# Round 7—Aff vs Emory DK

## 1AC

### 1ac—1.1

#### 9/11 presented America with a choice—in our moment of greatest vulnerability, the country could choose to strike back against a newfound enemy or reflect on vulnerability and the global nature of our community

**Butler 9**—not Judy

(Judith, “Gender is Extramoral”, <http://mrzine.monthlyreview.org/2009/butler160509.html>, dml)

J.B.: When the USA was attacked in September 2001, the government set out to quickly construct an idea of the country as sovereign, impermeable, invulnerable, because it was unacceptable that its frontiers had been breached. The system involved creating very powerful images, normally of men: men of the government, men fighting to save people inside the World Trade Center. There was a kind of resurgence of the idea of a strong, efficacious, militarised man, a man whose body will never be destroyed nor affected by anyone, who will be pure action and pure aggression. A certain idea of the subject was produced: who is the American subject? Who is America? A very aggressive affirmation was made about masculine sovereignty, a certain idea of what the body is -- of the masculine body, a certain idea of masculine subjectivity, which also amounts to a national self-comprehension -- and then naturally they annihilated the sovereignty of Iraq, of Afghanistan, they resorted to Guantanamo because it is not under Cuban sovereignty and is also outside the borders of US sovereignty, in such a way that they could do what they wanted. They play with sovereignty; they take a certain kind of sovereignty as a prerogative, but do not respect sovereignty as a principle. Another possibility would have been to say: we have been attacked, we accept the fact that we live in a global community, our frontiers are porous, people can cross them, we have to decide how we want to live this. Instead of defending ourselves, what we need are new international agreements and also to show the USA as being committed to international law, because we should remember that since 2001, and even before, Bush has refused to sign almost any international treaties: the anti-missile treaty, that establishing the International Court; anything to do with international cooperation, including the UN. He exercised his sovereignty over them and against them. Perhaps because international cooperation is an ethos: we are dependent on a global world, we are all vulnerable, there can be accusations and agreements. How do we live together? What kind of agreements do we accept? But it is the nation-states that establish agreements between themselves and the real question is that of the stateless peoples: insurgent populations, people who live within political organisations that are not permitted to participate in international agreements. What kind of connection can be established here? This implies another kind of politics, a global politics, one that does not restrict itself to the nation-states. I am referring to other ways of thinking our vulnerability as nations, our limits as nations, and that include the conception of the subject as being fundamentally dependent or fundamentally social, as well as the forms of political organisation that seek to structure global politics in such a way as to gain recognition of our interdependence.

#### The government made the wrong choice. Instead of opening up space for dissident questioning of democratic accountability, the executive branch asserted its hegemony over all in its ability to combat the nebulous enemy of terrorism—absent a critical intervention this ushers in a state of endless war

**Rowan 5**—University of London Department of Geography, look at the title of this article

(Rory, “Imagine a Boot Stamping on Your Face Indeﬁnitely: The ‘War On Terror’ and Executive Hegemony”, Anamesa vol 3 issue 1, spring 2005, dml)

“Terror” is chosen as an enemy because it signiﬁes a potentially limitless threat that ﬁ rst necessitates an increased centralization of state power in the hands of the executive, and then guarantees not only the potentially limitless continuation, but also the extension of these executive powers, in order to respond to the threat. The lack of clear signiﬁ cation inherent in “terror” leaves the enemy/ object of war potentially limitless in number and character. An enemy that is of uncertain nature and not identiﬁ able by state borders means that any war waged against it will be of uncertain duration. The lack of a precise object of war leaves the war without clear objectives. It cannot be known how or when “terror” is defeated. Just as “terror” is of an uncertain nature, so the war waged against it will be of uncertain duration. Judith Butler argues that during the “war on terror” “state power restructures temporality itself,” as “terror” is not a historically limited problem over which a decisive victory can be scored.17 If the “war on terror” is a mechanism to guarantee an executive hegemony, then this hegemony remains of an uncertain nature and duration. It may be foolish to think it has already been fully realized. The undeﬁ ned duration of the “war on terror” gives a crucial insight into its nature, and its relation to the executive hegemony it justiﬁ es. In its lack of clear objectives, the “war on terror” threatens to continue without end. This makes permanent the executive hegemony it supposedly calls for. It could be seen as an attempt to effect some sort of historical closure, as if the “war on terror” were itself the future.18 The “war on terror” becomes an age. In the initial months after the attacks on the World Trade Center and the Pentagon on September 11, 2001, the phrase “war on terror” appeared alongside “age of terror” in ofﬁ cial discourse. Perhaps “age of terror” would have been a more ﬁ tting way to describe current events. The discourse of a “war on terror” acts as pre-emptive historiography, which according to Zizek ensures that “the loop between present and future is closed.”19 The logic of the Bush Doctrine, the logic of pre-emptive strikes, presupposes “that we can treat the future as something that in a way, has already taken place.”20 The “war on terror” thus displays a logic that uses the threat of future terrorist attacks to justify the extension of the current hegemonic order. This logic presupposes that any measures taken by the executive are always already justiﬁ ed by threats that may be possible in the future. 21 The “war on terror” thus serves to ensure the extension of an executive hegemony for an uncertain duration. This reveals the true nature of the “war” itself. It produces a new era only to regulate it. Through the “war on terror,” the executive positions itself as the regulating body of a new order deﬁ ned by the executive’s hegemony. The “war on terror” is used ﬁ rst to justify, and then to regulate, the executive hegemony. As Michael Hardt and Antonio Negri argue, in a situation in which a war with no foreseeable end is initiated, war is not a “threat to the existing structure of power, not a destabilizing force, but rather, on the contrary, an active mechanism that constantly creates and reinforces the present global order.”22 War is established not as an exception but as the normalizing force of the new era. The choice of “terror” as the enemy is crucial to establishing war’s regulative role. The “war on terror” allows the “metaphoric universalization of the signiﬁ er ‘terror,’” writes Zizek; “it is elevated to become the hidden point of equivalence between all social ills.”23 It is this logic of equivalence that gives the “war on terror” a hegemonic function. The extension of the name “terror” guarantees the continuation of this new order, producing ever more objects in need of regulation, thus guaranteeing the new executive hegemony. Any opposition to the hegemony of the executive can be equated with terror either directly or through metonymic suggestion. The aim of this process is to dampen any opposition, so that the executive’s hegemony can be maintained and further extended. The executive gives itself the power to accuse any number of suspects of being involved in “terrorist” activities. Any form of opposition movement with an alternative vision of state order can be outlawed by the decision of the executive itself. The opposition movements that are criminalized in this way ﬁ nd themselves delegitimized and ultimately depoliticized. The executive has the power to decide who or what can legitimately enter the ﬁ eld of the political, thus completely encompassing the political in its hegemony. The new judicial powers of the executive with regard to suspected “terrorists” become a political tool for excluding opposition from legitimacy on the basis that they are political enemies of the state and pose a “concrete” threat to security. Opposition can therefore be criminalized on the grounds of being political, but paradoxically be de-politicized in the same gesture. The “war on terror” is so bound up with the regulation of the executive hegemony it initiated that the distinction between war and policing is blurred. The criminalizing of political opposition allows it to become the depoliticized object of regulation. Political opposition is reduced to the status of a “social ill” that is in need of state regulation/ordering through police operations. The exercise of legitimate opposition is rhetorically elevated to the level of a threat to public security. This is true not only of domestic affairs but also on a global level where nation-states such as Afghanistan and Iraq become the objects of a regulative policing/war.24 Here the phrases “rogue state” or “failed state” de-legitimize states that will soon be the objects of war, reducing them to global “ills.” Indeed the “war on terror” is ﬁ rmly rooted in a U.S. tradition of government rhetorically invoking war in programs tackling social problems such as “war on poverty,” “war on crime,” “war on drugs,” and so on. “War” in this case is rhetorically used to justify changes made in the allocation of state powers, to the executive from other branches. This is portrayed as an urgent security requirement, yet is also meant to evoke a sense of underlying security typical of peacetime “wars” on social ills. As Hardt and Negri argue, “the metaphorical discourse of war is invoked as a strategic political maneuver in order to achieve the total mobilization of social forces for a united purpose typical of a war effort.”25 This is a well-worn formula: producing an external enemy to bring internal unity, or to justify measures enforcing it. What is novel about the “war on terror” is that the enemy is so abstract that making any distinction between internal and external becomes difﬁ cult, due to the ambiguity of the signiﬁ er terror. This ambiguity makes it ever harder to locate the limits of the new hegemony. Those obstacles painted both as threats to security that require war as a response, and as “social ills” in need of state regulation are no longer conﬁ ned merely to the domestic arena. The real aim of the “war on terror,” the extension of the executive hegemony at both domestic and global levels, may have yet to reach its fullest extent. This makes the public critique of the “war on terror” and the demand for the accountability of the executive urgent priorities for democracy both within and outside the United States.

#### This manifests itself in the executive practice of indefinite detention. We should object not only to the horrific conditions inflicted upon the victims of this practice, but the political moment it signifies—the instant that our president is allowed to suspend the laws indefinitely, the law is suspended infinitely—we must dissent to prevent an unfettered sovereign who can initiate war with impunity

**Butler 4**—not Judy

(Judith, *Precarious Life* pg 64-66, dml)

We might, and should, object that rights are being suspended indefinitely, and that it is wrong for individuals to live under such conditions. Whereas it makes sense that the US government would take immediate steps to detain those against whom there is evidence that they intend to wage violence against the US, it does not follow that suspects such as these should be presumed guilty or that due process ought to be denied to them. This is the argument from the point of view of human rights. From the point of view of a critique of power, however, we also have to object, politically, to the indefinite extension of lawless power that such detentions portend. If detention may be indefinite, and such detentions are presumably justified on the basis of a state of emergency, then the US government can protract an indefinite state of emergency. It would seem that the state, in its executive function, now extends conditions of national emergency so that the state will now have recourse to extralegal detention and the suspension of established law, both domestic and international, for the foreseeable future. Indefinite detention thus extends lawless power indefinitely. Indeed, the indefinite detention of the untried prisoner-or the prisoner tried by military tribunal and detained regardless of the outcome of the trial-is a practice that presupposes the indefinite extension of the war on terrorism. And if this war becomes a permanent part of the state apparatus, a condition which justifies and extends the use of military tribunals, then the executive branch has effectively set up its own judiciary function, one that overrides the separation of power, the writ of habeas corpus (gaaranteed, it seems, by Guantanamo Bay's geographical location outside the borders of the United States, on Cuban land, but not under Cuban rule), and the entitlement to due process. It is not just that constitutional protections are indefinitely suspended, but that the state (in its augmented executive function) arrogates to itself the right to suspend the Constitution or to manipulate the geography of detentions and trials so that constitutional and international rights are effectively suspended. The state arrogates to its functionaries the right to suspend rights, which means that if detention is indefinite there is no foreseeable end to this practice of the executive branch (or the Department of Defense) deciding, unilaterally, when and where to suspend constitutionally protected rights, that is, to suspend the Constitution and the rule of law, so producing a form of sovereign power in these acts of suspension. These prisoners at Camp Delta (and formerly Camp X-Ray), detained indefinitely, are not even called "prisoners" by the Department of Defense or by representatives of the current US administration. To call them by that name would suggest that internationally recognized rights pertaining to the treatment of prisoners of war ought to come into play. They are, rather, "detainees," those who are held in waiting, those for whom waiting may well be without end. To the extent that the state arranges for this pre-legal state as an "indefinite" one, it maintains that there will be those held by the government for whom the law does not apply, not only in the present, but for the indefinite future. In other words, there will be those for whom the protection of law is indefinitely postponed. The state, in the name of its right to protect itself and, hence, and through the rhetoric of sovereignty, extends its power in excess of the law and defies international accords; for if the detention is indefinite, then the lawless exercise of state sovereignty becomes indefinite as well. In this sense, indefinite detention provides the condition for the indefinite exercise of extra-legal state power. Although the justification for not providing trials--and the attendant rights of due process, legal counsel, rights of appeal-is that we are in a state of national emergency, a state understood as out of the ordinary, it seems to follow that the state of emergency is not limited in time and space, that it, too, enters onto an indefinite future. Indeed, state power restructures temporality itself, since the problem of terrorism is no longer a historically or geographically limited problem: it is limitless and without end, and this means that the state of emergency is potentially limitless and without end, and that the prospect of an exercise of state power in its lawlessness structures the future indefinitely. The future becomes a lawless future, not anarchical, but given over to the discretionary decisions of a set of designated sovereigns-a perfect paradox that shows how sovereigns emerge within governmentality-who are beholden to nothing and to no one except the performative power of their own decisions. They are instrumentalized, deployed by tactics of power they do not control, but this does not stop them from using power, and using it to reanimate a sovereignty that the governmentalized constellation of power appeared to have foreclosed. These are petty sovereigns, unknowing, to a degree, about what work they do, but performing their acts unilaterally and with enormous consequence. Their acts are clearly conditioned, but their acts are judgments that are nevertheless unconditional in the sense that they are final, not subject to review, and not subject to appeal.

#### Our advocacy is to say no to the executive’s ability to indefinitely detain.

**Rowan 5**—University of London Department of Geography, the best article titler in the world

(Rory, “Imagine a Boot Stamping on Your Face Indeﬁnitely: The ‘War On Terror’ and Executive Hegemony”, Anamesa vol 3 issue 1, spring 2005, dml)

The French legal theorist Julien Freund warned, in his analysis of Carl Schmitt’s work, that “once power has been acquired legally, nothing guarantees it will be exercised legally and the legality in force will not be transgressed.”26 For this very reason a healthy democracy cannot be reduced to the vote alone. Those who are elected democratically (although even this is open to question in the United States) may have no interest in the continuation of democracy and indeed may seek its destruction. The ability to publicly criticize and demand accountability from the government is also essential to the functioning of a healthy democracy. The balance of powers in the United States government was designed to guarantee the accountability of those in power to the public. The current executive, however, has sought to undermine this balance and thus the public’s ability to hold the executive accountable for its actions is diminished. Democracy must be reconceived as being inseparable from accountability and the public’s ability to freely criticize the government where they see ﬁ t. For democracy to be worthy of that name, we must once again take control of language, and, once again, we must say “no.”

