# Round 7

## 1AC

### 1AC

#### I look around and realize that I am different, I look like a terrorist. What does it mean to look like a terrorist? In contemporary America it means “looking” Arab, having brown skin. It is because of this that I am subject to the ever-present possibility of terroristic violence – Brown people have become the targets of constant surveillance

Adleman 13 (Lori, Associate at the United Nations Foundation, where she works on the Every Woman Every Child initiative, BA from Harvard,“Tim Wise on terrorism, privilege, and understanding the power of whiteness,” 4-19-13, Feministing, <http://feministing.com/2013/04/19/terrorism-and-privilege-understanding-the-power-of-whiteness/>)

In the wake of the Boston bombing and in the midst of a manhunt, we are harshly reminded that though bombs do not discriminate against race and gender, people do. We’ve already heard what we know now to be false reports that a “dark-skinned man” was behind the crime, and stories of a Saudi man being taken into custody in spite of being a victim, and not the perpetrator of the act. Brown people who weren’t even at the scene are being targeted, including a Muslim woman who was attacked Wednesday morning by a white man screaming that Muslims had been involved in the bombing. A Bangladeshi man in New York was attacked by four men mistaking him for “an Arab.” The largest mosque in Boston now has security guards posted outside of it, fearing violence in spite of the fact that at that time they still don’t know who was behind the bombings. Now that we have more (but not ALL) the facts, when sifting through all of the speculation and conversation about Boston, it’s important to remember not only that racism tinges the information we receive, but that white privilege also plays a huge part in shaping the dialogue around terrorist acts. In his piece, “Terrorism and Privilege: Understanding the Power of Whiteness,” Tim Wise reminds us that terrorism is just as white as it is brown. You’ve never heard of Tim McVeigh? That’s because no one attributes his race to his violence. That’s because he was white. “White privilege is knowing that since the bombers have turned out to be white, no one will call for whites to be profiled as terrorists as a result, subjected to special screening, or threatened with deportation. White privilege is knowing that since the Boston bombers have turned out to be white, we will not be asked to denounce them, so as to prove our own loyalties to the common national good. It is knowing that the next time a cop sees one of us standing on the sidewalk cheering on runners in a marathon, that cop will say exactly nothing to us as a result. White privilege is knowing that if you are a white student from Nebraska — as opposed to, say, a student from Saudi Arabia — that no one, and I mean no one would think it important to detain and question you in the wake of a bombing such as the one at the Boston Marathon.” So, now that we have found out who was behind the bombings, regardless of their race, let’s remember that one’s skin color has nothing to do with one’s propensity to violence.

#### Racism against Brown people in the United States has facilitated the creation of us as an ENEMY other, targeted as terrorists

Bhatia 8 (Sunil Bhatia, University of Pune, India, B.A., M.A.; Clark University, M.Ed., Ph.D., Professor of Human Development and

Human Development Department Chair at Connecticut College,“9/11 and the Indian Diaspora: Narratives of Race, Place and Immigrant Identity,” *Journal of Intercultural Studies*, Vol. 29, No. 1, February 2008, pp. 21-39)

Several prominent scholars working in the area of Asian-American Studies and Sociology have shown that after 9/11 many South Asian American citizens who resembled the enemy were racialised and constructed as non-American (Maira 28 S. Bhatia‘‘Imperial Feelings’’; Purkayastha). In particular these scholars have shown that the post-9/11 period has created a new category of identity in the USA that perceives Arabs, Muslims and Middle Eastern men as disloyal and non-patriotic citizens or as individuals who are part of terrorist networks (Maira ‘‘Imperial Feelings’’). The recent work of sociologist, Bandana Purkayastha, provides revealing insights about how post-9/11 moments produced a heightened state of racialisation for many South Asian citizens in the USA. I find her research useful because it provides the analytical framework to understand the larger structural forces that shaped my participants’ responses to the events of 9/11. After 9/11, there has been a conflation of South Asian Muslims and Arabs with terrorism and ‘‘Islamic Fundamentalism’’ and regardless of their nationality or religion many South Asians are being categorised as suspicious and having links to terrorists. Purkayastha notes that those who are perceived to have non-American traits during a sustained period of conflict and political crisis can face extremely dangerous consequences. US foreign policy toward the Middle East has often provided the framework and justification for the direct and indirect racial profiling of South Asian Muslim youth and adults in the USA. She writes: When other countries are seen as ‘‘threatening’’ to the United States, politically or economically, racialized individuals who look like ‘‘the enemy’’ to a section of majority group are subjected to higher levels discrimination and hate. Those caught in the spotlight remember their vulnerability at being under a significant level of public scrutiny, while those who turn on the light do not hold the impression beyond that moment. (42)

#### Racism directed at the enemy other is a result of the intersection of race and religion. The dominant American Christian mode of being in the United States creates a life threatening situation for anyone that can be identified as “terrorist.”

Beinart 13 (Peter, associate professor of journalism and political science at City University of New York and a senior fellow at the New America Foundation, “Are The Tsarnaevs White?,” 4-24-13, <http://www.thedailybeast.com/articles/2013/04/24/are-the-tsarnaevs-white0.html>)

Think about American history and you can understand why. For centuries, Americans were legally segregated by race. Thus, when newcomers from the Middle East came to our shores, Americans had to decide which side of the line they were on. And in the struggle to be classified as white, Middle Eastern Christians had an advantage: Jesus. In the 1915 case Dow v. United States, a Syrian Christian successfully argued that he was white because Jesus, the original Middle Eastern Christian, was too. In 1925, in United States v. Cartozian, the Court designated Armenians as white because, “[a]lthough the Armenian province is within the confines of the Turkish Empire, being in Asia Minor, the people thereof have always held themselves aloof from Turks, the Kurds, and allied peoples, principally, it might be said, on account of their [Christian] religion.” In the 1942 case In Re Ahmed Hassan, a Michigan Court said a petitioner from Yemen was not white because, “Apart from the dark skin of the Arabs, it is well known that they are a part of the Mohammedan world and that a wide gulf separates their culture from that of the predominately Christian peoples of Europe.” Today, Americans still often link Islam and dark skin. What’s changed is which category we consider more dangerous. For much of American history, the problem with being Muslim was that you weren’t considered white. Since 9/11, by contrast, one of the problems with not being considered white is that you might be mistaken for Muslim. Thus, four days after the Twin Towers fell, Balbir Singh Sodhi, a Sikh gas station attendant, was gunned down in Mesa, Arizona by an assailant who had boasted of wanting to kill “ragheads.” Last December, a Hindu American named Sunando Sen was pushed into an oncoming subway train by a woman who explained, “I hate Hindus and Muslims ever since 2001.” Sodhi and Sen, needless to say, weren’t Muslim. They just looked Muslim because they had dark skin. Even the anti-Muslim epithets that have flourished since 9/11—for instance, “sand n…r”—have a racial connotation. And there’s evidence that Barack Obama’s dark skin is one (though not the only) reason so many Americans still think he’s a Muslim. In 2010, a Michigan State University psychologist named Spee Kosloff asked supporters of John McCain whether Obama was a Muslim. Then he asked them the same question after they filled out a card in which they listed their race. Once racially triggered, the percentage who called Obama a Muslim jumped 21 points. You can also glimpse this conflation of religion and race in the demand—which surfaces after every terrorist attack—to single out Muslims for special scrutiny at airports and the like. Often, the politicians and pundits most eager to profile Muslims are the same folks who in the 1980s and 1990s defended the “racial profiling” of blacks. And listening to them, you sometimes get the sense that they think the process would work the same way: just look to see who the Muslims are. In 2011, for instance, Long Island Congressman Peter King suggested that when deciding who police should target as potential terror suspects, a “person’s religious background or ethnicity can be a factor.” But if the problem is Muslims—a billion person religion with adherents from Malaysia to Mauritania—what does “ethnicity” have to do with it? King then offered a racial analogy: “If I’m told the White Citizens Council, the Ku Klux Klan, is going to attack Harlem, I’d be more suspicious of a white guy walking down around Harlem.” Last year, the atheist writer Sam Harris was even blunter: “We should profile Muslims, or anyone who looks like he or she could conceivably be Muslim.”

