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#### Contention 1: Harms

#### Welcome to the Predator Empire—executive authority over targeted killing is increasingly constituted by a disposition matrix that relies on an ethos of precision and total knowledge about the targets—this embeds an everywhere war into the fabric of political planning

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(Ian, “Predator Empire: The Geopolitics of US Drone Warfare”, Geopolitics Volume 18, Issue 3, 2013, dml)

Since 2010, Obama administration ofﬁcials have busily **constructed a database for** administering life and death. The “disposition matrix”1 as it’s called, contains a list of suspects targeted for elimination **across the planet**. These spreadsheets are now a **permanent feature** of US national security. Once upon a time, targeted killings were antithetical to the American way of war. During the Clinton cabinet, ofﬁcials debated ﬁercely about the legality of eliminating Osama bin Laden. Even by July 2001, the US ambassador to Israel said, “The United States government is very clearly on record as against targeted assassinations. . . . They are extrajudicial killings and we do not support that”.2 Now, targeted killings have become **so normalised** that the Obama administration is seeking ways to streamline the process. The disposition matrix was developed by Michael Leiter of the National Counterterrorism Center to centralise the kill lists across multiple state agencies, including the CIA and the Pentagon. The result is **a single, evolving database** in which “biographies, locations, known associates, and afﬁliated organizations are all catalogued. So are strategies for taking targets down, including extradition requests, capture operations and drone patrols”.3 This deadly form of bureaucracy4 suggests **the changing method of state violence**: the decentralisation of targeted killings across the globe and the simultaneous **centralisation of state power in the** executive branch of government. From soldier, to special op, to lethal bureaucrat, this complicated and evolving geopolitical picture, one underwritten by lawfare, drones, and Orwellian terminology, is very much **the new face of an old Empire.**

Of course, the post-2001 “Global War on Terror” began its life as a geographically and legally amorphous war, encompassing battleﬁelds and “black sites” that marked a new phase of American exceptionalism. The hunt for Osama bin Laden in Afghanistan and the counterinsurgency in Iraq mobilised billion-dollar budgets and legions of troops. But as the clock ticked, and cracks in the Project for the New American Century emerged, the borders of the “Global War on Terror” did not contract, **they expanded**. In secret and shadow, Pakistan, Yemen, and Somalia became targets in a low-level war that Obama’s White House ofﬁcially brands an ‘Overseas Contingency Operation’.5 Referring to this gradual expansion of state violence in spaces far removed from declared theatres of war, Derek Gregory describes an “everywhere war”6 that is deﬁned by **asymmetrical and paramilitary battles** in the borderlands of the planet. At the start of 2012, amid controversy stirred by hawkish congressmen, President Barack Obama and his former Secretary of Defense, Leon Panetta, unveiled a new national strategy built around the ~~unmanned~~ [unstaffed] aerial vehicle and special operations forces. Troop numbers are to be cut by as much as 100,0007 as part of a restructuring to create a “smaller, leaner” military that will no longer engage in large-scale counterinsurgency. In addition to presenting the kind of technological visions that Rumsfeld touted only a decade earlier, Panetta discussed a “ﬂoating base”8 that would serve special operations forces as well as drone units. Taking stock of these developments, the aim of this paper is to grasp the contours and consequences of this droniﬁcation of US national security under a label I name **the “Predator Empire**”.

The MQ-1 Predator (see Figure 1) is perhaps the most well-known of all military drones used today. It has a wingspan of 55 feet, a length of 27 feet, and can be remotely piloted from thousands of miles away via satellite communications. According to the US Air Force,9 “The Predator system was designed in response to a Department of Defense requirement to **provide persistent** intelligence**,** surveillance **and** reconnaissance **information** combined with a kill capability to the warﬁghter”. Its deathly name conjures images of a science-ﬁction dystopia, a “Terminator Planet”10 where robots hover in the sky and exterminate humans on the ground. Of course, this is **no longer science-ﬁction fantasy**. Drone operators sitting in a Nevada desert now control a ﬂeet of robots that can loiter above the landscape with advanced sensing capabilities and weapon systems – giving rise to the claim that drone warfare resembles a “video game” (see Figure 2). And yet, as Steven Graham reminds us, “The instinct to **technologise and distanciate** their killing power – to deploy their technoscientiﬁc dominance to destroy and kill safely from a distance in a virtualised ‘joystick war’ – **has been the** dominant ethos **of US military culture and politics** for a century or more”.11

The modern Predator drone dates back to the GNAT-750 (and “Amber” before it) ﬂown in Bosnia in 1994 by the CIA under codename “LOFTY VIEW”. Six years later in 2000, the CIA ﬁrst started ﬂying Predators in Eastern and Southern Afghanistan in the hunt for Osama bin Laden. The agency’s ﬁrst targeted killing took place on February 2002; the Counterterrorism Center unleashed a “Hellﬁre” missile at a “tall man” believed to be none other than the al-Qa’ida leader and his lieutenants. But the analysts had wrongly identiﬁed civilians gathering up scrap metal.12 All were killed. And in a mark of irony that often haunts the drone wars – the site of the strike was Zhawar Kili, a mujahideen complex built by Jalaluddin Haqqani in the 1980s with CIA and Saudi support.13 This model of extrajudicial killings, one developed almost exclusively in-house,14 would soon be rolled out across the Durrand Line to become the model of drone strikes in Pakistan. Since 2004, the Federally Administered Tribal Areas (FATA) has been the primary target for the agency’s clandestine attacks. Hundreds of civilians and thousands of militants have died15 in an undeclared war that generates international controversy for its seeming violation of national sovereignty and international law.16 While the number of drones carried by the CIA is classiﬁed, in 2012 the agency’s former director David Petreaus requested that the number of Predators and Reapers increase by 10, from an inventory of “30 to 35”.17

The CIA’s drone programme in Pakistan emerges from a history of targeted killings and counterinsurgencies, especially in Latin America and Vietnam.18 Ever since The National Security Act established the CIA in 1947, clandestine operations have deﬁned a “black world”19 of intelligence, surveillance, and extrajudicial activity that continues to swell and spread, blurring the division between military and civilian violence.20 **Targeted killings are a central US counterterrorism tactic** that came to prominence after Israel used them against suspected Palestinian terrorists in 2000.21 Although there is no agreed deﬁnition under international law, targeted killings are deﬁned by the UN as “the intentional, premeditated and deliberate use of lethal force”.22 The details of the CIA’s drone programme remain shrouded in secrecy, despite Obama’s admission on a “web chat” that he was keeping the strikes on “a tight leash”.23 On September 9, 2011, US District Judge Rosemary Collyer ruled that the CIA is not legally required to inform the public about the use of drones in the killing of suspected terrorists.24 Even if the exact details are classiﬁed, the White House and anonymous “ofﬁcials” implicitly justify the drone campaign with broader legal arguments such as the “inherent right to self defense” under Article 51 of the U.N. Charter.25 But perhaps any appeal to a legal argument is limited: law has never been a guaranteed check on sovereign power, whether declared or not – **often enabling and exacerbating it**.26 And 2011 will be remembered as the year when extrajudicial state violence reached an unprecedented milestone. On the 30th of September, a senior member of al-Qa’ida was killed in Yemen by a covert US drone strike. His name was Anwar al-Awlaki, born inside the US in 1971. As the American Civil Liberties Union (ACLU) responded, “This is a program under which American citizens far from any battleﬁeld **can be executed by their own government without judicial process**, and on the basis of standards and evidence that are kept secret not just from the public but from the courts”.27

As I will soon argue, drones were already cementing their position as a favoured option for US security in 2010. The 2010 National Security Strategy28 and the 2011 National Strategy for Counterterrorism29 state that the American way of life is threatened by geographically and legally amorphous al-Qa’ida ‘afﬁliates’ in regions that stretch from North and East Africa to the Arabian Peninsula, and beyond. These documents are important because they set in motion a set of speciﬁc responses “such that different referents of security give rise to different kinds of governmental technologies and political rationalities”.30 The drone emerges as one governmental technology able to hunt down afﬁliates “everywhere”. The next section of the paper will examine these strategic discourses in more depth, especially in light of the 2012 Defense Strategic Guidance31 that spelled the end of large-scale ground wars. My analysis then extends to a set of delegitimising discourses that challenge the abstract White House security and bureaucratic narratives, by reviewing interview materials from a 2010 report by Civilians in Armed Conﬂict (CIVIC)32 and a 2012 report by Stanford Law School and the New York School of Law.33 From these empirical materials I then make a number of theoretical points concerning the changing face of US national security or the “Washington Rules”.34

I employ the provocative concept “Predator Empire” as a way of bringing together **the** strategies**,** practices **and** technologies **arranged around the deployment of drones for targeted killings**. The Predator Empire is underwritten by a regime of biopolitical power that according to Foucault35 **has “**life**” as its target**. What, or rather who counts as life is understood in two distinct ways. First, there are the various known personalities that **make up the kill lists** on the White House’s disposition matrix. Second, there are the “patterns of life” that are coded and targeted by analysts and operators. Since 2008, the CIA has rolled out “signature strikes” in Pakistan that target individuals or groups that display “dangerous” or “suspicious” patterns of life. What makes these forms of targeted killing so controversial is that the person eliminated is not identiﬁed by staff in the CIA’s headquarters in Langley, Virginia. Instead, they exist asdigital proﬁles **across a network of technologies, algorithmic calculations, and spreadsheets**. The ability to strike distant targets in the far reaches of the planet is enabled by the evolution of a topographic and ground-based spatial power to an aerial and topological spatial power. While by no means denying the vast material infrastructure or ‘Droneworld’36 that houses unmanned aerial vehicles across the globe; the extensive digitising, coding, **and** eliminating **of life in “real time**” is what marks the Predator Empire as distinctive.

#### Wedding information to targeting has enabled a drive for absolute sovereign power that strives to manage life and death based on hypothetical risk scenarios crafted from its accumulated knowledge—this knowledge is always-already incomplete but the Predator Empire blames resultant failures on human error and not the fallibility of its technology—this reduces the bodies of targets to mere information and removes accountability from warfare

**Wilcox 9**—Macalester

(Lauren, “Body Counts: The Politics of Embodiment in Precision Warfare”, International Studies Association Annual Conference "Global Governance: Political Authority in Transition", dml)

Precision bombing, like its less accurate predecessor strategic bombing, is an exercise of sovereign power by deciding who die and who shall be left alone to live. Precision is about **the dream of** perfect vision**,** perfect knowledge**, and** communication of that knowledge. The vision of precision bombing, of **perfect accuracy in targeting** conveys a desire for absolute sovereign power—a desire manifest in the use of PGMs to target specific individuals, thus blurring the line between bombing and execution. **Wars are fought ‘humanely’**: for humanitarian purposes and waged with humane weapons and techniques (Coker 2001). Certainly the shift from the area bombing of World War II and Vietnam to the precision bombing of the Gulf War, Kosovo, Afghanistan and Iraq may parallel the shift from punishment to more ‘humane,’ biopolitical forms of warfare, in which preservation of (certain) lives is necessary for the strategic and political success of the war.

**Precision warfare involves** the management of risk **and** the management of death. Throughout the history of precision bombing, the military has focused on ever more ‘precise’ means of dropping bombs. One of the first tools, the Norden Bombsight, was said to be able drop a “bomb into a pickle barrel,” but its accuracy was measured in percentage of bombs hitting within a 1,000 meter radius of the given target (McFarland 1995). The CEP, or circular error probability, is how ‘precision’ is measured in laser or GPS guided munitions. The CEP measures the average distance from a target that the bomb will hit in terms of fifty percent of hits within a certain radius. The mean CEP in Gulf War was 100 feet, (Easterbrook 1991) while the mean CEP of bombed dropped in Iraq was twenty-five feet, meaning that **even if the bombs hit where they intended to,** massive amounts of damage nearby the target will like ensue. Precision bombing is getting more and more precise, and used as a greater and greater percentage of tonnage dropped. (Rip and Jasik 2002, 214, 224). However, combined with intelligence errors**,** targeting errors**, and** GPS errors, **‘precision’ missiles that can take out targets cleanly with little risk to the surroundings are** largely a myth.

Foucault’s critique of power/knowledge is also particularly relevant in terms of precision bombing. That bodies are made intelligible through knowledgeable discourses focuses our attention on the ways in which **the knowledge that is used in bombing is produced**. The aspiration for total sight, total destructive capability for the entire globe is not limited to the specifics of precision weapons systems, but **is a** defining component to the so-called Revolution in Military Affairs. The RMA is a discourse in which **information is** central **to warfare**, as “the new metaphysic of power” in warfare (Dillon and Reid 2001, 59). The creation, control, **and** transfer **of information are** crucial components **of the liberal war machine.** Proponents of the RMA proclaim knowledge as **the foundation of American military supremacy**. (Nye and Owens 1996). “Total Information Awareness,” is the goal of the Information Awareness Office, a DARPA program formerly symbolized by an all-seeing eye casting its laser-like gaze over the entire planet. The motto is, fittingly, ‘scientia est potentia,’ or ‘knowledge is power’. Ostensibly de-funded in 2003, its key projects have been funded under other programs. This is but one example of **the goal of a global ‘panopticon’** in order to ensure military superiority. This omniscient power is productive of a division of the world between those with the super-human visual capabilities and the objects of that knowledge, **produced as potential terrorists under the disciplining gaze**.

Precision warfare is also characterized by risk-aversion in both the means of fighting and reasons for war. While precision warfare involves constant calculation of risks to both soldiers and civilians, it should be noted that ‘risk’ as prevalent concern is not a concept that is essential and unavoidable. Kessler and Werner note, “risk is not a ‘thing’ **independent of human practices or social relations**. It is not a property of an objectively given reality, nor is it a psychological law. Rather, risk names the boundary of both what is known and unknown and the particular war in which the ‘unknown’ is made known,” (Kessler and Werner 2008). Risks are a product of **specific discourses of threat and danger** on one hand, and **technologies of control** on the other.

Cyborg/Prosthetic bodies

Feminist and other critical scholars have argued that discourses of dehumanization have **enabled killings to take place from a distance that** would not be tolerated **at close range**. Critical scholarship addressing contemporary warfare has often critiqued the use of precision guided munitions along with the portrayal of these weapons as a technological solution to the ‘fog of war’. ‘Precision bombing’ is seen as a myth, **as such weapons often** do not live up **to alleged ability to strike their targets precisely**, resulting in numerous deaths of civilians. **Precision warfare is a** technical fantasy, and serves as technology of **validating a type of warfare that is only available to a few.** Critical studies of precision bombing in contemporary warfare have argued that the legal and moral tenets of the just war doctrine and the laws of war have served to legitimize the high tech warfare associated with the use of PGMs (Smith 2002) (ah Jochnick and Normand 1994). The legitimacy accrued to the use of such technology is challenged by critics who see the benefits of the development and use of PGMs resulting less from a desire to spare civilians than to reduce the risks to servicemen and women and to garner and maintain support for overseas operations (Beier 2003) (Ignatieff 2001). Dubbed ‘risk-transfer warfare’ by Martin Shaw, risks that were once shouldered by combatants **are now borne by local allies and civilians**, who are at risk of being victims of small ‘accidental’ massacres, as well as indirect victims of infrastructural damage (Shaw 2002).

By privileging the question of just how ‘precise’ precision weapons are, both proponent and critics of precision warfare operate in the discourse of risk in which death and destruction are probabilistic rather than absolute. The deaths of civilians and ‘our’ soldiers are carefully managed. Patricia Owens argues that the ‘accidents’ in precision bombing that kill scores of civilians **are** not really ‘accidents’ per se, but are rather part of a discourse associated with technological progress **legitimizes such civilian deaths** under the guise of ‘accidents’ (Owens 2003). ‘Accidents’ furthermore **help sustain the hegemonic status quo** in which US and NATO campaigns are framed as ‘humanitarian’. The portrayal of civilian casualties as ‘accidents’ by officials and in the popular press along with constant claims of military planners of the precautions taken to avoid civilian casualties **serve to** shield **politicians and the military from responsibility for these civilian deaths**. ‘Accidental’ deaths are seen as inevitable even with the most precise weapons are used. The word ‘even’ here is instructive. **Accidental massacres are attributed to human,** not technological **error**. For example, the attack on Al-Firdos bunker in which three hundred civilians were killed is described as **one of the most precise of the war**: an intelligence failure as to the facility’s use was the only thing preventing this mission from being a complete success (Rip and Jasik 2002, 321). The bombing of the Chinese embassy in Sarajevo has been attributed to the use of outdated maps or to improper targeting information. The infamous bombing of a wedding party in Afghanistan has been attributed to errors made by the ground spotters. Thus, **even when technology enables the accidental massacre**, it is ultimately not to blame, it is human error that causes the technology to fail. Humans are fallible, but machines are not. **The machine represents the highest ideas of** rationality **and** perfectibility. To replace the human with the machine is **ideologically to remove risk, contingency from the battle space and** to have total control.