#### While legal action is necessary, it is not sufficient—only the affirmative’s ethical orientation forces a reconceptualization of what it means to be human and who is grievable—this is a stance against the endless violence of the status quo

**Butler 4**—not Judy

(Judith, *Precarious Life* pg 86-92, dml)

So, these prisoners, who are not prisoners, will be tried, if they will be tried, according to rules that are not those of a constitutionally defined US law nor of any recognizable international code. Under the Geneva Convention, the prisoners would be entitled to trials under the same procedures as US soldiers, through court martial or civilian courts, and not through military tribunals as the Bush administration has proposed. The current regulations for military tribunals provide for the death penalty if all members of the tribunal agree to it. The President, however, will be able to decide on that punishment unilaterally in the course of the final stage of deliberations in which an executive judgment is made and closes the case. Is there a timeframe set forth in which this particular judicial operation will cease to be? In response to a reporter who asked whether the government was not creating procedures that would be in place indefinitely, "as an ongoing additional judicial system created by the executive branch," General Counsel Haynes pointed out that the "the rules [for the tribunals] ... do not have a sunset provision in them ... I'd only observe that the war, we think, will last for a while." One might conclude with a strong argument that government policy ought to follow established law. And in a way, that is part of what I am calling for. But there is also a problem with the law, since it leaves open the possibility of its own retraction, and, in the case of the Geneva Convention, extends "universal" rights only to those imprisoned combatants who belong to "recognizable" nation-states, but not to all people. Recognizable nation-states are those that are already signatories to the convention itself. This means that stateless peoples or those who belong to states that are emergent or "rogue" or generally unrecognized lack all protections. The Geneva Convention is, in part, a civilizational discourse, and it nowhere asserts an entitlement to protection against degradation and violence and rights to a fair trial as universal rights. Other international covenants surely do, and many human rights organizations have argued that the Geneva Convention can and ought to be read to apply universally. The International Committee of the Red Cross made this point publicly (February 8, 2002). Kenneth Roth, Director of Human Rights Watch, has argued strongly that such rights do pertain to the Guantanamo Prisoners (January 28, 2002), and the Amnesty International Memorandum to the US Government (April 15, 2002), makes clear that fifty years of international law has built up the assumption of universality, codified clearly in Article 9(4) of the International Covenant on Civil and Political Rights, ratified by the US in 1992. Similar statements have been made by the International Commission on Jurists (February 7, 2002) and the Organization for American States human rights panel made the same claim (March 13, 2002), seconded by the Center for Constitutional Rights (June ro, 2002). Exclusive recourse to the Geneva Convention, itself drafted in 1949, as the document for guidance in this area is thus in itself problematic. The notion of "universality" embedded in that document is restrictive in its reach: it counts as subjects worthy of protection only those who belong already to nation-states recognizable within its terms. In this way, then, the Geneva Convention is in the business of establishing and applying a selective criterion to the question of who merits protection under its provisions, and who does not. The Geneva Convention assumes that certain prisoners may not be protected by its statute. By clearly privileging those prisoners from wars between recognizable states, it leaves the stateless unprotected, and it leaves those from nonrecognized polities without recourse to its entitlements. Indeed, to the extent that the Geneva Convention gives grounds for a distinction between legal and illegal combatants, it distinguishes between legitimate and illegitimate violence. Legitimate violence is waged by recognizable states or "countries," as Rumsfeld puts it, and illegitimate violence is precisely that which is committed by those who are landless, stateless, or whose states are deemed not worth recognizing by those who are already recognized. In the present climate, we see the intensification of this formulation as various forms of political violence are called "terrorism," not because there are valences of violence that might be distinguished from one another, but as a way of characterizing violence waged by, or in the name of, authorities deemed illegitimate by established states. As a result, we have the sweeping dismissal of the Palestinian Intifada as "terrorism" by Ariel Sharon, whose use of state violence to destroy homes and lives is surely extreme. The use of the term, "terrorism," thus works to delegitimate certain forms of violence committed by non-state-centered political entities at the same time that it sanctions a violent response by established states. Obviously, this has been a tactic for a long time as colonial states have sought to manage and contain the Palestinians and the Irish Catholics, and it was also a case made against the African National Congress in apartheid South Africa. The new form that this kind of argument is taking, and the naturalized status it assumes, however, will only intensify the enormously damaging consequences for the struggle for Palestinian self-determination. Israel takes advantage of this formulation by holding itself accountable to no law at the very same time that it understands itself as engaged in legitimate self-defense by virtue of the status of its actions as state violence. In this sense, the framework for conceptualizing global violence is such that "terrorism" becomes the name to describe the violence of the illegitimate, whereas legal war becomes the prerogative of those who can assume international recognition as legitimate states. The fact that these prisoners are seen as pure vessels of violence, as Rumsfeld claimed, suggests that they do not become violent for the same kinds of reason that other politicized beings do, that their violence is somehow constitutive, groundless, and infinite, if not innate. If this violence is terrorism rather than violence, it is conceived as an action with no political goal, or cannot be read politically. It emerges, as they say, from fanatics, extremists, who do not espouse a point of view, but rather exist outside of "reason," and do not have a part in the human community. That it is Islamic extremism or terrorism simply means that the dehumanization that Orientalism already performs is heightened to an extreme, so that the uniqueness and exceptionalism of this kind of war makes it exempt from the presumptions and protections of universality and civilization. When the very human status of those who are imprisoned is called into question, it is a sign that we have made use of a certain parochial frame for understanding the human, and failed to expand our conception of human rights to include those whose values may well test the limits of our own. The figure of Islamic extremism is a very reductive one at this point in time, betraying an extreme ignorance about the various social and political forms that Islam takes, the tensions, for instance, between Sunni and Shiite Muslims, as well as the wide range of religious practices that have few, if any, political implications such as the da'wa practices of the mosque movement, or whose political implications are pacifist. If we assume that everyone who is human goes to war like us, and that this is part of what makes them recognizably human, or that the violence we commit is violence that falls within the realm of the recognizably human, but the violence that others commit is unrecognizable as human activity, then we make use of a limited and limiting cultural frame to understand what it is to be human. This is no reason to dismiss the term "human," but only a reason to ask how it works, what it forecloses, and what it sometimes opens up. To be human implies many things, one of which is that we are the kinds of beings who must live in a world where clashes of value do and will occur, and that these clashes are a sign of what a human community is. How we handle those conflicts will also be a sign of our humanness, one that is, importantly, in the making. Whether or not we continue to enforce a universal conception of human rights at moments of outrage and incomprehension, precisely when we think that others have taken themselves out of the human community as we know it, is a test of our very humanity. We make a mistake, therefore, if we take a single definition of the human, or a single model of rationality, to be the defining feature of the human, and then extrapolate from that established understanding of the human to all of its various cultural forms. That direction will lead us to wonder whether some humans who do not exemplify reason and violence in the way defined by our definition are still human, or whether they are "exceptional" (Haynes) or "unique" (Hastert), or "really bad people" (Cheney) presenting us with a limit case of the human, one in relation to which we have so far failed. To come up against what functions, for some, as a limit case of the human is a challenge to rethink the human. And the task to rethink the human is part of the democratic trajectory of an evolving human rights jurisprudence. It should not be surprising to find that there are racial and ethnic frames by which the recognizably human is currently constituted. One critical operation of any democratic culture is to contest these frames, to allow a set of dissonant and overlapping frames to come into view, to take up the challenges of cultural translation, especially those that emerge when we find ourselves living in proximity with those whose beliefs and values challenge our own at very fundamental levels. More crucially, it is not that "we" have a common idea of what is human, for Americans are constituted by many traditions, including Islam in various forms, so any radically democratic self-understanding will have to come to terms with the heterogeneity of human values. This is not a relativism that undermines universal claims; it is the condition by which a concrete and expansive conception of the human will be articulated, the way in which parochial and implicitly racially and religiously bound conceptions of human will be made to yield to a wider conception of how we consider who we are as a global community. We do not yet understand all these ways, and in this sense human rights law has yet to understand the full meaning of the human. It is, we might say, an ongoing task of human rights to reconceive the human when it finds that its putative universality does not have universal reach. The question of who will be treated humanely presupposes that we have first settled the question of who does and does not count as a human. And this is where the debate about Western civilization and Islam is not merely or only an academic debate, a misbegotten pursuit of Orientalism by the likes of Bernard Lewis and Samuel Huntington who regularly produce monolithic accounts of the "East," contrasting the values of Islam with the values of Western "civilization." In this sense, "civilization" is a term that works against an expansive conception of the human, one that has no place in an internationalism that takes the universality of rights seriously. The term and the practice of "civilization" work to produce the human differentially by offering a culturally limited norm for what the human is supposed to be. It is not just that some humans are treated as humans, and others are dehumanized; it is rather that dehumanization becomes the condition for the production of the human to the extent that a "Western" civilization defines itself over and against a population understood as, by definition, illegitimate, if not dubiously human. A spurious notion of civilization provides the measure by which the human is defined at the same time that a field of would-be humans, the spectrally human, the deconstituted, are maintained and detained, made to live and die within that extra-human and extrajuridical sphere of life. It is not just the inhumane treatment of the Guantanamo prisoners that attests to this field of beings apprehended, politically, as unworthy of basic human entitlements. It is also found in some of the legal frameworks through which we might seek accountability for such inhuman treatment, such that the brutality is continued-revised and displaced-in, for instance, the extra-legal procedural antidote to the crime. We see the operation of a capricious proceduralism outside of law, and the production of the prison as a site for the intensification of managerial tactics untethered to law, and bearing no relation to trial, to punishment, or to the rights of prisoners. We see, in fact, an effort to produce a secondary judicial system and a sphere of non-legal detention that effectively produces the prison itself as an extra-legal sphere maintained by the extrajudicial power of the state. This new configuration of power requires a new theoretical framework or, at least, a revision of the models for thinking power that we already have at our disposal. The fact of extra-legal power is not new, but the mechanism by which it achieves its goals under present circumstances is singular. Indeed, it may be that this singularity consists in the way the "present circumstance" is transformed into a reality indefinitely extended into the future, controlling not only the lives of prisoners and the fate of constitutional and international law, but also the very ways in which the future may or may not be thought.

**Linearity fails.**

**Bernstein et al 2k.** Steven Bernstein,Richard Ned Lebow, Janice Gross Stein and Steven Weber**,***University of Toronto, The Ohio State University, University of Toronto and University of California at Berkeley***. “***God Gave Physics the Easy Problems”* European Journal of International Relations2000; 6; 43