#### Indian has been coded as “terrorist” in the post 9-11 United States resulting in exclusion and demonization. The constant threat of death overhangs my every action.

Bhatia 8 (Sunil Bhatia, University of Pune, India, B.A., M.A.; Clark University, M.Ed., Ph.D., Professor of Human Development and

Human Development Department Chair at Connecticut College,“9/11 and the Indian Diaspora: Narratives of Race, Place and Immigrant Identity,” *Journal of Intercultural Studies*, Vol. 29, No. 1, February 2008, pp. 21-39)

My first interview occurred about three weeks after 9/11 with Raju, a 43-year-old biology professor. In the immediate aftermath of 9/11, a Sikh man was killed in Arizona because he was mistakenly identified as an Arab. Another Sikh man travelling on a commuter train in New England was handcuffed and interrogated by the police because he was suspected of being a terrorist. In the wake of numerous attacks on Sikh families, many Sikh religious groups in New York and around the USA waged an expensive public relations campaign to educate the public about how Sikhism is different to Islam. Many Sikh leaders made attempts to emphasise that Sikhism is a peaceful religion that was founded in opposition to Islam. This public relations campaign also focused on the symbolic significance of the turban in Sikhism and other religions. The reputed weekly magazine, Newsweek, also carried a news item entitled ‘‘Turban 101’’ to distinguish the various kinds of turbans that are worn by religious groups across Asia. Raju was aware of all the recent attacks on several Sikh people: R: It’s a concern; it’s a concern that you know, we will be stereotyped. Uh, I would be stereotyped as an Arab, but um, you know, I’m kind of prepared for that, and I always place mirrors in my mind if someone were to come and tell me certain things, how I would react. The preparation is always to be, first to be very, very calm and not [...] and to really try to so what I’ve done actually, I just realized um is, I try to make that extra effort to connect with people. Give everyone and myself a sense that this is, you know all, we’re all one, that what you feel is very similar to what I feel regardless of what I look like. I: And in terms of how it plays out? R: [...] At the same time I will tell you one thing, I would not hesitate if I find that my life was in danger for any reason, I would not hesitate to (cut my hair), because of, you know because of having I believe responsibility and making sure that I, you know, (my children) I: But you would, there would be a sense of loss if you had to do that? During this interview, Raju acknowledged that if his life were in ‘‘danger’’ because of 9/11, he would cut his hair and not wear the pagadi (turban). His decision to not wear his pagadi would be primarily influenced by the fact that he has family responsibilities. Raju believed that he was a citizen of the world and was well integrated into American society, but after 9/11, he was forced to reconcile two conflicting views. On the one hand, Raju believed that he was assimilated in American society and, on the other hand, 9/11 had recast Raju’s cultural identity as suspicious and dangerous by the media and the larger public. Raju was raised in Britain and Canada and had considered himself as well adjusted within the mainstream American culture. He played squash with his American friends and had never doubted his place in American society. After the events of 9/11, media outlets, magazines and newspapers had repeatedly splashed pictures of Osama binLaden with his beard and turban. Raju was afraid that his beard and pagadi would become the object of scrutiny from his friends and neighbours especially from strangers in public places. Immediately after the events of 9/11, he was cautious about not being seen in public places such as the grocery store or the mall. My interviews with Neelam and her husband, Ranjit, echoed many views articulated by Raju. She observed, ‘‘But if this incident, which happened recently, is any indication, a lot of people in our neighbourhood didn’t even realise that we are any different.’’ The interesting part of this narrative is that their sense of difference suddenly emerged after 9/11, when Ranjit told his neighbour that they were being cautious about going out in public places. Neelam recalled: N: And when Ranjit told them ‘‘we are being careful not to go to other places, just to be on the safe side’’, they all were very embarrassed because they all, said, ‘‘oh, we never thought that you could be considered ...’’ And then they looked at him. ‘‘Yes, you could be, couldn’t you? (Laughing).’’ So, that was in fact, that was a very hard [...] to us, because it did not, so many of them, they all kept, came and said, ‘‘we are so sorry, but we just, it never occurred to us’’. I: That’s right. N: And that was, I think probably to me, that was much more of an acceptance ... I: Um hmm, uh hmm N: You know, we know, you are not terrorists (laughing). The most important part of the conversation occurs when the neighbours look at Neelam and Ranjit and say, ‘‘Yes, you could be, couldn’t you?’’ The question is what did the neighbours mean when they said, ‘‘Yes, you could be, couldn’t you?’’ What do Neelam and Ranjit represent in this context? It suddenly dawns on their neighbours that both Neelam and Ranjit could possibly be mistaken for being Arabs and that mistaken association could invite harm to them. The neighbours apologised to Ranjit and Neelam because they did not go out in pubic because of the possible threat of being identified as a terrorist. Why did the neighbours apologise? On whose behalf were they apologising? Ranjit and Neelam’s cultural identity suddenly moves in the zone of being different even though they were always ‘‘different’’. What is this new sense of difference that emerges from their ‘‘old’’ sense of being different? How is it that prior to 9/11, Ranjit and Neelam’s ‘‘Indianness’’ was not considered as being foreign by their neighbours? Why did Ranjit and Neelam’s neighbours apologise to them and then assure them that, ‘‘you know, we know, that you are not terrorists’’.

#### As a “non-native” I have been subjected to the condition of prejudgment – anyone at any time can carry out the death sentence against the suspected terrorist because suspicion is the crime. Asserting the UNCONDITIONAL right to life becomes unthinkable in a permanent state of exception.