#### This method of management marks certain lives as killable based on their potential acts in imagined scenarios—this securitization of the future can only result in limitless violence

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(Liam, “Securitizing the Future? A Critical Interrogation of the Pre-emptive Turn in the Theory and Practice of Contemporary Security”, Presented at the Canadian Political Science Association Annual Conference Concordia University, Montréal, QC 1-3 June 2010, dml)

The preceding discussion has shown how the problem of uncertainty dictates that the logic of pre-emption and the securitization of the future that it embodies necessitate a wide and diverse deployment of sovereign power in the present. Moreover, the logic of pre-emption is premised upon the extension of sovereign control to the temporal realm, as the chief concern of security policy shifts from questions of deterrence, reactivity, and punishment toward the securing of one particular imagined iteration of the future in lieu of multiple potential others. The crucial role of imagination that results from the inherent unknowability of the future is important to consider in this respect, as the future that is being securitized— and thus in whose name exceptional interventions in the present are carried out—is always imaginary. This point has been taken up by critical security scholars, with Mark Salter (2008: 243) asserting that “[t]he logic of pre-emption prioritizes the power of imagination over the power of fact,” while Aradau et al. (2008: 152) contend that “the sovereign order is no longer simply that of decision, but also that of imagination.” What these observations imply is that, under the logic of pre-emptive security, exceptional practices can be (and are) enacted against an individual (or group) not on the basis of what s/he has done, or even on the basis of what s/he has indicated through actions or declarations that s/he might do, but rather on the basis of what it is imagined that s/he might one day think about doing—what Cynthia Weber (2007: 115), invoking Philip K. Dick, terms one’s “pre-thoughts.” Indeed, this very line of reasoning provided the impetus for the development of the category of “unlawful enemy combatant”, which was employed by the US to enable the indefinite detention of prisoners at Guantánamo Bay and other exceptional spaces in archetypal acts of pre-emptive security. These individuals were condemned by sovereign power solely on the basis of “imagined future harm they might cause, rather than past crime” (Ericson 2008: 63,my emphasis). 3

With the sovereign decision thus contingent upon imagined scenarios rather than explicit knowledge, a condition emerges in which no future is considered impossible and thus, by default, every individual—regardless of their particular characteristics—is a potential suspect and is placed upon a “continuum of risk” within the unlimited realm of the imaginary (Ibid.: 66; see also Ewald 2002). As Ericson contends, a security environment where imagination is the primary means of determining threat generates a regime of “universal suspicion that spells the end of innocence” (2008: 66.). The necessarily imaginary element inhering in the logic of pre-emption thus severs the link between factual knowledge and sovereign security practice, in that, once the accusatory imagination has been enacted, there is no way to explicitly prove a subject’s innocence since the accusation relates to an act or thought which has, by definition, not yet occurred (Aradau & Van Munster 2007). A crucial corollary of this condition is that the very basis of the juridical system of the liberal polity is fundamentally undermined, as the collection of evidence and its evaluation via the appropriate judicial procedures is rendered impossible when dealing with an imagined future offence, since the offence in question has not yet been conceived by the accused, let alone committed (Ibid.: 106). Thus, the pre-emptive security logics and their attendant practices operate under a condition where the established juridical order of a liberal state cannot apply, as the latter is simply incapable of accommodating the temporal problems that are inevitably raised. The extension of sovereign power to the temporal realm—which is the central function of the logic of pre-emption—thus serves to suspend the juridical order by default, as decisions regarding innocence and guilt relating to questions of security now become solely the purview of sovereign power. As the suspension of the juridical order is the central characteristic of the state of exception (Agamben 2005), it is thus clear that a security regime premised upon a logic of pre-emption enacts such a state, as the reach of sovereign power becomes immense and the potential for each individual to be subject to its violences is always present.

The implications of this determination for everyday life in ostensibly liberal polities are significant. Within such a security climate—where the juridical order is no longer applicable to questions of security—it is only sovereign power itself that is immune from potential pro/persecution (Ericson 2008: 67). Accordingly, the potential necessarily exists for what Agamben (2000) terms the “logic of the camp” to be enacted at any location—be it the detention centre, the airport, the border, or a London Tube station.4 What this signifies is that, even within “liberal” states ostensibly committed to the rule of law and the upholding of human rights norms, a security logic of pre-emption premised upon the primacy of imagination always already embodies the potential that anyone at any time may be inscribed as “bare life” by sovereign power (Agamben 1998). 5 Yet, returning to the question of temporality, the arbitrary violences inherent in these practices are not viewed as problematic under the logic of pre-emption precisely because they are enacted in the present—an ostensibly exceptional temporal space that requires sovereign intervention—in the name of that which is to be secured: the future. Moreover, as discussed above, the precautionary ethos based on the unknowability of the future that underwrites this logic necessarily favours action over inaction, thus ensuring both a high level of sovereign activity, and a concomitantly increased likelihood that mistakes will be made and violence will be done to innocent life. Indeed, as David Runciman (2004) asserts, the precautionary logic of pre-emption “does not take seriously enough the downside of getting things wrong.”

Thus, to summarize, under the logic of pre-emption, securing the future through the violent deployment of sovereign power in the present against individuals deemed guilty in a contingently imagined future is paramount, and the present consequences thereof cannot be deemed problematic if this logic’s prioritization of the future over the present is to be upheld. The potential for sovereign power to inscribe any individual as bare life in the present is thus an ineluctable feature of a pre-emptive security logic premised upon a securitized future. The present is thus constructed as an exceptional temporal space necessitating violent interventions and the suspension of the juridical order if this latter goal is to be pursued. Under the pre-emptive logic of contemporary security practices, then, the present is laid siege by sovereign power for the ostensible purposes of ensuring that a certain order subsequently emerges in lieu of all(risky) others at some indefinite future point.

A Logic of Absurdity

While a vast catalogue of literature has problematized states of exception akin to that which I have argued arises from pre-emptive security strategies on ethico-political terms, this is not the route the remainder of the paper will take. Rather, I intend to focus instead upon how the seemingly inevitable emergence of a temporalized exception as a consequence of preemptive security practices illustrates that the broader logic upon which the latter are premised is fundamentally absurd and theoretically incoherent. As a departure point for this discussion, it is important to consider that for all the insidious violences it enables and the cynical ways in which it has been implemented practically, the logic of the exception is nevertheless just that: a logical theoretical premise imbued with a degree of intuitive normative coherence—namely, the idea that exceptional measures are temporarily required for the restoration of a particular desirable condition of existence in the present (see Agamben 2005). 6 Yet, when the political condition in which the present is taken hostage in the name of the future that I have detailed heretofore is considered in relation to this logic, the fundamental absurdity of the idea of preemptive security begins to reveal itself. Indeed, the specific introduction of temporality into the concept of the exception—as is entailed by the notion of pre-emptive security—renders the underlying logic of the exception elementally incoherent, as the very nature of preemption ensures that the aims of its security project that are pursued through exceptional practices can never in fact be realized, thus permanently instantiating a state of exception in the present.

To elaborate upon this point—albeit at the risk of descending into obscure hypotheticals akin to the worst excesses of analytical philosophy—consider the claim that the pre-emptive security project is inherently unrealizable, and thus logically absurd, in terms of a metaphorical illustration consisting of a rider atop a horse. To induce the horse to run forward, the rider hangs a carrot on a string in front of the horse. Imagining the reward of eating the carrot in the future, the horse makes an intervention in the present—moving its feet—that it believes will allow it to secure possession of the carrot in accordance with the ideally imagined future scenario. However, the rider’s dangling the carrot at a specified distance from the horse ensures that there is always a separation between horse and carrot. Thus, regardless of the intensity (or violence) of the interventions that the horse undertakes in the present, it and the carrot will always remain separated and its ingestion of the latter will always exist only in the imagined future that is perpetually out of reach. Accordingly, no matter what the horse does in the present, its inexorable separation from the carrot ensures that this future will never be realized in the present. Yet the logic of its thinking continues to necessitate unending interventions in pursuit of that future, to the point where it will have done immense damage to itself (in the form of fatigue, for instance) in pursuit of a future that is by definition never achievable due to the perpetual separation between itself and the carrot. To return from this obscure digression to the specifics of this paper, then, the spatial separation between horse and carrot is analogous to the temporal separation between present and future within the context of pre-emptive security. Much like the thinking of the hypothetical horse, the logic of pre-emption is premised upon the notion that exceptional interventions are required at present to secure a particular imagined future. However, just as the perpetual spatial separation of horse and carrot ensures that the horse continues, ad infinitum, to vainly pursue a snack that will never be eaten, the necessary temporal separation of present and future ensures that, in a climate of pre-emptive security, the sovereign gaze will be perpetually fixed upon a future that will never actually arrive, since what was the future inevitably becomes the present, whereby it too becomes exceptionalized as a site of violent intervention in pursuit of securing what is the new future, and so on.

The logical absurdities underwriting the idea of pre-emptive security thus become clearer, as what results from the introduction of pre-emption into security logic is the necessary permanence of the state of exception in the present. To reiterate, under the logic of pre-emption, the passage of time ensures that the future will become the present, whence it too will be “taken hostage” by sovereign power in an effort to secure what is now the future, which by definition can never be arrived at due to the exigencies of time. The problem is thus that, while we may seek to secure the future, we nevertheless always exist and act in what might be termed the perpetual present, since the present is the only temporal space in which interventions can be practically undertaken and experiences of security can occur. The corollary is that, if the logic of pre-emption holds, the imagined future that these interventions are ostensibly enacted to secure is necessarily never realizable, since any evaluation of whether it has been securely realized can only occur in the present, which is always already constructed as a state of exception under the logic of pre-emption. Indeed, the present can never be(come) the ideally imagined future that is ostensibly being secured, since pre-emptive security’s focus upon the future-as-referent necessitates that the present can only ever be conceived as the exceptional temporal space in which interventions to secure that future are to be undertaken. The experienced present thus cannot ever be seen as a manifestation of the risk-free “future prefect”, since the inherent unknowability of the future is a constant threatening spectre in the present. This ensures that, under the logic of pre-emption, the present is inevitably and perpetually subject to arbitrary and potentially violent sovereign interventions.

#### We’re not invincible—this politics of controllability culminates in extinction—the aff is a paradigm shift that forces us to recognize the futility of our efforts to rationally manage the world—this is the prerequisite to a politics that better addresses global problems

**Peat 8 –** theoretical physicist, Ph.D., founder of the Pari Centre for New Learning

(F. David, “Gentle Action: Surviving Chaos and Change”, <http://www.gentleaction.org/library/paper2.php>, dml)

Many rapid changes that are taking place around us. These include globalization, developments in technology; fears of terrorism, the instability of the Third World; the rise of the Pacific Rim and a United Europe; the breakdown of inner cities; economics that appear to be out of control with the consequent challenges of inflation, recession and unemployment; spiraling health costs; revolutions in communication technology and information processing; the demands of consumers and special interest groups; threatened species and ecologies; the dangers of global warming and ozone depletion; increasing rates of teenage suicide and drugs use; the transformation of management and the breakdown of conventional institutions. Governments, institutions, organizations and individuals experience considerable anxiety in the face of such rapid change and **feel powerless to ameliorate the problems** that surround them. Indeed, it sometimes appears as if their plans and policies, as well as the traditional structures of their institutions, **are themselves part of the problem**. In so many cases policies, plans, interventions and other actions, all taken in good faith, have not only failed to resolve an existing situation but in many cases **have acted to magnify and render the problem even more intractable**. In other cases, the attempt to impose a solution in one location or context **has had the effect of creating an even larger problem elsewhere**. Organizations and individuals feel control slipping from their grasp and their natural reaction is to become even more intransigent in their attempt to clamp down on events and exert ever more control. **The result is a spiral of control that has literally gone out of control!** The realization that plans and policies are ineffective leads to a sense of depression and hopelessness. Faced with the insecurities and flux of the modern world many institutions fall into a state that, where it to be detected in an individual, would be diagnosed as manic-depression! How did this cycle of anxiety, hopelessness, panic and the desire for ever more control arise? I would argue that it is a paradigm of thought and behavior that originates in our particular view of reality, a view, moreover, that modern science had now demonstrated to be fundamentally erroneous. Thus, when our perception of the world around us is astigmatic, the actions we take become increasingly inappropriate and incongruous. It is only by entering into new modes of perception and acknowledging a new paradigm of reality that more appropriate forms of action can be taken. The Myth of Control One of the great themes of Western civilization, a theme of virtually mythic proportions, involves the way in which nature has been tamed and controlled over the course of the last few thousand years. Other cultures and civilizations have, for example, developed the techniques of farming but it appears that only the civilizations that expanded from their Neolithic birthplace in Northern Europe and the Fertile Crescent of the near East possessed the hubris necessary to impose themselves to such a marked extent upon the landscape. Thus, even in prehistoric times, European forests were cleared, marshes drained, vast tracts of land converted to farming, and tracks and walkways established as human beings sought to recreate the landscape according to their own needs. And, as ever more powerful technologies and social control became available, this path of domination continued. Within our own time, social critics have pointed out that this desire to exert control has led to our distancing ourselves from the natural world. The effect has been for us to place an **increasing faith in human reason, science, technology and the effectiveness of plans**, directives **and policies** while, at the same time, to decrease our sensitivity for the complex and subtle nature of the world around us. In short, **we tend to stand outside the world**, like observers, **indulging in constant analysis,** **making predictions and exerting corrective control** when situations do not move in the direction we desire. When human society and its associated technology were relatively simple and localized, and the resources that it called upon were unlimited, then this pattern of control was relatively successful. But as societies attempt to deal with ever more complicated issues, their boundaries became more open, their resources are found to be finite, the environment fragile, and technologies and world economics become increasingly complex then these conventional approaches simply fail. Ultimately, by virtue of its early success, the desire to dominate grew to the point where **it began to subvert itself and**, in the process, **endangered the whole planet**. And increasingly actions taken in one sphere **have unintended consequences in another**. Engaging complexity Over the last decades, however, there have been indications of a remarkable transformation within this traditional vision; a revolution in the perception of ourselves, our culture and the nature of reality that is truly Copernican in its implications. Just as in the 16th century astronomical observations were to dethrone the human race from a central place in the universe, so too in our own century relativity, quantum theory, chaos theory and systems theory, along with new insights in psychology, ecology and economics, have demonstrated the fundamental fallacy of our belief in definitive control. At the same time they are affirming our basic connectedness to the whole of creation. These scientific insights happen to have come at a time when the world has been experiencing rapid revolutionary change. States have risen and fallen. The notion of government is being transformed. Institutions are questioning their effectiveness. Businesses are desperately searching for new ways of operating. Technologies have developed so rapidly that people are unable to keep up with their implications. The overall effect has been to create **a profound sense of anxiety**, a fear that things are out of control, that the future is increasingly uncertain and that we have been left with nothing to hang on to. Yet what if this anxiety actually **points to an essential truth about the world**, that ultimately control and definitive prediction are strictly limited and that we must discover new ways of being and acting? Our current economic, social, ecological, environmental and institutional systems are now enormously complex to the extent that **we may never have complete knowledge** **about the inner dynamics of** such **systems**, nor the ability to predict exactly or exert total control. In this we can draw on metaphors from the new sciences of quantum theory, chaos theory, systems theory, and so on which also indicate essential limits to prediction, description and control. It is for such reason that so many of our plans and policies have been unable to meet the complexities of the modern world and why some supposed "solutions" have created even deeper problems and more intractable situations. The myth of eternal progress and control that has lain behind Western civilization can no longer sustain itself. The island of order and certainty on which we have been living has turned out to be not solid land but a rapidly melting iceberg, and we have no alternative but to **plunge into the boiling sea of flux, uncertainty and change that surrounds us**. The Dilemma of Action These are the dilemmas that many organizations find themselves in today, dilemmas that translate into the anxieties and uncertainties faced by many individuals. Programmed by their goals and mission statements, as well as by their very structures, many organizations inevitably seek ways of exerting control and believe that they must always take positive action in the face of uncertainty. Yet increasingly they discover that these actions are inappropriate. And so organizations, institutions, governments, groups and individuals retrench, break apart or in some other way get trapped into a spiral of ineffective decision making, paralysis and anxiety. These organizations, governments and institutions have been created according to our traditional image of reality; that is, of **a world that is external to us, predictable, relatively mechanical, and whose dynamics can be controlled** by the application of directed force. As a result, organizations are themselves relatively rigid in their nature, operating from fixed plans, policies and mission statements. Their internal structures are often hierarchical in nature, their lines of communication are limited rather than being flexible and dynamic, and their response to challenge and change is often predictable. In other words, most organizations are far less subtle and complex than the very systems they are attempting to address. **The basic problem** facing our modern world **is:** **How can society respond to the flux and challenge of the modern world** when all its institutions are inflexible and over-simplistic? When situations move more rapidly than an organization is capable of responding, policies and programs are outdated even before they are put into operation. Rather than acting to render organizations and policies more flexible, the apparatus of modern technology tends to **rigidify and entrench the problems** and rigidities that already exist within an organization. Organizations are composed of individuals and here too the conditioning of our society tends to inhibit natural creativity and abilities. Just as organizations have areas of rigidity, limitations also apply to the psychology of the individual. The issue becomes, therefore, one of freeing and fostering the natural intelligence and creativity of individuals and allowing them to operate fully within society, governments and institutions. In other words, how can organizations and individuals transform themselves so that they can become as subtle, sensitive, intelligent and fast-responding as the world around them? How can institutions heal their separation from society; society from the individual; and the individual from the natural world? Creative Suspension Paradoxically it is the very effort to change that establishes an internal resistance and rigidity that sustains the blocks that are to be removed. The first step towards transformation lies in an act of "**creative suspension" and "alert watchfulness**". This is an action that has the effect of relevating and making manifest the internal dynamics, rigidities, **fixed positions**, **unexamined paradigms**, **interconnections** and **lines and levels of communication** within the organization and the individual. A form of "creative suspension" is taught to paramedics and rescue workers who have to deal with serious accidents. While a layperson may wish to rush in an "help", a professional will suspend immediate response in order to make a careful assessment of the whole situation and determine how to use resources most effectively. Likewise doctors and paramedics made a visual examination of the wounded before carefully touching and then determining what medical action should be taken. The nature of this creative suspension is related to other approaches and techniques whereby unexamined assumptions and rigidities are brought into conscious awareness. For example, Sigmund Freud's notion of "non-judgmental listening" as well as various meditative practices. Artists, composers, scientists and other creative people often describe how their work unfolds from a form of creative "listening". These acts of listening and watchfulness have the effect of dissolving rigidities and rendering a system more flexible. Of course the lights will begin to flash and the alarm bells ring. Like Pavlov's dog an organization is conditioned to react and respond. But what if it does nothing--but it a very watchful way, and this applies not only to organizations but to individuals as well? The first stage will be one of panic and chaos, a flow of commands and information. All of this is not being generated by any external threat but through the internal structure of the organization itself. By remaining sensitive to what it going on it may be possible to become aware of the whole nature of the organization, of its values, the way its information flows, its internal relationships, dynamics and, in particular, its fixed and inflexible responses-- the organizational neuroses and psychoses if you like. Arthur Koestler suggested that a scientific revolution is born out of the chaos as a paradigm breaks down. It is possible that **something** **new and more flexible could be born out of the** break-down of fixed patterns in an organization, policy group or individual. Through a very active watchfulness it may be possible to detect its unexamined presuppositions, fixed values and conditioned responses and in this way allow them to dissolve by no longer giving energy to support them. The idea would be to permit the full human potential for creativity within each individual to flower, it would enable people to relate together in a more harmonious way and human needs and values to be acknowledged. In this fashion the organization or group dies and is reborn. In its new form it becomes at least as flexible and sensitive as the situation it faces. Now, using science, human creativity and the art of working with complex systems it may be possible to perceive a complex system correctly and model it within the organization. This new understanding would be the basis for a novel sort of action, **one that** **harmonizes with nature and society**, that does not desire to dominate and control and but **seeks balance and good order** and is based on respect for nature and society. Gentle Action explores images of new organizations and institutions that would be able to sustain this watchfulness. In place of relatively mechanical, hierarchical and rule-bound organizations there would exist something more organic in nature. In place of relatively mechanical, hierarchical and rule-bound organizations there would exist something more organic in nature. By way of illustrate one could draw upon ideas and concepts in systems theory, Prigogine's dissipative structures, cooperative and coherent structures in biology, neural networks, quantum interconnectedness and non-locality. In such a way organizations will be able to reach a condition in which they are as sensitive, subtle and as intelligent as the systems and situations that surround them. New Organizations, New Dynamics With this increased flexibility, organizations will now be able to internalize and model the complex dynamics of the systems that surround them. Rather than seeking to predict and control, they will now be able to enter the flux of change and engage in those actions that are appropriate to each new situation.