A deep irony is embedded in the history of the scientific study of international relations. Recent generations of scholars separated policy from theory to gain an intellectual distance from decision-making, in the belief that this would enhance the 'scientific' quality of their work. But five decades of well-funded efforts to develop theories of international relations have produced precious little in the way of useful, high confidence results. Theories abound, but few meet **the most relaxed** 'scientific' tests of validity. Even the most robust generalizations or laws we can state - war is more likely between neighboring states, weaker states are less likely to attack stronger states - **are close to trivial**, have important exceptions, and for the most part stand outside any consistent body of theory. A generation ago, we might have excused our performance on the grounds that we were a young science still in the process of defining problems, developing analytical tools and collecting data. This excuse is neither credible nor sufficient; there is no reason to suppose that another 50 years of well-funded research would result in anything resembling a valid theory in the Popperian sense. We suggest that **the nature, goals and criteria for judging social science theory should be rethought**, if theory is to be more helpful in understanding the real world. We begin by justifying our pessimism, both conceptually and empirically, and argue that the quest for *predictive* theory rests on a mistaken analogy between physical and social phenomena. Evolutionary biology is a more productive analogy for social science. We explore the value of this analogy in its 'hard' and 'soft' versions, and examine the implications of both for theory and research in international relations.2 We develop the case for forward 'tracking' of international relations on the basis of local and general knowledge as an alternative to backward-looking attempts to build deductive, nomothetic theory. We then apply this strategy to some emerging trends in international relations. This article is not a nihilistic diatribe against 'modern' conceptions of social science. Rather, it is a plea for constructive humility in the current context of attraction to deductive logic, falsifiable hypothesis and large-n statistical 'tests' of narrow propositions. We propose a practical alternative for social scientists to pursue in addition, and in a complementary fashion, to 'scientific' theory-testing. *Newtonian Physics: A Misleading Model* Physical and chemical laws make two kinds of predictions. Some phenomena - the trajectories of individual planets - can be predicted with a reasonable degree of certainty. Only a few variables need to be taken into account and they can be measured with precision. Other mechanical problems, like the break of balls on a pool table, while subject to deterministic laws, are inherendy unpredictable because of their complexity. Small differences in the lay of the table, the nap of the felt, the curvature of each ball and where they make contact, amplify the variance of each collision and lead to what appears as a near random distribution of balls. Most predictions in science are probabilistic, like the freezing point of liquids, the expansion rate of gases and all chemical reactions. Point predictions appear possible only because of the large numbers of units involved in interactions. In the case of nuclear decay or the expansion of gases, we are talking about *trillions* of atoms and molecules. In international relations, even more than in other domains of social science, it is often **impossible** to assign metrics to what we think are relevant variables (Coleman, 1964: especially Chapter 2). The concepts of **polarity**, relative power and the **balance of power** are among the most widely used independent variables, **but there are no commonly accepted definitions or measures** for them. Yet without consensus on definition and measurement, almost every statement or hypothesis will have too much wiggle room to be 'tested' decisively against evidence. What we take to be dependent variables fare little better. Unresolved controversies rage over the definition and evaluation of **deterrence outcomes**, and about the criteria for **democratic** **governance** and their application to specific countries at different points in their history. Differences in coding for even a few cases have significant implications for tests of theories of deterrence or of the democratic peace (Lebow and Stein, 1990; Chan, 1997). The lack of consensus about terms and their measurement is **not merely the result of** intellectual anarchy or **sloppiness** - although the latter cannot entirely be dismissed. Fundamentally, **it has more to do with the arbitrary nature of the concepts themselves.** Key terms in physics, like mass, temperature and velocity, refer to aspects of the physical universe that we cannot directly observe. However, they are embedded in theories with deductive implications that have been verified through empirical research. Propositions containing these terms are legitimate assertions about reality because their truth-value can be assessed. Social science theories are for the most part built on **'idealizations'**, that is, on concepts that cannot be anchored to observable phenomena through rules of correspondence. Most of these terms (e.g. rational actor, balance of power) are not descriptions of reality but **implicit 'theories'** about actors and **contexts that do not exist** (Hempel, 1952; Rudner, 1966; Gunnell, 1975; Moe, 1979; Searle, 1995: 68-72). The inevitable differences in interpretation of these concepts lead to different predictions in some contexts, and these outcomes may eventually produce widely varying futures (Taylor, 1985: 55). **If** problems of definition, measurement and coding could be resolved, we **would still find it** difficult, if not **impossible, to construct large enough samples** of comparable cases to permit statistical analysis. It is now almost generally accepted that in the analysis of the causes of wars, the **variation across time and the complexity of the interaction** among putative causes make the likelihood of a general theory **extraordinarily low**. Multivariate theories run into the problem of negative degrees of freedom, yet international relations rarely generates data sets in the high double digits. Where larger samples do exist, they often group together cases that differ from one another in theoretically important ways.3 Complexity in the form of multiple causation and equifinality can also make simple statistical comparisons misleading. But it is hard to elaborate more sophisticated statistical tests until one has a deeper baseline understanding of the nature of the phenomenon under investigation, as well as the categories and variables that make up candidate causes (Geddes, 1990: 131-50; Lustick, 1996: 505-18; Jervis, 1997). Wars - to continue with the same example - are similar to chemical and nuclear reactions in that they have underlying and immediate causes. **Even when all the underlying conditions are present**, these processes generally require a catalyst to begin. Chain reactions are triggered by the decay of atomic nuclei. Some of the neutrons they emit strike other nuclei prompting them to fission and emit more neutrons, which strike still more nuclei. Physicists can calculate how many kilograms of Uranium 235 or Plutonium at given pressures are necessary to produce a chain reaction. They can take it for granted that if a 'critical mass' is achieved, a chain reaction will follow. This is because trillions of atoms are present, and at any given moment enough of them will decay to provide the neutrons needed to start the reaction. In a large enough sample, catalysts will be present in a statistical sense. **Wars involve relatively few actors.** Unlike the weak force responsible for nuclear decay, their catalysts are probably **not inherent properties** of the units. Catalysts may or may not be present, and their **potentially random distribution** relative to underlying causes makes it **difficult to predict when or if an appropriate catalyst will occur**. If in the course of time underlying conditions change, reducing basic incentives for one or more parties to use force, catalysts that would have triggered war will no longer do so. This uncertain and evolving relationship between underlying and immediate causes **makes point prediction extraordinarily difficult**. **It also makes more general statements about the causation of war problematic**, since we have **no way of knowing** what wars would have occurred in the presence of appropriate catalysts. It is probably impossible to define the universe of would-be wars or to construct a representative sample of them. Statistical inference requires knowledge about the state of independence of cases, but in a practical sense that knowledge is often **impossible to obtain in the analysis of international relations**. Molecules do not learn from experience. People do, or think they do. Relationships among cases exist in the minds of decision-makers, which makes it **very hard to access that information reliably** and for more than just a very small number of cases. We know that expectations and behavior are influenced by experience, one's own and others. The deterrence strategies pursued by the United States throughout much of the Cold War were one kind of response to the failure of appeasement to prevent World War II. Appeasement was at least in part a reaction to the belief of British leaders that the deterrent policies pursued by the continental powers earlier in the century had helped to provoke World War I. Neither appeasement nor deterrence can be explained without understanding the context in which they were formulated; **that context is ultimately a set of mental constructs.** We have descriptive terms like 'chain reaction' or 'contagion effect' to describe these patterns, and hazard analysis among other techniques in statistics to measure their strength. But neither explains how and why these patterns emerge and persist. The broader point is that the relationship between human beings and their environment is not nearly so reactive as with inanimate objects. Social relations are not clock-like because the **values** and **behavioral repertories** of actors are not fixed; people have memories, learn from experience and undergo shifts in the vocabulary they use to construct reality. Law-like relationships - even if they existed - could not explain the most interesting social outcomes, since these are precisely the outcomes about which actors have the most incentive to learn and adapt their behavior. *Any* regularities would be 'soft'; they would be the outcome of processes that are embedded *Overcoming Physics Envy* The conception of **causality** on which deductive-nomological models are based, in classical physics as well as social science, requires empirical invariance under specified boundary conditions. The standard form of such a statement is this - given A, B and C, if X then (not) Y.4 This kind of bounded invariance can be found in **closed** **systems**. Open systems can be influenced by **external** **stimuli**, and their structure and causal mechanisms evolve as a result. Rules that describe the functioning of an open system at time T do not necessarily do so at T + 1 or T + 2. The boundary conditions may have changed, rendering the statement irrelevant. Another axiomatic condition may have been added, and the outcome subject to multiple conjunctural causation. There is no way to know this *a priori* from the causal statement itself. Nor will **complete** **knowledge** (if it were possible) about the system at time T necessarily **allow us to project its future course of development.** In a practical sense, **all social systems** (and many physical and biological systems) are open. Empirical invariance does not exist in such systems, and seemingly probabilistic invariances may be causally unrelated (Harre and Secord, 1973; Bhaskar, 1979; Collier, 1994; Patomaki, 1996; Jervis, 1997). **As physicists readily admit, prediction in open systems, especially non-linear ones, is difficult, and often impossible**. The risk in saying that social scientists can 'predict' the value of variables in past history is that the value of these variables is already known to us, and thus we are not really making predictions. Rather, we are trying to convince each other of the logic that connects a statement of theory to an expectation about the value of a variable that derives from that theory. As long as we can establish the parameters within which the theoretical statement is valid, which is a prerequisite of generating expectations in any case, this 'theorytesting' or 'evaluating' activity is not different in a logical sense when done in past or future time.5

#### Humanity is a tiny speck in the history of a universe that will inevitably die – in the face of uncontrollable catastrophe and cosmic flux, ethics must enter first in your decision calculus

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(Nigel, “Ex-Orbitant Generosity: Gifts of Love in a Cold Cosmos”, Parallax, Vol. 16, No. 1, Pg. 80-95, dml)

Harman has no qualms about positing nonhuman objects that attract and repel each other. 50 He conceives of the elemental surfaces of things as making demands on each other, responding with the same sincerity that Levinas spoke of, all the while concealing their inner depths. In the context of thinking through our inhabitation of a volatile earth, this sort of inquiry is deeply promising. Even if we are not yet enthralled by the issue of the interactions of astral bodies in far-ﬂung galaxies for their own sake, the question of how independently forceful objects encounter each other on – or in the vicinity of – our planet has tremendous implications for the earth-bound beings who are constantly caught in the fallout of these clashes. Though, if we are willing to follow Harman and agree that nonhuman objects have their own imperatives, do we also want to posit that these elemental encounters prompt ethical ﬁdelities amongst themselves – besides those they may or may not incite amongst the vulnerable human bodies transﬁxed in their path? In recent writing on the gift, there have been a number of variations on the theme of Nietzsche’s selﬂess, life-giving solar ﬂux. For Adriaan Peperzak, musing on the heterogeneous character of gift-giving: ‘Not only can the sun, trees, and animals give, but also anonymous forces and unknown sources. Nature, Fortune, Destiny, Moira, the gods, or God may be experienced or imagined as givers’. 51 In a related way, for Genevieve Vaughan, ‘Gaia, our Mother Earth [. . . .] the abundant planet on which we live’ is a preeminent source of the gifts upon which human life depends. 52 While such accounts rarely provide explicit consideration of the relations of give and take that might pertain amongst these generous entities in our absence, there is little to indicate that these bounteous ﬂows switch off whenever their human recipients vacate the scene. Karen Barad, however, is unequivocal. In her extended consideration of the interactive materiality of the universe, Barad boldly insists that the world’s constant becoming raises questions of ethical responsibility at every moment, **whether humans are present or not**: ‘Ethicality is part of the fabric of the world; the call to respond and be responsible is part of what is’. 53 The merger of ontology and ethics that Barad proposes is far from unique. In the current rage for philosophies of immanence, for neo-vitalism and processuality – the insistence on a single ontological plane in which disparate entities engage in streams of transmutation generally presupposes that the ethical is implicated in the all-encompassing creative ﬂux. This does not imply creativity or becoming is painless, however. In Deleuze’s inﬂuential take on pure immanence, life may ﬂow on indomitably, but there is nonetheless plenty of wounding as encounters between bodies trigger violent and unpredictable transformations. Thus: ‘every dynamism is a catastrophe. There is necessarily something cruel in this birth of a world which is a chaosmos’. 54 For Deleuze, and those in his orbit, the ethical is not primarily a response to the suffering that arises out of wrenching change – or any kind of response or obligation at all. As the afﬁrmation of the transformative possibility that inheres in encounters and interactions, ethics is an immanent evaluation of the process of becoming. Although the usual term in Deleuze and Guattari’s writings for the driving force of creative transformation is ‘desire’, John Protevi accentuates the ethical-ontological fusion by picking up those instances in their work when this is referred to as ‘love’: ‘When bodies join in the mutual experimental deterritorialisation that is love, we ﬁnd Deleuze and Guattari’s most adventurous concept: the living, changing, multiplying virtual, the unfolding of the plane of consistency. Love is complexity producing novelty, the very process of life’. 55 In this way, desire or love *is*becoming, and generosity is generativity - which makes it, to borrow a formulation from Ray Brassier, `ontologically ubiquitous’.56 Effectively, there is no need for a distinctive ethics to address the injuries of transmutation, because the catastrophe itself is ultimately productive. With the championing of pure process and incessant becoming that characterises much of the contemporary take on `immanence’, **what counts is not so much the substantive bodies that happen to come into being, so much as the great overarching stream of generative matter-energy from which all individuated forms are bodied forth**.Where the unlimited potential for becoming or change takes precedence over the limited and constrained condition of the actual bodies it gives rise to,**there can be no absolute and irreparable loss**. Whatever dissolution of bodily integrity takes place, **what ever fate befalls actual beings, is less of a termination than a reconfiguration, a temporary undoing that facilitates a renewed participation in the greater flow.** And with this prioritization of process over product, of virtuality over actuality, whatever fidelity is called for is to the `flux of invincible life’ itself - rather than to its interruptions.57 `Catastrophe’, in this sense, is the speedy, if painful, passage to a fresh start, to a new life. If it is a crack that fissures the ontological universe, then it is ultimately a self- suturing one. But for some theorists who take the event of the cataclysm to heart, a non- annihilating disaster is not a disaster worthy of the name. As Edith Wyschogrod concludes of Deleuzo-Guattarian catastrophism: `Because there is nothing but the fullness of desiring production, they cannot, strictly speaking, explain disease and natural catastrophe....’ 58 For Ray Brassier, the fashionable avowal of pure process or immanence raises a more general issue: that of how such philosophies are to account for discontinuity at all, how they are to explain breaks in pure productivity or lapses into inactivity. This is a problem not just for Deleuze, he suggests, `but for any philosophy that would privilege becoming over stasis’.59 Brassier’s engagement with solar extinction returns us to the literal exorbitance of an earth **open and precarious in the face of an inhospitable cosmos and to the Levinasian theme of existence fissured by impassable rifts**. Whereas Harman stresses the innumerable ruptures that punctuate a universe of heterogeneous objects, Brassier zeroes on the quandaries posed by one particular juncture. Against any philosophy that assumes the necessity of a thinking being to make sense of the world, and equally counter to any philosophical stance that posits an incessant stream of becoming, he draws out the significance of the moment when **terrestrial life** might be – or rather, **will be - totally, irredeemably, extinguished**. Playing off a discussion by Jean-François Lyotard about our sun gradually burning out and rendering the earth uninhabitable - an eventuality which scientists have predicted with some confidence – Brassier points up the certainty of non-existence that weighs upon all life.60 For Levinas, the impossibility of self-identity, of synchronicity, and of the closure of reciprocity is signalled by the passage into the time of the other: **the interruption of self- presence by `a time** **without me**’.61 In his working through of the inheritance of Levinas, Derrida observes that love is always a rupture in the living present, haunted by the knowledge that `One of us will see the other die, one of us will live on, even if only for an instant’.62 This is love’s exorbitance, the impossibility of its recuperation into an economy of reciprocal, synchronous or symmetrical gestures. For Brassier, that fact that terrestrial life is eventually doomed by solar catastrophe **promises a time without me, without any of us,** without thought or experience, without even the life that lends death its much-touted significance. **This is a quite literal crack in the ontological edifice of the universe: objective scientific knowledge that propels thought on the impossible task of thinking thought’s own non-being**. As Brassier announces: `Lyotard’s `solar catastrophe’ effectively transposes Levinas’s theologically inflected `impossibility of possibility’ into a natural-scientific register, so that it is no longer the death of the Other that usurps the sovereignty of consciousness, but the extinction of the sun’.63 In the face of the other, in its exposure to the elements, **we catch a glimpse of our own vulnerability and finitude**.64 In the face of a cyclone, or the face of others traumatised by gale-force winds, we see forces strong enough to overwhelm communities, cities, entire regions. We may also in some opaque sense - but in a way that is currently subject to elucidation by the physical sciences - **feel an intimation of energies that could overwhelm an earth. And ultimately annihilate every conceivable entity**. In Brassier’s words: roughly **one** **trillion, trillion, trillion** **years from now, the accelerating expansion of the universe will have disintegrated the fabric of matter itself, terminating the possibility of embodiment. Every star in the universe will have burnt out, plunging the cosmos into a state of absolute darkness and leaving behind nothing but spent husks of collapsed matter**.65 Negating the consolation of endless becoming or ubiquitous self-overflowing, this scenario implies that **ethics too is ultimately doomed**: the gift of the disaster pointing finally to the disaster of the gift. And yet, across a nation state that could have been any patch of the globe, ordinary folk offer beds to complete strangers, the townspeople of a backwater village ladle out lashings of Hurricane Gumbo to dishevelled company, and a million and one other obscure acts of love flare and fade away: tiny sparks of generosity that arc across the cracks in daily life. And keep doing so in spite of, because of, the perishability that characterises the gift, its giver and its recipient alike. For John Caputo, who also gazes directly at the coming solar disaster, **it is the very `face of a faceless cosmos’ that makes of an ethical opening to an other `an act of hyperbolic partiality and defiance’**.66 In this way, it is not just that each gift is an offering of flesh and the giving of a terrain, but that every gift carries the trace of the very extinguishing of existence. In its responsiveness to the inconsistency or the excessiveness of light, each generous reception murmurs against the dying of all light. Somewhere beside or beyond critical thought’s harsh cross-examination of compassion and the neo-vitalist extension of ethical dispositions into every corner of the cosmos, then, runs this other option, propelled by the very exorbitance, diachrony and asymmetry that severs being from thought and unhinges ethics from ontology. **If it negates the radical passivity of generosity to demand that it enacts a moral cost accounting before it sets forth, so too does it rebuke the idea of a responsibility that is primordially receptive to declare that every spontaneous energetic or material discharge is in essence a gift.** Demands might well emit from any object, but not every thing can give in or give out in response to a summons. As biologist Lynn Margulis and science writer Dorion Sagan put it: `**life is matter that chooses’**.67 Which appears to makes choice fairly rare in the known universe, as well as contingent and, in all likelihood, ephemeral. **Like other living creatures, we humans `can turn away from faces as we can turn away from the surfaces of things’**. Or choose not too. Even if it is not unique, **perhaps our particularly pronounced capacity to vacillate between turning toward and turning away has a defining quality**. If not us, then who?

