis matters that reflect in other areas of the law. The ability to recognize problems, articulate underlying assumptions and values, understand how language is being used, assess whether argument is logical, test conclusions, and determine and analyze pertinent information depends on critical thinking skills. Indeed, one could draw argue that it is the goal of higher education to build the capacity to engage in critical thought. Deeply humanistic theories underlie this approach. The ability to develop discerning judgment – the very meaning of the Greek term, 􏰀􏰁􏰂􏰃􏰄􏰅􏰆 – provides the basis for advancing the human condition through reason and intellectual engagement. Critical thought as used in practicing national security law may seem somewhat antithetical to the general legal enterprise in certain particulars. For government lawyers and consultants, there may be times in which not providing legal advice, when asked for it, may be as important as providing it. That is, it may be important not to put certain options on the table, with legal justifications behind them. Questions whether to advise or not to advise are bound up in considerations of policy, professional responsibility, and ethics. They may also relate to questions as to who one’s client is in the world of national security law.140 It may be unclear whether and at what point one’s client is a supervisor, the legal (or political) head of an agency, a cross-agency organization, the White House, the Constitution, or the American public. Depending upon this determination, the national security lawyer may or may not want to provide legal advice to one of the potential clients. Alternatively, such a lawyer may want to call attention to certain analyses to other clients. Determining when and how to act in these circumstances requires critical distance. 4. Nontraditional Written and Oral Communication Skills Law schools have long focused on written and oral communication skills that are central to the practice of law. Brief writing, scholarly analysis, criminal complaints, contractual agreements, trial advocacy, and appellate arguments constitute standard fare. What is perhaps unique about the way communication skills are used in the national security world is the importance of non-traditional modes of legal communication such as concise (and precise) oral briefings, email exchanges, private and passing conversations, agenda setting, meeting changed circumstances, and communications built on swiftly evolving and uncertain information. For many of these types of communications speed may be of the essence – and unlike the significant amounts of time that accompany preparation of lengthy legal documents (and the painstaking preparation for oral argument that marks moot court preparations.) Much of the activity that goes on within the Executive Branch occurs within a hierarchical system, wherein those closest to the issues have exceedingly short amounts of time to deliver the key points to those with the authority to exercise government power. Unexpected events, shifting conditions on the ground, and deadlines require immediate input, without the opportunity for lengthy consideration of the different facets of the issue presented. This is a different type of activity from the preparation of an appellate brief, for instance, involving a fuller exposition of the issues involved. It is closer to a blend of Supreme Court oral argument and witness crossexamination – although national security lawyers often may not have the luxury of the months, indeed, years, that cases take to evolve to address the myriad legal questions involved. Facts on which the legal analysis rests, moreover, as discussed above, may not be known. This has substantive implications for written and oral communications. Tension between the level of legal analysis possible and the national security process itself may lead to a different norm than in other areas of the law. Chief Judge Baker explains, If lawyers insist on knowing all the facts all the time, before they are willing to render advice, or, if they insist on preparing a written legal opinion in response to every question, then national security process would become dysfunctional. The delay alone would cause the policymaker to avoid, and perhaps evade, legal review.141 Simultaneously, lawyers cannot function without some opportunity to look carefully at the questions presented and to consult authoritative sources. “The art of lawyering in such context,” Baker explains, “lies in spotting the issue, accurately identifying the timeline for decision, and applying a meaningful degree of formal or informal review in response.”142 The lawyer providing advice must resist the pressure of the moment and yet still be responsive to the demand for swift action. The resulting written and oral communications thus may be shaped in different ways. Unwilling to bind clients’ hands, particularly in light of rapidly-changing facts and conditions, the potential for nuance to be lost is considerable. The political and historical overlay of national security law here matters. In some circumstances, even where written advice is not formally required, it may be in the national security lawyer’s best interests to commit informal advice to paper in the form of an email, notation, or short memo. The process may serve to provide an external check on the pressures that have been internalized, by allowing the lawyer to separate from the material and read it. It may give the lawyer the opportunity to have someone subject it to scrutiny. Baker suggests that “on issues of importance, even where the law is clear, as well as situations where novel positions are taken, lawyers should record their informal advice in a formal manner so that they may be held accountable for what they say, and what they don’t say.”143 Written and oral communication may occur at highly irregular moments – yet it is at these moments (in the elevator, during an email exchange, at a meeting, in the course of a telephone call), that critical legal and constitutional decisions are made. This model departs from the formalized nature of legal writing and research. Yet it is important that students are prepared for these types of written and oral communication as an ends in and of themselves. 5. Leadership, Integrity and Good Judgment National security law often takes place in a high stakes environment. There is tremendous pressure on attorneys operating in the field – not least because of the coercive nature of the authorities in question. The classified environment also plays a key role: many of the decisions made will never be known publicly, nor will they be examined outside of a small group of individuals – much less in a court of law. In this context, leadership, integrity, and good judgment stand paramount. The types of powers at issue in national security law are among the most coercive authorities available to the government. Decisions may result in the death of one or many human beings, the abridgment of rights, and the bypassing of protections otherwise incorporated into the law. The amount of pressure under which this situation places attorneys is of a higher magnitude than many other areas of the law. Added to this pressure is the highly political nature of national security law and the necessity of understanding the broader Washington context, within which individual decision-making, power relations, and institutional authorities compete. Policy concerns similarly dominate the landscape. It is not enough for national security attorneys to claim that they simply