### Solvency

#### Contention 2: Solvency

#### A community of acknowledgement is crucial channel our complicities into mindful recognition of drone warfare and how it functions

Hughes 2012 (Evin, Georgia Southern Univ. [Float Like a Plane, Sting Like a Bomb: The Ethics of US Drone Attacks](http://nmcenter.org/attachments/awards_pieces/19/The_Ethics_of_US_Drone_Attacks.docx) [www.ncte.org/library/NCTEFiles/About/Awards/.../Hughes\_Evin.pdf](http://www.ncte.org/library/NCTEFiles/About/Awards/.../Hughes_Evin.pdf). edited for gendered/able-ist language)

What Ali was able to do through his nonviolent rhetoric that is still relevant to this day was successfully make millions of people “bear witness” to the violence and irrationality of war. For example, say you are watching the news with a roommate and the news anchor, within her nicely lit and air conditioned studio, talks in a monotone about the deaths of civilians in a Pakistani market by a drone strike, and your roommate immediately changes the channel, not giving the terrible story another thought. Your roommate doesn’t understand the gravity of that devastation any more than the news anchor does; neither understands the significant socio-economical problems that the drone strike has caused in that area. How about the [person] sitting behind the joystick, the Nintendo-war-controller, pressing the buttons to release the Hellfire missiles like Mario firing at Bowser? Though the drone operator of all people probably knows the extent of the devastation [they are] causing, [they refuse] to think about it, [they hide] the truth from [them]selves. The drone “pilot,” the unenthusiastic anchor, your roommate—they are all complicit. Shoshana Felman, influential in raising issues connected with Holocaust testimony and what is called the “crisis of witnessing,” says that those that misunderstand or hide what they see are unable to take that information and “translate…[it]…spontaneously and simultaneously into meaning” (Felman 212). Famous psychologists Sigmund Freud and Jacques Lacan described this as disavowal—a defense mechanism in which a person refuses to recognize the reality of a traumatic perception (Evans 44). Through speeches recited on college campuses, Ali urged thousands of students to bear witness to the problems of integration and segregation, hate, and the Vietnam War. In one such speech, he links the violence in Vietnam caused by the war to the violence in the states; he stated that he would rather fight what was going on in a legal way. Not by war in a foreign country, but by nonviolent resistance right here in the United States. “Whatever the punishment, whatever the persecution is for standing up for my beliefs, even if it means facing machine-gun fire that day, I’ll face it…” (Hauser 187). Through 6 this speech, Ali led as example to all those students in the crowd, to all those seeing and not choosing to accept reality, to all those in disavowal. What Felman proposes is a community of [acknowledgement] ~~seeing~~: a space into which “we can bring into consciousness what is unconscious in us”—like the college auditoriums and classrooms where Ali conducted his speeches—to analyze and make sense of events as a community (Amy 67). It is the very nature of the violence of the “war on terror” that does not allow a community of [acknowledgement] ~~seeing~~. The media-attack on these countries by ingratiating news anchors take the American people and place them onto a platform where they are unable to reach a community of seeing, unable to argue the ethics of this war. We are divided, separated from the truth. Democratic representatives John Conyers, Dennis Kuncinich and many more, were calling for a truth as a community of officials when they wrote letters to the president demanding for him to publicly release the criteria on which be would elect people to be attacked by drones on his infamous kill list (Heuvel)—there has been no more coverage of the letters in the media. Unless we become conscious as a community of the truth of the violence we are creating, unless we bear witness and develop a community of seeing, we are doomed to be “locked into violences we cannot escape” (Amy 69).

#### The refusal to deliberate over drone policy risks public apathy because of the invisible nature of drone warfare ---- the affirmative brings an opportunity to re-engage the public to challenge presidential action

Druck 2012 [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

The practical effects of this move toward a technology-driven, and¶ therefore limited, proxy style of warfare are mixed. On the one hand,¶ the removal of American soldiers from harm’s way is a clear benefit,124¶ as is the reduced harm to the American public in general. For that,¶ we should be thankful. But there is another effect that is less easy to identify: public apathy. By increasing the use of robotics and decreasing the probability of harm to American soldiers, modern warfare has¶ “affect[ed] the way the public views and perceives war” by turning it¶ into “the equivalent of sports fans watching war, rather than citizens¶ sharing in its importance.”125 As a result, the American public has¶ slowly fallen victim to the numbing effect of technology-driven warfare; when the risks of harm to American soldiers abroad and civilians¶ at home are diminished, so too is the public’s level of interest in foreign military policy.126¶ In the political sphere, this effect snowballs into both an uncaring¶ public not able (or willing) to effectively mobilize in order to challenge presidential action and enforce the WPR, and a Congress whose¶ own willingness to check presidential military action is heavily tied to¶ public opinion.127 Recall, for example, the case of the Mayaguez,¶ where potentially unconstitutional action went unchecked because¶ the mission was perceived to be a success.128 Yet we can imagine that¶ most missions involving drone strikes will be “successful” in the eyes of the public: even if a strike misses a target, the only “loss” one needs to¶ worry about is the cost of a wasted missile, and the ease of deploying¶ another drone would likely provide a quick remedy. Given the political risks associated with making critical statements about military action, especially if that action results in success,129 we can expect even¶ less congressional WPR enforcement as more military engagements¶ are supported (or, at the very least, ignored) by the public. In this¶ respect, the political reaction to the Mayaguez seems to provide an example of the rule, rather than the exception, in gauging political reactions within a technology-driven warfare regime. Thus, when the public becomes more apathetic about foreign affairs as a result of the limited harms associated with technology-driven¶ warfare, and Congress’s incentive to act consequently diminishes, the¶ President is freed from any possible WPR constraints we might expect¶ him to face, regardless of any potential legal issues.130 Perhaps unsurprisingly, nearly all of the constitutionally problematic conflicts carried out by presidents involved smaller-scale military actions, rarely¶ totaling more than a few thousand troops in direct contact with hostile forces.131 Conversely, conflicts that have included larger forces,¶ which likely provided sufficient incentive for public scrutiny, have¶ generally complied with domestic law.132¶ The result is that as wars become more limited,133 unilateral presidential action will likely become even more unchecked as the triggers¶ for WPR enforcement fade away. In contrast with the social and political backlash witnessed during the Civil War, World War I, the Vietnam¶ War, and the Iraq War, contemporary military actions provide insufficient incentive to prevent something as innocuous and limited as a¶ drone strike. Simply put, technology-driven warfare is not conducive¶ to the formation of a substantial check on presidential action.134

#### Specifically, engaging in political contestation to identify solutions for drones helps us learn about the details and actions necessary

Omar Bashir writes on “How to Improve the Drones Debate” in 2012 (Omar, Princeton PhD candidate. How to Improve the Drones Debate http://themonkeycage.org/2012/11/15/how-to-improve-the-drones-debate/)

Most news articles about drones cover some new development, claim to raise new ethical questions, and mention superficially the need for greater transparency and/or accountability. Specific recommendations for change are rare or rarely helpful ([this](http://www.washingtonpost.com/opinions/us-drone-war-demands-accountability/2012/11/01/56627964-2380-11e2-8448-81b1ce7d6978_story_1.html) recent editorial calls for strikes to be subject to congressional review, but they [already are](http://articles.latimes.com/2012/jun/25/nation/la-na-drone-oversight-20120625)). There may be an opportunity for political scientists to contribute by formulating and floating ideas about safeguards that address pressing ethical concerns. For example, it is common to hear calls for the introduction of oversight to drone campaigns. Political scientists generally have a good sense of which proposed institutional arrangements might provide successful oversight because we are trained to consider issues like incentive compatibility. Further, we’re likely to have knowledge of oversight institutions at work in other countries that might be emulated. My own [proposal](http://www.foreignaffairs.com/articles/138141/omar-s-bashir/who-watches-the-drones) is based on adaptation of the UK’s system of independent review for terrorism legislation. I think it addresses the single most important ethical issue regarding drone strikes: we have no way of knowing whether or not the U.S. government is acting in accordance with the requirements of necessity, discrimination, and proportionality. Inconsistent studies of post-strike damage have not settled the issue, and we can’t simply take the Obama administration at its word. Instead, the government needs something beyond existing congressional review to demonstrate credibly to audiences at home and abroad that too many civilians are not dying compared to the threat posed by targets and to show that there is appropriate cause for deeming individuals targetable. This oversight, which can ideally provide some indication when strikes begin to violate the requirement of proportionality, may be the key to preventing “endless war”: it might help us know when, if not already, campaigns have taken out so many targets that further killing cannot be justified. Clinton Watts and Frank Cilluffo propose another tangible solution that has a chance of being acceptable both to government and human rights advocates. Their idea is based on the modification of an existing American institution, the Foreign Intelligence Surveillance Act (FISA) court; it is covered in [this](http://selectedwisdom.com/?p=813) post. If you are aware of other proposals, please link them in the comments, and feel free to post your own ideas.

#### The United States Federal Government should statutorily prohibit presidential targeted killing authority.

#### Clear Congressional statements bring the issue out into the light of day and outline effective principles

McKelvey 11 (Benjamin, JD Candidate, Senior Editorial Board – Vanderbilt Journal of Transnational Law, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, November, 44 VAND. J. TRANSNAT'L L. 1353, <http://www.vanderbilt.edu/jotl/2012/06/due-process-rights-and-the-targeted-killing-of-suspected-terrorists-the-unconstitutional-scope-of-executive-killing-power/>)

VI.THE RESPONSIBLE WAY FORWARD: CONGRESS SHOULD EITHER PROHIBIT THE TARGETED KILLING OF AMERICANS OR ESTABLISH OVERSIGHT The targeted killing of Americans, as demonstrated by the Aulaqi case, presents complex questions of constitutional law that are not easily answered or resolved.199 This is more than an academic debate; the stakes are high, as targeted killing in its current form provides the Executive Branch with a power over American lives that is chillingly broad in scope.200 It is concerning that the President’s grounds for claiming this extraordinary authority are tenuous and subject to compelling challenges.201 Furthermore, the absence of basic due process protection in Aulaqi appears unconstitutional after Hamdi. 202 But the Aulaqi case shows that the constitutional objections to targeted killing cannot be resolved in federal court.203 For these reasons, Congress should intervene by passing legislation with the goal of establishing clear principles that safeguard fundamental due process liberties from potential executive overreach. A. Option One: Congress Could Pass Legislation to Establish Screening and Oversight of Targeted Killing As the Aulaqi case demonstrates, any resolution to the problem of targeted killing would require a delicate balance between due process protections and executive power.204 In order to accomplish this delicate balance, Congress can pass legislation modeled on the Foreign Intelligence Surveillance Act (FISA) that establishes a federal court with jurisdiction over targeted killing orders, similar to the wiretapping court established by FISA.205 There are several advantages to a legislative solution. First, FISA provides a working model for the judicial oversight of real-time intelligence and national security decisions that have the potential to violate civil liberties.206 FISA also effectively balances the legitimate but competing claims at issue in Aulaqi: the sensitive nature of classified intelligence and national security decisions versus the civil liberties protections of the Constitution.207 **A legislative solution can provide judicial enforcement of due process** while also respecting the seriousness and sensitivity of executive counterterrorism duties.208 In this way, congress can alleviate fears over the abuse of targeted killing without interfering with executive duties and authority. Perhaps most importantly, a legislative solution would provide the branches of government and the American public with a clear articulation of the law of targeted killing.209 The court in Aulaqi began its opinion by explaining that the existence of a targeted killing program is no more than media speculation, as the government has neither confirmed nor denied the existence of the program.210 Congress can acknowledge targeted killing in the light of day while ensuring that it is only used against Americans out of absolute necessity.211 Independent oversight would promote the use of all peaceful measures before lethal force is pursued.212

#### Clear statements are the best alternative to current open-ended mandates

Cohen 96 (Benedict S., Executive Director – House Republican Policy Committee, “Separation of Powers and Federalism in the 104th Congress,” Federalist Society, 12-1, <http://www.fed-soc.org/publications/detail/separation-of-powers-and-federalism-in-the-104th-congress>)