Goh 2006 [Irving Goh Fellow at Harvard University, “Disagreeing Preemptive/ Prophylaxis: From Philip K. Dick to Jacques Rancière” Fast Capitalism, 2.1 2006, http://www.uta.edu/huma/agger/fastcapitalism/2\_1/goh.html] At present, the time of the preemptive presents the targeted body without the chance, or the right, to offer a counter-hypothesis, so as to prove the preemptive erroneous. The targeted body of the preemptive is not offered, and cannot offer, a prophylaxis contra the preemptive so as to delay the elimination of the right to be alive. In other words, in the staging of the preemptive, there is no space for disagreement. His or her speech, phone or logos—the desperate cries (phone) of denial of any (future) wrongdoing; or the cries of injustice of a treatment towards another human being, articulated in a linguistic idiom rational and intelligible (logos); and the cries to surrender (including deferring one's own innocence for the sake of one's safety)—no longer matters. It is no longer heard, as in the case of the preemptive shooting in Miami. Even silence is not heard either, as in the case of the London shooting. The rush of a preemptive is a sonic barrage that drowns out any (silent) voice that seeks to defer it. The gap opened by a suspected body between itself and the law that promises the security of the territory is already too great. The law and its need to secure a terrifying peace cannot bear the widening or delaying of that interval by a further demand of a disagreeing counter-hypothesis or auto-prophylaxis. To allow the normalization of the fatal preemptive would be to institute the legitimization of an absolute or extreme biopolitics. According to Foucault, biopolitics is the control and management of individual bodies by the State through technics of knowledge (usually through surveillance) of those same bodies. In a biopolitical situation, the State holds the exceptional power to determine either the right to let live or make die the individual belonging to the State. Should the preemptive become a force of reason of contemporary life, one would terribly risk submitting the freedom of life and therefore an unconditional right to be alive to a biopolitical capture, handing over the right to let die to the State police and military powers. It would be a situation of abdicating the body as a totally exposed frontier of absolute war. For in the constant exposure of the imminent preemptive, the body at any time—when decided upon by military or police powers to be a security threat—becomes the point in which the space and time of conductibility of war collapse in a total manner. The preemptive reduces the body to a total space of absolute war. Virilio has suggested that the absolute destruction of an enemy in war is procured when the enemy can no longer hypothesize an alternate if not counter route or trajectory (of escape or counter-attack) from impending forces (1990: 17). In the sequence of executing the preemptive to its resolute end, the escaping body faces that same threat of zero hypothesis. There is no chance for that body to think (itself) outside the vortical preemptive. Preemptive bullets into the head would take away that chance of hypothesis. A spectral figure begins to haunt the scene now. And that is the figure of the homo sacer, who according to Agamben's analysis, is the one who in ancient times is killed without his or her death being a religious sacrifice, and the one whose killers are nonindictable of homicide. This figure is also the sign par excellence of the absolute biopolitical capture of life by the State, in which the decision to let live and make die is absolutely managed and decided by the State, and thereby the right to be alive is no longer the fact of freedom of existence for the homo sacer (Agamben 1998). For the right to be alive to be secured in any real sense from any political capture, for it to be maintained and guaranteed as and for the future of the human, the body cannot be allowed to return to this figure of the homo sacer. But victims of the preemptive irrepressibly recall the figure of the homo sacer. In the current legal proceedings of the London shooting, it has not been the fact that the police officers shot an innocent Brazilian that they will be charged. That charge remains absent. The charge of homicide against the officers remains elliptical. Instead, the plan has been to charge them for altering the police log book to conceal the fact that they had mistakenly identified the victim as a terror suspect. The possible turn of human life into the figure of homo sacer as decided by forces of the police or military under the overarching security measure of the preemptive divides the common space of existence. The space of existence becomes less than common now. The preemptive, as in the decision of a homo sacer, brings along with it a certain profiling of certain peoples, regardless of whether the force of law or the State would like to admit or not to such profiling measures. The law or the State would deny this unspoken profiling, but the evidence of its real imminence is felt by the peoples who would most likely fall under the category that the police or military would identify as a possible terror threat. And there is no denying that this profiling largely takes on an ethnic contour. And the fears of such a contouring are not unspoken. "Anyone with dark skin who was running for a bus or Tube could be thought to be about to detonate a bomb," expressed a concerned Labor peer Lord Ahmed for the U.K. Muslim community after the London shooting ("U.K. Muslims Feel 'Under Suspicion'" BBC News. 25 July 2005). The irreducible profiling in the culture of the preemptive is happening in the United States too. A New York Times article reports of a police-speak of "M.E.W.C's" under its intense surveillance—"Middle Eastern with a camera—perhaps taking pictures of a bridge, a hydropower plant or a reservoir" (Kershaw, New York Times. 25 July 2005). The nonnative ethnic community senses a state of emergency that works against them, that restricts their freedom of living on without fear. Indeed, after the London shooting, the BBC carried a report that said "many young Muslims were reluctant to leave their homes" ("U.K. Muslims Feel 'Under Suspicion'" BBC News. 25 July 2005). Their right to be alive becomes under siege as they "believed they could become victims of mistaken identity by armed police" (ibid.). They simply cannot hypothesize, innocent as they are of the intent of terror, a way to disprove the charge of the deadly preemptive that (mis)identifies or profiles them as possible terror suspects. As a Muslim living in Manchester says, "How do I know I won't just be picked up and labeled as a terrorist?" (ibid.). The possibility of a counter-hypothesis against the preemptive, and the unconditional right to be alive, become for these peoples, the unthinkable. That is what Anderton in Minority Report feels too once the naming of himself as a criminal-to-be and the decision of the preemptive capture of him have been disseminated. Even with a counter-proof that he will not commit a crime, he resigns to the fact that nothing can be done to reverse the precession of the preemptive, nothing to stop "precrime" from believing that he has not "the remotest intention of killing" (Dick 1997:329).

**I affirm my right to be free from murderous violence at the hands of the state.**

#### The United States is increasingly militarized, with individuals challenging that militarization at risk of being branded a terrorist. Recognizing the value of all human life is a necessary first step to engaging the damaging social apparatus that underpins state genocidal practices. Only the affirmative has the hope of radically transforming our present course.