#### Debaters should be ethical social critics—in no way does this mean we do not switch sides

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(Brian and David, “Policy Debate as Fiction: In Defense of Utopian Fiat”, Contemporary Argumentation and Debate 18 (1997) 23-35, dml)

Snider argued several years ago that a suitable paradigm should address “something we can ACTUALLY DO” as opposed to something we can MAKE BELIEVE ABOUT” (“Fantasy as Reality” 14). A utopian literature metaphor is beneficial precisely because it is within the power of debaters to perform the desired action suggested by the metaphor, if not always to demonstrate that the desired action is politically feasible.

Instead of debaters playing to an audience of those who make public policy, debaters should understand themselves as budding social critics in search of an optimal practical and cultural politics. While few of us will ever hold a formal policy-making position, nearly all of us grow up with the social and political criticism of the newspaper editorial page, the high school civics class, and, at least in homes that do not ban the juxtaposition of food and politics, the lively dinner table conversation. We complain about high income taxes, declining state subsidies for public education, and crumbling interstate highways. We worry about the rising cost of health care and wonder if we will have access to high-quality medical assistance when we need it. Finally, we bemoan the decline of moral consensus, rising rates of divorce, drug use among high school students, and disturbing numbers of pregnant teen-agers. From childhood on, we are told that good citizenship demands that we educate ourselves on political matters and vote to protect the polis; the success of democracy allegedly demands no less. For those who accept this challenge instead of embracing the political alienation of Generation X and becoming devotees of *Beavis and Butthead*, social criticism is what good citizens do**.**

Debate differs from other species of social criticism because debate is a game played by students who want to win. However, conceiving of debate as a kind of social criticism has considerable merit. Social criticism is not restricted to a technocratic elite or group of elected officials. Moreover, social criticism is not necessarily idle or wholly deconstructive. Instead, such criticism necessarily is a prerequisite to any effort to create policy change, whether that criticism is articulated by an elected official or by a mother of six whose primary workplace is the home. When one challenges the status quo, one normally implies that a better alternative course of action exists. Given that intercollegiate debate frequently involves exchanges over a proposition of policy by student advocates who are relatively unlikely ever to debate before Congress, envisioning intercollegiate debate as a specialized extension of ordinary citizen inquiry and advocacy in the public sphere seems attractive. Thinking of debate as a variety of social criticism gives debate an added dimension of public relevance.

One way to understand the distinction between debate as policy-making and debate as social criticism is to examine Roger W. Cobb and Charles D. Elder’s agenda-building theory.5 Cobb and Elder are well known for their analytic split of the formal agenda for policy change, which includes legislation or other action proposed by policy makers with formal power (e.g., government bureaucrats, U.S. Senators), from the public agenda for policy change, which is composed of all those who work outside formal policy-making circles to exert influence on the formal agenda. Social movements, lobbyists, political action committees, mass media outlets, and public opinion polls all constitute the public agenda, which, in turn, has an effect on what issues come to the forefront on the formal agenda. From the agenda-building perspective, one cannot understand the making of public policy in the United States without comprehending the confluence of the formal and public agenda.

In intercollegiate debate, the policy-making metaphor has given primacy to formal agenda functions at the expense of the public agenda. Debaters are encouraged to bypass thinking about the public agenda in outlining policy alternatives; appeals for policy change frequently are made by debaters under the strange pretense that they and/or their judges are members of the formal agenda elite. Even arguments about the role of the public in framing public policy are typically issued by debaters as if those debaters were working within the confines of the formal agenda for their own, instrumental advantage. (For example, one thinks of various social movement “backlash” disadvantage arguments, which advocate a temporary policy paralysis in order to stir up public outrage and mobilize social movements whose leaders will demand the formal adoption of a presumably superior policy alternative.) The policy-making metaphor concentrates on the formal agenda to the near exclusion of the public agenda, as the focus of a Katsulas or a Dempsey on the “real-world” limitations for making policy indicates.

Debate as social criticism does not entail exclusion of formal agenda concerns from intercollegiate debate. The specified agent of action in typical policy resolutions makes ignoring the formal agenda of the United States government an impossibility. However, one need not be able to influence the formal agenda directly in order to discuss

what it is that the United States government should do. Undergraduate debaters and their judges usually are far removed—both physically and functionally—from the arena of formal-agenda deliberation. What the disputation of student debaters most closely resembles, to the extent that it resembles any real-world analog, is public-agenda social criticism. What students are doing is something they really CAN do as students and ordinary citizens; they are working in their own modest way to shape the public agenda.

While “social criticism” is the best explanation for what debaters do, this essay goes a step further. The mode of criticism in which debaters operate is the production of utopian literature.

Strictly speaking, debaters engage in the creation of fictions and the comparison of fictions to one another. How else does one explain the affirmative advocacy of a plan, a counterfactual world that, by definition, does not exist? Indeed, traditional inherency burdens demand that such plans be utopian, in the sense that current attitudes or structures make the immediate enactments of such plans unlikely in the “real world” of the formal agenda. Intercollegiate debate is utopian because plan and/or counterplan enactment is improbable. While one can distinguish between incremental and radical policy change proposals, the distinction makes no difference in the utopian practice of intercollegiate debate.

More importantly, intercollegiate debate is utopian in another sense. Policy change is considered because such change, it is hoped, will facilitate the pursuit of the good life. For decades, intercollegiate debaters have used fiat or the authority of the word “should” to propose radical changes in the social order, in addition to advocacy of the incremental policy changes typical of the U.S. formal agenda. This wide range of policy alternatives discussed in contemporary intercollegiate debate is the sign of a healthy public sphere, where thorough consideration of all policy alternatives is a possibility. Utopian fiction, in which the good place that is no place is envisioned, makes possible the instantiation of a rhetorical vision prerequisite to building that good place in our tiny corner of the universe. Even Lewis Mumford, a critic of utopian thought, concedes that we “can never reach the points of the compass; and so no doubt we shall never live in utopia; but without the magnetic needle we should not be able to travel intelligently at all” (Mumford 24-25).

An objection to this guiding metaphor is that it encourages debaters to do precisely that to which Snider would object, which is to “make believe” that utopia is possible. This objection misunderstands the argument. These students already are writers of utopian fiction from the moment they construct their first plan or counterplan text. Debaters who advocate policy change announce their commitment to changing the organization of society in pursuit of the good life, even though they have no formal power to call this counterfactual world into being. Any proposed change, no matter how small, is a repudiation of policy paralysis and the maintenance of the status quo. As already practiced, debate revolves around utopian proposals, at least in the sense that debaters and judges lack the formal authority to enact their proposals. Even those negatives who defend the current social order frequently do so by pointing to the potential dystopic consequences of accepting such proposals for change.

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#### Brian this isn’t a fasching aff ☹

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(Maria Puig de la, Ethics, Place, & Environment, Vol. 13, No. 2, 2010 “Ethical Doings in Naturecultures,” Pg. 151-169, dml)

