## 1NC

### T 1NC (Long)

#### Interpretation: the affirmative must defend a thought experiment in which the United States Federal Government enacts a topical plan

#### USFG is the USFG

**US Gov** Official Website 20**09**

http://www.usa.gov/Agencies/federal.shtml

U.S. Federal Government **The three branches of U.S. government—legislative, judicial, and executive—carry out governmental power and functions.** View a complete diagram (.PDF) of the U.S. government's branches.

#### “Resolved” expresses intent to implement the plan

**Merriam-Webster Dictionary** 19**96** [http://dictionary.reference.com/search?q=resolved, downloaded 07/20/03]

“6. **To change or convert by resolution or formal vote**; -- **used only reflexively; as, the house resolved itself into a committee of the whole**.”

#### “Should” is Used to express probability or expectation

**American Heritage** Dictionary **2K**

[www.dictionary.com]

#### war powers authority is delegated power from either congress or the constitution

NAME: Laura A. **Cisneros 12**\* BIO: \* Associate Professor, Golden Gate University School of Law. Copyright (c) 2012 West Virginia Law Review West Virginia Law Review Winter, 2012 West Virginia Law Review 115 W. Va. L. Rev. 577 LENGTH: 33396 words ARTICLE: YOUNGSTOWN SHEET TO BOUMEDIENE: A STORY OF JUDICIAL ETHOS AND THE (UN)FASTIDIOUS USE OF LANGUAGE. Lexis

At this point, it is helpful to take a step back and examine some text that occurs earlier in the Medellin opinion. **Roberts prefaced his recitation** of Jackson's tripartite framework **by reaffirming Justice Black's now-classic formula for discerning the legal sources of presidential power:** "**The President's authority to act, as with the exercise of any governmental power, "must stem** [\*622] **either from an act of Congress or from the Constitution** itself.'" n200 Here, Roberts is structuring his opinion so as to maximize its rhetorical thrust and display its legal pedigree. Not only does he quote Justice Black's "first principle" of presidential authority from Youngstown, he also cites to Dames & Moore as additional legal support. With a simple string citation, Roberts places Dames & Moore, a decision battered by commentary critical of its expansive allowance of presidential power, n201 on equal footing with Youngstown, a decision viewed as one of the bulwarks against executive excesses. This is quite a balancing act, but one with a distinct purpose. By treating Dames & Moore as equal to and consistent with Youngstown, Roberts lays the groundwork for accepting Dames & Moore's use of the congressional acquiescence doctrine as a graft upon both Black's majority opinion and Jackson's concurrence in the earlier case

#### “War power” and “authority” mean specific things in this context:

**Linn 2K**

Alexander C. Linn, Lawyer, “International Security and the War Powers Resolution”, William & Mary Bill of Rights Journal, 8(3), http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1391&context=wmborj

**"War Power" is defined as "[t]he constitutional authority of Congress to declare war and maintain armed forces** (U.S. Const. art. I, § 8, cls. 11-14), **and of the President to conduct war as commander-in-chief** (U.S. Const. art. II, § 2, cl. 1)." BLACK'S LAW DICTIONARY 1578-79 (7th ed. 1999).

#### They’re not topical if the POTUS didn’t authorize the events of the 1AC:

**West’s 8** – West's Encyclopedia of American Law, Edition 2, “President of the United States”, http://legal-dictionary.thefreedictionary.com/President+of+the+United+States

**The head of the Executive Branch, one of the three branches of the federal government**.

prefer our interp:

#### 1. Stasis is a prerequistie to debate- limited topic key to decision-making, argument testing and critical thinking

**Steinberg and Freeley 13**, \* David, Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League. Director of Debate at U Miami, Former President of CEDA. And \*\* Austin, attorney who focuses on criminal, personal injury and civil rights law, JD, Suffolk University, *Argumentation and Debate***,** *Critical Thinking for Reasoned Decision Making*, 121-4

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

#### 3. debate on war powers now is uniquely important because it has fallen out of public discourse- key to check executive overreach

**Kurr 2013** – Ph.D. student in the Communication Arts & Sciences program at Pennsylvania State University and a coach for the Penn State Debate Society (9/5, UVA Miller Center & CEDA Public Debate Series, “Bridging Competitive Debate and Public Deliberation on Presidential War Powers”, http://public.cedadebate.org/node/14)

**Taken together, the connection between tournament competition and a public collaboration reorients the pedagogical function of debate**. Gordon **Mitchell and his colleagues comment on this** possibility, “**The** debate **tournament site’s potential** to work **as a translational pipeline for scholarly research presents unique opportunities for colleges and universities seeking to bolster their institutional infrastructure for undergraduate research**” (Mitchell et al, 2010, p. 15). Indeed, the debate series affords competitors the opportunity to become part of the discussion and inform policymakers about potential positions, as opposed to the traditional reactionary format of hosting public debates at the season’s end. **Empirically, these events had the effect of “giv[ing] voice to previously buried arguments” that “subject matter experts felt reticent to elucidate because of their institutional affiliations**” (Mitchell, 2010, p. 107). **Given the timeliness of the topic, these debates provide a new voice into the ongoing deliberation over war powers and help make the fruits of competitive research have a public purpose**.

**The second major function concerns the specific nature of deliberation over war powers.** **Given** the connectedness between presidential war powers and the preservation of **national security, deliberation is often difficult**. Mark **Neocleous describes that when** political **issues become securitized; it “helps consolidate** the **power** of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms.” (2008, p. 71). Collegiate **debaters, through research and competitive debate, serve as a bulwark against this “short-circuiting” and help preserve democratic deliberation. This is especially true when considering national security issues.** Eric English contends, “The success … in challenging the dominant dialogue on homeland security politics points to efficacy of academic debate as a training ground.” **Part of this training requires a “robust understanding of the switch-side technique” which “helps prevent misappropriation of the technique to bolster suspect homeland security policies**” (English et. al, 2007, p. 224). Hence, **competitive debate training provides foundation for interrogating these policies in public**.

**Alarmism o**n the issues of **war powers is easily demonstrated by Obama’s** repeated **attempts to transfer detainees from Guantanamo** Bay. Republicans were able to launch a campaign featuring the slogan, “not in my backyard” (Schor, 2009). By locating the nexus of insecurity as close as geographically possible, the GOP were able to instill a fear of national insecurity that made deliberation in the public sphere not possible. **When collegiate debaters translate their knowledge of the policy wonkery on such issues into public deliberation, it serves to cut against the alarmist rhetoric purported by opponents**.

**In addition to combating misperceptions concerning detainee transfers, the investigative capacity of collegiate debate provides a constant check on governmental policies**. A new trend concerning national security policies has been for the government to provide “status updates” to the public. On March 28, 2011, **Obama gave a speech concerning** Operation Odyssey Dawn in **Libya** and the purpose of the bombings. Jeremy **Engels and** William **Saas describe this “post facto discourse” as a “new norm” where “Americans are called to acquiesce** **to decisions already made”** (2013, p. 230). Contra to the alarmist strategy that made policy deliberation impossible, **this rhetorical strategy posits that deliberation is not necessary. Collegiate debaters researching war powers are able to interrogate whether deliberation is actually needed**. Given the technical knowledge base needed to comprehend the mechanism of how war powers operate, **debate programs serve as a constant investigation into whether deliberation is necessary not only for prior action but also future action.** By raising public awareness, there is a greater potential that “the public’s inquiry into potential illegal action abroad” could “create real incentives to enforce the WPR” (Druck, 2010, p. 236). While this line of interrogation could be fulfilled by another organization, **collegiate debaters who translate their competitive knowledge into public awareness create a “space for talk” where the public has “previously been content to remain silent**” (Engels & Saas, 2013, p. 231).