Campbell 3 (Horace, Professor of African American studies and political science at Syracuse University in New York. He is a member of the executive committee of the Black Radical Congress and chairperson of its international caucus, “Beyond Militarism and Terrorism in the Biotech Century: Toward a Culture of Peace and Transformation” Radical History Review 85, 2003, pages 24-36, Project Muse)

In the aftermath of September 11, 2001, and in the wake of the new fight against so-called terrorism, the U.S. population is confronted with militarization and hysteria. The unprecedented powers given to the country's repressive organs erode the basic rights guaranteed in the U.S. Constitution, while the massive rise in the defense budget lends more weight to the militarist elements in the society's leadership. The U.S. government uses the following definition of *terrorism*: "The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political **[End Page 24]** or social objectives." [1](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT1) Under this definition, any group opposing the conservative militarists and the antiterrorist legislation, or out of favor with those in power, can be arbitrarily criminalized and deemed a terrorist. At the same time, the media is organized in a virtual information war by defining terrorism in a way that leaves the majority of the U.S. citizens living in fear and supporting the vast outlays for military expenditure. Starting from the premise that terrorism is unacceptable and that there must be a clear understanding of what constitutes terrorism, this reflection agrees with the assertion that "terrorism is the use of terrorizing methods of governing or resisting a government." [2](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT2) It explores how militarism became entrenched in the political culture of the United States and the ways in which the celebration of genocide and wars contribute to the defense of a small minority. The challenge of the society is for the majority of the people, including people of color and women, to grasp the importance of the scientific and technological transformations and to build a new movement to redistribute power, making the society more democratic and moving control away from the one percent of the population who hold political power. I use the term *biotech century* in this essay to refer to the technological changes in biotechnology currently reshaping the meaning of life. [3](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT3) Jeremy Rifkin explored the ways in which this biotech revolution is overtaking the world and redefining our very existence into something that can be controlled in a test tube. He laid out seven different aspects of what he calls the biotech century's "operational matrix": gene identification and manipulation; genetic patents; the gene industry; engineering and eugenics; sociobiology; genes and computers; and justification through nature. [4](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT4) It is impossible to explore all of these developments, but the impact of genetic engineering and eugenics on the definition of life and on the idea of who has the right to live as a human being will prove fundamentally important here. This analysis examines the conditions for moving beyond the devaluation of human lives in order to achieve radical transformations creating new forms of community and association able to unleash the creativity of the human spirit. This will be necessary for the revitalization of society away from militarism and the worship of profit. The present global war on terrorism is having a fundamental impact on world politics, and it is within this period of major political, economic, military, and social struggles that my discussion seeks to participate in the support of peace and healing. The history of racial genocide and crimes against humanity has been recounted in so many places that an international constituency has formed, determined to push for peace and international justice. This constituency came together in the historic World Conference against Racism (WCAR) in Durban, South Africa, in September 2001. The forces against globalization, which had demonstrated their presence in Seattle, Nice, Gotenbourg, Genoa, Porto Alegre, and Durban, had exposed the fact that there was a positive force mobilized for peace. The WCAR was **[End Page 25]** of seminal importance in the understanding that there was a renewed sense of solidarity from the forces fighting for a culture of peace. There was a tacit agreement that the rebuilding of international solidarity constituted one of the essential conditions for the establishment of a world system more just than the one currently dominated by the United States. One component of the new peace movement is the demand for reparations. Militarism and the U.S. Capitalist System The major task of those who reject all forms of terrorism is to oppose the spread of U.S. military bases, military clients, intense military spending, and celebration of war at a time when the economic conditions of the vast majority of the population have worsened. Left unchallenged, military spending in the United States will exceed $2 trillion in the next four years. Despite the media's misinformation, which insists on a recovering economy, the majority of low-income people have great difficulty meeting their basic needs, lack adequate health care, and do not have access to relevant education. No less a person than president and former general Dwight Eisenhower warned how weapons manufacturers were shaping the domestic, foreign, and diplomatic policies of the United States. He was the first to use the formulation *military-industrial complex*. [5](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT5) Since Eisenhower's conjuncture, this complex has expanded into the communication and information arenas. Militarism has been defined as "the pervasiveness in society of symbols, values and discourses validating military power, and preparation for war." [6](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT6) Usually North American scholars point to Third World countries with authoritarian leaders as examples of militaristic societies. These manifestations of militarism represent one brand, but the militarism of the imperial state is even more formidable than the powers of Third World dictators. Karl Liebknecht, the German revolutionary, recognized the long history of warfare in all modes of production, but he also understood the specific relationship between "warfare and capitalism." [7](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT7) Scholars still study the impact of German militarism and the interconnections between warfare, eugenics, and fascism to grasp the ways in which capitalist competition and greed fueled war, imperial expansion, and genocide. [8](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT8) The same glorification of war has now emerged in American culture, the same capitalist competition and the same efforts to control the known and potential resources of the planet. In a slow and pedantic manner, the European Union has sought to deepen the capitalist competition by creating a single currency to compete with the U.S. dollar. Although globalization has been the focus of U.S. financial hegemony, with the resurgence of the European Union and the growing industrial and economic might of the fastest-growing economies, U.S. hegemony increasingly rests on the pillar of the military. An understanding of forward planning and war requires a fundamental grasp **[End Page 26]** of contemporary militarism as the U.S. corporate and bureaucratic leaders prepare the population for wars in all corners of the globe in its fight against the so-called axis of evil. [9](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT9) At the present conjuncture, where the world metamorphoses from the century of physics and chemistry into the biotech century, far-reaching technological changes with major implications for militarism have taken place. The explosion of information systems forms one component of the general explosion of technological change in a society still guided by the ideas of monopoly-capitalism militarism (or the era of steel and railways). The mechanical representation of life that emanated from this period of Taylorism had its impact on all aspects of U.S. life, including the military. Now, however, forward planning is compounded by the laws of unforeseen circumstances and the complexity of the present international system. This complexity emanates from the multifaceted nature of life and the reality that social phenomena have become far removed from the kind of simplicity, predictability, and determinism associated with the Newtonian machine. Despite the tremendous technological changes that have occurred from the era of iron and steel through the nuclear era to the present era of biotechnology and hydrogen fuel cells, the methods of organizing social life are still based on the ideas of Adam Smith. Urban spaces and the organization of production, consumption, education, and leisure continue to center around the idea of the market's invisible hands, racial hierarchy, and male privilege without regard for the health and safety of the majority. At the level of the factory, the technological revolution has changed the nature of assembly-line production so that the massive number of workers needed at the end of the Second World War is no longer necessary. [10](http://80-muse.jhu.edu.proxy.uwlib.uwyo.edu/journals/radical_history_review/v085/85.1campbell.html#FOOT10)

#### Global capitalism has created a new set of racial circumstances. State policies such as H1B visa programs support systemic racism against Indian Americans, while at the same time African-Americans are exploited by domestic welfare to work programs. Understanding the methods of globalized capitalism in supporting racism requires a dual approach that avoids dangerous Black/White binaries

Banerjee 8 (Payal Banerjee, PhD, Syracuse University, Sociology, Assistant Professor in Sociology at Smith College, “Indian IT Workers and Black TANF Clients in the New Economy: A Comparative Analysis of the Racialization of Immigration and Welfare Policies in the U.S.,” *Race, Gender & Class* 15. 1/2 (2008): 98-114.)