What these approaches have in common is a contribution to a conception of ethics that decentres the human subject in bio-political and techno-social collectives. They enrich our perception of complex articulations of agency, decentring individual human agents and considering the social as a tissue of associations between humans, non humans, and objects working in the realisation of new relational formations. These views have the potential to challenge the ethical beyond its focus on human individual intentionality and flourishing. They could contribute a ‘post-conventional’ (Shildrick & Mykitiuk, [2005](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0040)) vision of the ethical that embeds it in processes, rather than discussing it as a set of added concerns that humans reflect on when technoscientific and other material matters are already established. It is easy to note that STS has not remained immune to the age of ethics: references to the ethical in this field become more and more frequent – in combination with, or replacing, earlier concerns for elucidating the political interests supporting science and technology. However, like in many of the approaches to biopolitics above considered the ethical remains in this field of study an ethnographic or sociological object. A general perception is that STS scholars avoid taking explicit judgements or elaborate prescriptive frameworks: ‘their job is to illuminate the social processes by which arguments achieve legitimacy rather than to use their understanding of those processes to establish the legitimacy of their own arguments or positions’ (Johnson & Wetmore, [2008](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0027)). Interest in the ethical here is not aimed at promoting ethical obligations nor commitments but remains mostly about observing the ethical under construction around a socio-technological problem and detecting the participants ‘assembled’ in this making. Thus, in spite of the potential of STS to transform the ethical, it is rare to see its insights thematised as possibilities for proposing new ethical visions. From an ethicists perspective this is often discussed as a normative ‘deficit’ (Keulartz et al., [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0028)). However, to identify engagement with the ethical to normative claims is a reductive approach that allows overlooking other potential involvements. As STS scholar Lucy Suchman reminds, ‘… the price in recognizing the agency of artefacts need not be the denial of our own’ (Suchman, [2007](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0048), p. 285; see also Barad, [2007](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0003) for an ontology of asubjective ethical agency). In fact, I think disengagement with ethical theorising might correspond to a rejection of the humanist framework in which ethics is traditionally understood. Naturecultures’ cosmologies require a form of ethical commitment that learns from the decentring of the human. But here there is an important point to be made for the purpose of this paper. The category ‘nonhuman’ in studies dealing with science and technology conflates very diverse forms of life. But decentring the human has different effects whether we refer to engagement invested further in the dis-objectification of the ‘natural’ (bios and/or phusis) rather than of the ‘technological’ (techne)[5](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834" \l "EN0005). Not only each human-nonhuman configuration points to different specificities, but the interference of the ‘nonhuman’ in the ethical and the political varies generically whether attention is turned to an artefact or to an animal/organic entity. This is not only a conceptual issue or a matter of ontological categorisation; it is a concrete problem. If we aim to think the ethical not as an abstract sphere but as embedded in actual practices, when dealing with the organic and the animal we enter a world marked by concerns of, for instance, animal rights and ecological movements, also we touch affective spheres associated with living beings such as suffering, loving, caring. The ‘non human’ brings us in different ethico-political directions when it involves ‘bio-worlds’. In engaging with alterities that are capable of responding to human intervention – with pain, death and extinction (Van Dooren, forthcoming; Bird Rose & Van Dooren, forthcoming) and by creating affective and life-sustaining interdependencies (Haraway, [2007](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0019)) –acknowledging agency and liveliness is not the same as recognising that machines are ‘alive’. The semantics of naturecultures when they concern bios might then be less those of networks and connections than those of ecologies and relations. In consequence, the inclusion of non human others from the animal/organic world produces a different set of ethical concerns than the engagement with technological entities. In a naturecultural perspective on technoscience, agency is indeed distributed and decentred from its humanistic pole. But here the ethical consequences of interdependent entanglements of nonhumans and humans are not only about the preservation of human existence, and/or about which decisions will better respond to novel forms of biopower introduced by technoscience – e.g. the effects of biomedicine for human subjectivity, of technological waste on humans and their environments. Other problems become crucial: how do we actively engage with the lived experiences of forms of non human bios whose existences are today increasingly integrated in the cultural world of human techne? How do we acknowledge their agency without denying the asymmetrical power historically developed by human agencies in bios? How do we engage with accountable forms of ethico-political caring that respond to alterity without nurturing purist separations between humans and nonhumans? How to engage with care of earth without idealising nature or de-responsibilizing human agency by seeing it as either inevitable destructive or paternalistic stewardship? There are many sites where one could look for situated pragmatic ways of addressing these questions (e.g. animal carers, conservation planners). Based on my own research and involvement in permaculture collectives, I propose a vision of this movement as an intervention in naturecultures that builds ethical obligation on personal practices in a non humanistic way. Permaculture practices are ethical doings that connect ordinary personal living with the collective. They decentre human agency without denying its specificity. They promote ethical obligations that do not start from, nor aim at moral norms, but that are articulated as existential and concrete necessities. These are born out of material constraints and situated relationalities in the making with other people, living beings, and earth's ‘resources’. Thus, the ‘principles’: care for earth, people and return of the surplus, are both quite generic – their actualisations vary – and involve very concrete material ways of conceiving how to work with patterns of bios (ecological cycles, physical forces). The people I talked to during my research and activism, often spoke about how, after a training, they started trying to implement the practices they learnt in local communities both in urban and rural environments – from the backyard to the local council, or joining larger ways of public activism. Most of them strongly affirm that they have changed their personal everyday way of relating with nature, of measuring their own impact on the planet in smaller and bigger ways. This can go from starting to compost food waste, to plant and produce food locally, to promote ecological building. But even when the action is acknowledged as a deeply intimate one – as can be a spiritual connection or the building of one's self as an ethical being – it is mostly affirmed as collectively engaged. The collective here does not only include humans, but the plants and animals we cultivate, raise, eat (or not), as well as earth's energetic resources: air, water. It is in connection with these that we ‘individuals’ live and act: at every level of our lives we depend on them and they depend on us. Permaculture ethics of care are based on the perception that we are embedded in a web of complex relationships in which personal actions have consequences for more than ourselves and our kin. And that conversely those collective connections transform ‘our’ personal life. The ecological perception of being part of the earth, a part which does its share of care, requires that the earth is not reduced to a spiritual or visionary image, e.g. Gaia, but is also felt: earth as ‘real dirt under our fingernails’ (Starhawk, [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0043), p. 6); our bodies responding to the needs of water because we are water (Lohan, [2008](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0030)); our energy being living material processed by other forms of life. Permaculture ethical principles can indeed be seen as ideas that we became able of doing, but it is more appropriate to say that it is the doing that transforms the way we feel, think, engage, with the principles. We are pushed to thicken their meaning, by for instance, wanting to learn more about the needs of the soil we take for granted (Ingham, [1999](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0025)). Before continuing, I’ll give a simple example, practicing composting. Here naturecultural interdependency is not only more than a moral principle, it is also more than a matter of fact that we become aware of: it becomes a matter of care to be dealt with through ethical doings. I use the word ‘doing’ to mark the ordinariness, the ‘uneventful’ connotation in contrast with ‘action’. For people living in urban areas composting is a more or less accessible practice to caring for the earth, as an everyday task of returning the surplus. One of the basic principles that permaculture endorses is to produce ‘no waste’ (Carlsson, [2008](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0007), p. 9). Thus techniques of composting are an important part of earth activist trainings. Not only how to keep a good compost going, but also how to become knowledgeable regarding the liveliness, and needs of, a pile of compost. One of the ways of knowing if a pile of compost is healthy is if we see it fill up with pinkie sticky worms: ‘… worms are the great creators of fertility. They tunnel into the soil, turning and aerating it. They eat soil particles and rotting food, passing them through their gut and turning them into worm castings, an extremely valuable form of fertilizer, high in nitrogen, minerals and trace elements ….’ (Starhawk, [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0043), p. 170). Worms, in compost – some people keep worm buckets in the kitchens – are a good example of the nonhuman beings of which permaculture ethics make you aware, but not the only one: ‘anyone who eats should care about the microorganisms in the soil’ (Starhawk, [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0043), p. 8, my emphasis). However, this ‘should’ doesn’t work, without a transformation of ethos. Worms are a more visible manifestation of soil life than microorganisms, but are as easy to neglect. Caring for the worms is not a given: most people have learned to be disgusted by them. Becoming able of a caring obligation towards worms is nurtured by hands on dirt, love and curiosity for the needs of an ‘other’, whether this is the people we live with, the animals we care for, the soil we plant in. It is by working with them, by feeding them and gathering their castings as food for plants, that a relationship is created that acknowledges our interdependency: these neglectable sticky beings reappear as quite amazing as well as indispensable – for they take care of our waste, they process it so that it becomes food again. This commitment to care for an earthy other is not understandable with reference to utilitaristic ethics – I take care for the earth and the worms, because I need them; because they are of ‘use’ to me. Nonhuman others are not there to serve ‘us’. They are here to live with. And, clearly when we don’t listen to what they are saying, experiencing, needing, the responses are consequential – as mass extinctions and animal related epidemics testify. But if this is not a utilitarian relationship, is it an altruistic one? We need to avoid this binary to understand what is becoming possible in this specific conception of relationships and mutual obligation. Human agency in the permaculture cosmology is nature working. This means that humans are full participants to the becoming of natural worlds. However they have their own worldly tasks. Creating ‘abundance’ by working with nature is seen as a typical human skill and contribution. However, abundance is not considered a surplus of life that can be squandered, or considered as self-regenerative biocapital to invest in a speculative future (Cooper, [2008](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0010)). On the contrary, it is only by returning the surplus of life – e.g. by composting – that the production of abundance can be sustained. This is something that permaculture activists consider ancient wisdom. Many refer to knowledge of indigenous populations and ancient agricultural knowledge. In the words of Mabel Mc Kay, a Powo healer: ‘when people don’t use the plants, they get scarce. You must use them so they will come up again. All plants are like that. If they’re not gathered from, or talked to and cared about, they’ll die’ (quoted in Starhawk, [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0043), p. 9; see also Mendum, [2009](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0033)). This vision could be also named naturecultural. Though some refer to permaculture as a humanist vision and even a better science (Holmgren, [2002](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0024)) these arguments are often produced to avoid the movement being identified with ecological visions that put ‘other’ beings before humans – e.g. considering humans as a destroyer invasive species and science and technology as evil. However, in the contexts I have been involved in, the accent is put on a commitment to the ‘people’ of earth that inseparably includes nonhuman beings. In other words, without caring for other beings, we cannot care for humans either. Care for the ‘environment’ wouldn’t be a good way to conceptualise permaculture ethics. Coming back to altruism, and how it does not respond better than a utilitarian perspective to how these relations of self/other work, I see these practices as marked by a form of biopolitical ethics attuned to naturocultural awareness. Here, care for one's body-self is not separable from peoplecare and earthcare. In this sense, this movement exemplifies well the interrelationship between the ‘three ecologies’ – of self (body and psyche), the collective, and the earth – that Félix Guattari famously called upon as the urgency for the near future, believing that none could be realisable without the other (Guattari, [2000](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0016)). As Starhawk considers, material-spiritual balance cannot be attained through abstract engagement with caring for the earth. On the contrary, the reference to an ideal earth conduces ‘our spiritual, psychic, and physical health’ to ‘become devitalized and deeply unbalanced’ (Starhawk, [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0043), p. 6). Conversely, in permaculture trainings there is an insistence on not neglecting the needs of one's body-psyche in the profit of ‘serving’ – burn-out is taken into account as a typical activist sickness. Thus, while activist care of one's self is embedded in obligation towards a collective, it is not considered ‘healthy’, nor even effective, to ground care in an altruistic ethics in the face of catastrophe. As Katie Renz argues permaculture is ‘not some last-ditch effort in the emaciated face of scarcity, but a cultivation of an intimate relationship with one's natural surroundings to create abundance for oneself, for human communities, and the earth’ (Renz, [2003](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0038)). Moreover, the aim is not modest, nor sacrificial, it is not even sustainability it is abundance. The affect cultivated in Earth Activist Trainings is not despondency in front of the impossible, but joy in the hope of possibility. Ultimately, permaculture ethics is a situated ethics. I remember one of the mottos transmitted in the training I attended: ‘It depends’ – is the answer to almost every permaculture question. As such, the actualisation of principles of caring are always created in an interrelated doing with the needs of a place, a land, a neighbourhood, a city, a particular action. Here, ‘personal’ agencies of everyday care are inseparable from their collective ecological significance. It is important to note that permaculture ethics are not only about planting food or raising animals or sustainable building. In the Earth Activist Training tradition, they are also related to public actions of civil disobedience and non violent direct action – ‘illegal’ garden creation, public demonstration of techniques in alter-globalisation oppositional events (Starhawk, [2004](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0043), 2002; see interview with Olhsen in Carlsson, [2008](http://www.tandfonline.com.proxy.uchicago.edu/doi/full/10.1080/13668791003778834#CIT0007), pp. 74–79). More generally, permaculture ethics are thought also as forms of organising – for instance promoting forms of collaborative direct democratic sharing instead of competition. They are not about an abstract external vision of the practices of others. This has consequences for persons who, like me, are reporting these ethical doings in a different context. I am not merely observing these ethics in the making; I am trying to support their ethical obligations. This approach is different from an ethnographical reporting of ethical transformation on the ground: the ethical involves and affects the observer/researcher, in a search for engaging and responding with the transformation – not necessarily with answers. But it is also different from seeking the appropriate philosophical framework that could fit this practice in. The ethical transformation that this observer/researcher endorses is articulated not as norm but as invitation to relate with it. In this spirit I attempt to contribute a conception of a care ethics that communicates with this vision.

### fw

**Moten and Harney, 10** – (Fred Moten and Stefano Harney, *Policy and Planning*, http://www.darkmatter101.org/site/2010/04/19/policy-and-planning/)

The hope that Cornel West wrote about in Social Text in 1984[1] was not destined to become policy in 2008. The ones who practiced it, within and against the grain of every imposed contingency, always had a plan. In and out of the depths of Reaganism, against the backdrop and by way of a resuscitory irruption into politics that Jesse Jackson could be said both to have symbolized and quelled, something West indexes as black radicalism, which “hopes against hope…in order to survive in the deplorable present” (p.10-11), asserts a metapolitical surrealism that sees and sees through the evidence of mass incapacity, cutting the despair it breeds. Exuberantly metacritical hope has always exceeded every immediate circumstance in its incalculably varied everyday enactments of the fugitive art of the impossible. This art is practiced on and over the edge of politics, beneath its ground, in animative and improvisatory decomposition of its inert body. It emerges as an ensemblic stand, a kinetic set of positions, but also takes the form of embodied notation, study, score. Its encoded noise is hidden in plain sight from the ones who refuse to see and hear—even while placing under constant surveillance—the thing whose repressive imitation they call for and are. Now, a quarter century after West’s analysis, after an intervening iteration that had the nerve to call hope home while serially disavowing it and helping to extend and prepare its almost total eclipse, the remains of American politics exudes hope once again. Having seemingly lost its redoubled edge while settling in and for the carceral techniques of the possible, having thereby unwittingly become the privileged mode of expression of a kind of despair, hope appears now simply to be a matter of policy. Policy, on the other hand, now comes into view as no simple matter.

By policy we mean not a particular policy, as in company policy or public policy, but rather policy as something in contradistinction to planning. By policy we mean **a resistance to the commons from above, arrayed in the exclusive and exclusionary uniform/ity of imposed consensus**, that both denies and at the very same time seeks to destroy the ongoing plans, the fugitive initiations, the black operations of the multitude.[2] As a resistance from above, policy is a class phenomenon because it is the means to advantage in the post-fordist economy, a means that takes on the character of politics in an economy dominated structurally by immaterial labour. This economy is powered by the constant insistence on a radical contingency producing a steady risk for all organic and non-organic forms, a risk that allows work against risk to be harvested indefinitely.

Policy is the form that opportunism takes in this environment. It is a demonstration of willingness to be made contingent and to make contingent all around you by demonstrating an embrace of the radically extra-economic, political character of command today.[3] It is a demonstration designed to separate you from others, in the interest of a universality reduced to private property that is not yours, for your own survival, for your own advantage in this environment. Opportunism sees no other way, has no alternative, but separates itself by its own vision, its ability to see the future of its own survival in this turmoil against those who cannot imagine surviving in this turmoil (even if they must all the time) and are thus said by policy to lack vision, and in the most extreme cases to be without interests, on the one hand, and in capable of disinterestedness, on the other.[4] Every utterance of policy, no matter its intention or content, is first and foremost a demonstration of one’s ability to be close to the top in the hierarchy of the post-fordist economy. (Thus every utterance of policy on the radical Left is immediately contradiction.)

As an operation from above designed to make the multitude productive for capital, policy must first deal with the fact that the multitude is already productive for itself. **This productive imagination is its genius, it’s impossible, and nevertheless material, collective head**. And this is a problem because plans are afoot, black operations are in effect, and in the undercommons, all the organizing is done. The multitude uses every quiet moment, every peace, every security, every front porch and sundown to plan, to launch, to improvise an operation. It is difficult for policy to deny these plans directly, to ignore these operations, to pretend that those already in motion need to stop and get a vision, to contend that base communities for escape need to believe in escape. And if this is difficult for policy then so too is the next and crucial step, teaching the value of radical contingency, teaching how to participate in change from above. Of course, some plans can be dismissed – plans hatched darker than blue, on the criminal side, out of love. But most will instead require another approach.

So what is left for those who want to dwell in policy? Obviously the most salient and consistent aspect of policy – help and correction. Policy will help. Policy will help with the plan, and even more policy will correct the planners. Policy will discover what is not yet theorized, what is not yet fully contingent, and most importantly what is not yet legible. Policy is correction. Policy distinguishes itself from planning by distinguishing those who dwell in policy and fix things, from those who dwell in planning and must be fixed. This is the first rule of policy. It fixes others. In an extension of Foucault we might say of this first rule that it remains concerned with how to be governed just right, how to fix others in a position of equilibrium, even if this today requires constant recalibration. But the objects of this constant adjustment provoke this attention because they just don’t want to govern at all.

And because such policy emerges materially from post-fordist opportunism, policy must optimally for each policy-maker fix others as others, as those who have not just made an error in planning (or indeed an error by planning) but who are themselves in error. And from the perspective of policy, of this post-fordist opportunism, there is indeed something wrong with the multitude. They are out of joint – instead of constantly positing their position in contingency, they seek solidity, a place from which to plan, some ground on which to imagine, some love on which to count. Nor is this just a political problem from the point of view of policy, but an ontological one. **Seeking fixity, finding a steady place from which to launch a plan, hatch an escape signals a problem of essentialism**, of beings who think and act like they are something in particular, like they are somebody, although at the same time that something is, from the perspective of policy, whatever you say I am.

To get these planners out of this problem of essentialism, this fixity and repose, this security and base, they have to come to imagine they can be more, they can do more, they can change, they can be changed. Because right now, there is something wrong with them. We know there is something wrong with them because they keep making plans. And plans fail. Plans fail because that is policy. Plans must fail because planners must fail. **Planners are static, essential, just surviving**. **They do not see clearly**. **They hear things.** **They lack perspective. They fail to see the complexity**. Planners have no vision, no real hope for the future, just a plan here and now, an actually existing plan.

They need hope. They need vision. They need to have their sights lifted above the furtive plans and night launches of their despairing lives. Vision. Because from the perspective of policy it is too dark in there to see, in the black heart of the multitude. You can hear something, you can feel something, feel people going about their own business in there, feel them present at their own making. But hope can lift them above ground into the light, out of the shadows, away from these dark senses.

Whether the hope is Fanonian redemption or Arendtian revaluation, policy will fix these humans. Whether they lack consciousness or politics, utopianism or common sense, hope has arrived. With new vision, planners will become participants. And participants will be taught to reject essence for contingency, as if planning and improvisation, flexibility and fixity, and complexity and simplicity were opposed within an imposed composition there is no choice but to inhabit, as some exilic home. All that could not be seen in the dark heart of the multitude will be supposed absent as policy checks its own imagination. But most of all they will participate. Policy is a mass effort. Left intellectuals will write articles in the newspapers. Philosophers will hold conferences on new utopias. Bloggers will debate. Politicians will surf. Change is the only constant here, the only constant of policy. Participating in change is the second rule of policy.

Now hope is an orientation toward this participation in change, this participation as change. This is the hope policy gives to the multitude, a chance to stop digging, and start circulating. Policy not only offers this hope, but enacts it. Those who dwell in policy do so not just by invoking contingency but riding it, by in a sense, proving it.