deal in legal advice. Their analyses carry consequences for those exercising power, for those who are the targets of such power, and for the public at large. The function of leadership in this context may be more about process than substantive authority. It may be a willingness to act on critical thought and to accept the impact of legal analysis. It is closely bound to integrity and professional responsibility and the ability to retain good judgment in extraordinary circumstances. Equally critical in the national security realm is the classified nature of so much of what is done in national security law. All data, for instance, relating to the design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of nuclear material in the production of energy is classified from birth.144 NSI, the bread and butter of the practice of national security law, is similarly classified. U.S. law defines NSI as “information which pertains to the national defense and foreign relations (National Security) of the United States and is classified in accordance with an Executive Order.” Nine primary Executive Orders and two subsidiary orders have been issued in this realm.145 The sheer amount of information incorporated within the classification scheme is here relevant. While original classification authorities have steadily decreased since 1980, and the number of original classification decisions is beginning to fall, the numbers are still high: in fiscal year 2010, for instance, there were nearly 2,300 original classification authorities and almost 225,000 original classification decisions.146 The classification realm, moreover, in which national security lawyers are most active, is expanding. Derivative classification decisions – classification resulting from the incorporation, paraphrasing, restating, or generation of classified information in some new form – is increasing. In FY 2010, there were more than seventy-six million such decisions made.147 This number is triple what it was in FY 2008. Legal decisions and advice tend to be based on information already classified relating to programs, initiatives, facts, intelligence, and previously classified legal opinions. The key issue here is that with so much of the essential information, decisionmaking, and executive branch jurisprudence necessarily secret, lawyers are limited in their opportunity for outside appraisal and review. Even within the executive branch, stove-piping occurs. The use of secure compartmentalized information (SCI) further compounds this problem as only a limited number of individuals – much less lawyers – may be read into a program. This diminishes the opportunity to identify and correct errors or to engage in debate and discussion over the law. Once a legal opinion is drafted, the opportunity to expose it to other lawyers may be restricted. The effect may be felt for decades, as successive Administrations reference prior legal decisions within certain agencies. The Office of Legal Counsel, for instance, has an entire body of jurisprudence that has never been made public, which continues to inform the legal analysis provided to the President. Only a handful of people at OLC may be aware of the previous decisions. They are prevented by classification authorities from revealing these decisions. This results in a sort of generational secret jurisprudence. Questions related to professional responsibility thus place the national security lawyer in a difficult position: not only may opportunities to check factual data or to consult with other attorneys be limited, but the impact of legal advice rendered may be felt for years to come. The problem extends beyond the executive branch. There are limited opportunities, for instance, for external judicial review. Two elements are at work here: first, very few cases involving national security concerns make it into court. Much of what is happening is simply not known. Even when it is known, it may be impossible to demonstrate standing – a persistent problem with regard to challenging, for instance, surveillance programs. Second, courts have historically proved particularly reluctant to intervene in national security matters. Judicially-created devices such as political question doctrine and state secrets underscore the reluctance of the judiciary to second-guess the executive in this realm. The exercise of these doctrines is increasing in the post-9/11 environment. Consider state secrets. While much was made of some five to seven state secrets cases that came to court during the Bush administration, in more than 100 cases the executive branch formally invoked state secrets, which the courts accepted.148 Many times judges did not even bother to look at the evidence in question before blocking it and/or dismissing the suit. In numerous additional cases, the courts treated the claims as though state secrets had been asserted – even where the doctrine had not been formally invoked.149 In light of these pressures – the profound consequences of many national security decisions, the existence of stovepiping even within the executive branch, and limited opportunity for external review – the practice of national security law requires a particularly rigorous and committed adherence to ethical standards and professional responsibility. This is a unique world in which there are enormous pressures, with potentially few external consequences for not acting in accordance with high standards. It thus becomes particularly important, from a pedagogical perspective, to think through the types of situations that national security attorneys may face, and to address the types of questions related to professional responsibility that will confront them in the course of their careers. Good judgment and leadership similarly stand paramount. These skills, like many of those discussed, may also be relevant to other areas of the law; however, the way in which they become manifest in national security law may be different in important ways. Good judgment, for instance, may mean any number of things, depending upon the attorney’s position within the political hierarchy. Policymaking positions will be considerably different from the provision of legal advice to policymakers. Leadership, too, may mean something different in this field intimately tied to political circumstance. It may mean breaking ranks with the political hierarchy, visibly adopting unpopular public or private positions, or resigning when faced by unethical situations. It may mean creating new bureaucratic structures to more effectively respond to threats. It may mean holding off clients until the attorneys within one’s group have the opportunity to look at issues while still being sensitive to the political needs of the institution. Recourse in such situations may be political, either through public statements and use of the media, or by going to different branches of government for a solution. 6. Creating Opportunities for Learning In addition to the above skills, national security lawyers must be able to engage in continuous self-learning in order to improve their performance. They must be able to identify new and emerging legal and political authorities and processes, systems for handling factual chaos and uncertainty, mechanisms to ensure critical distance, evaluating written and oral performance, and analyzing leadership skills. Law schools do not traditionally focus on how to teach students to continue their learning beyond the walls of academia. Yet it is vital for their future success to give students the ability to create conditions of learning.