**Given the importance of presidential war powers and the strategies used by both sides of the aisle to stifle deliberation, the import of competitive debate research into the public realm should provide an additional check of being subdued by alarmism or acquiescent rhetorics**. After creating that space for deliberation, debaters are apt to influence the policies themselves. Mitchell furthers, “Intercollegiate debaters can play key roles in retrieving and amplifying **positions** that **might otherwise remain sedimented in the policy process**” (2010, p. 107). With the timeliness of the war powers controversy and the need for competitive debate to reorient publicly, the CEDA/Miller Center series represents a symbiotic relationship that ought to continue into the future. Not only will collegiate debaters become better public advocates by shifting from competition to collaboration, the public becomes more informed on a technical issue where deliberation was being stifled. As a result, debaters reinvigorate debate.

#### 4. Learning about how theory relates to policy and discussing implementation is crucial to influence the policy process

**Nye 09** - Joseph Nye, professor at Harvard University and former dean of the Harvard Kennedy School, 4-13-2009, Washington Post, http://www.washingtonpost.com/wp-dyn/content/article/2009/04/12/AR2009041202260\_pf.html 4-13-09

President Obama has appointed some distinguished academic economists and lawyers to his administration, but few high-ranking political scientists have been named. In fact, the editors of a recent poll of more than 2,700 international relations experts declared that "**the walls surrounding the ivory tower have never seemed so high**." While important American scholars such as Henry Kissinger and Zbigniew Brzezinski took high-level foreign policy positions in the past, that path has tended to be a one-way street. **Not many top-ranked scholars** of international relations **are going into government**, and even fewer return to contribute to academic theory. The 2008 Teaching, Research and International Policy (TRIP) poll, by the Institute for Theory and Practice in International Relations, showed that of the 25 scholars rated as producing the most interesting scholarship during the past five years, only three had ever held policy positions (two in the U.S. government and one in the United Nations). **The fault** for this growing gap **lies** not with the government but **with** the **academics**. **Scholars** are **pay**ing **less attention to** questions about **how their work relates to the policy world**, and in many departments a focus on policy can hurt one's career. Advancement comes faster for those who develop mathematical models, new methodologies or theories expressed in jargon that is unintelligible to policymakers. A survey of articles published over the lifetime of the American Political Science Review found that about one in five dealt with policy prescription or criticism in the first half of the century, while only a handful did so after 1967. Editor Lee Sigelman observed in the journal's centennial issue that "if 'speaking truth to power' and contributing directly to public dialogue about the merits and demerits of various courses of action were still numbered among the functions of the profession, one would not have known it from leafing through its leading journal." As citizens, **academics might be considered to have an obligation to help improve on policy ideas when they can**. Moreover, **such engagement can enhance** and enrich **academic work, and** thus **the ability of academics to teach the next generation**. As former undersecretary of state David Newsom argued a decade ago, "**the** growing **withdrawal of** university **scholars behind curtains of theory** and modeling **would** not have wider significance if this trend did not **raise questions regarding the preparation of new generations and the future influence of the academic community on public and official perceptions of international issues** and events. **Teachers plant seeds that shape the thinking of each new generation**; **this is** probably **the academic world's most lasting contribution**." Yet too often scholars teach theory and methods that are relevant to other academics but not to the majority of the students sitting in the classroom before them. **Some** academics **say that while the** growing **gap between theory and policy may have costs for policy**, **it** has **produced better social science theory**, and that **this is more important than whether such scholarship is relevant**. Also, to some extent, the gap is an inevitable result of the growth and specialization of knowledge. Few people can keep up with their subfields, much less all of social science. But **the danger is** that **academic theorizing will say more and more about less and less**. Even when **academics** supplement their usual trickle-down approach to policy by writing in journals, newspapers or blogs, or by consulting for candidates or public officials, they **face** many **competitors for attention**. More than 1,200 **think tanks** in the United States **provide not only ideas but also experts ready to comment** or consult **at a moment's notice**. Some of these new transmission belts serve as translators and additional outlets for academic ideas, but **many add a bias** provided by their founders and funders. As a group, think tanks are heterogeneous in scope, funding, ideology and location, but **universities generally offer a more neutral viewpoint.** While pluralism of institutional pathways is good for democracy, **the policy process is diminished by the withdrawal of the academic community**. **The solutions must come via a reappraisal within the academy itself**. Departments should give greater weight to real-world relevance and impact in hiring and promoting young scholars. Journals could place greater weight on relevance in evaluating submissions. Studies of specific regions deserve more attention. Universities could facilitate interest in the world by giving junior faculty members greater incentives to participate in it. That should include greater toleration of unpopular policy positions. One could multiply such useful suggestions, but young people should not hold their breath waiting for them to be implemented. If anything, the trends in academic life seem to be headed in the opposite direction.

#### Their fixation on drones technology is a mere distraction – only debating the policy details of war power policies can create change

**Leuckin 12** (Paul, graduate of Notre Dame, “Drones: Why Americans Shouldn't Worry About Them”, 12/29, <http://www.policymic.com/articles/21556/drones-why-americans-shouldn-t-worry-about-them>, CMR)

Drones are merely a tool, and the popular focus on the tool distracts from the policy it implements. The most visible portion of the Obama administration's counterterrorism strategy is its targeted killing policy. This policy is the real issue, not drones, and the United States doesn’t need drones to carry it out. Manned aircraft and cruise missiles are just as capable of carrying out an airstrike. The incessant focus on drones may have started as a lazy shorthand for the targeted killing policy, but the problem is more than semantics. Focus on drones and, more generally, fetishizing technology, distracts us from the real debate at hand.¶ The targeted killing policy allegedly involves a loose definition determining which victims count as militants, a nominal commitment to detaining suspects when possible, and inevitable civilian casualties. Any security policy involves trade-offs, and a public discussion whether and why these trade-offs should be accepted is sorely needed. Substantive discussion should not be sidelined for overblown alarmism about drones.

#### being “for or against drones” misses the point- the details of policymaking and transparency reforms are key

Michael Martin- Host, Aisha Sarawari- Pakistani Freelance Journalist- Madiha Tahir- Independent Journalist. “Do Pakistanis Support U.S. Drone Attacks?”¶ October 25, 2013 11:27 AM http://www.npr.org/2013/10/25/240749015/do-pakistanis-support-us-drone-attacks

SARWARI: We have to ask the right questions. When we say, are we against drones or for it, it doesn't simply mean that are you for the deaths that are happening because of the drone attacks, or are you against them. You know, the civilian casualties is what I'm talking about. It's not as simple as that. I see it in a way that drones are something - it is a weaponry that is a precision weapon, that is something going to probably stay in the future. So I don't think we have to ask about what we can do to eliminate the drone program, the real question is how we can make governments more accountable and transparent about how they're running the drone program. So I want, you know, our governments to sit down together and come clean about these drone programs and be accurate about the figures that are coming out of these programs.

#### 5. Switching sides key to argument testing, avoids extremism and dogmatism

Talisse 2005 – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

Nonetheless, **the deliberativist conception of reasonableness differs from the activist’s** in at least one crucial respect. On the deliberativist view, **a** necessary **condition for reasonableness is the willingness not only to offer justifications** for one’s own views and actions, **but also** **to** **listen to** criticisms, objections, and the justificatory reasons that can be given in favor of **alternative proposals**.