In the field of foreign affairs and war powers, the Republican leadership failed in its effort to roll back the most significant Watergate-era encroachment on presidential prerogatives. Repeal of the War Powers Resolution, a major priority for House Judiciary Committee Chairman Henry Hyde, Republican Policy Committee Chairman Christopher Cox, and Speaker Newt Gingrich, came up for a vote amid rumors of an imminent deployment of U.S. troops to Bosnia, and in that highly-charged environment was narrowly defeated. (The Administration's failure to support this effort was a significant factor in its defeat.) Similarly, the Senate took no action on S. 5, Senator Dole's comprehensive foreign policy bill, which would remove the Resolution's controversial triggers and timetables. By contrast, the leadership has been aggressive in asserting Congress' prerogatives in specific international contexts, usually through the power of the purse. For example, in autumn 1995 the House passed legislation barring the use of Defense Department funding for any ground deployment of U.S. forces to Bosnia lacking specific legislative authorization; a subsequent attempt on the eve of deployment to enact a direct bar on funding the deployment failed to pass the House. The Senate adopted a different approach, passing a bill expressly authorizing such a deployment but imposing a series of conditions on the authorization (including the arming and training of Bosnian Moslem forces). Neither the House nor the Senate bill became law. The President and Congress fought a war of attrition over executive privilege virtually throughout the 104th Congress. In January 1996, the House Government Reform and Oversight Committee subpoenaed several thousand pages of White House materials relating to Travelgate. After months of largely fruitless negotiations and last-minute White House concessions, the President, relying on a cursory opinion of Attorney General Reno, claimed executive privilege in May 1996 over some 2,000 pages of documents. The White House's political position in the document dispute was severely undercut when the Filegate scandal erupted in the summer of 1996; the mishandling of FBI files had been revealed by documents released by the White House in an earlier, incomplete document production. In August 1996, the President finally released the bulk of the remaining 2,000 pages of materials as the House was preparing to vote to hold his White House Counsel in contempt of Congress. In the waning days of the 104th Congress, the President asserted executive privilege over 47 documents sought by the House International Relations Committee bearing on Administration knowledge of Haitian government death-squad activities, as well as over a scathing memorandum from FBI Director Louis Freeh to the President lambasting the lack of "any true leadership" in the war on drugs. One bill introduced in the 104th Congress returns to the battlefields of the New Deal era. Rep. J.D. Hayworth's Congressional Responsibility Act attempts to revive the non-delegation principle by requiring legislative approval of regulations prior to their taking effect. The bill currently has 55 cosponsors, and was the subject of a hearing in the House Judiciary Committee's administrative law subcommittee in September 1996. Major issues from the more recent past that failed to stir significant activity or interest in the 104th Congress include the False Claims Act's qui tam provisions, widely viewed by conservative scholars as an unconstitutional usurpation of the Executive Branch's control over government litigation; the Ethics in Government Act's independent counsel provisions, which were reauthorized during the 103rd Congress after a brief lapse at the beginning of the Clinton Administration; and efforts to restrict federal courts' subject-matter jurisdiction, an issue that arose at the outset of the Reagan Administration. One bill with significant constitutional implications enacted just before adjournment was an Alternative Dispute Resolution measure that would permit federal agencies to submit to binding arbitration, but only up to the amount of the agency's settlement authority. During the Bush Administration, the Justice Department opined that the Appointments Clause permitted only Article III judges or executive-branch officers to bind the federal government. The Clinton Justice Department has now reversed this determination, arguing that the Appointments Clause is satisfied so long as a federal officer makes the determination to submit to binding arbitration. Federalism One highly significant change affecting both the courts and state-federal relations was the landmark amendment to the habeas corpus statute enacted as part of the 1996 antiterrorism legislation. This reform, which had been stymied in prior Congresses by some civil libertarians, was enacted over the Administration's strong opposition (including personal lobbying by the President) because of the public revulsion following the Oklahoma City terrorist attack. It limits prisoners to a single habeas petition unless subsequent petitions are permitted by the court of appeals, whose decisions on this point were made unreviewable. The bill also provided for a more deferential standard of review for state-court decisions. The Supreme Court unanimously upheld the legislation's denial of any appeal of the determination either to permit or deny subsequent habeas petitions, but avoided the constitutional issue by holding that the bill did not alter the Supreme Court's own original jurisdiction over subsequent habeas petitions--a reading of the 1996 enactment not contemplated by its authors, and the practical impact of which remains to be seen. In addition to restricting federal review of state criminal cases, the 104th Congress passed or considered a host of bills bearing on state-federal relations. At the macropolitical level, the states took center stage in some of the most controversial policy debates of this Congress, demanding that welfare, Medicaid, and federal public housing programs be transformed into block grants with very few federal guidelines. Although the President blocked such a reform of the huge Medicaid program, the co-payments for which now account on average for nearly 20% of state budgets, he ultimately signed welfare reform legislation providing vastly increased state authority over this former entitlement. In addition, a bill transforming the federal public housing program into a block grant passed both houses of Congress, and will likely be enacted next year. Congress also passed important legislation restricting its ability to enact "unfunded mandates," federal requirements for state and local governments unaccompanied by the funding necessary to implement them. To guard against future mandates, the bill creates a Budget Act point of order against bills or amendments containing such provisions. It also commissioned a study of existing unfunded mandates. In addition, Senator Spencer Abraham, one of the founders of the Federalist Society, and Rep. John Shadegg have introduced legislation which, like Rep. Hayworth's non-delegation bill, harkens back to the constitutional debates of the 1930's: their measures would require each bill or resolution enacted by Congress to cite the specific constitutional authority pursuant to which it is being enacted. Rep. Shadegg's bill, the Enumerated Powers Act, was cosponsored by 101 House members. Rep. Hayworth, moreover, has organized a Constitutional Caucus of more than 100 Members dedicated to devolution of federal authority to the states. In September, the President signed the Defense of Marriage Act. This legislation defines marriage for federal-law purposes as the union of two persons of the opposite sex; in addition, under the authority of the Full Faith and Credit Clause, Art. IV, sec. 1, which authorizes Congress to "prescribe the manner in which...Acts, Records and proceedings [of each State] shall be proved, and the Effect thereof," it relieves the States of any obligation under the Clause to recognize same-sex marriages in other States. Although the measure was attacked as a federal encroachment on traditional state jurisdiction over domestic law, it actually simply empowers (but does not require) States to maintain their own public policies with respect to same-sex marriage; under the same authority, Congress enacted legislation requiring the enforcement of child custody determinations, child support orders, and domestic violence protective orders in 1980 and 1994. Legal reform measures passed by the House and Senate also implicated the state-federal balance. The House-passed reform bill would have eliminated joint-and-several liability and capped punitive damages in almost all state and federal civil cases and implemented a number of significant reforms in the area of healthcare liability; the Senate passed narrower legislation limited to product liability. The Senate's narrower approach largely prevailed in the final legislation sent to the President, who promptly vetoed it. He, and other opponents of these reform measures, attacked them as an unprecedented federalization of state common law and civil procedures; reform proponents such as Judge Robert Bork argued that they were essential to protect interstate commerce from local depredations--the core purpose of the Commerce Clause. The recent tendency to federalize essentially local crimes, rebuked by the Supreme Court in United States v. Lopez 115 S.Ct. 1624 (1995), largely stalled in the 104th Congress: the main criminal justice bill enacted so far, the 1996 anti-terrorism bill, largely avoided any new incursions into intrastate crime and, through its habeas corpus reforms, relieved state criminal justice systems of an enormous burden of duplicative federal oversight. Other proposals that may bear fruit in future Congresses include Governor DuPont's interesting proposals for statutory advancement of federalism. He has suggested that Congress codify several "clear statement" rules, including requirements that absent a clear statement of Congressional intent the courts will not find that a statute preempts state law, or "infringes in any material way upon the authority and capacity of state and local governments to perform their basic and traditional functions"--in essence, a codification of the standard in National League of Cities v. Usery., 426 U.S. 833 (1976). Others have suggested codifying (and possibly making litigable) the requirement in President Reagan's Federalism Executive Order that federal agencies perform federalism impact assessments prior to initiating significant federal actions. The new assertiveness of the states found a **receptive audience** in the 104th Congress, and this development is likely to persist in the next Congress as well.

#### It’s a trump card to executive rationalizations

Sunstein 6 (Cass R., Karl N. Llewellyn Distinguished Service Professor in the Law School and Department of Political Science – University of Chicago, “Clear Statement Principles and National Security: Hamdan and Beyond,” Public Law and Legal Theory Working Paper No. 134, University of Chicago Law School, July, <http://www.law.uchicago.edu/files/files/134.pdf>)

2. Avoidances. Whatever the nature of the clear statement principle, it runs into a competing argument, grounded in the President’s own claims of constitutional authority. Suppose that the President has a legitimate argument that a limitation on his discretion would violate the Commander-in-Chief clause. If so, then there are two applicable clear statement principles, not merely one. Perhaps ambiguous statutes should be construed favorably to the President, so as to avoid the constitutional issue that would otherwise arise; perhaps Congress should be asked to speak clearly if it seeks to intrude on what might well be the constitutional prerogatives of the Commander-in-Chief. And indeed, Ex Parte Quirin seems to be animated by a clear statement principle in the President’s favor—with the apparent thought that the commission procedure there at issue raised no serious question of individual rights. We can certainly imagine cases in which the individual rights claim has no constitutional backing, whereas the President’s claim is plausible; this was apparently the view of Justice Thomas in Hamdan. If competing clear statements are in play, there are two possibilities. Perhaps the competing principles are offsetting; if so, neither is helpful, and the decision must be resolved on some other ground. More plausibly, the individual rights claim deserves a kind of interpretive priority and thus defeats the President’s claim so long as the statutory provision is ambiguous. In support of this view, consider the fact that the due process clause has priority over the exercise of executive power under the Commander-in-Chief clause, or for that matter the exercise of congressional power under the Commerce Clause. Under the founding document, individual rights operate as a trump on government authority; a similar idea justifies the interpretive primacy of clear statement principles on behalf of such rights.

#### Absent that, official silence leaves the debate shrouded in secrecy

Ishaan Tharoor writes about “The Debate on Drones” in 2013 that (Ishaan, writer for Times. The Debate on Drones: Away from the Politics, the Nameless Dead Remain Read more: <http://world.time.com/2013/02/08/the-debate-on-drones-away-from-the-politics-the-nameless-dead-remain/#ixzz2c3KKvqQS>)

What complicates those hundreds of civilian deaths is the official silence that surrounds them. The U.S. government has so far refused to publicly recognize its culpability in what are clandestine missions away from the Afghan theater of operations, while its Pakistani counterparts, who to an extent allowed and abetted the CIA’s drone program, would rather not own up to their own tacit role in supporting many of the strikes. “Both sides are trapped in their own double-dealing,” writes Pakistani journalist Ahmed Rashid in his new book, Pakistan on the Brink: The Future of America, Pakistan, and Afghanistan. “The Americans cannot discuss drones, because they are a classified CIA operation, while Pakistan pretends it never sanctioned the drones or provided intelligence to the United States, for fear of riling up the militants.” The awkward geopolitical pas de deux leaves the victims of drone strikes and their families in the dark. Some rights groups and activists have already started collecting testimony from villagers in places like North and South Waziristan. The aforementioned London-based Bureau of Investigative Journalism announced Thursday [a project to determine the names](http://www.thebureauinvestigates.com/2013/02/04/naming-the-dead-bureau-announces-new-drones-project/) of as many of the reported fatalities of drone strikes in Pakistan as possible. The endeavor will be a difficult one, not least because it will require prying information out of U.S. and Pakistani officials. “In the face of official secrecy, having the full facts about who is killed is essential for an informed debate about the effectiveness and ethics of the drone campaign,” said Christopher Hird, managing editor of the Bureau, in a statement posted on its website. [An editorial](http://dawn.com/2013/02/07/not-credible-enough/) the same day in the prominent Pakistani daily Dawn, concurred: “More information is needed to convince both Americans and Pakistanis that their civil liberties are not being eroded in the name of their security.” The more we learn about drones, the more we should know about who they kill.

#### Public criticism of specific governmental practices is key to check executive impunity

**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.”

#### Law can only be understood as a function of contingent practice—how we bring knowledge into play and question legal orthodoxy influences its conceptual integrity and power over political discourse

**Krasmann 12**—prof. Dr, Institute for Criminological Research, University of Hamburg [added the word “the” for correct sentence structure—denoted by brackets]

(Susanne, “Targeted Killing and Its Law: On a Mutually Constitutive Relationship”, Leiden Journal of International Law (2012), 25, pp. 665–682, dml)

It was only with President Barack Obama’s ‘drone program’30 that targeted killing operations were systematically and more openly employed in the fight against terrorism. Since Obama entered office, there has reportedly been a conspicuous increase of aerial strikes, mainly in Pakistan. Targeted killing became a subject of public knowledge and thus publicly visible.31 As a security technology assigned to the context of military operations, the term itself then came to represent a rather new phenomenon of (mainly drone-launched) air strikes on a foreign territory – which, of course, **does not preclude** intelligence **continuing to play a crucial role in the fight against terrorism** and accomplishing respective missions.32 Yet, within the ‘theatre of war’, as this telling phrase indicates, the practice of killing political opponents takes an entirely different shape. The exercise of sovereign power sees itself authorized to **address corresponding bodies of law**, notably around ‘self-defence’ and ‘armed conflict’. It is with these legal references that **a justification of targeted killing operations apparently** ceases to be required, according to US State Department Legal Advisor Harald S. Koh:

Some have argued that the use of lethal force against specific individuals fails to provide adequate process and thus constitutes unlawful extrajudicial killing. But a state that is engaged in an armed conflict or in legitimate self-defense is not required to provide targets with legal process before the state may use lethal force.33

At the very same moment as targeted killing entered the public stage, **it became legalizable**. It did so as a security dispositif by locating itself within the legal discourse and at the same time relocating elementary conceptions of existing international law.

It was the identification of a new dimension of threats that, in the first instance, paved the way **for targeted killing’s surfacing on the political and legal stage**. With the ability to utilize weapons of mass destruction or to display the capacity to invent such weapons, contemporary terrorism has been perceived as competing with the destructive power of states and, at the same time,34 being organized in transnationally operating networks, as an unforeseeable threat. The rationale of facing this threat no longer consists of deterring the attack by a known enemy state, but of **pre-empting ‘the danger before it is known’ and** before it has a chance to even emerge.35 If international law was prepared to accommodate targeted killing in legal terms, this was also the case because radical uncertainty, in the sense of the unforeseeable and possible, **had already been introduced into legal reasoning**.36 The precautionary logic **constitutes a** crucial feature **of the new security dispositif – and a** condition of possibility **for targeted killing to be embraced by international law.** As a dispositif, targeted killing entails the claim of its being an appropriate response to the new dimension of threats. Its promise is that a limited, or ‘surgical’, intervention brings about the greatest effects. The rationale is to intercept, or preempt, any preparatory terrorist action and thereby figure out the source of the problem – in the present context, leaders and core figures of a terrorist organization – in order to disrupt the whole matter. Terror networks, through this lens, then, appear to be the mirror image of this dispositif. Rather than merely being a response to the presumed problem, targeted killing asserts that this kind of organization would in fact be its very structure. It thus **relocates the legal notions of war and self defence**, once clearly attributable to ‘the political space of sovereignty’,37 within an entirely new constellation. What is at stake is no longer the idea of a confrontation between states, but rather the concerted acts of individuals.

If targeted killing could re-emerge as a new phenomenon and **legitimate subject of legal debate**, gradually losing resemblance to the classical forms of political assassination, this induced a distinctive kind of politico-legal question. The fight against terrorism, namely, is to be assigned to the legal sphere of either warfare or crime control. This decision makes a considerable difference as regards both the rights of state authorities to exercise lethal force and the due-process guarantees of the impacted individuals.38 It is, however, only the traditional notion of sovereign states that suggests a clear distinction be made between foreign and internal affairs, military and criminal cases, war- and peacetime, in accordance with bodies of law. Reluctance to accept targeted killing as a legitimate measure, even when basically assenting to ‘the morality of killing in the context of war’,39 within this framework seems quite rational – that is to say, once targeted killing is regarded as being an instrument of ordinary law enforcement.40 Those clear distinctions, however, have always been an idealization. Wartime, which is thought of as an exception to the norm, intrudes into everyday life through both memories and anticipation.41 The presence of past wars in public debates is as much a testimony to this phenomenon as current political invocations to prepare for the next attack. There is also continuity between war- and peacetime that is reinforced by technologies and institutions.42 **The convertibility of military into civilian techniques**, and vice versa, is to mention just one facet: **the possible** double use **of drones in war- and in peace times another**. It is only the awareness of boundaries being blurred that is a rather recent phenomenon.43 And, in fact, to the extent that targeted killing replaces the notion of assassination, the targets themselves are no longer civilian political leaders, but terrorists44 – a term that comes to be located within the juridical debate beyond the distinction of soldier or civilian. If targeted killing today in the fight against terrorism appears to be an appropriate security technology, embedded within international law, this acceptance in turn is evidence of a new security dispositif’s becoming the norm.

Within a Foucauldian perspective, talk about a new security dispositif does not imply that one dispositif would replace the other altogether, but rather that established notions and practices become relocated and linked to new ones. Sovereign power thus in no way loses its significance, but sees itself **confronted with new challenges and obligations, and endowed with** new momentums **of authorization**. Targeted killing, in this sense, itself shapes state formation,45 namely **our understanding of** sovereignty, of **the** rule of law**, and** of **what is** a legal **and** an illegal practice. Rather than asking whether international law competes with the sovereignty of states, focus, within this perspective, is on how sovereignty transforms and constitutes itself anew by enforcing international law; how distinctions are being made, for example, between national and international legal matters or between laws of war and ordinary law enforcement; and what kinds of concept underlie legal norms and are being inscribed into the law.

3. A FOUCAULDIAN PERSPECTIVE ON LAW

Foucault did not elaborate on a comprehensive theory of law – a fact that critics have attributed to his allegedly underestimating law’s political and social relevance. Some statements by Foucault may have provoked this interpretation, among them his assertion that law historically ‘recedes’with,46 or is **being ‘colonized’** by,47 forms of knowledge

that are addressed at **governing people and populations**. It is, though, precisely this analytical perspective that allows us to capture **the** mutually productive **relationship between targeted killing and the law**. In contrast to a widely shared critique, then, Foucault did not read law merely as a negative instrument of constraint. He referred, instead, to a particular mode of juridical power that operates in terms of repressive effects.48Moreover, rather than losing significance coextensively with the ancient sovereign power, law enters new alliances, particularly with certain knowledge practices and attendant expertise.49 This linkage proves to be relevant in the present context, considering not only **the interchange between the legal and political discourse on targeted killing**, but notably **the relationship between law and security**.