The examination Indian immigrant and Black workers and the ways in which they are regulated by state policies from a comparative perspective, yields significant insights into the race, class, and gender dynamics operating in their respective locations in the U.S. labor market. Immigration restrictions inevitably involve dimensions of race-ethnicity, just as poverty in the U. S. is inextricable from race (Amott & Matthaei, 1991). In the cases analyzed here, visa and workfirst policies seem to reify labor market organization along the lines of race by placing greater leverage in the hands of typical employers of racialized groups. Indian immigrant IT workers and Black welfare clientele continue to confront, as did their predecessors, a historically racialized labor market in the U.S. Indian workers on the H-1B visa in IT occupations, constrained by immigration policy that limits their workplace rights in favor of the interests of capital, encounter a racially segregated IT field in which they, unlike many of their White or citizen counterparts, are excluded from the relatively stable, better-paying, or high-status posts. Comparably, yet distinctively, Black mothers disproportionately face a reformed welfare policy that thrusts them into the realm of low-wage and contingent jobs with employers who may discriminate against them and refuse to make concessions for improving workplace quality and treatment. The juxtaposition of these two labor and racial groups-one in the highskill and so called high-wage service sector and the other in the low-skill and lowwage segment-reveals coimbricated institutional mechanisms of exploitation and subordination organized around race, class, gender, and immigration status in the U.S. during the present era of advanced capitalism. Although not written in terms overtly identifiable as racist, immigration and welfare policies re-inscribe preexisting racial boundaries and racialized hiring practices that have proven so profitable to capital in the past. By placing immigrant IT workers in subordinate and dependant positions in relation to capital and the state, the provisions of the H-1B visa program help meet late capital's continuous demand for flexible and exploitable skilled labor for profit-maximization. WeIfare-to-work performs the same labor-supplying function in the low-wage market. Thus, beneath the transitions within the New Economy lies anti-immigrant and anti-poor sentiments that are most clearly expressed in the welfare and immigration acts of 1996, signed on August 22 and September 30 respectively. Together these acts ended entitlement to financial assistance for the economically disenfranchised and rescinded immigrants' entitlements to a plethora of federally implemented or sponsored social welfare programs and benefits (Fragomen, 1996). The socio-economic positioning of racial minority groups is linked not only by their comparable terms of employment, labor flexibilization, and experiences with exploitative interests of capital accumulation, but also by ideological, and indeed, legislative trends in terms of how state-endorsed policies impact upon people's lives on the basis of their race, class, and immigration status. This essay demonstrates how Indian immigrants in the high-wage/high-skill sector and Black working-class women in the low-wage/low-skill section of the economy share experiences of marginalization in tenuous jobs given the ways in which state policies organize their social position. By invoking the relationship between race and public policy as it shapes labor market experiences of minorities and immigrants of color, this paper raises questions about any neat demarcation between good and bad jobs in the New Economy. There is a significant body of literature that has examined the contours of racialization of low-wage work (Romero, 2002) and another corpus of scholarship that has looked into issues of discrimination and glass ceilings for skilled Indian immigrants (Fernandez, 1998; Verma, 2002). What we underscore through our analysis of how public policies racialize and feminize workers is that, despite differences in gender, class, and educational backgrounds, there are structural parallels in the racial politics of labor that what we need to account for to challenge the binaries between high- and lowskill work and racism in global capitalism. Discussions of race and labor issues in the U.S. have largely been concentrated on the experiences of Black and White people. Moreover, scholarly work on how race, gender, and class issues influence labor market outcomes in the U.S. has seldom explored the connections among neoliberal globalization, racial feminization of labor on a transnational scale, and the state's role in eroding the bargaining power of workers both in the global North and South (Ridzi & Banerjee, 2006). There is a need for future analyses to engage in a comparative approach, such as this research attempts with regard to Indian immigrants and Blacks in the U.S., and to raise questions about racialization in a manner that allows us to address not just inequalities of education or income, but also how state and institutional processes co-emerge and operate in a global context to inform the inequalities of race, gender, and class.

#### Radical critique now is necessary to halt the spread of authoritarianism and a permanent state of war. Challenging the spread of surveillance, indefinite detention, and pre-emptive strikes is crucial to stop the destruction of the planet.

Dawson 7 (Ashley, Prof English @ CUNY, and Malini Johar Schueller, Prof English Univ of FLA, “Introduction: Rethinking Empire Today,” in Exceptional State: Contemporary US Culture and the New Imperialism)

Similarly, belief in US technological dominance combines with an anxiety about shadowy terrorists breaking through high-tech security systems to legitimate spiraling forms of surveillance such as the Total Information Awareness program.69 Popular authoritarianism is, in other words, firmly linked to a formation of intersecting markers of identity whose instability must constantly be repressed by strident evocations of patriotism. To engage in the critique of contemporary US imperialism is therefore to examine and disturb the nexus of raced, gendered, and classed representations of imperial national identity articulated by the Bush regime. The political implications of such scholarly work arc clearer today than ever before. The Bush administration explicitly set out to cow critics of its policies by invoking a strident patriotism that viewed all dissent as treason. Scholarly work in the humanities has been particularly targeted for surveillance and disciplining with neocon ideologues such as Lynn Cheney and Daniel Pipes engaged in a project to purge US academia of progressive scholars. Witness Daniel Pipes's Web site Campus Watch, which published dossiers of eight supposedly anti-American Middle East studies faculty in an attempt to discredit their work.

The American Council of Trustees and Alumni (acta), the group with which Lynne Cheney and Joe Lieberman are associated, issued a report entitled "Defending Civilization: How Our Universities Are Failing America." This report published its blacklist of forty professors and argued that colleges and university faculty were the weak link in America's response to September 11.70 More ominously, hr 3077 seeks to monitor Middle East studies through a board that includes members from the Department of Homeland Security. Given such repressive moves by the state, including the attempt by the Uni­versity of Colorado to fire professor Ward Churchill for the remarks he made about 9/11, we believe that we have a responsibility to challenge the seemingly inexorable slide of the United States toward belligerence and authoritarianism at home and abroad. Let us be very clear about one thing: imperial US policies threaten the future of humanity and the planet in the most immediate way. By providing prominent and emerging scholars with a venue to analyze the cul­tural contradictions of contemporary US imperialism, we intend to highlight and challenge the role of US culture in perpetuating popular authoritarianism. In addition, we believe that *Exceptional State* contributes to the struggle against the new imperialism by delineating strains of anti-authoritarian culture in the United States today that resonate and articulate solidarity with the emerging movement for global social justice. We thus intend our work to provide tools with which to dismantle coercive US power both domestically and interna­tionally. Although the past thirty years have offered scant hope, we believe that there are viable alternatives to a world of indefinite detentions, preemptive strikes, and perpetual warfare. **19-20**

#### Absolute rejection of state-sponsored murder is the only possible conclusion. Only by affirming the invaluable nature of life can we prevent trading bodies for security. No exceptions to the right to be free from state-sponsored murder can possibly exist.