#### By reading this they have shut down the creative potential of this debate, vote them down

**Butler 4**—not Judy

(Judith, *Precarious Life* pg xix-xxi, dml)

**Dissent and debate** **depend upon the inclusion of those who maintain** critical views **of state policy** and civic culture **remaining part of a** larger public discussion **of the value of policies and politics**. To charge those who voice critical views with treason, terroristsympathizing, anti-Semitism, moral relativism, postmodernism, juvenile behavior, collaboration, anachronistic Leftism, is to seek to destroy the credibility not of the views that are held, but of the persons who hold them. **It produces** the climate of fear **in which to voice a certain view is to risk being branded and shamed with a heinous appellation**. To continue to voice one's views under those conditions is not easy, since one must not only discount the truth of the appellation, but brave the stigma that seizes up from the public domain. Dissent is quelled, in part, through threatening the speaking subject with an uninhabitable identification. Because it would be heinous to identify as treasonous, as a collaborator, one fails to speak, or one speaks in throttled ways, in order to sidestep the terrorizing identification that threatens to take hold. This strategy for quelling dissent and limiting the reach of critical debate happens not only through a series of shaming tactics which have a certain psychological terrorization as their effect, but they work as well by pr**oducing what will and will not count as a viable speaking subject and a reasonable opinion within the public domain**. It is precisely because one does not want to lose one's status as a viable speaking being that one does not say what one thinks. Under social conditions that regulate identifications and the sense of viability to this degree, censorship operates implicitly and forcefully. The line that circumscribes what is speakable and what is livable also functions as an instrument of censorship. To decide what views will count as reasonable within the public domain, however, **is to decide what** will **and** will not **count as the public sphere of debate**. And if someone holds views that are not in line with the nationalist norm, that person comes to lack credibility as a speaking person, and the media is not open to him or her (though the internet, interestingly, is). The foreclosure of critique **empties the public domain of debate and** democratic contestation itself, so that debate becomes the exchange of views among the like-minded, and criticism, **which ought to be** central **to any democracy, becomes a** fugitive **and** suspect **activity**. Public policy, including foreign policy, often seeks to restrain the public sphere from being open to certain forms of debate and the circulation of media coverage. One way a hegemonic understanding of politics is achieved is through circumscribing what will and will not be admissible as part of the public sphere itself. Without disposing populations in such a way that war seems good and right and true, no war can claim popular consent, and no administration can maintain its popularity. To produce what will constitute the public sphere, however, it is necessary to control the way in which people see, how they hear, what they see. The constraints are not only on contentcertain images of dead bodies in Iraq, for instance, are considered unacceptable for public visual consumption-but on what "can" be heard, read, seen, felt, and known. The public sphere is constituted in part by what can appear, and the regulation of the sphere of appearance is one way to establish what will count as reality, and what will not. It is also a way of establishing whose lives can be marked as lives, and whose deaths will count as deaths. Our capacity to feel and to apprehend hangs in the balance. But so, too, does the fate of the reality of certain lives and deaths as well as the ability to **think critically and publicly about the effects of war.**

#### In the context of a presidential topic their act of definition is antithetical to debate—internal link turns their offense

**Maggio 7**—University of Florida

(J., “The Presidential Rhetoric of Terror: The (Re)Creation of Reality Immediately after 9/11”, Politics & Policy Volume 35, Issue 4, pages 810–835, December 2007, dml)

Zarefsky's (2004) argument that the president has the power of “definition” should not be taken as the power to “persuade” in the standard way this is understood. Rather, the power lies in setting the limits of debate and/or reality. In fact, Zarefsky agrees with Edwards (2003) that explicit votes or opinions are not often changed by presidential rhetoric. Yet Zarefsky argues that presidential rhetoric has an even more important role: the role to shape reality. On his account, social reality is not a predetermined set of ideas; it is a contingent set of social indicators. In this sense, all people participate in the creation of reality and its political ramifications. This “reality creation” is especially true for the president. Naming a situation provides the basis for understanding it and determining the appropriate response. Because of his prominent political position and his access to the means of communication, the president, by defining a situation, might be able to shape the context in which events or proposals are viewed by the public. (Zarefsky 2004, 611) Social reality is therefore not fixed—especially social reality that is mediated through news outlets and government spokesmen. “Reality” is fluid, and it is often shaped by presidential rhetoric (Miroff 2003, 278-80; Rubenstein 1989). The president's greatest power in shaping reality rests in the power of definition. To “define” something is to set the limits of cognition regarding that concept. Zarefsky (2004, 612) articulates his theory of “definition” in the following way. To choose a definition is, in effect, to plead a cause, as if one were advancing a claim and offering support for it. But no explicit claim is offered and no support is provided. The presidential definition is stipulated, offered as if it were natural and uncontroversial rather than chosen and contestable. Hence, to “define” is to assert without argument that something is “true” or “real.” It is to claim, in a Jeffersonian sense, that such statements are “self-evident.” Of course, at the moment of definition those terms often become the parameters of definition. It is through this moment that the president creates a kind of intellectual sovereignty. As both the chief executive and the national spokesperson, the president occupies a unique position in which to create a moment of singular definition.

#### Debate isn’t deliberative—ready to have your MIND BLOWN??!!?!

**Livingston 12**—Assistant prof of Government @ Cornell [**purple=slow**]

(Alexander, “Avoiding Deliberative Democracy? Micropolitics, Manipulation, and the Public Sphere”, Philosophy & Rhetoric, Vol. 45, No. 3 (2012), pp. 269-294, dml)

It is important here to stress what a critical theory of deliberative democracy is not.16 It is not the gentlemanly sport of cool, calm, and dispassionate exchange of impartial reasons. It does not depend on the knockdown force of the better argument in a single-round, one-on-one, face-to-face bout of verbal jousting. It is not the reduction of political debate to a matter of logical demonstration. And it is not a clinical exer- cise wherein citizens are extracted from their concrete political world and placed in an artificially domination-free space of the ideal speech situa- tion or deliberative focus group**.** All of these proposals, not to mention others, have been put forward in one form or another under the banner of deliberative democracy.17 If theories of deliberative democracy were limited to these options, Connolly would be right to charge them with an intel- lectualism that ignores the vagaries of lived political praxis. However, a critical theory of deliberative democracy provides both an alternative to this deliberative intellectualism as well as to Connolly’s democratic deficit. The key to this alternative approach to democracy overlooked by both Connolly and these intellectualist theories of deliberation is the complex institution of the public sphere. The public sphere is the decentered network of voluntary associations and media channels that crisscross civil society. It has no center or hub it radiates out of. Rather it is a rhizome in Deleuze and Guattari’s sense of the term: a multiplicity of lively points and intersections that hang together that lacks organization and is not subject to central control. Philippe Mengue makes just this point about the nature of the public sphere when he criticizes Deleuze and Guattari’s antipathy toward the idea of politics as the expression and contestation of public reasons. The public sphere, as he rightly notes, is precisely the kind of deterritorialized plane where movement and becoming can occur.18 Deliberative democracy is a model of democracy that explains how ideas circulate in such a public sphere; that is, how they bump into other ideas, transform them, and become transformed themselves in turn. Key to a critical theory of deliberative democracy is the claim that the exchange of reasons within this rhizomatic public sphere is what Jürgen Habermas calls “subjectless” (1996, 299). A public sphere is always more than the prudential exchange of reasons between two parties, but it is also always less than a self-reflection of a macrosubject capable of action. Rather, it is a complex mediating institution that allows ideas and reasons to become public—that is, it circulates and distributes reasons and ideas beyond the bounds of local conversations, turning them into resources to be drawn on, tested, and sometimes rejected in more local exercises of reason giving. Crucially, the reasons that do all this circulating in the public sphere must be understood in an expansive sense. At the level of democratic the- ory, no one form of discourse has a monopoly on what counts as a reason. Deliberative democracy recognizes diverse forms of communication as reason giving, including storytelling, rhetoric, and greeting. Each has a place in a deliberative politics insofar as it is capable of drawing a connec- tion between a particular claim or experience and a more general and acces- sible norm (Young 2000, 52–80; Dryzek 2000, 57–80). A public reason is always a reason for doing or avoiding doing something. First-person stories like those W. E. B. Du Bois tells in The Souls of Black Folk are vivid depic- tions of the experience of racial oppression, but they function as reasons to a nonblack audience insofar as they aim to open the eyes of white America to the complacency of its commitments to liberty and equality. A public sphere is a site where these sorts of reasons are articulated and take on broader and richer meanings, as they are received by an indefinite audience of strangers.19 The informal and diffuse network of information that spans from labor meetings to church groups to book clubs to blogs to newspapers to PTA meetings and to dissident groups carries our reasons across multiple testing sites where they are subject to uptake, rejection, or transformation, only to be recirculated again. This public exchange of reasons has the important epistemic function of improving the quality of the reasons we use to justify our interests and decisions, but the more crucial function is its critical one. The articulation and contestation of reasons in the public sphere is a motor for self-reflection. It is this function, the self-critical and self-reflection function of exposure to diverse and impersonal reasons in a public sphere, that deliberative democracy values. While the media-saturated public sphere trades in low-involvement advertising and affective manipulation, it also and more importantly can be a means of provoking us to reflect on our received identities and interests.20 These epistemic and critical functions of the public sphere come together to provide a democratic resource for inciting self- and collective transformation in novel and potentially eman- cipatory ways. Seen as a molecular interplay of constantly flowing, shifting, and transforming reasons and self-understandings that provokes new and creative (but reflective) becomings that help us cope with the challenges of political community, the circulation of ordinary talk in the public sphere is Deleuzian. The public sphere is an example of micropolitics par excellence. Once we introduce this institution of the public sphere into the discus- sion, we avail ourselves of a democratic alternative to Connolly’s politics of “cultural-corporeal infusion.” The task of generating resonance for a leftist politics can be divorced from the idea of manipulating visceral responses in favor of a politics that experiments with how reasons resonate in the public sphere, that is, with how they might function to provoke self-reflection. Reasons resonate when they make some claim on the moral and concep- tual imaginary of their audience. That is to say, their resonance is not a feature of their logical structure but rather of the receptivity of the audience to them. A reason resonates when its audience considers it what William James called a “live” hypothesis, “one which appeals as a real possibility to him to whom it is proposed” (1967, 717). Making reasons resonate, however, is the task of activists and social movements who introduce new concerns to the public sphere and rede- scribe acceptable existing practices as oppressive and harmful. To this end, an egalitarian and inclusive public sphere requires the insurgent work of its voluntary associations in the form of “deliberative enclaves” (Mansbridge 1999) or “counterpublics” (Fraser 1992) where dissidents, interests groups, social movements, and the oppressed experiment with novel discourses and redescriptions of the status quo to introduce into the public sphere’s circu- lation. When these experiments in consciousness-raising are successful, as with the feminist movement’s introduction of “date rape,” the queer move- ment’s turn away from civil unions in favor or “gay marriage” and Stephen Colbert’s introduction of “truthiness” into the American political lexicon, the terms of resonance in the public sphere change. Coining terms like “gay marriage” is not the same thing as institutionalizing it, but it does have the effect of redefining the terms of public debate around a now resonant expe- rience of exclusion that had hitherto been simply invisible or erroneously seen as harmless. To put this in the language of Deleuze, deliberative redescription can function as a war machine. The experimenting with resonating reasons in a public on the part of activists is an exercise in “plugging in” a resonance machine into the public sphere. The transformative power of the resonance machine, understood as an inventive redescription of our received practices, has the power to transform the way citizens see their shared world, their own interests, and the suffering of others. The work of counterpublics is to “smooth” the striated space of public political culture so as to displace old prejudices and allow new identities and claims to flourish.

#### Deliberative democracy is impossible – using legal prescriptions for war powers will fail without reshaping the debate to include discussion about the means of our terror policy

Firmage 88 (Edwin B., Professor of Law – University of Utah College of Law, “Rogue Presidents and the War Power of Congress,” George Mason University Law Review, 11 Geo. Mason U. L. Rev. 90, HeinOnline)

Since World War II we have engaged in overt and covert war and acts of war, often initiated by the president without the authorization of Congress. By presidential directive we have conducted full-scale war; initiated coups; mined harbors; encouraged political assassination; aided insurrection and sabotage; trained, equipped, and set loose our own brigands and terrorists; and responded to terrorist acts against our citizens by executively approved reprisals. We do this in violation of the Constitution, in disregard of the laws and prerogatives of Congress, and in open defiance of international law and morality. Both the scope and the notoriety of such violence conducted by this administration has changed the meaning of covert war from secret war simply to formally unacknowledged war, brazenly supported in contravention of world law and the United States Constitution, in contempt of Congress. The theme of this conference, suggesting a strong-willed if misdirected Congress treading on presidential foreign policy and war power prerogatives, is wrong on both counts. It reflects the thinking of an era that is dazzled by executive dispatch, frustrated with due process of law, and unfaithful to democratic government. Perhaps most important of all, we have ignored the dialectic relationship that exists between ends and means. For the means we select to defend our society will profoundly affect its nature. Sure of our own moral superiority, transfixed with our need to defend our society and our economic advantage at all costs, and propelled by fear and by powerful ideology, we have ignored the necessity of congruence between the ends we seek and the means we select to get there. The violence we have unleashed, primarily in proxy wars in the Third World, has not been mitigated by lawful origin or conduct. The Manichaean world view of black and white, moral absolutes of good and bad, has led resolutely to a rejection of legal and moral restraints on our own conduct in our struggle with the Soviet Union. This zealousness, in turn, has led to fatal misjudgment of the nature of political change within Asia, Africa, and Latin America, whether that political change was accomplished by vio­ lence or by democratic process. We have interpreted almost all political change — whether propelled by processes of decolonization, economic deprivation, or whatever else — as being dominantly motivated and characterized by our struggle with the Soviet Union. Similarly, this absolutist world view will almost surely lead to some of the same tactics of covert activity being applied to domestic opponents of the government. Our covert actions within the Third World usually begin within the context of intelligence gathering and surveillance. When domestic oppo­ sition to our involvement in covert war threatens to obstruct an endeavor seen as a holy crusade, with allegiance given a leader instead of the higher fidelity being given to our law and the Constitution, there will be impatience with re­ straints of law on our choice of means. Spying, intimidation, and manipula­ tion of domestic political opponents will occur as a government sees itself as defending a higher good against the activities of those who would subvert such a system.