According to Foucault, **social phenomena** cannot be isolated fromand are only decipherable **within the** practices**,** procedures**, and** forms **of knowledge that allow them to surface as such**.50 In this sense, ‘all phenomena are singular, every historical or social fact is a singularity’.51Hence, they need to be studied within their historically and locally specific contexts, so as to account for both the subject’s singularity and the conditions of its emergence. It is against this background that a crucial question to be posed is **how targeted killing could emerge on the political stage as a subject of legal debate**. Furthermore, this analytical perspective on power and knowledge intrinsically being interlinked highlights that **our access to reality** always entails a productive moment. Modes of thinking, or what Foucault calls rationalities, **render reality conceivable and thus manageable**.52 They implicate certain ways of seeing things, **and they** induce truth effects whilst translating into practices and technologies of government. These do not merely address and describe their subject; they constitute or produce it.53

Law is to be approached accordingly.54 It cannot be extracted **from the forms of knowledge that enact it**, and it is in this sense that law is only conceivable as practice. Even if we only think of the law in ideal terms, as being designated to contain governmental interference, for example, or to provide citizens’ rights, **it is already a practice and** a form of enacting the law. To enforce the law is always a form of enactment, since it involves a productive moment of **bringing certain forms of knowledge into play and of** rendering legal norms meaningful **in the first place**. Law is susceptible to certain forms of knowledge and rationalities in a way that **these constitute it and shape legal claims**. Rather than on the application of norms, legal reasoning is on the production of norms.

Legality, within this account of law, then, is not only due to a normative authority that, based in our political culture, is external to law, nor is it something that is just inherent in law, epitomized by the principles that constitute law’s ‘innermorality’.55 Rather, **the enforcement of law and its attendant reasoning produce their own –** legal **– truth effects**. Independently of the purported intentions of the interlocutors, **the juridical discourse on targeted killing leads to**, in the first instance, conceiving of and receiving the subject in legal terms.

When targeted killing surfaced on the political stage, **appropriate laws** appeared to be already at hand. ‘There are more than enough rules for governing drone warfare’, reads the conclusion of a legal reasoning on targeted killing.56 Yet, accommodating the practice in legal terms means that international law itself is undergoing a transformation. The notion of dispositifs is useful in analysing such processes of transformation. It **enables us to grasp the** minute displacements **of established legal concepts** that,57 while undergoing a transformation, at the same time **prove to be** faithful to their previous readings. The displacement of some core features of the traditional conception of the modern state reframes the reading of existing law. Hence, to give just one example for such a rereading of international law: legal scholars raised the argument that neither the characterization of an international armed conflict holds – ‘since al Qaeda is not a state and has no government and is therefore incapable of fighting as a party to an inter-state conflict’58 – nor that of an internal conflict. Instead, the notion of dealing with a non-international conflict,59 which, in view of its global nature, purportedly ‘closely resembles’ an international armed conflict, serves to provide ‘a fuller and more comprehensive set of rules’.60 Established norms and rules of international law are preserved formally, but **filled with a** radically different meaningso as to eventually integrate the figure of a terrorist network **into its conventional understanding**. Legal requirements are thus meant to hold for a drone programme that is accomplished both by military agencies in war zones and by military and intelligence agencies targeting terror suspects beyond these zones,61 since the addressed is no longer a state, but a terrorist network.

However, to conceive of law as a practice does not imply that law would be susceptible to any form of knowledge. Not only is its reading itself based on a genealogy of practices established over a longer period.62 Most notably, the respective forms of knowledge are also embedded in varying procedures and strategic configurations. If law is subject to an endless deference of meaning,63 this is not the case in the sense of arbitrary but historically contingent practices, but in the sense of historically contingent practices. Knowledge, then, is not merely an interpretive scheme of law. Rather than merely on meaning, [the] focus is on practices that, **while materializing and producing attendant truth effects,** shape the distinctions we make **between legal and illegal measures**. What is more, as regards anticipatory techniques to prevent future harm, this perspective allows for our scrutinizing the division made between what is presumably known and what is yet to be known, and between what is presumably unknown and has yet to be rendered intelligible. This prospect, as will be seen in the following, is crucial for a rereading of existing law. It was the identification of a new order of threat since the terror attacks of 9/11 that brought about a turning point in the reading of international law. The identification of threats in general provides a space for transforming the unknowable into new forms of knowledge. **The indeterminateness itself of legal norms proves to be a tool** for introducing a new reading of law**.**

# 2ac

## Permutation

#### Permutation do the plan and separate us from the phallocentric logic of the polis. A method of radical female revolution through a lesbian separatist society refuses male presence.

#### The 1nc’s framing of the rejection of drones as incompatible with feminism is wrong – the most transformative option is to DO BOTH – radical opposition to both drones and patriarchy embraces nonviolence and intersectional subject positions, that in the context of drones are key to solve – warning this card is really long, but answers 1nc tax

Johnson, 12 [Rebecca, Rebecca Johnson is the Executive Director of the Acronym Institute for Disarmament Diplomacy and Co-Chair of the International Campaign to Abolish Nuclear Weapons (ICAN).The politics of alliances: feminist peace action, drones and Code Pink, http://www.opendemocracy.net/5050/rebecca-johnson/politics-of-alliances-feminist-peace-action-drones-and-code-pink ]

The danger with framing the arguments through an attack on Code Pink’s campaign against the use of remotely-controlled drones in Pakistan is that it sets up a false dichotomy – **opposing the drones versus supporting women’s** rights. Tax characterises Code Pink as acting as if ‘Drones are suddenly the greatest source of evil in the world’. Reading Code Pink’s website and other communications, it is clear that they do not subscribe to such a simplistic position. Their work on drones – and trip to Pakistan – is an integrated part of their much broader range of antiwar, peace and justice work, which also includes mobilising for next year’s Billion Women Rising campaign to stop rape and violence against women. Implying that Code Pink’s campaign to ban drones is somehow condoning the Taliban’s terrorism against women and girls is a kind of zero sum thinking **that I thought feminist peace activists had** shaken off in the last century**.** Back then, we were accused of advocating murder when we campaigned for reproductive rights, and of condoning Soviet human rights abuses when we campaigned against nuclear weapons in our own countries. Of course we rejected these binary “either-or”, “enemy-friend” simplifications and campaigned against Soviet nuclear weapons as well as American and British, and for dissidents on both sides of the Iron Curtain. When a handful of academics denounced the Greenham Common Women’s Peace Camp in the 1980s as selling out feminism because we claimed a women-only space on what they considered to be a ‘male’ issue like nuclear weapons, they were the ones that seemed left behind. As many writings from Greenham, Women in Black and Code Pink make clear, feminist action against war isn’t about weapons instead of women’s rights, but about both. We of all people should understand that **war is incompatible with women’s rights** and needs. Women are first in line to lose their rights, security, sexual autonomy and lives when the violent manifestations of patriarchy such as weapons and war are left in the hands of male ‘defenders’. Juxtaposing these connected priorities as if they were opposites is a popular tactic among our patriarchal opponents to divide and rule. Of course we must unequivocally oppose terrorism, violent extremists and religious and political fundamentalists, but we must also oppose weapons, war and torture. As others have noted and history confirms, terrorists thrive where their opponents also use cruel and unjust means. We also need to be critical of antiwar spokespeople that appear to play to fundamentalist galleries and push women aside as they cosy up to violent men. Tax was right to condemn those attitudes, but she misrepresented Code Pink’s position when she implied the same of them, as Medea Benjamin has made clear. The use of drones is increasing in warfare, with deeply worrying consequences. Politicians and their militaries like them on the expedient grounds that they can be specially targeted against individuals while keeping US and British troops at a safe distance. As feminist peace activists we should reject such justifications for extra-judicial murder in the name of war. **If we turn a blind eye** now because drones are targeted at “terrorists” or “Taliban”, who will be targeted next, and with what? Technologies to make even deadlier killer robots are already in the pipeline. In the last few years, drones have killed some 3,000 civilians, in Pakistan, including many women and children. Compare the military justification for using drones with the Taliban’s justification for ordering their human drones to to murder Malala because, they said, her campaign for girls’ education was a threat to Islam. As feminists we must empower and protect every Malala, but also speak for the hopes and dreams of the 14-year old girls who are in the wrong place when a drone blows up their home because some distant military analyst thinks someone nearby is a legitimate target. So I think Code Pink are right to campaign for drones to be banned. Most of their activities on this have been focused in the United States, which arms, targets and funds nearly all of the drones used in Afghanistan and Pakistan. There is a difference between what Tax labels “imperial narcissism” and taking political responsibility to change the militaristic and war-mongering policies and actions of our own elected governments, as Women in Black, Greenham women and other feminists have done. That Code Pink was prepared to confront their own politicians and military officials was something I have liked and admired over the years since I first encountered them in Washington DC, on one of their very first demonstrations against the war on Iraq, timed to link with International Women’s Day, March 8, 2003. As a Greenham woman, I loved Code Pink’s energy, feminist challenges to patriarchal norms and oppressions, nonviolent actions, serious anti-militarist responsibility and an irrepressibly imaginative and funny deflating of military pomposity and fear-mongering. The major challenges in Tax's article concerned the political wisdom and implications of joining a coalition led by Imran Khan, and whether Code Pink contacted progressive women’s groups in Pakistan before going. I do not have enough direct knowledge or information about Khan’s links or positions, but agree that non-imperialist activism in other countries requires us to consult first and foremost with like-minded civil society representatives on the ground, to listen to what they are telling us about their situation and what they would see as useful (or not useful) for us to do. Taking part in coalitions can be an important tool to amplify effectiveness on a specific shared objective, but the politics of such alliances need to be carefully evaluated, including whether the views of others in the coalition will undermine our broader political aims and identity, and whether it would be valuable to raise awareness of problems or abuses inside as well as outside the coalition. Avoiding coalition politics may keep us ideologically pure, but at the risk of becoming marginalised, isolated and irrelevant on at least some of the issues where we could make a difference through collective action. Choices have to be made, and they should be as informed as possible. If Khan is as bad as Tax writes, and was using Code Pink’s participation for his own political ends, consulting with Pakistani feminist groups would have enabled Code Pink to avoid such a trap and plan a strategy that would support feminist civil society objectives and avoid being co-opted for the political interests of others. Benjamin has said that they met with many women’s groups and activists once they got to Pakistan. If they didn’t do so before, then this is an important lesson worth learning: connecting with women on the ground is not only a principle and a basic courtesy, but also important for getting the strategies right. Yet I can’t help thinking that by the same feminist principle, Tax should have talked to Code Pink early on to raise her concerns about their anti-drone actions and alliance with Khan. Her response that she didn’t have to consult with Code Pink because the debate should be in the open begs several questions. Talking to women on the ground in advance of taking action does not necessarily mean changing or halting what you are doing if they don’t like it. As a long-time activist with Women in Black and other feminist peace networks, I am aware that different women’s groups and activists are influenced by countervailing political factors and may give conflicting advice and appeals. For example, some Israeli feminists and activists opposing the Occupation support an academic boycott, while others reject this tactic: both have strong, credible arguments to back their positions. Consulting and connecting with women on the ground means respecting and listening to their experience, knowledge and views, and taking those into account in our own actions. It does not necessarily mean doing what they ask. As feminist activists – particularly from countries that arm or attack one (or more) sides in military conflicts – we still have to assess the complexities and challenges for ourselves, and decide what we think is the best course of action for peace and justice. We may get it wrong, but at least we will have paid attention to the views of those most directly involved, and our actions would be better informed. If Tax had talked to Code Pink about their strategy and actions she could still have decided to take her concerns into open debate, but at least (we hope) she would have been better informed about their thinking, aims and choices. This debate has served to highlight the intersecting roles and responsibilities of feminist activists and writers. Both seek to turn complex realities into simpler more accessible arguments and images to inform and persuade, and both have responsibilities to speak truth to power and listen to others. We come from many different backgrounds, with different experiences, analyses and baggage. We **have much to learn from each other in** open debate and exchange. But we undermine each other – and our own credibility – **if we use tactics of oversimplification and condemnation when disagreeing with the actions of others**. It was no doubt an unintended consequence – but should have been foreseeable – that various defenders of the patriarchy and militarism siezed on Tax's criticisms as an opportunity to uphold drone warfare and dismiss Code Pink’s peace and justice activism across the board. While questioning is important for our growth and effectiveness, we must be careful to support and listen as well, and do our utmost not to undermine each other. After all, there aren’t yet enough brave, committed, irreverent, determined, nonviolent feminist activists to change the world.

#### Alternative alone can’t solve – focus on tactics and strategy key

**Saloom JD UGA, 6**

Rachel, JD Univ of Georgia School of Law and M.A. in Middle Eastern Studies from U of Chicago, Fall 2006, A Feminist Inquiry into International Law and International Relations, 12 Roger Williams U. L. Rev. 159, Lexis

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal. [98](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53#n98#n98) Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some  [\*178]  feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that "sites of resistance are always available to those who oppose the status quo." [99](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53#n99#n99) Enloe suggests that since the world of international politics has been made it can also be remade. [100](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53#n100#n100) She posits that every time a woman speaks out about how the government controls her, new theories are being made. [101](http://web.lexis-nexis.com/scholastic/document?_m=a2ac53a45e1fe17371cdbaa2cf370390&_docnum=3&wchp=dGLbVzW-zSkVk&_md5=2c8e9aab339ea5ca4d4f4fae4578bb53#n101#n101) All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of rethinking traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe's plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women's ability to speak up, challenge, and change the system.

## Ellis

#### The AFF’s approach to the topic is a method for dispute resolution – normative policy prescriptions are educationally valuable and don’t deny agency

Ellis, et al, 09 [Richard, LOL that’s my Debate partner, but actually…. Ph.D. University of California, Berkeley, degree completed December 1989, M.A. University of California, Berkeley, Political Science, 1984, B.A. University of California, Santa Cruz, Politics, 1982, Debating the Presidency: Conflicting Perspectives on the American Executive, p. google books]

In 1969 the political scientist Aaron Wildavsky published a hefty reader on the American presidency. He prefaced it with the observation that “the presidency is the most important political institution in American life” and then noted the paradox that an institution of such overwhelming importance had been studied so little. “The eminence of the institution,” Wildavsky wrote, “is matched only by the extraordinary neglect shown to it by political scientists. Compared to the hordes of researchers who regularly descend on Congress, local communities, and the most remote foreign principalities, there is an extraordinary dearth of students of the presidency, although scholars ritually swear that the presidency is where the action is before they go somewhere else to do their research.”1 Political scientists have come a long way since 1969. The presidency remains as central to national life as it was then, and perhaps even more so. The state of scholarly research on the presidency today is unrecognizable compared with what it was forty years ago. A rich array of new studies has reshaped our understanding of presidential history, presidential character, the executive office, and the presidency’s relationship with the public, interest groups, parties, Congress, and the executive branch. Neglect is no longer a problem in the study of the presidency. In addition, those who teach about the presidency no longer lack for good textbooks on the subject. A number of terrific books explain how the office has developed and how it works. Although students gain a great deal from reading these texts, even the best of them can inadvertently **promote a passive learning experience.** Textbooks convey what political scientists know, but the balance and impartiality that mark a good text can **obscure the contentious nature** of the scholarly enterprise. Sharp disagreements **are often smoothed over** in the writing. The primary purpose of Debating the Presidency **is to allow students to** participate **directly in the ongoing real-world controversies swirling around the presidency and to judge for themselves which side is right.** It is premised philosophically on our view of students as active learners to be engaged rather than as passive receptacles to be filled. The book is designed to promote a classroom experience in which students debate and discuss issues rather than simply listen to lectures. Some issues, of course, lend themselves more readily to this kind of classroom debate. In our judgment, questions of a normative nature —**asking** not just what is, **but what ought to be**—are likely to foster the most interesting and engaging classroom discussions. So in selecting topics for debate, we generally eschewed narrow but important empirical questions of political science—such as whether the president receives greater support from Congress on foreign policy than on domestic issues—for broader questions that include empirical as well as normative components—such as **whether the president has usurped the war power** that rightfully belongs to Congress. We aim not only to teach students to think like political scientists, **but also to encourage them to think like democratic citizens**. Each of the thirteen issues selected for debate in this book’s second edition poses questions on which thoughtful people differ. These include whether the president should be elected directly by the people, whether the media are too hard on presidents, and whether the president has too much power in the selection of judges. Scholars are trained to see both sides of an argument, but we invited our contributors to choose one side and defend it vigorously. Rather than provide balanced scholarly essays impartially presenting the strengths and weaknesses of each position, Debating the Presidency leaves the balancing and weighing of arguments and evidence to the reader. The essays contained in the first edition of this book were written near the end of President George W. Bush’s fifth year in office; this second edition was assembled during and after Barack Obama’s first loo days as president. The new edition includes four new debate resolutions that should spark spirited classroom discussion about the legitimacy of signing statements, the war on terror, the role of the vice presidency, and the Twenty-second Amendment. Nine debate resolutions have been retained from the first edition and, wherever appropriate, the essays have been revised to reflect recent scholarship or events. For this edition we welcome David Karol, Tom Cronin, John Yoo, Lou Fisher, Peter Shane, Nelson Lund, Doug Kriner, and Joel Goldstein, as well as Fred Greenstein, who joins the debate with Stephen Skowronek over the importance of individual attributes in accounting for presidential success. In deciding which debate resolutions to retain from the first edition and which ones to add, we were greatly assisted by advice we received from many professors who adopted the first edition of this book. Particularly helpful were the reviewers commissioned by CQ Press: Craig Goodman of Texas Tech University, Delbert J. Ringquist of Central Michigan University, Brooks D. Simpson of Arizona State University, and Ronald W. Vardy of the University of Houston. We are also deeply grateful to chief acquisitions editor Charisse Kiino for her continuing encouragement and guidance in developing this volume. Among the others who helped make the project a success were editorial assistants Jason McMann and Christina Mueller, copy editor Mary Marik, and the book’s production editor, Gwenda Larsen. Our deepest thanks go to the contributors, not just for their essays, but also for their excellent scholarship on the presidency.