Dillon 99 (Michael, Professor of Politics and International Relations – University of Lancaster, “Another Justice”, Political Theory, 27(2), April, p. 164-165)

Quite the reverse. The subject was never a firm foundation for justice, much less a hospitable vehicle for the reception of the call of another Justice. It was never in possession of that self-possession which was supposed to secure the certainty of itself, of a self-possession that would enable it ultimately to adjudicate everything. The very indexicality required of sovereign subjectivity gave rise rather to a commensurability much more amenable to the expendability required of the political and material economies of mass societies than it did to the singular, invaluable, and uncanny uniqueness of the self. The value of the subject became the standard unit of currency for the political arithmetic of States and the political economies of capitalism. They trade in it still to devastating global effect. The technologisation of the political has become manifest and global. Economies of evaluation necessarily require calculability. Thus no valuation without mensuration and no mensuration without indexation. Once rendered calculable, however, units of account are necessarily submissible not only to valuation but also, of course, to devaluation. Devaluation, logically, can extend to the point of counting as nothing. Hence, no mensuration without demensuration either. There is nothing abstract about this: the declension of economies of value leads to the zero point of holocaust. However liberating and emancipating systems of value-rights-may claim to be, for example, they run the risk of counting out the invaluable. Counted out, the invaluable may then lose its purchase on life. Herewith, then, the necessity of championing the invaluable itself. For we must never forget that, “we are dealing always with whatever exceeds measure.” But how does that necessity present itself? Another Justice answers: as the surplus of the duty to answer to the claim of Justice over rights. Tha**t** duty, as with the advent of another Justice, is integral to the lack constitutive of the human way of being.

## 2AC

#### **Rejecting the possibility that life can be calculated is crucial to avoid the repetition of the Holocaust – Nazi Germany sought to *immunize* the body politic and expunge the inhuman element. We stand on the cusp of a new bio-political expansion, remembering that genocide is NOT impossible and that the final solution is only a few steps away**

Esposito 12 (Esposito, R., Vice Director of the Istituto Italiano di Scienze Umane, Full Professor of Theoretical Philosophy, and the coordinator of the doctoral programme in Philosophy, R.N. Welch, and V. Lemm. Terms of the Political: Community, Immunity, Biopolitics: Community, Immunity, Biopolitics. Fordham University Press, 2012, p. 84-87)

We know that Michel Foucault interpreted this thanatopolitical dialectic in terms of biopolitics: As soon as power [potere] takes up life itself as an object of calculation and an instrument for its own ends, it becomes possible, at least in certain conditions, for power in decide in sacrifice one part of the population to benefit another. Without undermining the importance of Foucault's reading, I don't believe it explains everything. Why did Nazism, unlike all other forms of power past and present, push this homicidal possibility to its fullest realization? Why did it, and only it, reverse the proportion between life and death in favor of the latter, to the point of planning its own self-destruction? I suggest that the category of biopolitics must be merged with that of immunization. Only immunization lays bare the lethal knot that thrusts the protection of life toward its potential negation. Furthermore, through the figure of autoimmune disease, the category of immunization identifies the threshold beyond which the protective apparatus attacks the very body that it should protect. Moreover, the fact that the sickness from which Nazism intended to defend the German people wasn't just any disease but an infectious disease illustrates that immunization is the interpretative key most apt for understanding the specificity of Nazism. What Nazism wanted to avoid at all costs was the contagion of superior beings by inferior beings. The deadly battle that was waged and disseminated by the regimes propaganda placed the originally healthy body and blood of the German nation in opposition to the invasive germs that had penetrated the nation with the intent of sapping its unity and its very life. The repertoire that the Reich's ideologues employed to portray their alleged enemies and most of all the Jews is well known: They were, at once, "bacilli," "bacteria," "viruses" "parasites" and "microbes." Andrzej Kaminski recalls that even interned Soviets were at times defined in similar terms. Moreover, characterizing Jews as parasites is part of the secular history of (not exclusively) German anti-Judaism. Still, in the Nazi vocabulary, such a definition acquires a different meaning. It was as if something that had remained up to a certain point a loaded metaphor actually took on a physical shape [corpo]. This is the effect of the total biologization of the lexicon I referred to above: Jews do not resemble parasites, they do not behave like bacteria—they *are* such things. And they are treated as such. Thus the correct term for their massacre, which is anything but a sacred "holocaust," is extermination: something that is carried out against insects, rats, or lice. In this way, we must ascribe an entirely literal meaning to Himmler’s words to the SS officers at Kharkov that "anti-Semitism is like a dis-infestation. Removing lice is not an ideological question, but a question of hygiene [*pulizia*]. Moreover, Hitler himself used even more precise immunological terminology: "'The discovery of the Jewish virus is one of the great revolutions of this world. The battle in which we are engaged today is of the same sort as the battle waged, during the last century by Pasteur and Koch ... We shall regain our health only by eliminating the Jews.” We ought not blur the difference between this approach, which is bacteriological, and one that is simply racial. The final solution waged against the Jews has precisely such a biological-immunitarian characterization. Even the gas used in the camps flowed through shower pipes that were used tor disinfection; but disinfecting Jews was impossible, because they were the bacteria from which one needed to rid oneself. The identification between man and pathogens reached such a point that the Warsaw ghetto was intentionally built on an already contaminated site. In this way, like a self-fulfilling prophecy, Jews fell victim to the same sickness that had justified their ghettoization. Finally, they had really become infected and thus agents of infection. Doctors therefore had good reason to exterminate them. Naturally, this representation was in patent contrast with the Mendelian theory of the genetic, and therefore not contagious, character of racial determination. For precisely this reason, the only way to stop the impossible contagion seemed to be to eliminate all of its possible carriers, and not only them but also all Germans who may have already been contaminated, as well as all those who may have eventually been so in the future, and, once the war was lost and the Russians were a few kilometers from Hitler's bunker, quite simply everyone. Here the immunitary paradigm of Nazi biopolitics reaches the height of its auto-genocidal fury. As in the most devastating autoimmune disease, the defensive potential of the immune system turns against itself. The only possible outcome is generalized destruction. What about us? The sixty years that separate us from the end of those tragic events form a barrier that nevertheless appears difficult to overcome. It's truly difficult to imagine that it could happen again, at least in the ever-larger space that we still call the West. We wouldn't be theorists of immunization if we thought that the twelve-year Nazi experience failed to produce sufficient antibodies to protect us from its return. Still, such common sense rationalizations aren't able to bring to a close a discourse that, as we’ve said, remains with us. I'd even add that not only is the problem, or the terrifying laceration, opened by Nazism anything but definitively healed but, in a certain way, it seems to come closer to our condition the more our condition exceeds the confines of modernity. We might best measure the enduring relevance of Nazism's foundational presuppositions from the vantage point or the final collapse or Soviet communism. The relationship between the two is far from casual: The definitive consummation of the communist philosophy of history that favored the reemergence of the question of life was, after all, at the heart of Nazi semantics. Furthermore, never as today has *bíos* if not *zoé*, been the point of intersection for all political, social, economic, and technological practices. This is why, once the conceptual lexicon (if not the political exigency) of communism was worn out, we turned to reckon with that of Nazism, only to find it stamped across our foreheads. Whoever deluded him- or herself at the end of the war, or even in the postwar era, into thinking it was possible to reactivate the old categories of the democracies who emerged as the official winners of the battle got it all wrong. It's utopian to argue that the complexity of the globalized world, with its sharp imbalances in wealth, power, and demographic density, can be governed with the ineffectual instruments of international law or with those left over from the traditional sovereign powers. To do so would be to fail to understand that we're approaching a threshold that's just as dramatic as the one that separated the 1920s and 1930s. Just as then, though in a different way, the soldering of politics to life makes all of the traditional theoretical and institutional categories, beginning with that of representation, irrelevant. A glance at the panorama that inaugurates the beginning of the twenty-first century is enough to give us a striking picture: from the explosion of biological terrorism to the preventative war that attempts to respond to it on its own terrain, from ethnic—that is, biological—massacres to the mass migrations that sweep away the barriers that are intended to contain them, from technologies that invest not only individual bodies but also the traits of the species to psychopharmacology that modifies our vital behaviors, from environmental politics to the explosion of new epidemics, from the reopening of concentration camps in different areas of the world to the blurring of the juridical distinction between norm and exception—all of this while everywhere a new and potentially devastating immunitary syndrome breaks out once again, uncontrollably. As we’ve said, none of this replicates what happened from 1933 to 1945. But nothing is entirely external to the questions of life and death that were posed then. To say that we are, now more than ever, on the reverse side of Nazism means that it isn't possible to rid ourselves of it by simply averting our gaze. To truly overturn it, to throw it back into the hell whence it came, we must consciously cross through that darkness once again and respond quite differently to the same questions that gave rise to it.