I. The War Power

The Constitution of the United States grants Congress the power “to declare War” and to “grant Letters of Marque and Reprisal.”2 There is no question that the original intent of the framers of the Constitution was to vest in the Congress the complete power to decide on war or peace, with the sole exception that the president could respond to sudden attacks on the United States without congressional authorization. President Reagan has repeatedly attempted to distinguish between a congressional power to “declare” war formally and a presidential decision to go to war even though undeclared. Such a facile distinction was never in­ tended by the framers of the Constitution. Congress exclusively possesses the constitutional power to initiate war, whether declared or undeclared, public or private, perfect or imperfect, de jure or de facto. The only exception is the power of the president to respond to sudden attacks on the United States. The position that Congress possesses the sole power to decide for war or peace is supported with absolute clarity of intent of the Founding Fathers. During the Constitutional Convention, debates in the Committee on Detail centered around an original printed draft of the war power clause providing that “[t]he legislature of the United States shall have the power . . . to make war . . . .”3 One member of the committee, Charles Pickney, opposed giving this power to Congress, claiming that its proceeding would be too slow.4 Pierce Butler instead said that “[h]e was for vesting the power in the Presi­ dent, who will have all the requisite qualities, and will not make war but when the Nation will support it.”5 Butler’s motion received no second. However, James Madison and Elbridge Gerry were not satisfied with the proposal of the Committee on Detail that the legislature be given the power to make war. Instead, they moved to substitute “declare” for “make,” “leaving to the Executive the power to repel sudden attacks.”6 The meaning of this motion, which eventually was carried by a vote of seven states to two, was clear. The power to initiate war was left to Congress, with the reservation from Congress to the president to repel a sudden attack on the United States.7 Our history, while checkered with congressional ratification of presidential acts and by presidential abuse and congressional malfeasance on occasion, clearly reveals the norm of congressional control and presidential dependence in the decision for war and peace. This is so through the Indian wars, the Whiskey Rebellion, the Barbary pirates, to the Civil War, and from our endemic preoccupation with intervention in the Caribbean to border crossings into Mexico and Canada. Our pattern continued through two world wars until Korea and Vietnam. In 1789, Thomas Jefferson made this statement of insight: “We have already given . . . one effectual check to the dog of war by transferring the power of letting him loose, from the executive to the legislative body, from those who are to spend to those who are to pay.”8 James Madison noted that “[t]he executive is the department of power most distinguished by its propensity to war: hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influ­ ence.”9 Hamilton, the advocate of presidential power in the Philadelphia Convention, nevertheless recognized that the president’s power “would amount to nothing more that the supreme command and direction of the mili­ tary forces,” since the president lacked the British Crown’s authority to de­ clare war and raise armies.10 The power given Congress rests upon the constitutional text that Congress be empowered to “declare War and grant Letters of Marque and Reprisal.” This entails the power to decide to wage war, declared or unde­ clared, fought with regular public forces or by privateers under governmental mandate. While letters of marque and reprisal originally covered specific acts, by the eighteenth century letters of marque and reprisal referred to sovereign use of private and sometimes public forces to injure another state. It was within this context that the constitutional framers vested Congress with the power to issue letters of marque and reprisal.11 Clearly, only Congress has the constitutional power to wage war by private parties as well as by the armed forces of our country. Although Lincoln in the Civil War used that crisis to push original con­ stitutional intent to the limit, he did so with theories of constitutional empow­ erment and congressional acts, prospective and retrospective. As Harold Hyman noted, clearly he rejected European notions of etat de siege.12 Franklin Roosevelt would do the same in moving us from isolation and neutrality into alliance and war. The theme before Korea and Vietnam could be summarized by the opposition of Illinois Whig Representative, Abraham Lincoln, to President Polk’s adventures into Mexico. Polk asserted a presidential right to invade another nation as an act of self-defense as commander in chief. “Allow a President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion . . . and you allow him to make war at his pleasure.” The framers gave this singular power to Congress, not one person, Lincoln said, so that “no man should hold the power of bringing this oppression upon us.”13 It was in Korea and Vietnam that presidents, their counselors, and some academics would assert a presidential power apart from congressional act to wage war under whatever name. The State Department in 1950 attempted to justify President Truman’s entry into the Korean War by referring to the President’s executive power, his power as commander in chief, his power to conduct foreign relations of the United States, and the United Nations Char­ ter. Perhaps the closest we came to proposing that foreign crisis or war pro- duced extra-constitutional executive power was the government's position during the Korean War in the Steel Seizure4 case, a position rejected most purely by Justice Black, most pragmatically and practically by Justice Jackson, and most narrowly by Justice Frankfurter.I5 The abuses of congressional prerogatives in foreign affairs during the Korean and Vietnam Wars proved these constitutional provisions alone to be insufficient. Congress responded to this realization by passing the War Pow- ers Resolution of 197316 and the Intelligence Authorization Act for Fiscal Year 198117, in order to provide a means of congressional control and oversight over the power to initiate hostilities and over the intelligence gathering process. 18 In asserting presidential power as commander in chief to initiate hostili- ties with the Armed Forces of the United States, President Reagan has re- ferred to numerous occasions when acts of war were begun by executive act rather than by congressional authorization. In fact, our history tells quite a different story. In 1967 the State Department compiled an official list of 137 instances where it asserted that the president, as the commander in chief of the armed forces, committed acts of war on his own authority beyond the borders of the United States. Careful scrutiny of the examples provided by the government belies this assertion: eight of the acts involved enforcement of the law against piracy for which no congressional authorization is required, sixty-nine were landings to protect American citizens many of which were statutorily autho- rized, twenty concerned illegal invasions of foreign or disputed territories which were not acts of war since the United States claimed the territory, six were minatory demonstrations without combat, another six involved protracted occupations of various Caribbean states that were authorized by treaty, and at least one was an act of naval self-defense which is justified by both international and municipal law. Even in the one or two dozen instances when the president has acted without congressional authorization, he has done so by relying falsely on either a statute, a treaty, or international law, never on his power as the commander in chief or the chief executive. Clearly, neither the Constitution nor historical precedent empowers the president to initiate a state of war or engage in an act of war on his own authority beyond the borders of the United States. The presidential war-making power is strictly limited to defending against sudden attack.'9

II. POWER OVER FOREIGN RELATiONS

The power of Congress within foreign relations rests upon many constitutional statements of sweeping empowerment. Congress may lay and collect taxes for the common defense, regulate commerce among the nations, define and punish offenses against the law of nations, declare war and grant letters of marque and reprisal, raise and support armies, provide and maintain a navy, make rules for the government of land and naval forces, provide for organizing and calling out the militia, and establish forts and arsenals20. The Senate as well has a collegial responsibility with the president in making treaties.2' Finally, Congress has the power to make all laws necessary and proper to accomplish these enumerated objectives.22 Presidential text is limited to three statements: he is commander in chief,23 he possesses executive power,24 and he is to "take care" that the laws of the Congress are faithfully executed.25 As commander in chief the presi- dent was intended simply to be Congress's general. No new power was con- veyed by the constitutional statement on executive power. The "take care" clause simply obligated the president to execute congressional laws. The latter has been asserted to be an executive "necessary and proper" clause by ironic, if not cynical, bootstrapping. Under these provisions Congress not only possesses sole power to de- cide for war, establish and govern our military forces, determine rules for their governance and use, and establish our commercial relations with other states, but also Congress with the president should establish and direct the strategy of our foreign relations. As Professor Louis Henkin observed, the treaty power invested in the president and the Senate gives the tip-off to the framers' intent.26 Since foreign relations were conducted primarily by treaty in the eighteenth century, the bestowal upon the Senate and the presidency of the treaty power reveals the determination that our foreign relations should be governed collegially. The president is the executor of a foreign policy to be determined by the Congress and the president together. Congress, as lawmaker, clearly can and should influence the strategy of our foreign policy. The president, as execu- tor, should be respected as such by the Congress. Intelligence, including sensitive intelligence, should be shared by the executive with appropriate el- ements of Congress, from leadership within the committees of Congress to the entire body. During two centuries under the Constitution, great power to determine as well as to execute our foreign policy has accrued to the president. This power of determination and direction of foreign policy is not necessarily undesirable or unconstitutional. But Congress possesses strong textual and historical empowerment in the determination and the direction of foreign policy as well. Without consensus between the political branches, our foreign policy will be more troubled and less successful. Consensus between Congress and the president, a commodity not found in abundance during the past two decades, can hardly form without full respect shown Congress by the president. Collegial dialogue is essential. Presidential governance of foreign policy, without full congressional partici- pation, cannot result in consensus. Attempts by the Reagan administration to conduct private war in Nicaragua, for example, in defiance of congressional statute, will engender hostility from Congress, not consensus. Particularly when covert actions are contemplated, consensus is vital. When covert action goes beyond intelligence gathering and approaches acts of violence and war, the president is obliged not only to seek congressional consensus but approval. Without such approval the president is forbidden by the Constitution to initiate acts of covert war.

III. COVERT WAR"

The existence of nuclear weaponry and the threat of the use of such weaponry in general war have discouraged all-out war between the two giants who emerged from World War II. However, the intensity of the ideological and geopolitical rivalry between them resulted in war nevertheless, albeit covert war.

By extra-constitutional and illegal means, we initiated the fall of the le- gitimate government of the populist nationalist Mohammed Mossedegh in Iran and unseated the land-reforming government of Jacobo Arbenz Guzman of Guatemala. We experienced disastrous failures in our attempts to prevent Ba- ath Party control in Syria. We employed Sumatran pirates in our attempted coup against Sukarno in Indonesia for the sin of nonalignment. We carried on paramilitary operations in Tibet from the 1950s into the 1970s, prolonging and exacerbating the agonies of a subject people without the slightest hope of affecting the government of the People's Republic of China. We invaded Cuba at the Bay of Pigs, overthrew the government of Patrice Lumumba in the Congo and were complicit in his death. In Laos, the CIA secretly supported a right-wing faction in the military against the legitimate but neutralist government, forcing the incumbent into alliance with the Com- munists. In Vietnam we waged clandestine war under Kennedy before and during the time of our open involvement, bombing supply lines of the Viet Minh, dropping toxic chemicals and defoliants. We made league with South- east Asian drug ringleaders and have a country awash with heroin and mari- juana to show for it. After 1968 Nixon escalated secret warfare across the Vietnamese border into Cambodia. Hundreds of cross-border operations oc- curred in 1967 and 1968 and over one thousand during the next two years. B- 52 carpet-bombing commenced in 1969. Pentagon records were falsified to indicate that the raids occurred in South Vietnam. Our support of the Kurds of Kurdistan at the urging of the Shah of Iran in his dispute with Iraq ended in Kurdish disaster when we abandoned them after the Shah made temporary peace with Iraq.

In Chile we were successful in ending a century of democratic tradition by our covert operations that aided in the overthrow and murder of Salvador Allende Gossens and the earlier assassination of the commander of the Chilean armed forces, a Constitutionalist who vigorously opposed any coup who was killed as he resisted being kidnapped. General Augusto Pinochet, chief of staff, led the coup that overthrew and killed Allende. After the hey day of CIA covert war in Vietnam, Laos, and Cambodia, a rapid decline in covert actions occurred under Presidents Ford and Carter. By 1980 covert action received less than five percent of the CIA's budget. Under the Reagan administration covert actions tripled in number. By the mid-1980s, covert action accounted for about one-third of the CIA's budget. Within weeks of his inauguration, President Reagan prepared for war in Nicaragua by a presidential "finding" that authorized covert war. After creat- ing the Contras from the remnants of former dictator Somoza's National Guard and arranging for their training from our own CIA or under Argentine trainers fresh from their own "dirty war" against their own countrymen, we sent the Contras into Nicaragua against "soft targets" such as power plants, schools, transportation, and people. This guaranteed a protracted war of at- trition marked by terrorism and atrocity, disproportionate civilian casualties, and enormous suffering. In late 1983 and early 1984, before Congress tem- porarily turned off the money spigot with the Boland Amendment, Reagan and CIA Director Casey laid plans for alternative funding of the Contras. This was done through subterranean channels with aid from Brunei, Saudi Arabia, and Israel. Private funds were tapped in the United States, South Korea, Taiwan, and Latin America. Primarily, however, governmental support continued under cover of private means used to distract the press and our own citizens.

Old CIA hands and covert warriors from adventures in Laos, Vietnam, the Bay of Pigs, Guatemala, and Chile returned to take part in the sale of weapons to the Ayatollah Khomeini in Iran and to wage war in Nicaragua, including Casey, Singlaub, Secord, and others. Lieutenant Colonel Oliver North coordinated the gathering of money and armaments and the training and direction of the forces we created: the Contras. What have we to show for all this? Perhaps we made the world safe for the United Fruit Company in Guatemala, for the moment. Concommitantly, however, we unleashed a ruthless militarist government and guerilla opposi- tion which together have killed thousands of their own countrymen. In Iran and throughout much of the Middle East, we are roundly hated. British and American interests are gone. Latin American movements toward economic and social reform and democratic government can hardly look to America for support. We have initiated coups against elected governments and supported ruthless military governments who wage war against their own people. Our efforts have exacerbated, if not precipitated, massive death and dislocation of millions of people in Asia. We are directly responsible for thousands of deaths and great suffering, including the dislocation of tens, if not hundreds, of thousands of people: Meo tribesmen from Laos and thou- sands from Cambodia, Vietnam, El Salvador, Guatemala and Chile. In our own country, we pay a price. Our laws governing war and violence, found in the Constitution, in statutes of Congress, and in international law, are shredded by an administration driven by an intense ideological zealousness unmatched in this century. We have created thousands of mercenaries, modem brigands, who fight for the highest bidder in Africa, Asia, and Latin America. Trained by the CIA or special forces, these men kill and corrupt for a fee. Congressional control of the war power, to decide for war or peace, ab- sent a sudden attack on our country, was meant by the framers to be complete. This control has been lost by congressional default as much as by presidential usurpation.