In light of this further stipulation, we may say that, on the deliberative democrat’s view, reasonable citizens are responsive to reasons, their views are ‘reason tracking’. **Reasonableness**, then, **entails an acknowledgement** on the part of the citizen **that** her **current views are possibly mistaken**, incomplete, **and in need of revision**. Reasonableness is hence a two-way street: the reasonable citizen is able and willing to offer justifications for her views and actions, but is also prepared to consider alternate views, respond to criticism, answer objections, and, if necessary, revise or abandon her views. In short, reasonable citizens do not only believe and act for reasons, they aspire to believe and act according to the best reasons; consequently, **they recognize their** own **fallibility** in weighing reasons **and hence engage in** public **deliberation in part for** the sake of **improving their views**.15 ‘Reasonableness’ as the deliberative democrat understands it is constituted by a willingness to participate in an ongoing public discussion that inevitably involves processes of self-examination by which one at various moments rethinks and revises one’s views in light of encounters with new arguments and new considerations offered by one’s fellow deliberators. **Hence Gutmann and Thompson write:**

**Citizens who owe one another justifications for the laws** that **they seek** to impose **must take seriously** the reasons **their opponents** give. Taking seriously the reasons one’s opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. **This** acknowledgement has implications not only for the way they regard their own views. It **imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection.**16 (2000: 172)

That Young’s activist is not reasonable in this sense is clear from the ways in which he characterizes his activism. He claims that ‘Activities of protest, boycott, and disruption are more appropriate means for getting citizens to think seriously about what until then they have found normal and acceptable’ (106); **activist tactics are employed for** the sake of ‘**bringing attention’ to injustice** and making ‘a wider public aware of institutional wrongs’ (107). **These** characterizations **suggest the presumption that questions of justice are essentially settled; the activist takes himself to know what justice is and what its implementation requires**. He also believes he knows that **those who oppose** him **are either** the **power-hungry beneficiaries of the unjust status quo or** the **inattentive** and unaware **masses who do not ‘think seriously’ about** the **injustice** of the institutions that govern their lives and so unwittingly accept them. Hence his **political activity is aimed exclusively at enlisting other citizens in support of the cause** to which he is tenaciously committed.

**The activist implicitly holds that there could be no reasoned objection to** his views concerning justice, **and no good reason to endorse those institutions he deems unjust. The activist presumes to know that no deliberative encounter could lead him to reconsider** his position or adopt a different method of social action; he ‘declines’ to ‘engage persons he disagrees with’ (107) in discourse **because** he has judged **on a priori grounds that all opponents are either pathetically benighted or balefully corrupt.** When one holds one’s view as the only responsible or just option, there is no need for reasoning with those who disagree, and hence no need to be reasonable.

**According to the** deliberativist**, this is** the respect in which the **activist is unreasonable.** The deliberativist recognizes that **questions of justice are difficult and complex.** This is the case not only because justice is a notoriously tricky philosophical concept, but also because, even supposing we had a philosophically sound theory of justice, **questions of implementation are especially thorny.** Accordingly, political philosophers, social scientists, economists, and legal theorists continue to work on these questions. In light of much of this literature, **it is difficult to maintain the level of epistemic confidence in one’s own views that the activist seems to muster; thus the deliberativist sees the activist’s confidence as evidence of a lack of honest engagement with the issues. A possible outcome of the kind of encounter the activist ‘declines’ (107) is the realization that the activist’s image** of himself **as a ‘David to the Goliath of power wielded by the state and corporate actors’ (106) is naïve.** That is, the deliberativist comes to see, through processes of public deliberation, that **there are often good arguments** to be found **on all sides of an important social issue; reasonableness hence demands that one must especially engage the reasons of those with whom one most vehemently disagrees** and **be ready to revise** one’s own **views** if necessary. Insofar as the activist holds a view of justice that he is unwilling to put to the test of public criticism, he is unreasonable. Furthermore, insofar as the activist’s conception commits him to the view that there could be no rational opposition to his views, he is literally unable to be reasonable. **Hence the deliberative democrat concludes that activism, as presented by Young’s activist, is an unreasonable model of political engagement.**

**The dialogical conception of reasonableness adopted by the deliberativist** also **provides a response to the activist’s** reply to the **charge** **that** he is engaged **in interest group** or adversarial **politics. Recall that the activist denied this charge on the grounds that activism is** **aimed** not at private or individual interests, but **at** the **universal good of justice. But this reply** also **misses the** force of the posed **objection.** On the deliberativist view, the problem with interest-based politics does not derive simply from the source (self or group), scope (particular or universal), or quality (admirable or deplorable) of the interest, but with the concept of interests as such. Not unlike ‘preferences’, ‘interests’ typically function in democratic theory as fixed dispositions that are non-cognitive and hence unresponsive to reasons. **Insofar as the activist sees his view of justice as ‘given’** and not open to rational scrutiny, **he is engaged in the kind of adversarial politics** the deliberativist rejects.

**The argument** thus far **might appear to turn exclusively upon different conceptions of** what **reasonableness** entails. **The deliberativist view** I have sketched **holds that reasonableness involves some degree of** what we may call **epistemic modesty**. On this view, the reasonable citizen seeks to have her beliefs reflect the best available reasons, and so she enters into public discourse **as a way of testing** her **views against** the **objections** and questions of those who disagree; hence she implicitly holds **that** her present **view is open to** reasonable **critique** and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable. The activist sees no reason to accept this. Reasonableness for the activist consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; discussion with those who disagree need not be involved. According to the activist, there are certain cases in which he does in fact know the truth about what justice requires and in which there is no room for reasoned objection. Under such conditions, the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational.

It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. **To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with** (107), **the deliberative democrat can raise** the phenomenon that Cass Sunstein has called ‘**group polarization’** (Sunstein, 2003; 2001a: ch. 3; 2001b: ch. 1). To explain: consider that political **activists cannot eschew deliberation altogether**; they often engage in rallies, demonstrations, teach-ins, workshops, and other activities in which they are called **to make** public **the case for their views. Activists also must engage in deliberation** among themselves **when deciding strategy**. Political **movements must be organized, hence those involved must decide upon targets, methods, and tactics**; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists.

**Group polarization is a well-documented phenomenon** that has ‘been found all over the world and in many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by the members’ predeliberation tendencies’ (Sunstein, 2003: 81–2). Importantly, in groups that ‘engage in repeated discussions’ over time, the polarization is even more pronounced (2003: 86). Hence **discussion in a** small but **devoted activist enclave** that meets regularly to strategize and protest ‘**should produce a situation in which individuals hold positions more extreme than those of any individual member before the** series of **deliberations** began’ (ibid.).17

The fact of group polarization is relevant to our discussion because **the activist** has **proposed** that **he may reasonably decline** to engage in **discussion** with those with whom he disagrees **in cases in which the requirements of justice are so clear** that he can be confident that he has the truth. **Group polarization suggests that deliberatively confronting those with whom we disagree is essential even when we have the truth**. For **even if we have the truth, if we do not engage opposing views, but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth**. In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggests that **engagement with those with whom one disagrees is essential to the proper pursuit of justice**. Insofar as the activist denies this, he is unreasonable.

#### 7. Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

**Galloway 7**—Samford Comm prof (Ryan, Contemporary Argumentation and Debate, Vol. 28, 2007)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it **fundamentally denies the personhood of the other participant** (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a **fundamental condition of a dialogue** that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness **is a demand for respect**, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking **not be silenced**.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and **yet claim to be germane to the topic** in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative **subverts any meaningful role to the negative team**, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

### CP

We should detach ourselves from the US construction of community against terrorism except in the case of Pakistan.

#### drones key to Pakistan stability—blowback inevitable because of government policies

Vira 12 – (10/12, Varun, researcher and anayst, Small Wars Journal, author of an extensive report on Pakistan by the Center for Strategic and International Studies, “Anti-Drone Hysteria in Pakistan Obscures Governance Failures,” World Politics Review, http://www.worldpoliticsreview.com/articles/12415/anti-drone-hysteria-in-pakistan-obscures-governance-failures)

Though drones are not ideal, they are the best means of achieving a specific tactical task: **killing** high-value **terrorists** in areas beyond the reach of the Pakistani state in ways that are more precise than the available alternatives. Many of those killed by drone strikes were indeed al-Qaida operatives. Others were senior militants of the Haqqani, Nazir and Bahadur networks that kill American troops in Afghanistan, yet are protected by the Pakistani state for their strategic value as "good Taliban" in post-2014 Afghanistan. Others, such as Baitullah Mehsud, Nek Mohammed and Ilyas Kashmiri, were notorious for the amount of Pakistani blood they had spilled, but were for years beyond the reach of Pakistani security services.