#### Examining the historic oppression of Jewish people doesn’t trade off with a focus on Racism, infusing a recognition of Anti-Semitism into the dialogue is necessary to challenge contemporary white supremacy – including within ourselves – rejecting our affirmative to focus on racial oppression is the ultimate self-defeating strategy, only the permutation offers the possibility for radical critique

Greenebaum 2000 (Jessica Greenebaum Ph.D. in Sociology, 2000. Maxwell School of Citizenship and Public Affairs. Syracuse University., “Placing Jewish Women into the Intersectionality of Race, Class and Gender,” *Race, Gender & Class*, Vol. 6, No. 4, Race, Gender & Class: American Jewish Perspectives (1999), pp. 41-60)

As stated earlier, feminists do not want to deal with yet "another issue" (anti- Semitism) that divides feminists. Others reject the need to fight specifically against anti-Semitism since they equate anti-Semitism with racism. But, while anti-Semitism and racism fall under the umbrella category of oppression, they are not identical. First of all, racism only focuses on people of color, and as stated earlier, Jews do not easily fit this category. Secondly, condensing these two forms of oppression into one category can be insulting to both experiences. African Americans did not lose one-third of their population to a Holocaust; and similarly, American Jews were never slaves in the land in which they currently reside and which continues to block their success (while we should remember that Jews were also slaves in Egypt, this is not comparable to the African experience in America). While racism and anti-Semitism diverge; they are not "equal" oppressions. Jenny Bourne argues that "the politics of equal oppressions, in sum, is ahistorical in that it equates oppressions across the board without relating each to its specific history..." (Bourne 1987:16). Institutionalized racism currently exists in our economic system of Capitalism, the law and the judicial system, as well as our educational and health care systems (Bourne 1987: 14-15). However, to ignore anti-Semitism on the basis that Jews are "less oppressed" also ignores history. While Jews do not experience the same daily exploitation, we must remember that Jews consistently experienced persecution throughout history (the crusades, Spanish Inquisition, 19th century Pogroms, and the Holocaust are only a few examples). According to Stein, there is a revival of anti-Semitism in the world resulting from the end of the Cold War. The downfall of the Soviet Union has banished the idea of a 'world enemy.' Thus, America needs to recreate a new enemy, "conversely, resurgent anti-Semitism is a marker of the collapse of old, once-reliable boundaries (Stein 1 994:45). Stein argues that there has been a switch to a domestic cold war since we still have not found a replacement enemy for the Soviet Union. The dynamics in Europe, as well, have turned politically 'right. ' Whether or not a recurrence of anti- Semitism is a response to the geopolitical changes, Stein still makes some interesting points concerning Jews and anti-Semitism. He claims that "if Jews did not exist, it would be necessary to invent them, for what is eternal is their function in the unconscious of the world. Jews are an idea, a mental representation, as well as a people" (Stein 1994:42). Rather than a narcissistic assumption of group importance (Stein 1 994:42), I believe this shows the pertinence of destroying group hatred of any kind, for any group can become the "Jew." Pedraza-Bailey points to this 'othering' dynamic of immigrants all over the world being equated with the social position of the Jew. The Chinese in Southeast Asia were often called "the Jews of the East," Asians in East Africa "the Jews of Africa," and most recently, Cubans "The Jews of the Caribbean" (Pedraza-Bailey 1990: 56). Although we can infer from this quote that anti-Semitism is not just a 'Jewish' problem, the resistance to anti-Semitism as a focus of oppression still exists. People of color often claim that Jewish focus on anti-Semitism is racist, as if Jews cannot work on both of these issues simultaneously. In actuality, since anti- Semitism and racism, as well as classism and sexism, are fundamentally connected under a system of domination, we must fight all together. Thus, we cannot have a dialogue that blames the other (Jew or black) for being more anti-Semitic or racist than the average "white" Christian. While individual Jewish racism and black anti- Semitism do exist, we must place it in a context of our white supremacist society (Hooks 1995:210). All people in our society internalize hatred and are capable of being racist or anti- Jewish since our culture makes a habit of socially constructing "the other." While power is a necessary ingredient, individuals do not need to be in a power position to hold anti-Jewish sentiment.