### A2: You TK’d the Aff

#### And you’re not even related to the resolution – all of your metaphors are about signature strikes – that’s not the topic – precise definitions are key

Uebersax 12 (John, psychologist, writer and former RAND Corporation military analyst, "The Four Kinds of Drone Strikes," http://satyagraha.wordpress.com/2012/05/23/the-four-kinds-of-drone-strikes/)

We must begin with clear terms, and that is the purpose of the present article. Drone strikes, that is, the launching of explosive missiles from a remotely operated aerial vehicle, come in four varieties: targeted killings, signature strikes, overt combat operations, and covert combat operations. We shall consider each in turn.¶ Targeted killing. This occurs when a drone strike is used to kill a terrorist whose identity is known, and whose name has been placed on a hit list, due to being deemed a ‘direct and immediate threat’ to US security. The government would like people to think this means these strikes target a terrorist literally with his or her hand on a detonator. But, in actuality, the only real criterion is that the government believes the target is sufficiently closely affiliated with terrorist organizations (e.g., a propagandist or financier) to justify assassination. This is likely the rarest form of drone strike. However it receives the most publicity, because the government likes to crow when it kills a high-ranking terrorist.¶ Signature strikes. In signature strikes, the target is a person whose name is not known, but whose actions fit the profile (or ‘signature’) of a high-ranking terrorist. There is some ambiguity concerning the meaning of this term. Some use it in the sense just stated — i.e., a strike against an anonymous terrorist leader. Others use it more broadly to include killing of any non-identified militants, whether high-ranking or not. However from the moral standpoint it makes a major difference whether an anonymous targeted victim is a high-level leader, or simply an anonymous combatant. For this reason it is advantageous to restrict the term “signature strike” to the targeting of anonymous high-level leaders, and to assign strikes against anonymous non-leaders to the two further categories below.¶ Overt combat operation. This category includes drone strikes conducted as part of regular military operations. These strikes are presumably run by uniformed military personnel according to codes of military conduct, and are, logically and legally, not much different from ordinary air or artillery strikes. As a part of routine warfare, such strikes are subject to the provisions of the Geneva Conventions. Three items of the Geneva Conventions are of special interest here: (1) strikes should occur only in the context of a legally declared war; (2) they should be conducted by lawful combatants (which, many experts believe, excludes use of non-uniformed, civilian contractor operators); and (3) standard provisions concerning the need to report casualties, especially civilian casualties, are in effect.¶ Covert combat operation. Finally, there are covert combat operations. These, like the former category, are launched against usual military targets – e.g., any hostile militant, not just high-ranking ones. But why should these strikes be covert? The obvious answer is: to mask something shady. Covert combat strikes can evade all those irritating constraints on military tactics imposed by the Geneva Conventions, International Law, public opinion, and basic human decency.¶ The specific terms used above to distinguish these four kinds of strikes are admittedly arbitrary, and perhaps some other nomenclature would be more advantageous. But we need some fixed set of terms to refer to these fundamentally different kinds of strikes. Without such terms, the US government will continue to have its way by relying on public confusion and terminological sophistry. For example, if there is only a single generic term, the government may issue a claim such as “drone strikes comply with international law.” This is perhaps technically true for, say, overt military drone strikes, but it is not true for signature strikes. With more precise terms, it would be more difficult for the government to mislead the public.