The alternatives to drones are either American special operations raids that might still cause the same level of collateral damage, or to have the Pakistanis root out their own problems. The best-case scenario in the latter case would be large-scale Pakistani military offensives designed to clear territory of militants and restore credible government rule. Whatever one may think of drones, past Pakistani military campaigns came with far higher costs. Operation Rah-e-Rast in early 2009 displaced almost 2 million people, perhaps the worst refugee exodus since Rwanda. Shortly afterward, operation Rah-e-Nijat displaced nearly another 500,000 people, more than 40 percent of the population of the entire district. Pakistani operations in the FATA have evolved from the days when the military simply bombed entire villages. But despite updated counterinsurgency tactics, many innocents still die. Evidence over the years has shown army executions, torture, rape and extra-judicial deaths.

Today there is little to indicate that militants in Pakistan’s tribal areas have been contained, nor is there any assurance that they will be after U.S. troops leave Afghanistan in 2014. Certainly the Afghan Taliban will return across the border at that time, taking with them much of the legitimacy for a popular Pashtun uprising. But the Pakistani Taliban and their terrorist affiliates that have killed nearly 40,000 Pakistani civilians and security personnel since Sept. 11, 2001, and that continue to control entire tribal agencies will remain.

Pakistan cannot deal with this threat alone. The insurgency is now mature, and its ideology has hardened. A distinct anti-Pakistani jihad has been joined by sectarian militants churned out by the radical madrassas, as well as by most of the ex-Kashmiri jihadi groups that were trained over decades by the Pakistani military to serve as anti-Indian guerrilla forces. These affiliates bring with them broader access to Pakistan’s extensive madrassa and jihadi fundraising networks in the more prosperous Punjab as well as the knowledge of how to attack deep into Pakistan. Despite setbacks in the past few years, notably under the withering drone campaign, insurgents remain highly capable, as illustrated most recently in August 2012, when they breached the highly sensitive Minhas air base, which is tied to Pakistan's nuclear program.

Neither do Pakistan's generals want to fight them alone. For years, U.S. drones flew from Pakistani airbases, and Pakistan’s army chief is on record in leaked diplomatic cables as being eager to step up the drone campaign. Allowing the U.S. to operate drones over Pakistani territory has kept the U.S. military aid that sustains the Pakistani military flowing. But the campaign is also in sync with Pakistan’s preference for a military-centric approach to tackling the root causes of the insurgency.

The military has ruled the FATA since independence, and on every human welfare metric it today ranks below mainstream Pakistan. Laws left over from British colonialism still apply; collective tribal punishment -- often financial, sometimes the razing of villages -- is still used, with impunity for the army and its partnered bureaucrats. Integrating this tribal periphery into the Pakistani mainstream for the first time in its history is a task Pakistan is not prepared to undertake, especially not when the military still sees the region as crucial to projecting its strategic goals in Afghanistan.

Drones fly not just because Pakistan’s military shields some militants while targeting others, but because it refuses to risk its power and enact the reforms that tackling militancy across Pakistan requires. By encouraging and legitimizing the narrative that drones lie at the heart of the FATA’s problems, it is Pakistanis themselves that continue to suffer.

#### Militant rise in Pakistan causes nuclear war

**Pitt 9** William, a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn’t Want You to Know" and "The Greatest Sedition Is Silence", 5/8, "Unstable Pakistan Threatens the World," http://www.arabamericannews.com/news/index.php?mod=article%26cat=commentary%26article=2183

But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world. The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself.

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Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spinesof those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely serious about addressing the situation. So should we all.

### Case

**Targeting low-level militants is key to all aspects of counter-terror---in-depth network analysis means the people we target don’t seem important to observers, but they’re actually vital to the effectiveness of terror groups**

Gregory **McNeal 13**, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

This becomes obvious when one considers that national security bureaucrats will look beyond criticality and vulnerability, and also engage in network-based analysis. **Network-based analysis looks at terrorist groups as nodes connected by links**, and assesses how components of that terrorist network operate together and independently of one another.143 **Contrary to** popular **critiques of the targeting process that liken it to a “haphazardly prosecuted assassination program,”** in reality **modern targeting involves applying pressure to various nodes and links within networks to disrupt and degrade their functionality**.144

**To effectively pursue a network-based approach, bureaucrats rely** in part **on** what is known as “**pattern of life analysis**” which involves “connecting the relationships between places and people by tracking their patterns of life.” This analysis draws on the interrelationships among groups “to determine the degree and points of their interdependence,” it assesses how activities are linked and looks to “determine the most effective way to influence or affect the enemy system.”145 While the enemy moves from point to point, reconnaissance or surveillance tracks and notes every location and person visited. **Connections between the target, the sites they visit, and the persons they interact with are documented**, built into a network diagram, and further analyzed.146 Through this process **links and nodes in the enemy's network emerge**.147 The analysis charts the “social, economic and political networks that underpin and support clandestine networks,”148 identifying key decision-makers and those who support or influence them indirectly.149 This may mean that analysts will track logistics and money trails, they may identify key facilitators and non-leadership persons of interests, and they will exploit human and signals intelligence combined with computerized knowledge integration that generates and cross-references thousands of data points to construct a comprehensive picture of the enemy network.150 “This analysis has the effect of taking a shadowy foe and revealing his physical infrastructure . . . as a result, **the network becomes more visible and vulnerable,** thus **negating the enemy’s asymmetric advantage of denying a target**.”151

**Viewing targeting in this way demonstrates how** **seemingly low-level individuals** **such as couriers and other “middle-men” in** decentralized networks such as **al Qaeda are** **oftentimes critical to the successful functioning of the enemy organization**.15

2 **Targeting these individuals can** “**destabilize clandestine networks** **by compromising large sections of the organization**, **distancing operatives from direct guidance, and impeding organizational communication and function**.”153 Moreover, because clandestine networks rely on social relationships to manage the trade-off between maintaining secrecy and security, **attacking key nodes can have a detrimental impact on the enemy’s ability to conduct their operations**.154 Thus, **while some individuals may seem insignificant to the outside observer,** **when considered by a bureaucrat relying on network based analytical techniques**, **the elimination of a seemingly low level individual might have an** **important impact on an enemy organization**. Moreover, because terrorist networks rely on secrecy in communication, individuals within those networks may forge strong ties that remain dormant for the purposes of operational security.155 This means that **social ties that appear inactive or weak to a casual observer such as an NGO, human rights worker,** journalist, or even a target’s family members **may in fact be strong ties within the network**.156 Furthermore, because terrorist networks oftentimes rely on social connections between charismatic leaders to function, disrupting those lines of communication can significantly impact those networks.157

**Constraining targeted killing’s role in the war on terror causes extinction**

Louis Rene **Beres 11**, Professor of Political Science and International Law at Purdue, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93

Even after the U.S. assassination of Osama bin Laden, **we are** still **left with the problem of demonstrating that assassination can be construed, at least under certain** very **limited circumstances, as an** **appropriate instance of anticipatory self-defense**. Arguably, the **enhanced permissibility of anticipatory self-defense that follows** generally **from the** **growing destructiveness of current weapons technologies in rogue hands** **may be paralleled by the enhanced permissibility of assassination as a** particular **strategy of preemption**. Indeed, **where assassination as anticipatory self-defense may** actually **prevent a nuclear or other highly destructive form of warfare**, **reasonableness dictates** that **it could represent** distinctly, even **especially, law-enforcing behavior**.