#### The call for authenticity and internal consistency across advocacies masks the extent to which dogmatism and doctrine were at the heart of Nazi ideology. If we are forced to make the same arguments and defend the same advocacy at all times, then there is no room for progressive politics

Bewes ’97 [Timothy, doctorate in English Literature at the University of Sussex, *Cynicism and Postmodernity*, New York City: Verso, 1997,154-5]

Thus Fackenheim's encounter with the horror and the 'obscene rationality' of Auschwitz, secondly, displays an anxiety concerning the perceived integrity of the Third Reich, which is in fact an instinctive gesture of revulsion at the extremes which it is possible for man to justify. This revulsion, perfectly defensible in itself, is a prerequisite and an important if unacknowledged constituent of the postmodern 'critique' of rationality. It is this question of Hitler's 'integrity', perhaps more than anything, which leads to the intellectual ~~paralysis~~ characteristic of postmodernity, of which the most typical symptom is cynicism, in its various forms. On one level, of course, Hitler's programme was thoroughly 'integrated', if by this is meant 'internally coherent'. Certainly the consistency with which both 'good' and 'bad' Jews were persecuted - and Eichmann's diligence, it emerged, was exemplary in this regard - ensured that the Third Reich could indeed boast of a mindless sort of integrity. It is this consistency, together with what he calls its 'cosmic scope', which for Fackenheim elevates Nazi ideology to the status of a Weltanschauung, deserving of 'respect, even awe' .154 In this, how ever, Fackenheim's conception of what is or is not appropriate to the machinery of a political regime is warped, his values infected by those of the very society he is attempting (or refusing) to analyse. Integrity, to begin with, is not a political virtue, since it is one of those characteristics (like honesty, or moral scrupulousness) which cannot by their very nature appear intact in the public sphere. Furthermore integrity, particularly in this narrow sense of 'internal coherence' (and this is the third point), has no positive correlation with rationality, and is in fact profoundly opposed to the processes of reason conceived, as Gillian Rose has defined it, in terms of risk '1" as a continually hazardous endeavour of going beyond existing limits, a spirit directed towards progress and the future, in which the "Hegelian moment of determinate negation is actively and recursively constitutive. The violence' represented by determinate negation is in essence mobilized against integration, just as it is perpetrated by the 'disintegrated' figures of Rameau, Daisy Miller, or Walter Benjamin's 'destructive character' against the philosopher) Diderot-Moi, the dullard Winterbourne, and the 'etui-man' of Benjamin's essay.

#### Consistency standards are the worst form of conservatism – prohibiting “positional conflicts” creates *massive disincentives* to litigate for impoverished clients – destroys any hope of change

Anderson 6 (Helen A., Assistant Professor, University of Washington School of Law. B.A. Carleton College, J.D. University of Washington. Penn State Law Review, Legal Doubletalk and the Concern with Positional Conflicts: A "Foolish Consistency"?, 111 Penn St. L. Rev. 1, Summer 2006)

The preceding review of authorities on positional conflicts shows that a positional conflict is not presently seen as a per se conflict of interest and therefore not a per se ethical violation. These authorities cite several key factors in analyzing whether a positional conflict rises to the level of an ethical violation: (1) the issue's importance to the cases and clients, (2) the potential that one representation will lead to adverse precedent for the other, and, to a lesser extent, (3) incentives to favor one client over the other and (4) credibility problems.

This prevailing approach to positional conflicts is wrong because it diverts attention away from the real ethical dangers. In fact, business pressures are the more prevalent force in practice, and even a soft rule against positional conflicts serves to aggravate these economic conflicts. [\*31] The focus on positional conflicts as potential conflicts of interest only reinforces the power of wealthy clients and restricts client access to counsel of choice, especially for poor or low income clients. (This restrictive effect is magnified by the concentration of attorneys in large firms where a conflict is imputed to hundreds of other lawyers). The concern with creating adverse precedent has more to do with strategic credibility than with true conflicts of interest. Thus, a rule against positional conflicts is ill-advised.

#### Calls for consistency are cloaked in critiques of “irrationality” – inconsistency of position need not signal inauthentic engagement, but rather could be part of the process of belief formation and innovation

Kyburg 87 (Henry E. Kyburg Jr., THE HOBGOBLIN, Source: The Monist, Vol. 70, No. 2, Irrationality (APRIL, 1987), pp. 141-151)

The connection between 'consistency' ' and "rationality" is not clear, however. It is assumed that rationality, that angelic norm to which all featherless bipeds are presumed to aspire, entails consistency if not logical omniscience. A failure of consistency that did not reflect merely a weakness of logical faculty would be a clear demonstration of irrationality. On that score, what follows must be construed as a defense of irrationality. I would prefer to regard it as an argument that even perfect rationality does not entail what is often regarded as consistency, and that in fact rationality entails a failure of consistency. In a nutshell: I may reasonably believe that some of the things I reasonably believe are false; and I may adjust my degrees of belief in response to evidence in ways that contradict Bayes's theorem. More exactly, I may believe (accept) each of a number of statements, and also believe (accept) a statement whose denial is entailed by that set of statements. And yet, I shall maintain, none of these beliefs need be regarded as irrational, nor should I necessarily seek to find a statement that is the "source" of the inconsistency in order to expunge it.

#### Enforcing a strict code of rationality underpins the logic of genocide, universal rule application was what made the Holocaust reasonable

Clarke 3 (Simon, Associate Director of the Centre for Psycho-Social Studies, CESER Research Fellow, and Lecturer in Sociology at the University of the West of England, Social Theory, Psychoanalysis and Racism, Palgrave Macmillan, page 44-45)

There are two ways, for Bauman, to belittle the significance of the Holocaust for sociological analysis. The first is to think of it as some- thing that happened to the Jews as an event in Jewish history. The second is to think of it as some barbaric and loathsome event or practice that modernity will eventually overcome (Bauman, 1989: 1). No, says Bauman, far from overcoming barbarism, modernity is inextricably linked. The Holocaust, the Shoah, is deeply entrenched in the nature of modernity, in the rapid social change that modernity produced - in industrialisation, urbanisation, changes in political philosophy, dislocation, mobility and the growth of nationalism. In the triumph of science as a mode of cognition, and in the development of race and scientifically legitimated racism, there was no need for Nazis to impose views on scientists and doctors, it was already there, part of scientific and moral philosophy. The sheer scale of the destructive process would not have been possible if it were not for the scientific and technological advancements of modernity. Finally, the administrative procedures and practices of the nation-state as exemplified by the bureaucratic organisation provided an efficient vehicle for both the logistical intricacies of extermination, and also of moral absolvement of responsibility. Indeed for Bauman: The most shattering of lessons deriving from the analysis of the `twisted road to Auschwitz' is that - in the last resort - the choice of physical extermination as the right means to the task of Entfernung was a product of routine bureaucratic procedures means-end calculus, budget balancing, universal rule application At no point of its long and tortuous execution did the Holocaust come into conflict with the principles of rationality. The `Final Solution' did not clash at any stage with the rational pursuit of efficient, optimal goal implementation. On the contrary, it arose out of a genuinely rational concern, and it was generated by bureaucracy true to its form and purpose. (1989: 17) Bauman is not arguing that the Holocaust was determined by bureaucracy or the culture of instrumental reason, rather he is suggesting that, first, instrumental reason is not able to stop such a phenomena. Second, that the bureaucratic culture which objectifies society as something to be catergorised, mastered and controlled is the very atmosphere in which something like the Holocaust can be conceived. Finally, Bauman suggests that the culture or `spirit' of instrumental rationality not only made the Holocaust possible, but eminently `reasonable' (1989: 18).