## Fraser

### 2ac law turn

#### Abdication of legal reformism makes concrete challenges to material barriers to feminism impossible

Crawford, 07 [ 1-1-2007 Toward a Third-Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure Bridget J. Crawford Pace University School of Law, bcrawford@law.pace.edu]

CONCLUSION In spite of third-wave feminism’s appeal, at this point in its development, third-wave feminism lacks an overall theoretical view **of how the law functions**. Third-wave feminism is largely a reactive critique that fails to advance its own positivistic view of how certain goals should be accomplished. Third-wave feminists respond to incomplete and distorted images of second-wave feminism. Their indictment of second-wave feminism has led to a significant tension between older and younger feminists. Gloria Steinem, for one, has said that when reading third-wave feminist writings, she feels "like a sitting dog being told to sit."384 Women on the younger cusp of second-wave feminism, who demographically are not part of the third wave, report that they feel adrift between the competing "waves."385 And even some younger women, perhaps articulating the most decidedly third-wave stance of all, state that they do not want selfidentity as part of a "third-wave" of feminism, because that identification implies a group affiliation or branding that should be rejected in favor of a third-wave embrace of individualism. So one is left with the sense that third-wave feminism is a helpful elaboration of some of the issues first raised by earlier feminists, but that it is not so decidedly different from what has come before. Third-wave feminism's emphasis on personal pleasure, the fluidity of gender roles, the internet and coalition-building contribute to the feminist conversation, but third-wave feminists have not yet altered the terms and conditions of that conversation. It remains for lawyers and legal theorists to take up the challenge from this generation of young women to develop laws that enhance women’s autonomy and well-being.

### AT: State Rejection Alt

#### Rejection of the state accomplishes NOTHING – they need a pragmatic reimagination of politics to prevent failure of their movement – this card SMOKES the K.

Pasha ’96 [July-Sept. 1996, Mustapha Kamal, Professor and Chair of the Department of Politics and International Relations at the University of Aberdeen, “Security as Hegemony”, Alternatives: Global, Local, Political, Vol. 21, No. 3, pp. 283-302, JSTOR]

#### An attack on the postcolonial state as the author of violence and its drive to produce a modern citizenry may seem cathartic, without producing the semblance of an alternative vision of a new political community or fresh forms of life among existing political communities. Central to this critique is an assault on the state and other modern institutions said to disrupt some putatively natural flow of history. Tradition, on this logic, is uprooted to make room for grafted social forms; modernity gives birth to an intolerant and insolent Leviathan, a repository of violence and instrumental rationality's finest speci- men. Civil society - a realm of humaneness, vitality, creativity, and harmony - is superseded, then torn asunder through the tyranny of state-building. The attack on the institution of the state appears to substitute teleology for ontology. In the Third World context, especially, the rise of the modern state has been coterminous with the negation of past histories, cultures, identities, and above all with violence. The stubborn quest to construct the state as the fount of modernity has subverted extant communities and alternative forms of social organization. The more durable consequence of this project is in the realm of the political imaginary: the constrictions it has afforded; the denials of alternative futures. The postcolonial state, however, has also grown to become more heterodox - to become more than simply modernity's reckless agent against hapless nativism. The state is also seen as an expression of **greater capacities against want, hunger, and injustice**; as an escape from the arbitrariness of communities established on narrower rules of inclusion/exclusion; as identity removed somewhat from capri- cious attachments. No doubt, the modern state has undermined tra- ditional values of tolerance and pluralism, subjecting indigenous so- ciety to Western-centered rationality. But tradition can also conceal particularism and oppression of another kind. Even the most elastic interpretation of universality cannot find virtue in attachments re- furbished by hatred, exclusivity, or religious bigotry. **A negation of the state is no guarantee that a bridge to universality can be built.** Perhaps the task is to rethink modernity, not to seek refuge in a blind celebration of tradition. Outside, the state continues to inflict a self-producing "security dilemma"; inside, it has stunted the emergence of more humane forms of political expres- sion. But there are always sites of resistance that can be recovered and sustained. **A rejection of the state** as a superfluous leftover of modernity that continues to straitjacket the South Asian imagination **must be linked to the project of creating an ethical and humane order** based on a restructuring of the state system that privileges the mighty and the rich over the weak and the poor.74 Recognizing the constrictions of the modern Third World state, **a reconstruction** of state-society re- lations **inside the state appears to be a more fruitful avenue than wishing the state away, only to be swallowed by Western-centered globalization and its powerful institutions.**A **recognition of the patent failure of other institutions either to deliver the social good or to procure more just distributional rewards in the global political economy may provide a sobering reassessment of the role of the state.** An appreciation of the scale of human tragedy accompanying the collapse of the state in many local contexts may also provide **im- portant points of entry into rethinking the one-sided onslaught on the state**. Nowhere are these costs borne more heavily than in the postcolonial, so-called Third World, where time-space compression has rendered societal processes more savage and less capable of ad- justing to rhythms dictated by globalization

## Ray

### AT: Ordering/Root Cause/Ray

#### While gender has a large impact – it isn’t monolithic, nor unified

Hooper 1 Charlotte (University of Bristol research associate in politics), Manly States: Masculinities, International Relations, and Gender Politics pp 45-46.

Spike Peterson and Anne Sisson Runyan (1993), in their discussion of gendered dichotomies, appear to drop Lacanian psychoanalytic discourse as an explanation for gendered dichotomies in favor of a more straightforward- ly political account.14Gendered dichotomies, rather than uniformly con- structing gendered social relations through universal psychoanalytic mecha- nisms, are seen more ambiguously, as playing a dual role. Where gendered dichotomies are used as an organizing principle of social life (such as in the gendered division of labor) they help to construct gender differences and in- equalities and thus are constitutive of social reality, but in positing a grid of polar opposites, they also serve to obscure more complex relationships, commonalties, overlaps, and intermediate positions (Peterson and Runyan 1993, 24–25). Elaborating on this view, it can be argued that gendered dichotomies are in part ideological tools that mystify, masking more complex social realities and reinforcing stereotypes. On one level, they do help to produce real gen- der differences and inequalities, when they are used as organizing principles that have practical effects commensurate with the extent that they become embedded in institutional practices, and through these, human bodies. They constitute one dimension in the triangular nexus out of which gender identities and the gender order are produced. But at the same time, institutional practices are not always completely or unambiguously informed by such dichotomies, which may then **operate to obscure more complex relationships**. It is a mistake to see the language of gendered dichotomies as a uniﬁed and totalizing discourse that dictates every aspect of social practice to the extent that we are coherently produced as subjects in its dualistic image. As well as the disruptions and discontinuities engendered by the intersections and interjections of other discourses (race, class, sexuality, and so on) **there is always room for evasion, reversal, resistance, and dissonance** between rhetoric, practice, and embodiment, as well as reproduction of the symbolic order, as identities are negotiated in relation to all three dimensions, in a variety of **complex and changing circumstances**. On the other hand, the symbolic gender order does inform practice, and our subjectivities are produced in relation to it, so to dismiss it as performing only an ideological or propagandistic role is also too simplistic.

#### Proves that the 1nc’s Ray evidence denies complex and interpersonal relationships

Crenshaw, PhD, 2

Carrie, PhD, Perspectives In Controversy: Selected Articles from CAD, Scholar

Feminism is not dead. It is alive and well in intercollegiate debate. **Increasingly, students rely on feminist authors** to inform their analysis of resolutions. While I applaud these initial efforts to explore feminist thought, I am concerned that **such arguments** only **exemplify the general absence of sound causal reasoning** in debate rounds. Poor causal reasoning results from a debate practice that privileges empirical proof over rhetorical proof, fostering ignorance of the subject matter being debated. To illustrate my point, I claim that **debate arguments about feminists suffer from a reductionism that tends to marginalize** the **voices** of significant feminist authors. David Zarefsky made a persuasive case for the value of causal reasoning in intercollegiate debate as far back as 1979. He argued that **causal arguments are desirable for four reasons. First, causal analysis increases the control of the arguer over events by promoting understanding** of them. **Second**, the **use of causal reasoning increases rigor of analysis** and fairness in the decision-making process. **Third, causal arguments promote understanding of the philosophical paradox that presumably good people tolerate the existence of evil**. Finally, **causal reasoning supplies good reasons for "commitments to policy choices or to systems of belief which transcend whim, caprice, or the non-reflexive "claims of immediacy**" (117-9). Rhetorical proof plays an important role in the analysis of causal relationships. This is true despite the common assumption that the identification of cause and effect relies solely upon empirical investigation. For Zarefsky, there are three types of causal reasoning. The first type of causal reasoning describes the application of a covering law to account for physical or material conditions that cause a resulting event This type of causal reasoning requires empirical proof prominent in scientific investigation. A second type of causal reasoning requires the assignment of responsibility. Responsible human beings as agents cause certain events to happen; that is, causation resides in human beings (107-08). A third type of causal claim explains the existence of a causal relationship. It functions "to provide reasons to justify a belief that a causal connection exists" (108). The second and third types of causal arguments rely on rhetorical proof, the provision of "good reasons" to substantiate arguments about human responsibility or explanations for the existence of a causal relationship (108). I contend that the practice of intercollegiate debate privileges the first type of causal analysis. It reduces questions of human motivation and explanation to a level of empiricism appropriate only for causal questions concerning physical or material conditions. Arguments about feminism clearly illustrate this phenomenon. Substantive debates about feminism usually take one of two forms. First, on the affirmative, debaters argue that some aspect of the resolution is a manifestation of patriarchy. For example, given the spring 1992 resolution, "[rjesolved: That advertising degrades the quality of life," many affirmatives argued that the portrayal of women as beautiful objects for men's consumption is a manifestation of patriarchy that results in tangible harms to women such as rising rates of eating disorders. The fall 1992 topic, "(rjesolved: That the welfare system exacerbates the problems of the urban poor in the United States," also had its share of patri- archy cases. Affirmatives typically argued that women's dependence upon a patriarchal welfare system results in increasing rates of women's poverty. In addition to these concrete harms to individual women, most affirmatives on both topics, desiring "big impacts," argued that the effects of patriarchy include nightmarish totalitarianism and/or nuclear annihilation. On the negative, many debaters countered with arguments that the some aspect of the resolution in some way sustains or energizes the feminist movement in resistance to patriarchal harms. For example, some negatives argued that sexist advertising provides an impetus for the reinvigoration of the feminist movement and/or feminist consciousness, ultimately solving the threat of patriarchal nuclear annihilation. likewise, debaters negating the welfare topic argued that the state of the welfare system is the key issue around which the feminist movement is mobilizing or that the consequence of the welfare system - breakup of the patriarchal nuclear family -undermines patriarchy as a whole. **Such arguments seem to have two assumptions in common. First, there is a single feminism**. As a result, feminists are transformed into feminism. Debaters speak of feminism as **a single, monolithic, theoretical and pragmatic entity** and feminists as women with identical m otivations, methods, and goals. Second, **these arguments assume that patriarchy is the single or root cause of all forms of oppression**. Patriarchy not only is responsible for sexism and the consequent oppression of women, it also is the cause of totalitarianism, environmental degradation, nuclear war, racism, and capitalist exploitation. **These** reductionist arguments **reflect an** unwillingness to debateabout the **complexities of human motivation and explanation**. They betray a reliance upon a framework of proof that can explain only material conditions and physical realities through empirical quantification. The transformation of feminists to feminism and the identification of patriarchy as the sole cause of all oppression is related in part to the current form of intercollegiate debate practice. By "form," I refer to Kenneth Burke's notion of form, defined as the "creation of appetite in the mind of the auditor, and the adequate satisfying of that appetite" (Counter-Statement 31). Though the framework for this understanding of form is found in literary and artistic criticism, it is appropriate in this context; as Burke notes, literature can be "equipment for living" (Biilosophy 293). He also suggests that form "is an arousing and fulfillment of desires. A work has form in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence" (Counter-Statement 124). Burke observes that there are several aspects to the concept of form. One of these aspects, conventional form, involves to some degree the appeal of form as form. Progressive, repetitive, and minor forms, may be effective even though the reader has no awareness of their formality. But when a form appeals as form, we designate it as conventional form. Any form can become conventional, and be sought for itself - whether it be as complex as the Greek tragedy or as compact as the sonnet (Counter-Statement 126). These concepts help to explain debaters' continuing reluctance to employ rhetorical proof in arguments about causality. **Debaters practice the convention of poor causal** reasoning as a result of judges' unexamined reliance upon conventional form. Convention is the practice of arguing single-cause links to monolithic impacts that arises out of custom or usage. Conventional form is the expectation of judges that an argument will take this form. Common practice or convention dictates that a case or disadvantage with nefarious impacts causally related to a single link will "outweigh" opposing claims in the mind of the judge. In this sense, debate arguments themselves are conventional. **Debaters practice the convention of establishing single-cause relationships to large monolithic impacts** in order to conform to audience expectation. Debaters practice poor causal reasoning because they are rewarded for it by judges. The convention of arguing single-cause links leads the judge to anticipate the certainty of the impact and to be gratified by the sequence. I suspect that the sequence is gratifying for judges because it relieves us from the responsibility and difficulties of evaluating rhetorical proofs. We are caught between our responsibility to evaluate rhetorical proofs and our reluctance to succumb to complete relativism and subjectivity. To take responsibility for evaluating rhetorical proof is to admit that not every question has an empirical answer. However, **when we abandon our responsibility to rhetorical proofs, we sacrifice our students'** understanding of causal reasoning**. The sacrifice has consequences for our students' knowledge of the subject matter they are debating.** For example, when feminism is defined as a single entity, not as a pluralized movement or theory, that single entity results in the **identification of patriarchy as the sole cause of oppression**. The result **is ignorance of the subject position of the particular feminist author,** for highlighting his or her subject position might draw attention to the incompleteness of the causal relationship between link and impact **Consequently, debaters do not challenge the basic assumptions of such argumentation and ignorance of feminists is perpetuated**. Feminists are not feminism. The topics of feminist inquiry are many and varied, as are the philosophical approaches to the study of these topics. Different authors have attempted categorization of various feminists in distinctive ways. For example, Alison Jaggar argues that feminists can be divided into four categories: liberal feminism, marxist feminism, radical feminism, and socialist feminism. While each of these feminists may share a common commitment to the improvement of women's situations, they differ from each other in very important ways and reflect divergent philosophical assumptions that make them each unique. Linda Alcoff presents an entirely different categorization of feminist theory based upon distinct understandings of the concept "woman," including cultural feminism and post-structural feminism. Karen Offen utilizes a comparative historical approach to examine two distinct modes of historical argumentation or discourse that have been used by women and their male allies on behalf of women's emancipation from male control in Western societies. These include relational feminism and individualist feminism. Elaine Marks and Isabelle de Courtivron describe a whole category of French feminists that contain many distinct versions of the feminist project by French authors. Women of color and third-world feminists have argued that even these broad categorizations of the various feminism have neglected the contributions of non-white, non-Western feminists (see, for example, hooks; Hull; Joseph and Lewis; Lorde; Moraga; Omolade; and Smith). In this literature, the very definition of feminism is contested. Some feminists argue that "all feminists are united by a commitment to improving the situation of women" (Jaggar and Rothenberg xii), while others have resisted the notion of a single definition of feminism, bell hooks observes, "a central problem within feminist discourse has been our inability to either arrive at a consensus of opinion about what feminism is (or accept definitions) that could serve as points of unification" (Feminist Theory 17). **The controversy over the very definition of feminism has political implications. The power to define is the power both to include and exclude people and ideas in and from that feminism**. As a result, [bjourgeois white women interested in women's rights issues have been satisfied with simple definitions for obvious reasons. Rhetorically placing themselves in the same social category as oppressed women, they were not anxious to call attention to race and class privilege (hooks. Feminist Wieory 18). Debate arguments that assume a singular conception of feminism include and empower the voices of race- and class-privileged women while excluding and silencing the voices of feminists marginalized by race and class status. This position becomes clearer **when we examine** the second assumption of arguments about feminism in intercollegiate debate - **patriarchy is the sole cause** of oppression. **Important feminist thought has resisted this assumption for good reason. Designating patriarchy as the sole cause of oppression allows the** subjugation of resistance to other forms of oppression **like racism and classism to the struggle against sexism. Such subjugation has the effect of denigrating the legitimacy of resistance to racism and classism as struggles of equal importance**. "Within feminist movement in the West, **this led to the assumption that resisting patriarchal domination is a more legitimate feminist action than resisting racism and other forms of domination**" (hooks. Talking Back 19). The relegation of struggles against racism and class exploitation to offspring status is not the only implication of the "sole cause" argument In addition, **identifying patriarchy as the single source of oppression obscures women's perpetration of other forms of subjugation and domination**, bell hooks argues that we should not obscure the reality that women can and do partici- pate in politics of domination, as perpetrators as well as victims - that we dominate, that we are dominated. **If focus on patriarchal domination masks this reality** or becomes the means by which women deflect attention from the real conditions and circumstances of our lives, **then women cooperate in suppressing and promoting false consciousness, inhibiting our capacity to assume responsibility for transforming ourselves and society** (hooks. Talking Back 20). **Characterizing patriarchy as the sole cause of oppression allows mainstream feminists to abdicate responsibility for the exercise of class and race privilege**. It casts the struggle against class exploitation and racism as secondary concerns. Current debate practice promotes ignorance of these issues because debaters appeal to conventional form, the expectation of judges that they will isolate a single link to a large impact Feminists become feminism and patriarchy becomes the sole cause of all evil. Poor causal arguments arouse and fulfill the expectation of judges by allowing us to surrender our responsibility to evaluate rhetorical proof for complex causal relationships. **The result is either the mar-ginalization or colonization of certain feminist voices**. Arguing feminism in debate rounds risks trivializing feminists. **Privileging the act of speaking about feminism over the content of speech "often turns the voices and beings of non-white women into commodity, spectacle**" (hooks, Talking Back 14). **Teaching sophisticated causal reasoning enables our students to learn more concerning the subject matter about which they argue. In this case, students would learn more about the multiplicity of feminists instead of reproducing the marginalization of many feminist voices in the debate itself**. The content of the speech of feminists must be investigated to subvert the colonization of exploited women. To do so, we must explore alternatives to the formal expectation of single-cause links to enormous impacts for appropriation of the marginal voice threatens the very core of self-determination and free self-expression for exploited and oppressed peoples. If the identified audience, those spoken to, is determined solely by ruling groups who control production and distribution, then it is easy for the marginal voice striving for a hearing to allow what is said to be overdetermined by the needs of that majority group who appears to be listening, to be tuned in (hooks, Talking Back 14). At this point, arguments about feminism in intercollegiate debate seem to be overdetermined by the expectation of common practice, the "game" that we play in assuming there is such a thing as a direct and sole causal link to a monolithic impact To play that game, we have gone along with the idea that there is a single feminism and the idea that patriarchal impacts can account for all oppression. In making this critique, I am by no means discounting the importance of arguments about feminism in intercollegiate debate. In fact, feminists contain the possibility of a transformational politic for two reasons. First, feminist concerns affect each individual intimately. We are most likely to encounter patriarchal domination "in an ongoing way in everyday life. Unlike other forms of domination, sexism directly shapes and determines relations of power in our private lives, in familiar social spaces..." (hooks. Talking Back 21). Second, the methodology of feminism, consciousness-raising, contains within it the possibility of real societal transformation. "lE]ducation for critical consciousness can be extended to include politicization of the self that focuses on creating understanding the ways sex, race, and class together determine our individual lot and our collective experience" (hooks, Talking Back 24). Observing the incongruity between advocacy of single-cause relationships and feminism does not discount the importance of feminists to individual or societal consciousness raising.