For this to be the case, a number of particular **conditions would need to be satisfied**. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the **assassination would have to conform to all of the settled rules of warfare** as they concern discrimination, proportionality, and military necessity. Third, the **assassination would need to follow intelligence assessments that point**, beyond a reasonable doubt, **to preparations for unconventional or other forms of highly destructive warfare** within the intended victim's state. Fourth, **the assassination would need to be founded upon carefully calculated judgments that it would**, in fact, **prevent the intended aggression**, and that it would do so **with substantially less harm** [\*114] **to civilian populations than would all of the alternative forms of anticipatory self-defense**.

**Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet**, **any blanket prohibition** **of assassination under international law could** **produce even greater harm**, **compelling threatened states to resort to** **large-scale warfare** **that could otherwise be avoided**. **Although it would surely be the best** of all possible worlds **if international legal norms could always be upheld without resort to assassination** as anticipatory self-defense, **the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement**. n71

Let us **suppose**, for example, that **a** particular **state determines** that another state **is planning a nuclear** or chemical surprise **attack upon its population centers**. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), **the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective**.

What of another, more common form of anticipatory self-defense? **Might a conventional military strike against the prospective attacker's nuclear**, biological or chemical **weapons launchers** and/or storage sites **prove even more reasonable** and cost-effective? **A persuasive answer** **inevitably depends upon the particular tactical and strategic circumstances** of the moment, and on the precise way in which these particular circumstances are configured.

But **it is entirely conceivable that conventional military** forms of **preemption would** **generate tangibly greater harms** **than assassination,** and possibly **with no greater defensive benefit**. This suggests that **assassination should not be dismissed** out of hand **in all circumstances as a permissible form of anticipatory self-defense under international law**. [\*115]

What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." **The threat of chemical,** biological or nuclear attack **may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition**. **A conventional military attack might still**, after all, **be** **enormously, even existentially, destructive**. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

#### Terrorism studies is right, there is no alternative to it

Jones and Smith, 9 - \*University of Queensland, Queensland, Australia AND \*\*King's College, University of London, London, UK (David and M.L.R.,“We're All Terrorists Now: Critical—or Hypocritical—Studies “on” Terrorism?,” Studies in Conflict & Terrorism, Volume 32, Issue 4 April 2009 , pages 292 **–** 302**,** Taylor and Francis)