We are naive indeed if we believe that our domestic politics will not be affected by these methods and these practitioners of subversion. If our assurance of the righteousness of our goals is so complete that our means, however brutal, can be ignored, why should questions of law and morality stop the application to those in our own country who would obstruct our course? If, as Oliver North eloquently and starkly stated, our allegiance is to the leader who shares the end vision rather than to the constitutional system of democratic means, why not apply the same tactics to those of our fellow citizens who stand in the way? The participation by CIA agents Howard Hunt and James McCord in Watergate points the way. Our culture, already drenched with drugs, is subjected to new sources of cocaine and the criminal activity it spawns as sources in Laos and Thailand find their way here through the same murky channels that supply guns and money. Now we have as well Central American sources in Colombia, Costa Rica, Panama, and Nicaragua. We have, indeed, suffered an appalling loss of virtue. How did we get here? By what failure of leadership do we find ourselves initiating and sup- porting war, massive death, and suffering? The ferocity of our ideological struggle with the Soviets since World War II has blinded us to the dialectical relationship that always exists between ends and means. Perhaps the initiation of the Cold War with Russia so soon after the truly unique war against Hitler's Germany, coupled with the enormity of Stalin's crimes against his own people, seduced us into continuing our belief in a Manichaean world of moral black and white. We therefore continued O.S.S.28 activity, operating at the margin of law even during wartime, through the CIA into a time of peace. World War II has been called the last just war. We came close, at least, to objective good and evil in opposition to each other in that war, which was characterized by naked aggression and war crimes including the greatest crime against humanity of all time, the Holocaust. Within this mental paradigm of absolutes we continued the crusade, blinded to the dialectic between ends and means. With atomic and then hydrogen bombs in possession of an enemy who dominated Eastern Europe, then allied with a communist giant on the Asian continent, that we thought was behind much of the violence in the Third World, we felt we must act; yet, overt, acknowledged war was too danger- ous. A passage from the Doolittle Report of Covert Operations, commissioned by President Eisenhower, reveals the powerful ideological zealousness of the time: "Another important requirement is an aggressive covert psychological, political and paramilitary organization more effective ... and, if necessary, more ruthless than that employed by the enemy .... There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply.''29 Somehow we forgot, for a time, that such savage means - the world of car bombs and terrorism, paramilitary action, intentionally killing and maim- ing civilians, subverting legitimate government, corrupting mass media in other countries and in our own - would inevitably affect the end we sought: peace and justice in our own land.

Conclusions can be drawn and lessons learned from our experience with covert action since World War II. The first is an observation about the tension between a democratic society and covert operations. A democratic state is built on decisions made openly in public debate. This is a compelling necessity when questions of war and peace, life and death are at issue. Consensus, vital in the establishment and the conduct of foreign policy, cannot be achieved in secret. Consensus between the president and Congress can hardly occur when the Congress is deliberately kept ignorant of covert actions of the government. By nature and definition, covert actions cannot be preceded by public debate and public consensus. Nostalgic reminiscence of the Vandenburg era consensus by supporters of so-called "strong" presidential leadership in the conduct of foreign policy is understandable. And the goal, consensus between the political branches in the conduct of foreign policy, is desirable. However, the proponents of a strong presidential leadership in foreign policy must understand the relationship between covert action kept secret from the target of such action and covert action kept secret from Congress. Consensus between the political branches becomes impossible by definition. Covert action possesses limitations yet more devastating to real consensus. For consensus between the political branches in reality only mirrors consensus achieved among the electorate. The nature of covert action makes this impossible, at least before the fact. By definition, debate, legitimization, and wisdom from the electorate are unavailable. Critical flaws that would be apparent in the light of day do not appear. No debate occurs within government generally. Congress plays almost no role: "notification" at best going to a select few, dangerously close to an "old boy" network of senior committee chairmen and party leadership. Even debate between the White House and the Departments of State and Defense may be dangerously limited or nonexistent. Crucial parts of the Iran- Nicaragua affair, for example, saw White House control over the operations of clandestine activity go directly from the National Security Council to the CIA, excluding or ignoring the advice of cabinet officers at State and Defense. Even within the CIA, the "need to know" division between intelligence evaluation and clandestine operations may make the assessment of the former without any impact on decisions and operations of the latter. Treverton concludes, for example, that Allende in Chile was not toppled by a rogue ele- phant CIA that really believed that Allende was a threat to the United States. As his regime governed for a few years, CIA estimates as to the survival of democracy in Chile became more and more optimistic. Yet pressure from the Nixon White House on CIA operations was unrelenting, possessing a life of its own, powered by ideological zeal rather than political facts. Once on track, this operation ground to its conclusion, however brutal, self-defeating, and unnecessary, much like the disaster, one would think the obviously foreseeable disaster, at the Bay of Pigs. Failure at the Bay of Pigs cost hun- dreds of lives, crippled our influence in Latin America, and began a chain of events that almost led to nuclear war in the Cuban missile crisis. "Success" in Chile meant the death of thousands of Chileans and a few citizens of the United States under a bloodthirsty tyranny. It also meant the death of a cen- tury of democratic tradition in Chile, a commodity in short supply in Latin America. It is not obvious how our own national security was advanced. Of course, there is not simply a failure of the system if constitutional checks are available but are ignored. In supplying large numbers of our most lethal weapons to Iranian fanatics and terrorists, if the CIA is directed by the president not to comply with the law and inform Congress, and the objections of the administration's most senior cabinet officers in State and Defense are ignored, we pass the point where law and government may help. No system can protect us entirely from fools.

#### Bare life low—limits uniquely trigger it—voter for fairness

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(Ari-Elmeri, “POLITICS OF BOUNDARIES, BOUNDARIES OF POLITICS: Examining Political Communities with Arendt and Rorty”, <http://tutkielmat.uta.fi/pdf/gradu05489.pdf>, dml)

In relation to the competing theories, it was argued that the combined Arendtian-Rortian perspective can question the deadlock between the two existing, almost incommensurable thought-paradigms. From the perspective built in the present work, the p‘ost-structural ’criticism of Critical Theory is certainly correct in pointing out the dangers of its universalist outlook, and its overly consensus-and-validity-emphasizing way of looking at political discourse. At the same breath, we must also abstain from the opposite tenden- cy to escape the muddy waters of political reality into a formal, metaphysical analysis and to averse from an idea of political debate and institutional approaches altogether. The Arendtian-Rortian position devel- oped above is not a third way, an easy middle ground, between these two positions. It calls not for a compromise between the existing positions, but by acknowledging the strengths and weaknesses of both positions, it seeks to go beyond their horizon. That is, it seeks to approach the topic from an altogether **different angle**, urging us to start from where we are, from current institutions, and trying to ameliorate them, **increasing their inclusivism** **and** creating more possibilities for action. Political space will always have territorial-cum-institutional limits**, but we must constantly try to overcome** the form **and** the shape **of its present embodiments**, assessing them from the point of view of the idea of democratic and cosmo- politan existence. On this basis, we can re-approach the research questions that were set in the introduction. Firstly, in Arendts’ and Rortys’ conceptualizations, ethical-political communities are not merely political surround- ings or environments for individuals – they form the basis (but do not determine) for the use of judg- ment, **the ability to communicate**, and the ability to form beliefs. They are the primary openings from which things gain their meanings. Thus, **a life that is deprived of the possibility for speech and action**, like that of the stateless, **is a life that has been imposed to** one of the worst kinds of cruelty known. Both writers also envision a constellation of various communities, instantiating different ethical/political tasks on different scales. Moreover, even though limited communities are the main locus for politics, ethical- political communities should not delimit their membership **based on any** pre-given or n‘atural **’attribute**. Democracy works most effectively at the immediate level, but just for this **reason a great deal of atten- tion must be paid to the** institutional arrangements **that ensure the communication and responsiveness between different levels**. It is of utmost ethical and political urgency **that those who are kept out from public discourse**, **excluded from the community in the sense that** they are not taken as participants in public deliberation**, are listened to**. Refugees, for instance, are not to be taken as voiceless victims, but as potentially active participants in political deliberation, voicing from their own perspective what kind of aid and what kind of rights they should be granted. Paraphrasing Arendt, we could speak of a right to demand rights, a right that is the minimal step that needs to be taken before we can even talk about a right to have rights.

#### Our interp accesses the breadth of education --- that is more significant

**Colander and McGoldrick, 9 (**David, Professor of Economics at Middlebury College, and KimMarie, , professor of economics in the University of Richmond, *Liberal Education*, Vol. 95, No. 2 “The Economics Major and Liberal Education,” Spring)

The success or failure of a liberal education, or an undergraduate major, depends far more on how the educational process influences students’ passion for learning than it does on what specifically they learn. A successful liberal education creates a lifelong learner, and classroom instruction is as much a catalyst for education as it is the education itself. Because passion for learning carries over to other fields and areas, the catalyst function of education does not depend on content. Academic departments tend to focus on both the need for depth in the field and the need for specialized training as a component of liberal education. The push for depth over breadth by disciplinary scholars is to be expected. Just as a Shakespeare scholar is unlikely to be passionate about teaching freshman composition, a scholar of classical game theory is unlikely to be passionate about teaching general economic principles within the context of an interdisciplinary consideration of broad themes. Because breadth is not usually associated with research passion by disciplinary specialists, and because a college is a collection of disciplinary specialists, breadth often gets shortchanged; it is interpreted as “superficial.” But in reality, breadth pertains to the nature of the questions asked. It involves asking questions that are unlikely to have definitive answers—“big-think” questions that challenge the foundations of disciplinary analysis. By contrast, depth involves asking smaller questions that can be answered—“little-think” questions that, too often, involve an uncritical acceptance of the assumptions upon which research is built. Questions and areas of study have two dimensions: a research dimension and a teaching dimension. The disciplinary nature of both graduate education and undergraduate college faculties leads to an emphasis on “research questions,” which tend to be narrow and in-depth, and a de-emphasis on “teaching questions,” which tend to involve greater breadth. Economics has its own distinctive set of teaching questions: Is capitalism preferable to socialism? What is the appropriate structure of an economy? Does the market alienate individuals from their true selves? Is consumer sovereignty acceptable? Do statistical significance tests appropriately measure significance? It is worthwhile to teach such “big-think” questions, but because they do not fit the disciplinary research focus of the profession, they tend not to be included in the economics major. This is regrettable, since struggling with “big-think” questions helps provoke a passion for learning in students and, hence, can be a catalyst for deeper student learning. It is similarly worthwhile to expose students to longstanding debates within the field. For example, Marx considered the alienation created by the market to be a central problem of western societies; Hayek argued that the market was necessary to preserve individual freedom; and Alfred Marshall argued that activities determine wants and, thus, wants cannot be considered as primitives in economic analysis. Such debates are highly relevant for students to consider as they study economics within the context of a liberal education. But these kinds of debates are not actively engaged as part of cutting-edge research, which instead tends to focus either on narrow questions that can be resolved through statistical analysis or on highly theoretical questions that exceed the level of undergraduate students.

#### limits are bad

#### A) Prevents holistic education

**Miller,** Professor of Philosophy**, 98** George D, Negotiating toward truth: the extinction of teachers and students, Google Book

Compartmentalization prevents students from seeing the whole. When students are given only a focalized view of reality, then they become more alienated . I would like to expand on this alienation. The alienation arises, on the one hand, from drawing solutions from this compartmentalized solutions that do not work. Education fails to develop holistic perspectives on issues. Secondly, compartmentalized education retards solidarity. We only see our neck of the woods. We don't see how our neck of the woods interacts with other necks of the woods and how the necks of the woods are similar. Compartmentalized learning narrows perspectives.

#### b) Critical thinking

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The fact that the oppressed cannot perceive themes does not mean that themes are absent. It only means that the themes are deeply suppressed by the oppressors. The banking concept of education allows for only a fragmented perspective on reality. Critical thinking grasps interconnections and the whole. We know by understanding the relationship between the whole and the parts. This understanding illuminates limit-situations.

## 1AR

### fw

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(Claudia, “Law transformed: Guantanamo and the ’other’ exception”, Third World Quarterly, 28(3), pp. 489–501, dml)

Therefore, arguing that we should avoid the administrative aspect of law, its situation-dependent decisions, or subject it to forms of review and restraint (judicial review, ombudsman, etc.) does not contest the ‘other’ exception. Reinstating other forms of law as well as democratic procedures can be consonant with the concrete exceptions entailed by the necessities of a situation. What we need to contest is sovereign practices that are effacing the contingency of their own decisions by rooting themselves in concrete realities, the necessities of the given situation and incontestable renderings of what the ‘war on terror’ is.

## 2AR

### f-word k

#### In every way the f word is patriarchical and heterosexualizes violence and power

Johnson 97 (Allan Johnson, sociologist with 30 yrs teaching experience, 1997,  “The gender knot: unraveling our patriarchical legacy “, p.150)

The patriarchal form of heterosexuality is male dominated, male identified, male centered and organized around an obsession with control. As such, its social significance goes beyond sexuality per se, because it also serves as a general model for male dominance and for dominance and aggression in general. Whether the authority figure is a father, lover, husband, or employer, the underlying dynamic of control typically involves cultural themes tied to sexuality in one way or another. The common expression, “Fuck you!” for example, heterosexualizes aggression by identifying the aggressor with men who fuck and the object of aggression with women who are fucked. Similarly, being hurt or taken advantage of is often linked to heterosexual imagery, as in “I’ve been screwed,” “had, “taken,” or “fucked.” The language of warfare is full of heterosexual imagery, from ditties chanted by recruits in basic training (“This is my rifle, this (my penis) is my gun; this is for fighting, this is for fun”) to high command metaphors for nuclear destruction such as “going all the way” and  “wargasm.” Power is also heterosexualized, as in “screwing the competition,” the use of  “fucking “ as an adjective indicating something of awesome proportions (as in “fucking fantastic”), or the idea that men have the right to sexualize all women, including employees, co-workers, strangers on the street, and daughters.37 There is a popular romanticized notion that fathers should guard the sexual integrity of their daughters and maintain their own proprietary interest until they turn it over, reluctantly and sometimes with displays of jealousy, to husbands. The film Father of the Bride, for example, shows how far a father will go to act out jealousy over his daughter's impending marriage. We're supposed to take this as cute foolishness in spite of its clear basis in cultural images of daughters as romantic sexual property, images rooted in core patriarchal ideas about heterosexuality and its relation to male privilege and women's oppression.