## AT: Radical lesbians 70/Alternative

#### Radical white lesbian feminism fails – the 1nc’s theory is outdated

**Tate 5**—associate vice president for Academic Affairs at Georgia Southwest State University

(Helen, “The Ideological Effects of a Failed Constitutive Rhetoric: The Co-option of the Rhetoric of White Lesbian Feminism”, Women's Studies in Communication28.1 (Spring 2005): 1-31, dml)

Attempts by white lesbian feminists of the second wave to define feminism resulted in a failed constitutive rhetoric of feminist identity. This rhetoric opened a rhetorical space for antifeminists to launch a critique of feminist activism, specifically the Equal Rights Amendment. The study provides an account of how the ideological **effects** of a failed constitutive rhetoric may be co-opted and ultimately undermine the social movement in which it operates. "Sisterhood is powerful. It kills sisters," mocked Ti-Grace Atkinson after she resigned as president of the New York Chapter of the National Organization for Women (NOW) in 1968 (qtd. in Echols 184). The solidarity suggested by the "sisterhood" of early second wave feminism buckled as feminists grappled with identity politics and the framing of the political identity of "feminism." The rhetorical unity of "sisterhood" developed in the early years of second wave feminism was a highly contested site of political identity, and building a coalition of diverse women proved an exacting challenge. Discussion of differences often resulted in emphatic attempts to redefine and own feminism. This essay examines the rhetorical struggle to define and claim feminist identity by white lesbian feminists of the early years of second wave feminism. Lesbian feminists offered their own constitutive rhetoric of feminist identity as the ideal for women's liberation, reducing feminism to liberation from heterosexual oppression and calling for the rejection of heterosexuality.1 At the same time, they sought unity with heterosexual women by expanding the definition of "lesbian" to the "woman-identified woman," which called for heterosexual feminists to devote their lives primarily, even exclusively, to women. This constitution of feminist identity defined the political motive of women who would seek feminism as a political identity and set the stage for competing feminist ideologies. I argue that while the ideology of lesbian feminism proved a liberating discourse for many lesbian feminists, the rhetoric failed as a constitutive term of feminist identity as the telos implied by the narrative of lesbian feminism redefined feminism according to a narrow and rigid terminology. Further, I argue that while the discourse of white lesbian feminists failed as a constitutive rhetoric of feminist identity, such narratives opened a rhetorical space from which antifeminists could launch a critique of feminist activism. Indeed, the rhetoric of white lesbian feminism was co-opted in antifeminist discourse and used to discredit and deface feminism in general and the social movement in support of the Equal Rights Amendment specifically, as antifeminists capitalized on the homophobia of the larger rhetorical culture to discount feminism. This study, as other studies of the constitutive rhetorics of social movements have done (Charland, Delgado), highlights the significance of a constitutive rhetoric to define the ideology of a social movement, but it also provides an account of how the ideological effects of a failed constitutive rhetoric may play out in the larger public arena in which that social movement operates.

## AT: Weedon

#### Biological differences aren’t the root cause

**Guenther** asst prof phil @ vandy **2010** (Lisa “Other Fecundities: Proust and Irigaray on Sexual Difference” Differences: A journal of feminst cultural studies Volume 21, Number 2)

While critical of Irigaray’s recent efforts to construct a foundational role for sexual duality, the alternative account I have developed here nevertheless remains inspired by Irigaray’s work insofar as it affirms sexual difference as irreducible to the one or the same. In the Proustian model, male and female parts exist, but they have **no inherent content**, pattern, or tendency; what makes them meaningful, and what produces the effect of sexed tendencies or worlds, are patterns of circulation and exchange, specific practices of sexuality, and local histories of sexual encounters. Without the search for whatever rare and delicate pleasures we are capable of experiencing, the material sites of sexual duality **remain sterile and meaningless**. This is not to say that biological sex does not exist or does not count as “real,” but that it does not mean anything without the continuous but continually shifting patterns of exchange between bodies. The multiplicity of bodily drives, and the encounters with alterity that they engender, fertilize the meaning of sexual duality; and likewise, the duality of the sexes orients and stabilizes, without thereby restricting, the circulation of multiple drives. For Proust, there is nothing unnatural about a man becoming a woman to penetrate another man who has become a woman in a different but complementary way. It’s as natural as the birds and the bees!23 Far from betraying or disavowing sexual difference through their transformations, Charlus and Jupien are following its “higher law”: a law that seeks pleasure with others in difference and self-differing, but for whom this difference need not appear in one particular shape or another. The local specificity of such encounters is as rich and varied as the moral botanist could hope for, and the possibilities for their expression are limited only by our patience to discover them.

#### Intersex people disprove the k - link turn

**Guenther** asst prof phil @ vandy **2010** (Lisa “Other Fecundities: Proust and Irigaray on Sexual Difference” Differences: A journal of feminst cultural studies Volume 21, Number 2)

Irigaray offers a trenchant critique of the patriarchal monoculture that fails to recognize sexual difference, and so represses women’s voices, bodies, and ways of being. But her recent focus on the duality of the sexes, and her apparent suspicion of multiplicity, lead to problems theorizing other forms of difference such as race, culture, and sexuality, and it may prematurely disqualify possibilities for imagining sexual difference beyond the magical “two.” Even Alison Stone’s recent revision of Irigaray, which attempts to reconcile her account of sexual duality with bodily multiplicity as a way of addressing the exclusion of intersex bodies in her work, still maintains the primacy of duality and in my view fails to address claims of multiplicity on its own terms. In what follows, I test the limits of Irigaray’s approach to sexual difference through a reading of Proust’s novel Sodom and Gomorrah, in which I develop a model of sexual difference based on an irreducible duality of sexual “parts,” both of which may be found in the same individual but that nevertheless relate to one another and so become meaningful only through the circulation of an incongruous third element or libidinal force that generates multiple forms of pleasure and fecundity. Proust’s novel opens with an extended comparison of a sexual encounter between two men to the fertilization of a rare orchid by a bumblebee; the men connect to the sexual difference in themselves and in the other through their mutual enjoyment of pleasure across a threshold of alterity that is as mobile and contingent as it is irreducible to sameness. In my reading, this scene from Proust suggests a flexible way of accounting for practices that complicate the sexual duality of male and female without dissolving it, but also without enshrining it in the figure of the heterosexual couple. As such, it promises to open new ways of theorizing sexual difference in contexts where “to be two” is simply not enough. Irigaray and the Limits of Sexual Difference Alison Stone’s recent analysis of Irigaray’s later work addresses precisely the concerns I have raised here about the relation between duality and multiplicity. In Stone’s reading, Irigaray is a realist essentialist, which means that she believes in a natural, irreducible, and really existing sexual duality.7 This duality has yet to find adequate cultural expression; under patriarchy, and even under certain forms of feminism, sexual difference is reduced to an explicitly neutral but implicitly masculine monoculture of humanity. For Stone, Irigaray’s concept of sexual difference is best understood in terms of different rhythms or temporalities such as expansion and contraction, which are linked in a process like breathing where “each pole, alternately, inhales and exhales air, so that the one expands while the other shrinks” (Luce 90). Female rhythms, like female sexual development, are depicted as irreversible and discontinuous; they are connected to cyclical processes in nature like the change of the seasons. Male rhythms, on the other hand, are characterized by homeostatic processes that hover around an ideal mean, building up tension and releasing it while maintaining a steady equilibrium. Stone locates these processes not only in sexed organisms but also in more diffuse natural processes like weather or the growth of plants; ultimately, she draws on German Romantic thought to fill in a more general account of male and female principles operating in all of nature (Luce 92–93, 138–43, 154–60, 193–215). Stone frankly acknowledges the limits and potential problems of Irigaray’s realist essentialism. It is simply not the case that every woman experiences her body in terms of irreversible cyclical rhythms, and the reason for this is not merely because our culture fails to give expression to innate female rhythms. Even in a feminist utopia, it is not clear that each and every woman would identify with Irigaray’s account of our “real” natures, nor is it clear that everyone who identifies as a woman would count as such for Irigaray. The conviction that there are two and only two sexes marginalizes an experience of bodily multiplicity that is just as phenomenologically real and compelling as the experience of sexual duality (Luce 85, 112–13). Irigaray’s repeated suggestion that the only genuine encounter with difference can happen between the two sexes enforces a heterosexual paradigm that marginalizes same-sex relationships (Luce 7, 48, 189–90, 221–22) and makes it impossible for Irigaray to account for intersex or transsexual bodies without characterizing them as aberrant or unnatural (Luce 49, 113–21).

## AT: New AFF

#### We disclosed it

#### Key to change our minds

#### Their argument shuts down debate because it means that people can never change

#### Competition is inevitable because the ballot creates those structures

#### Arguments by themselves don’t injure people, but tangible policies do – nothing about a new aff is bankrupt

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

Probyns piece is a mixture of affective fallacy, argument by authority, and bald ad hominem. There's a pattern here: precisely the tendency to personalize argument and to foreground what Wendy Brown has called "states of injury." Probyn says, for example, that she "felt ostracized by the books content and style." Ostracized? Argument here is seen as directly harming persons, and this is precisely the state of affairs to which I object. Argument is not injurious to persons. Policies are injurious to persons and institutionalized practices can alienate and exclude. But argument itself is not directly harmful; once one says it is, one is very close to a logic of censorship. The most productive thing to do in an open academic culture (and in societies that aspire to freedom and democracy) when you encounter a book or an argument that you disagree with is to produce a response or a book that states your disagreement. But to assert that the book itself directly harms you is tantamount to saying that you do not believe in argument or in the free exchange of ideas, that your claim to injury somehow damns your opponent's ideas.

When Probyn isn't symptomatic, she's just downright sloppy. One could work to build up the substance of points that she throws out the car window as she screeches on to her next destination, but life is short, and those with considered objections to liberalism and proceduralism would not be particularly well served by the exercise. As far as I can tell, Probyn thinks my discussion of universalism is of limited relevance (though far more appealing when put, by others, in more comfortingly equivocating terms), but she's certain my critique of appeals to identity is simply not able to accommodate the importance of identity in social and political life. As I make clear throughout the book, and particularly in my discussion of the headscarf debate in France, identity is likely to be at the center of key arguments about life in plural democracies; my point is not that identity is not relevant, but simply that it should not be used to trump or stifle argument.

In closing, I'd like to speak briefly to the question of proceduralism's relevance to democratic vitality. One important way of extending the proceduralist arguments put forth by Habeimas is to work on how institutions and practices might better promote participation in democratic life. The apathy and nonparticipation plaguing democratic institutions in the United States is a serious problem, and can be separated from the more romantic theoretical investments in a refusal to accept the terms of what counts as argument, or in assertions of inassimilable difference. With respect to the latter, which is often glorified precisely as the moment when politics or democracy is truly occurring, I would say, on the contrary democracy is not happening then-rather, the limits or deficiencies of an actually existing democracy are making themselves felt. Acknowledging struggle, conflict, and exclusion is vital to democracy, but insisting that exclusion is not so much a persistent challenge for modern liberal democracies but rather inherent to the modern liberal-democratic political form as such seems to me precisely to remain stalled in a romantic critique of Enlightenment. It all comes down to a question of whether one wants to work with the ideals of democracy or see them as essentially normative in a negative sense: this has been the legacy of a certain critique of Enlightenment, and it is astonishingly persistent in the left quarters in the academy. One hears it clearly when Robbins makes confident reference to liberalisms tendency to ignore "the founding acts of violence on which a social order is based." One encounters it in the current vogue for the work of Giorgio Agamben and Carl Schmitt. Saying that a state of exception defines modernity or is internal to the law itself may help to sharpen your diagnoses of certain historical conditions, but if absolutized as it is in these accounts, it gives you nothing but a negative diagnostic and a compensatory flight to a realm entirely other-the kind of mystical, Utopian impulse that flees from these conditions rather than confronts and fights them on terms that derive from the settled-if constantly evolving-normative basis of democratic modernity. If one is outraged by the flagrant disregard of democratic procedures in the current U.S. political regime, then one needs to be able to coherently say why democratic procedures matter, what principles underwrite them, and what historical movements and institutions have helped us to secure and support them. Argument as a critical practice and as a key component of democratic institutions and public debate has a vital role to play in such a task.

## AT: Kaplow/Lesbian Anger

#### Rage is self-destructive. At root, rage is an expression of the internalization of oppression that they experience. It is impossible to live as long as we live with rage.

**Greer** 1/8 **2k8** (Germaine, “The Rage Epidemic” http://albany.yourguide.com.au/news/national/national/general/the-rage-epidemic/1233455.aspx)

Most people think that suicide is an act of grief; in fact **it is part of the spectrum of self-destructive behaviour that we should associate with rage.** The prime mover of self-harming is rage. The typical self-harmer has endured physical violence, emotional abuse or sexual abuse as a child or young adult; according to the British charity mental health charity Mind, "They might have been neglected, separated from someone they loved, been bullied, harassed, assaulted, isolated, put under intolerable pressure, made homeless, sent into care, into hospital or to other institutions."

**Humans can live with grief but they can't live for long with rage**. **Part of rage is self-loathing; self-loathing expresses itself in hostility towards those close enough to get hurt. Those who love the enraged person the most can expect the cruellest treatment.**

We have learnt how to recognise rage in traumatised children, and to distinguish real rage from the performance of rage, which we call a tantrum. Tantrums can be discouraged; rage is a different matter. Enraged children are a danger to themselves and to others. As rage chemicals flood their bodies they will tremble, clench their fists, go stiff, "zone out", become frenzied, revert to baby talk or gabbling, bang their heads against the wall and do their best to hurt anyone who comes close. They are so unaware of their surroundings that they cannot be allowed outside the house.

#### Proves the alt forecloses love

**Hansen 2k7** (Brock, Shame and Anger page 53)

Furthermore, opening one drawer in the mental filing cabinet tends to affect your access to toher drawers. Some drawers are connected, while others are mutually exclusive. Opening the anger file drawer may also lead to memoeis associated with fear, **but not to joy and love**. **Because the affects of fear and anger arouse us to action and the affects of joy and love trigger relaxation, these affects, and the memoeis associated with them** are mutuallyexclusive. Anger interers with love and love or joy tempers or interferes with anger. This is not to say that you cant be angry with someone you love, but that at the moment the feelings of love cannot be experienced the same way.