The journal, in other words, is not intended, as one might assume, to evaluate critically those state or non-state actors that might have recourse to terrorism as a strategy. Instead, the journal's ambition is to deconstruct what it views as the ambiguity of the word “terror,” its manipulation by ostensibly liberal democratic state actors, and the complicity of “orthodox” terrorism studies in this authoritarian enterprise. Exposing the deficiencies in any field of study is, of course, a legitimate scholarly exercise, but what the symposium introducing the new volume announces questions both the research agenda and academic integrity of journals like *Studies in Conflict and Terrorism* and those who contribute to them. Do these claims, one might wonder, have any substance? Significantly, the original proposal circulated by the publisher Routledge and one of the editors, Richard **Jackson**, suggested some uncertainty concerning the preferred title of the journal. Critical Studies on Terrorism appeared last on a list where the first choice was Review of Terror Studies. Evidently, the concision of a review fails to capture the critical perspective the journal promotes. Criticism, then, is central to the new journal's philosophy and the adjective connotes a distinct ideological and, as shall be seen, far from pluralist and inclusive purpose. So, one might ask, what exactly does a critical approach to terrorism involve? What it Means to be Critical The editors and contributors explore what it means to be “critical” in detail, repetition, and opacity, along with an excessive fondness for italics, in the editorial symposium that introduces the first issue, and in a number of subsequent articles. The editors inform us that the study of terrorism is “a growth industry,” observing with a mixture of envy and disapproval that “literally thousands of new books and articles on terrorism are published every year” (pp. l-2). In adding to this literature the editors premise the need for yet another journal on their resistance to what currently constitutes scholarship in the field of terrorism study and its allegedly uncritical acceptance of the Western democratic state's security perspective. Indeed, to be critical requires a radical reversal of what the journal assumes to be the typical perception of terrorism and the methodology of terrorism research. To focus on the strategies practiced by non-state actors that feature under the conventional denotation “terror” is, for the critical theorist, misplaced. As the symposium explains, “acts of clandestine non-state terrorism are committed by a tiny number of individuals and result in between a few hundred and a few thousand casualties per year over the entire world” (original italics) (p. 1). The United States's and its allies' preoccupation with terrorism is, therefore, out of proportion to its effects.1 At the same time, the more pervasive and repressive terror practiced by the state has been “silenced from public and … academic discourse” (p. 1). The complicity of terrorism studies with the increasingly authoritarian demands of Western, liberal state and media practice, together with the moral and political blindness of established terrorism analysts to this relationship forms the journal's overriding assumption and one that its core contributors repeat ad nauseam. Thus, Michael Stohl, in his contribution “Old Myths, New Fantasies and the Enduring Realities of Terrorism” (pp. 5-16), not only discovers ten “myths” informing the understanding of terrorism, but also finds that these myths reflect a “state centric security focus,” where analysts rarely consider “the violence perpetrated by the state” (p. 5). He complains that the press have become too close to government over the matter. Somewhat contradictorily Stohl subsequently asserts that media reporting is “central to terrorism and counter-terrorism as political action,” that media reportage provides the oxygen of terrorism, and that politicians consider journalists to be “the terrorist's best friend” (p. 7). Stohl further compounds this incoherence, claiming that “the media are far more likely to focus on the destructive actions, rather than on … grievances or the social conditions that breed [terrorism]—to present episodic rather than thematic stories” (p. 7). He argues that terror attacks between 1968 and 1980 were scarcely reported in the United States, and that reporters do not delve deeply into the sources of conflict (p. 8). All of this is quite contentious, with no direct evidence produced to support such statements. The “media” is after all a very broad term, and to assume that it is monolithic is to replace criticism with conspiracy theory. Moreover, even if it were true that the media always serves as a government propaganda agency, then by Stohl's own logic, terrorism as a method of political communication is clearly futile as no rational actor would engage in a campaign doomed to be endlessly misreported. Nevertheless, the notion that an inherent pro-state bias vitiates terrorism studies pervades the critical position. Anthony Burke, in “The End of Terrorism Studies” (pp. 37-49), asserts that established analysts like Bruce Hoffman “specifically exclude states as possible perpetrators” of terror. Consequently, the emergence of “critical terrorism studies” “may signal the end of a particular kind of traditionally state-focused and directed 'problem-solving' terrorism studies—at least in terms of its ability to assume that its categories and commitments are immune from challenge and correspond to a stable picture of reality” (p. 42). Elsewhere, Adrian Guelke, in “Great Whites, Paedophiles and Terrorists: The Need for Critical Thinking in a New Era of Terror” (pp. 17-25), considers British government-induced media “scare-mongering” to have legitimated an “authoritarian approach” to the purported new era of terror (pp. 22-23). Meanwhile, Joseba Zulaika and William A. Douglass, in “The Terrorist Subject: Terrorist Studies and the Absent Subjectivity” (pp. 27-36), find the War on Terror constitutes “the single,” all embracing paradigm of analysis where the critical voice is “not allowed to ask: what is the reality itself?” (original italics) (pp. 28-29). The construction of this condition, they further reveal, if somewhat abstrusely, reflects an abstract “desire” that demands terror as “an ever-present threat” (p. 31). In order to sustain this fabrication: “Terrorism experts and commentators” function as “realist policemen”; and not very smart ones at that, who while “gazing at the evidence” are “unable to read the paradoxical logic of the desire that fuels it, whereby lack turns toexcess” (original italics) (p. 32). Finally, Ken Booth, in “The Human Faces of Terror: Reflections in a Cracked Looking Glass” (pp. 65-79), reiterates Richard Jackson's contention that state terrorism “is a much more serious problem than non-state terrorism” (p. 76). Yet, **one searches** in vain in these articles **for evidence** to **support the ubiquitous assertion of state bias**: assuming this bias in conventional terrorism analysis as a fact seemingly **does not require** a corresponding concern with **evidence** of this fact, merely its continual reiteration by conceptual fiat. A critical perspective **dispenses** not only **with** **terrorism studies** but also with the norms of accepted scholarship. Asserting what needs to be demonstrated commits, of course, the elementary logical fallacy *petitio principii*. But critical theory apparently emancipates (to use its favorite verb) its practitioners from the confines of logic, reason, and the usual standards of academic inquiry. Alleging a constitutive weakness in established scholarship without the necessity of providing proof to support it, therefore, appears to define the critical posture. The unproved “state centricity” of terrorism studies serves as a platform for further **unsubstantiated accusations** about the state of the discipline. Jackson and his fellow editors, along with later claims by Zulaika and Douglass, and Booth, again assert that “orthodox” analysts rarely bother “to interview or engage with those involved in 'terrorist' activity” (p. 2) or spend any time “on the ground in the areas most affected by conflict” (p. 74). Given that Booth and Jackson spend most of their time on the ground in Aberystwyth, Ceredigion, not a notably terror rich environment if we discount the operations of *Meibion Glyndwr* who would as a matter of principle avoid *pob sais* like Jackson and Booth, this seems a bit like the pot calling the kettle black. It also overlooks the fact that *Studies in Conflict and Terrorism* first advertised the problem of “talking to terrorists” in 2001 and has gone to great lengths to rectify this lacuna, if it is one, regularly publishing articles by analysts with first-hand experience of groups like the Taliban, Al Qaeda and *Jemaah Islamiyah*. A consequence of avoiding primary research, it is further alleged, leads conventional analysts uncritically to apply psychological and problem-solving approaches to their object of study. This propensity, Booth maintains, occasions another unrecognized weakness in traditional terrorism research, namely, an inability to engage with “the particular dynamics of the political world” (p. 70). Analogously, Stohl claims that “the US and English [sic] media” exhibit a tendency to psychologize terrorist acts, which reduces “structural and political problems” into issues of individual pathology (p. 7). Preoccupied with this problem-solving, psychopathologizing methodology, terrorism analysts have lost the capacity to reflect on both their practice and their research ethics. By contrast, the critical approach is not only self-reflective, but also and, for good measure, self-reflexive. In fact, the editors and a number of the journal's contributors use these terms interchangeably, treating a reflection and a reflex as synonyms (p. 2). A cursory encounter with the *Shorter Oxford Dictionary* would reveal that they are not. Despite this linguistically challenged misidentification, “reflexivity” is made to do a lot of work in the critical idiom. Reflexivity, the editors inform us, requires a capacity “to challenge dominant knowledge and understandings, is sensitive to the politics of labelling … is transparent about its own values and political standpoints, adheres to a set of responsible research ethics, and is committed to a broadly defined notion of emancipation” (p. 2). This covers a range of not very obviously related but critically approved virtues. Let us examine what reflexivity involves as Stohl, Guelke, Zulaika and Douglass, Burke, and Booth explore, somewhat repetitively, its implications. Reflexive or Defective? Firstly, to challenge dominant knowledge and understanding and retain sensitivity to labels leads inevitably to **a fixation with** language, **discourse**, the ambiguity of the noun, terror, and its political use and abuse. Terrorism, Booth enlightens the reader unremarkably, is “a politically loaded term” (p. 72). Meanwhile, Zulaika and Douglass consider terror “the dominant tropic [sic] space in contemporary political and journalistic discourse” (p. 30). Faced with the “serious challenge” (Booth p. 72) and pejorative connotation that the noun conveys, critical terrorologists turn to deconstruction and bring the full force of postmodern obscurantism to bear on its use. Thus the editors proclaim that terrorism is “one of the most powerful signifiers in contemporary discourse.” There is, moreover, a “yawning gap between the 'terrorism' signifier and the actual acts signified” (p. 1). “[V]irtually all of this activity,” the editors pronounce *ex cathedra*, “refers to the *response* to acts of political violence not the violence itself” (original italics) (p. 1). Here again they offer no evidence for this curious assertion and assume, it would seem, all conventional terrorism studies address issues of homeland security. In keeping with this critical orthodoxy that he has done much to define, Anthony Burke also asserts the “instability (and thoroughly politicized nature) of the unifying master-terms of our field: 'terror' and 'terrorism'” (p. 38). To address this he contends that a critical stance requires us to “keep this radical instability and inherent politicization of the concept of terrorism at the forefront of its analysis.” Indeed, “without a conscious reflexivity about the most basic definition of the object, our discourse will not be critical at all” (p. 38). More particularly, drawing on a jargon-infused amalgam of Michel Foucault's identification of a relationship between power and knowledge, the neo-Marxist Frankfurt School's critique of democratic false consciousness, mixed with the existentialism of the Third Reich's favorite philosopher, Martin Heidegger, Burke “*questions the question*.” This intellectual *potpourri* apparently enables the critical theorist to “question the ontological status of a 'problem' before any attempt to map out, study or resolve it” (p. 38). Interestingly, Burke, Booth, and the symposistahood deny that there might be objective data about violence or that a properly focused strategic study of terrorism would not include any prescriptive goodness or rightness of action. While a strategic theorist or a skeptical social scientist might claim to consider only the complex relational situation that involves as well as the actions, the attitude of human beings to them, the critical theorist's radical questioning of language denies this possibility. The critical approach to language and its deconstruction of an otherwise useful, if imperfect, political vocabulary has been the source of much **confusion and inconsequentiality** in the practice of the social sciences. It dates from the relativist pall that French radical post structural philosophers like Gilles Deleuze and Felix Guattari, Foucault, and Jacques Derrida, cast over the social and historical sciences in order to demonstrate that social and political knowledge depended on and underpinned power relations that permeated the landscape of the social and reinforced the liberal democratic state. This radical assault on the possibility of either neutral fact or value ultimately functions unfalsifiably, and as a substitute for philosophy, social science, and **a real theory** of language.The problem with the critical approach is that, as the Australian philosopher John Anderson demonstrated, to achieve a genuine study one must either investigate the facts that are talked about or the fact that they are talked about in a certain way. More precisely, as J.L. Mackie explains, “if we concentrate on the uses of language we fall between these two stools, and we are in danger of taking our discoveries about manners of speaking as answers to questions about what is there.”2 Indeed, in so far as an account of the use of language spills over into ontology it is liable to be a confused mixture of what should be two distinct investigations: the study of the facts about which the language is used, and the study of the linguistic phenomena themselves. It is precisely, however, this confused mixture of fact and discourse that critical thinking seeks to impose on the study of terrorism and infuses the practice of critical theory more generally. From this confused seed no coherent method grows. What is To Be Done? This ontological confusion notwithstanding, Ken Booth sees critical theory not only exposing the dubious links between power and knowledge in established terrorism studies, but also offering an ideological agenda that transforms the face of global politics. “[*C*]*ritical knowledge*,” Booth declares, “*involves understandings of the social world that attempt to stand outside prevailing structures, processes, ideologies and orthodoxies while recognizing that all conceptualizations within the ambit of sociality derive from particular social/historical conditions*” (original italics) (p. 78). Helpfully, Booth, assuming the manner of an Old Testament prophet, provides his critical disciples with “*big-picture* navigation aids” (original italics) (p. 66) to achieve this higher knowledge. Booth promulgates fifteen commandments (as Clemenceau remarked of Woodrow Wilson's nineteen points, in a somewhat different context, “God Almighty only gave us ten”). When not stating the staggeringly obvious, the Ken Commandments are hopelessly contradictory. Critical theorists thus should “avoid exceptionalizing the study of terrorism,”3 “recognize that states can be agents of terrorism,” and “keep the long term in sight.” Unexceptional advice to be sure and long recognized by more traditional students of terrorism. The critical student, if not fully conversant with critical doublethink, however, might find the fact that she or he lives within “Powerful theories” that are “constitutive of political, social, and economic life” (6th Commandment, p. 71), sits uneasily with Booth's concluding injunction to “stand outside” prevailing ideologies (p. 78). In his preferred imperative idiom, Booth further contends that terrorism is best studied in the context of an “academic international relations” whose role “is not only to interpret the world but to change it” (pp. 67-68). Significantly, academic—or more precisely, critical—international relations, holds no place for a realist appreciation of the status quo but approves instead a Marxist ideology of praxis. It is within this transformative praxis that critical theory situates terrorism and terrorists. The political goals of those non-state entities that choose to practice the tactics of terrorism invariably seek a similar transformative praxis and this leads “critical global theorizing” into a curiously confused empathy with the motives of those engaged in such acts, as well as a disturbing relativism. Thus, Booth again decrees that the gap between “those who hate terrorism and those who carry it out, those who seek to delegitimize the acts of terrorists and those who incite them, and those who abjure terror and those who glorify it—is not as great as is implied or asserted by orthodox terrorism experts, the discourse of governments, or the popular press” (p. 66). The gap “between us/them is a slippery slope, not an unbridgeable political and ethical chasm” (p. 66). So, while “terrorist actions are always—without exception—wrong, they nevertheless might be contingently excusable” (p. 66). From this ultimately relativist perspective gang raping a defenseless woman, an act of terror on any critical or uncritical scale of evaluation, is, it would seem, wrong but potentially excusable. On the basis of this worrying relativism a further Ken Commandment requires the abolition of the discourse of evil on the somewhat questionable grounds that evil releases agents from responsibility (pp. 74-75). This not only reveals a profound ignorance of theology, it also underestimates what Eric Voeglin identified as a central feature of the appeal of modern political religions from the Third Reich to Al Qaeda. As Voeglin observed in 1938, the Nazis represented an “attractive force.” To understand that force requires not the abolition of evil [so necessary to the relativist] but comprehending its attractiveness. Significantly, as Barry Cooper argues, “its attractiveness, [like that of al Qaeda] cannot fully be understood apart from its evilness.”4 The line of relativist inquiry that critical theorists like Booth evince toward terrorism leads in fact not to moral clarity but an inspissated moral confusion. This is paradoxical given that the editors make much in the journal's introductory symposium of their “responsible research ethics.” The paradox is resolved when one realizes that critical moralizing demands the “ethics of responsibility to the terrorist other.” For Ken Booth it involves, it appears, empathizing “with the ethic of responsibility” faced by those who, “in extremis” “have some explosives” (p. 76). Anthony Burke contends that a critically self-conscious normativism requires the analyst, not only to “critique” the “strategic languages” of the West, but also to “take in” the “side of the Other” or more particularly “engage” “with the highly developed forms of thinking” that provides groups like Al Qaeda “with legitimizing foundations and a world view of some profundity” (p. 44). This additionally demands a capacity not only to empathize with the “other,” but also to recognize that both Osama bin Laden in his *Messages to the West* and Sayyid Qutb in his Muslim Brotherhood manifesto *Milestones* not only offer “well observed” criticisms of Western decadence, but also “converges with elements of critical theory” (p. 45). This is not surprising given that both Islamist and critical theorists share an analogous contempt for Western democracy, the market, and the international order these structures inhabit and have done much to shape. Histrionically Speaking Critical theory, then, embraces relativism not only toward language but also toward social action. Relativism and the bizarre ethicism it engenders in its attempt to empathize with the terrorist other are, moreover, histrionic. As Leo Strauss classically inquired of this relativist tendency in the social sciences, “is such an understanding dependent upon our own commitment or independent of it?” Strauss explains, if it is independent, I am committed as an actor and I am uncommitted in another compartment of myself in my capacity as a social scientist. “In that latter capacity I am completely empty and therefore completely open to the perception and appreciation of all commitments or value systems.” I go through the process of empathetic understanding in order to reach clarity about my commitment for only a part of me is engaged in my empathetic understanding. This means, however, that “such understanding is not serious or genuine but histrionic.”5 It is also profoundly dependent on Western liberalism. For it is only in an open society that questions the values it promotes that the issue of empathy with the non-Western other could arise. The critical theorist's explicit loathing of the openness that affords her histrionic posturing obscures this constituting fact. On the basis of this histrionic empathy with the “other,” critical theory concludes that democratic states “do not always abjure acts of terror whether to advance their foreign policy objectives … or to buttress order at home” (p. 73). Consequently, Ken Booth asserts: “If terror can be part of the menu of choice for the relatively strong, it is hardly surprising it becomes a weapon of the relatively weak” (p. 73). Zulaika and Douglass similarly assert that terrorism is “always” a weapon of the weak (p. 33). At the core of this critical, ethicist, relativism therefore lies a syllogism that holds all violence is terror: Western states use violence, therefore, Western states are terrorist. Further, the greater terrorist uses the greater violence: Western governments exercise the greater violence. Therefore, it is the liberal democracies rather than Al Qaeda that are the greater terrorists. In its desire to empathize with the transformative ends, if not the means of terrorism generally and Islamist terror in particular, critical theory reveals itself as a form of Marxist unmasking. Thus, for Booth “*terror has multiple forms*” (original italics) and the real terror is economic, the product it would seem of “global capitalism” (p. 75). Only the *engagee* intellectual academic finding in deconstructive criticism the philosophical weapons that reveal the illiberal neo-conservative purpose informing the conventional study of terrorism and the democratic state's prosecution of counterterrorism can identify the real terror lurking behind the “manipulation of the politics of fear” (p. 75). Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, Booth, Burke, and the editors contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.” This, according to Burke, is “the normative end” that critical theory pursues. Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. In other words, the only ethical solution to terrorism is conversation: sitting around an un-coerced table presided over by Kofi Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union pacifist sandalista, a transcendental communicative reason will emerge to promulgate norms of transformative justice. As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46). In the end, un-coerced norm projection is not concerned with the world as it is, but how it ought to be. This not only **compounds the logical errors** that permeate critical theory, it advances an ultimately **utopian agenda** under the guise of *soi-disant* cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) **and no doubt bursts into spontaneous chanting of Kumbaya**. In analogous visionary terms, Booth defines real security as emancipation in a way that denies any definitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, Booth further maintains that universities have a crucial role to play. This also is something of **a concern** for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision. Overall, the journal's fallacious commitment to emancipation undermines any ostensible claim to pluralism and diversity. Over determined by this transformative approach to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but **pragmatic ones** that accept the best that may be achieved in the circumstances. Ultimately, to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians and the Western media.6 It is the exploitation of this oughtistic style of thinking that leads the critic into a **Humpty Dumpty world** where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.” However, in order to justify their disciplinary niche they have to insist on the failure of established modes of terrorism study. Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear. Critical Studies and Strategic Theory—A Missed Opportunity Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against 'Critical Terrorism Studies'” (pp. 51-74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors' willingness to acknowledge deficiencies in some terrorism research shows that critical **self-reflection is already present in existing terrorism studies**. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position. Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved. Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author's distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.” Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke's further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism. Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel's bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.7 The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun. Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate **the flawed understandings of those** whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin. Conclusion In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory's ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged. At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama Boston Legal Judge Brown perennially referred to the vague, **irrelevant**, **jargon-ridden** statements of lawyers **as “jibber jabber**.” The Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of Critical Studies on Terrorism are its natural home.