#### That’s a terrible political strategy

Gussow assoc prof English/southern studies @ Mississippi 2k6 (Adam, “"Where Is the Love?" Racial Violence, Racial Healing, and Blues Communities” Southern Cultures 12.4 (2006) 33-54, Muse)

A particularly suggestive meditation on love and lovelessness can be found in All About Love (2000), a collection of essays authored **by bell hooks**, an African American cultural critic who grew up in segregated Kentucky during the 1950s. A prolific and uncompromising advocate for working-class black feminism, whose previous books engage in a sustained critique of what she terms "white supremacist capitalist patriarchy," hooks surprised many with her turn towards New Age soul-ministry in the late 1990s. The word "love" shows up in virtually every sentence of All About Love; the words "black" and "white" are entirely absent from the first several chapters, although epigraphs from white male transformational psychologists such as M. Scott Peck and John Welwood proliferate. If we define agape, with King, as "the love of God operating in the human heart," then agape is indisputably hooks's subject: the power of God's grace working through the human heart to transform blues-bearing wounds into a world-embracing love that bespeaks psychological and spiritual wholeness. "**Love heals," writes hooks**. When we are wounded in the place where we would know love, it is difficult to imagine that love really has the power to change everything. No matter what has happened in our past, when we open our hearts to love we can live as if born again, not forgetting the past but **seeing it in a new way**, letting it live inside us in a new way. . . . Mindful remembering lets us put the broken bits and pieces of our hearts together again. This is the way healing begins. [10](http://muse.jhu.edu.proxy.lib.umich.edu/journals/southern_cultures/v012/12.4gussow.html" \l "FOOT10) Hooks's invocation of love's transformative power implicitly challenges our familiar ways of talking about the blues. If our mission, according to hooks, is not to forget the past but to see it in a new way, then it may be possible for us to see blues song, and the literature and culture that embrace it, as sites of trauma and recovery, racial wounding and racial healing, love denied and love extended. We might come to see blues communities of all kinds, for example, as healing alternatives or antidotes to the radical isolation of the love-deprived, blues-suffused individual. I know fifty different definitions of the blues, but hooks has inadvertently provided us with the master key: to have the blues is to be wounded in the place where we would know—or have known—love. This definition might enable us to understand blues as both a universal feeling—since virtually all of us, at one time or another, have been wounded in that place—and a more narrowly racial feeling, a "black thing"; any honest reappraisal of the Jim Crow South in which blues song rapidly [End Page 41] consolidated as a folk form between 1895 and 1915 would acknowledge the humiliations inflicted by new segregation statutes, the fears engendered by spectacle lynching, the rages and despairs prompted by disenfranchisement and economic exploitation for the uniquely heart-ravaging wounds they were. What is lynching, with its bodily tortures and ritual castration, if not the white South's loveless attempt to wound black folk, literally and metaphorically, in the place where they would know love? It may seem fatuous to speak of the "blues South" as a land traumatized by the loss of interracial agape, of embracing brotherly love. Yet what is blues song, with its thousand and one ways of saying, "Baby, you don't love me," if not the profoundest kind of lament for just such a loss? At the dawn of the twentieth century, as angry, young white and black generations segregated and violently collided across the South, and residual paternalist sympathies dissipated and spectacle lynching flared out of control, the blues line "Baby you don't love me" spoke not just to romantic desertion but to black sociopolitical despair, the utter failure of white America to deliver on the promise of full citizenship for its African American residents. As cultural historian Ann Douglas suggests, such lyricized complaint may also have expressed powerful but furtive white despair at a moment when Americans were notably obsessed by their country's "massive, painfully failed and unsolved racial experiment." The fact that most Americans, according to Douglas, "were trying to ignore this failure—by banning blacks from their lives and facilities, theorizing them into pseudo-scientific inferiority, lynching and disenfranchising them—necessitated and guaranteed a reaction that inevitably incorporated not just black thoughts and feelings but white ones; the blues were the fullest expression of this phenomenon." White [End Page 42] men may, as journalist Whitelaw Reid of the New York Tribune wrote after a visit to Mississippi in 1866, have been "virulently vindictive against a property that had escaped from their control," but many white southerners were also quietly broken-hearted at the loss of "their" previously compliant and apparently happy Negroes—a loss that only intensified as the old order gave way to the new. [11](http://muse.jhu.edu.proxy.lib.umich.edu/journals/southern_cultures/v012/12.4gussow.html" \l "FOOT11) That white perceptions of a loss of interracial community were predicated on white ethical blindness during the antebellum period and the decades that followed made the sense of loss no less profound; white disillusion during Reconstruction, the nadir of American race relations, shadowed black disillusion, even as white repression spurred the latter. "Baby, you don't love me" bespoke a region's dismay, not just a race's. Yet it has never been difficult for African American blues people—or whites moved by their songs—to imagine, in bell hooks's words, "that love really has the power to change everything." Quite the opposite: blues lyricism is grounded in a desperate faith that one good lover entering your life, one transcendent burst of eros, has the power to change everything, healing all the wounds inflicted by the white world's manifest lovelessness, if only for the moment. Marvin Gaye sang of sexual healing; so did virtually every blues singer who came of age in pre-civil rights Mississippi. In this respect, eros plainly trumped agape, at least among early blues people; an ethos of open-hearted, world-redemptive love was something only God's people, and suckers, could afford. "I had three ways of making it," Delta bluesman David Honeyboy Edwards proudly insists in his autobiography. "The women and my guitar and the dice." B.B. King, a better-capitalized performer but less sanguine lover than Honeyboy, fathered fifteen children by fifteen different women. "I felt starved . . . for love and affection," he confesses in his own autobiography. "I couldn't—and still can't—get enough of both." [12](http://muse.jhu.edu.proxy.lib.umich.edu/journals/southern_cultures/v012/12.4gussow.html" \l "FOOT12) "Can't Be Satisfied," the song Muddy Waters sang for Alan Lomax at Stovall Plantation in the early 1940s, is both a comprehensive and representative complaint, a touchstone of the blues South. No one lover, of course, could finally fill the aching void left by so much willfully inflicted spiritual damage, which is why blues song is a never-ending dance of immoderate hungers—for love, for money, for a fresh start in a friendly town—and bitterly dashed promises. "Well bye bye babe, if I . . . never see you no more. . . . You know I love you girl. . . . I can't stand to see you go." Blues literature, both autobiographies by elder bluesmen and creative works by contemporary black writers, offers memorable inscriptions of this blues-heroic dance of desire and disillusionment, love extended and love denied, trauma suffered and trauma overcome. Sometimes the spiritual wounds inflicted by loveless white folk are an insurmountable burden, destabilizing and defeating would-be blues heroes. In Ma Rainey's Black Bottom (1985), by August Wilson, the Mississippi-born blues trumpeter, Levee, erupts twice in the course of the play. The first outburst reveals the scars that white racial violence has carved into his body and [End Page 43] spirit; the second eruption, in which he succumbs to murderous fraternal rage, shows us what happens when unhealed trauma is left to fester for decades without love's transformative intercession. Levee explodes after his fellow band mates tease him about how he is "spooked up by the white man." "Levee got to be Levee!" he yells. "And he don't need nobody messing with him about the white man—cause you don't know nothing about me. You don't know Levee. You don't know nothing about what kind of blood I got! What kind of heart I got beating here! I was eight years old when I watched a gang of white mens come into my daddy's house and have do with my mama any way they wanted." Levee continues his impassioned narration: he interrupted the rape of his mother by attacking one of the men with his father's hunting knife, suffering a deep gash across his own chest. His father later managed to kill four members of the gang before the rest "caught up with him and hung him and set him afire." [13](http://muse.jhu.edu.proxy.lib.umich.edu/journals/southern_cultures/v012/12.4gussow.html" \l "FOOT13) "Mindful remembering," to repeat bell hooks, "lets us put the broken bits and pieces of our hearts together again. This is the way healing begins." Levee's tragedy is that he begins the healing process hooks describes—centering himself in his rage-filled heart, engaging in a kind of mindful remembering—but he's never graced by his fickle female lover or his fractious male band mates with the kind of compassionate audience that might enable him to reassemble the "bits and pieces" of his broken heart and make peace with his past. His blues-filled life lacks redemptive love. When his dream of fame and fortune as a blues songwriter is shattered by a manipulative white record executive who has been playing him for a fool, Levee's [End Page 44] unhealed "white man" blues are reanimated. They possess him, overpower him, and lead him to stab his black band mate Toledo to death for no good reason. His blues community wounds him with callousness rather than heals him with love; he, in response, violently shatters that community, highlighting its greed and divisiveness as he does so.

# 1ar

### framework

#### Their framework arguments cheapen the alt—we can't tell them their wrong because we’re men, and that's censorship—but they can tell us what we can say, because they have some privileged insight on reality—vote aff to recognize that all perspectives are partial—otherwise you romanticize their status

**Scott, 92** – professor of sociology at Princeton (Joan, “Multiculturalism and the Politics of Identity,” The Identity in Question (Summer, 1992), pp. 12-19, JSTOR)

There is nothing wrong, on the face of it, with teaching individuals about how to behave decently in relation to others and about how to empathize with each other's pain. The problem is that difficult analyses of how history and social standing, privilege, and subordination are involved in personal behavior entirely drop out. Chandra Mohanty puts it this way:

There has been an erosion of the politics of collectivity through the reformulation of race and difference in individualistic terms. The 1960s and '70s slogan "the personal is political" has been recraftedin the 1980s as "the political is personal." In other words, all politics is collapsed into the personal, and questions of individual behaviors, attitudes, and life-styles stand in for political analysis of the social. Individual political struggles are seen as the only relevant and legitimate form of political struggle.5

Paradoxically, individuals then generalize their perceptions and claim to speak for a whole group, but the groups are also conceived as unitary and autonomous. This individualizing, personalizing conception has also been behind some of the recent identity politics of minorities; indeed it gave rise to the intolerant, doctrinaire behavior that was dubbed, initially by its internal critics, "political correctness."

It is particularly in the notion of "experience" that one sees this operating. In much current usage of "experience," references to structure and history are implied but not made explicit; instead, personal testimony of oppression re-places analysis, and this testimony comes to stand for the experience of the whole group. The fact of **belonging to an identity group is taken as authority** enough for one's speech; the direct experience of a group or culture-that is, membership in it-becomes the only test of true knowledge.

The exclusionary implications of this are twofold: all those not of the group are denied even intellectual access to it, and those within the group whose experiences or interpretations do not conform to the established terms of identity must either suppress their views or drop out. An appeal to "experience" of this kind forecloses discussion and criticism and turns politics into a policing operation: the borders of identity are patrolled for signs of nonconformity; the test of membership in a group becomes less one's willingness to endorse certain principles and engage in specific political actions, less one's positioning in specific relationships of power, than one's ability to use the prescribed languages that are taken as signs that one is inherently "of" the group. That all of this isn't recognized as a highly political process that produces identities is troubling indeed, especially because it so closely mimics the politics of the powerful, naturalizing and deeming as discernably objective facts the prerequisites for inclusion in any group.

#### All these are reasons the perm solves—you have to reject the categorical integrity of their mutual exclusivity argument—otherwise we become content with our incommunicability

**Chandler, 7** David, Professor of History, The possibilities of post-territorial political community, Area, Volume 39, Issue 1, pages 116–119, Marc

For radical activists – exemplified in the anti-Globalization/Capitalism/War social protests – it would appear that there has been a profound shift away from the politics of parties and collective movements to a much more atomized and individuated form of protest. This was highlighted in the February 2003 anti-Iraq war protest demonstrations which attracted more people than any previous political protests, but which markedly did not produce an anti-war ‘movement’. There was no attempt to win people engaged to a shared position; people expressed disparate and highly personal protests of disengagement, such as the key slogan of ‘Not in My Name’.

Being ‘anti-war’ is today an expression of personal ethics rather than of political engagement and does not indicate that the individual concerned is engaged in a campaign of social change or is interested in either understanding or debating the causes of war (capitalism, human nature, etc.). These forms of practical and intellectual engagement with a political community are only relevant if the desire to end war is understood as a practical or instrumental one.

Similarly, the anti-Globalization protests and collective comings together in World and European Social Forums are not aimed at producing a collective movement but at sharing the feelings and respecting the identities of various groupings involved (Klein 2002;Kingsnorth 2004). The fact that large numbers of people are engaged in these forms of radical protest is in marked contrast to their political impact. The fact that they appeal to the disengaged is their attractive factor, the inability to challenge this disengagement leads to the lack of political consequences.

One of the most individuated expressions of symbolic politics which puts personal ethics above those of a collective engagement is the desire of radical activists to make individual journeys of self-discovery to the conflict areas of the West Bank, Chiapas, Bosnia or Iraq, as humanitarian or aid workers or as ‘human shields’, where they are willing to expose themselves to death or injury as a personal protest against the perceived injustices of the world.

Here the ethics lie in the action or personal sacrifice, rather than in any instrumental consequences. This is the politics of symbolism of personal statement, a politics of individual ethics which, through the ability to travel, becomes immediately global in form as well as in content. There is no desire to engage with people from their own country of origin, in fact, this activism is often accompanied by a dismissal of the formal political process, and by implication the views of those trapped in the state-based politics of the ‘self-satisfied West’ (O’Keefe 2002; Chandler 2003).

AI Qaeda

The desire to take part in martyrdom operations in the cause of the global jihad is representative of the unmediated political action which immediately makes the personal act a global political one. The jihad is a break from the politics of Islamic fundamentalism, in the same way as radical global activism breaks from the traditional politics of the Left and is founded on its historical defeat. The jihad is not concerned with political parties, revolutions or the founding of ideological states (Roy 2004). Al Qaeda's politics are those of the imaginary global space of the ummah making the personal act global in its effects. It is the marginalization and limited means of Al Qaeda that makes its struggle an immediately global one, similar to the marginal and limited struggle of, for example, the Mumbai slum dwellers or the Zapatistas. This marginalization means that their actions lack any instrumentality – i.e. the consequences or responses to their actions are entirely out of their control (Devji 2005).

Where intentionality and instrumentality were central to collective political projects aimed at political ends, martyrdom operations in the West are purely ethical acts – this is gesture politics or the politics of symbolism at its most pure. Al Qaeda has no coherent political programme, shared religious faith or formal organizational framework. The act of martyrdom is the only action for which Al Qaeda claims full responsibility, the autonomy of the self in self-destruction makes the most fully individual act also the most immediately global, in its indiscriminate claim on the viewing public of the global sphere. Martyrdom also reflects other new political trends of the politics of global ethics mentioned above. Those involved need no engagement with political or religious learning, nor any engagement with an external audience, nor relationship with any external reality. The act of martyrdom is in-itself evidence of the highest ethical commitment, the act serves as its own proof and justification, its own final end.

To what extent can we speak of post-territorial political communities?

This disjunction between the human/ethical/global causes of post-territorial political activism and the capacity to ‘make a difference’ is what makes these individuated claims immediately abstract and metaphysical – there is no specific demand or programme or attempt to build a collective project. This is the politics of symbolism. The rise of symbolic activism is highlighted in the increasingly popular framework of ‘raising awareness’– here **there is no longer even a formal connection between ethical activity and intended outcomes** (Pupavac 2006). Raising awareness about issues has replaced even the pretence of taking responsibility for engaging with the world – the act is ethical in-itself. Probably the most high profile example of awareness raising is the shift from Live Aid, which at least attempted to measure its consequences in fund-raising terms, to Live 8 whose goal was solely that of raising an ‘awareness of poverty’. The struggle for ‘awareness’ makes it clear that the focus of symbolic politics is the individual and their desire to elaborate upon their identity – to make us aware of their ‘awareness’, rather than to engage us in an instrumental project of changing or engaging with the outside world.

It would appear that in freeing politics from the constraints of territorial political community there is a danger that political activity is freed from any constraints of social mediation (see further, Chandler 2004a). **Without being forced to test and hone our arguments, or even to clearly articulate them, we can rest on the radical ‘incommunicability’ of our personal identities and claims – you are ‘either with us or against us’; engaging with those who disagree is no longer possible or even desirable.**

**It is this lack of desire to engage which most distinguishes the unmediated activism of post-territorial political actors from the old politics of territorial communities**, founded on struggles of collective interests (Chandler 2004b). The clearest example is old representational politics – this forced engagement in order to win the votes of people necessary for political parties to assume political power. Individuals with a belief in a collective programme knocked on strangers’ doors and were willing to engage with them, not on the basis of personal feelings but on what they understood were their potential shared interests. Few people would engage in this type of campaigning today; engaging with people who do not share our views, in an attempt to change their minds, is increasingly anathema and most people would rather share their individual vulnerabilities or express their identities in protest than attempt to argue with a peer.

This paper is not intended to be a nostalgic paean to the old world of collective subjects and national interests or a call for a revival of territorial state-based politics or even to reject global aspirations: quite the reverse. Today, politics has been ‘freed’ from the constraints of territorial political community – governments without coherent policy programmes do not face the constraints of failure or the constraints of the electorate in any meaningful way; activists, without any collective opposition to relate to, are free to choose their causes and ethical identities; protest, from Al Qaeda, to anti-war demonstrations, to the riots in France, is inchoate and atomized. When attempts are made to formally organize opposition, the ephemeral and incoherent character of protest is immediately apparent.

The decline of territorial political community does not appear to have led to new forms of political community (in territorial or post-territorial forms), but rather to the individuation of ‘being’ political. Therefore ‘being political’ today takes the form of individuated ethical activity in the same way as ‘being religious’ takes a highly personal form with the rejection of organized churches. Being religious and being political are both statements of individual differentiation rather than reflections of social practices and ways of life. One can not ‘be’ political (anymore than one can ‘be’ religious) except by elaborating a personal creed or identity – being political or religious today is more likely to distance one from one's community, or at least to reflect that perception of distance. **The elaboration of our individual ‘being’, of our identity, signifies the breakdown of community and the organic ties of the traditional social/political sphere.**