#### Civilian deaths overestimated and declining – prefer most recent evidence

**Cohen 13** 5/23 (Michael, “Give President Obama a chance: there is a role for drones”, 2013, <http://www.guardian.co.uk/commentisfree/2013/may/23/obama-drone-speech-use-justified>, CMR)

I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so.¶ This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy.¶ Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates.¶ There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones.¶ When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there."¶ While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage.¶Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen.¶ These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year.¶ Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".¶¶ Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.¶ Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.¶ So how does one explain this rather important shift in the US drone war? ¶ The reasons appear to be three-fold. First, as technology has improved so too have the capabilities of drone operators to be more precise. Second, there appears to be shift in targeting, particularly away from so-called "signature strikes" that rely more on behavior than specific intelligence to justify kills. Considering the criticism of the program – from both inside and outside the US – it's difficult to imagine this hasn't given impetus for Obama administration officials to take even greater caution in how drones are utilized. Or to put it more directly, drone critics are having a constructive impact.¶ But there's a third reason: as the war in Afghanistan has begun to wind down the use of drones against militants across the border from Pakistan has declined as well.

### Util

**Every life is an end in and of itself – All lives are infinitely valuable, the only ethical option is to maximize the number saved**

**Cummisky 96** (David, professor of philosophy at Bates, “Kantian Consequentialism”, p. 131)

Finally, **even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be** added and **summed in this way—this** point **still does not justify deontological constraints**. On the extreme interpretation, **why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that I may still save two**; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hill's example of a priceless object: If I can save two of three priceless statutes only by destroying one, then I cannot claim that saving two makes up for the loss of the one. But similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, **even if dignity cannot be simply summed up**, how is the extreme interpretation inconsistent with the idea **that I should save as many priceless objects as possible**? Even if two do not simply outweigh and thus compensate for the loss of the one, **each is priceless; thus, I have good reason to save as many as I can**. In short, it is not clear how the extreme interpretation justifies the ordinary killing/letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.8

**Calculation is good, inevitable and ethical**

Richard L. Revesz, Professor, Law, NYU and Michael A. **Livermore**, Executive Director, Institute for Policy Integrity, RETAKING RATIONALITY: HOW COST-BENEFIT ANALYSIS CAN BETTER PROTECT THE ENVIRONMENT AND OUR HEALTH, 20**08**, p. 1-4.

**Governmental decisions are** also **fundamentally different from personal decisions** in that **they** often **affect people in the aggregate**. In our individual lives, we come into contact with at least some of the consequences of our decisions. If we fail to consult a map, we pay the price: losing valuable time driving around in circles and listening to the complaints of our passengers. We are constantly con

fronted with the consequences of the choices that we have made. Not so for governments, however, which exercise authority by making decisions at a distance. Perhaps one of the most challenging aspects of governmental decisions is that they require a special kind of compassion—one that can seem, at first glance, cold and calculating, the antithesis of empathy. The aggregate and complex nature of governmental decisions does not address people as human beings, with concerns and interests, families and emotional relationships, secrets and sorrows. Rather, people are numbers stacked in a column or points on a graph, described not through their individual stories of triumph and despair, but by equations, functions, and dose-response curves. The language of **governmental decisionmaking can seem to**—and to a certain extent does—**ignore what makes individuals** unique and morally important. But, although the language of bureaucratic decisionmaking can be dehumanizing, **it is** also **a prerequisite for the** kind of **compassion** that is **needed** in contemporary society. Elaine Scarry has developed a comparison between individual compassion and statistical compassion.' Individual compassion is familiar—when we see a person suffering, or hear the story of some terrible tragedy, we are moved to take action. Statistical compassion seems foreign—we hear only a string of numbers but must comprehend "the concrete realities embedded there."' Individual compassion derives from our social nature, and may be hardwired directly into the human brain.' Statistical compassion calls on us to use our higher reasoning power to extend our natural compassion to the task of solving more abstract—but no less real—problems. Because compassion is not just about making us feel better—which we could do as easily by forgetting about a problem as by addressing it—we have a responsibility to make the best decisions that we can. This book argues that cost-benefit analysis, properly conducted, can improve environmental and public health policy. **Cost-benefit analysis**—the translation of human lives and acres of forest into the language of dollars and cents—**can seem harsh** and impersonal. **But such an approach is** also **necessary** to improve the quality of decisions that regulators make. **Saving the most lives**, and best protecting the quality of our environment and our health—in short, exercising our compassion most effectively—**requires us to step back** and use our best analytic tools. Sometimes, in order to save a life, we need to treat a person like a number. This is the challenge of statistical compassion. This book is about making good decisions. It focuses on the area of environmental, health and safety regulation. These regulations have been the source of numerous and hard-fought controversies over the past several decades, particularly at the federal level. Reaching the right decisions in the areas of environmental protection, increasing safety, and improving public health is clearly of high importance. Although it is admirable (and fashionable) for people to buy green or avoid products made in sweatshops, efforts taken at the individual level are not enough to address the pressing problems we face—there is a vital role for government in tackling these issues, and sound collective decisions concerning regulation are needed. There is a temptation to rely on gut-level decisionmaking in order to avoid economic analysis, which, to many, is a foreign language on top of seeming cold and unsympathetic. For government to make good decisions, however, it cannot abandon reasoned analysis. Because of the complex nature of governmental decisions, we have no choice but to deploy complex analytic tools in order to make the best choices possible**. Failing to use these tools**, which **amounts to abandoning our duties to one another,** is not a legitimate response. Rather, **we** must **exercise** statistical **compassion by recognizing** what **numbers** of lives saved **represent: living and breathing human beings,** unique, with rich inner lives and an interlocking web of emotional relationships. The acres of a forest can be tallied up in a chart, but that should not blind us to the beauty of a single stand of trees. We need to use complex tools to make good decisions while simultaneously remembering that we are not engaging in abstract exercises, but that we are having real effects on people and the environment. In our personal lives, it would be unwise not to shop around for the best price when making a major purchase, or to fail to think through our options when making a major life decision. It is equally foolish for government to fail to fully examine alternative policies when making regulatory decisions with life-or-death consequences. This reality has been recognized by four successive presidential administrations. Since 1981, the cost-benefit analysis of major regulations has been required by presidential order. Over the past twenty-five years, however, environmental and other progressive groups have declined to participate in the key governmental proceedings concerning the cost-benefit analysis of federal regulations, instead preferring to criticize the technique from the outside. The resulting asymmetry in political participation has had profound negative consequences, both for the state of federal regulation and for the technique of cost-benefit analysis itself. Ironically, this state of affairs has left progressives open to the charge of rejecting reason, when in fact strong environmental and public health pro-grams are often justified by cost-benefit analysis. It is time for progressive groups, as well as ordinary citizens, to retake the high ground by embracing and reforming cost-benefit analysis. The difference between being unthinking—failing to use the best tools to analyze policy—and unfeeling—making decisions without compassion—is unimportant: Both lead to bad policy. **Calamities** can **result from the failure to use** either emotion or **reason.** Our emotions provide us with the grounding for our principles, our innate interconnectedness, and our sense of obligation to others. We use our powers of reason to build on that emotional foundation, and act effectively to bring about a better world.

## 2NC

### Pakistan

**Terrorists will obtain nuclear weapons—multiple potential sources**

**Neely 13** (Meggaen, research intern for the Project on Nuclear Issues, 3-21-13, "Doubting Deterrence of Nuclear Terrorism" Center for Strategic and International Studies) csis.org/blog/doubting-deterrence-nuclear-terrorism

**The risk that terrorists will set off a nuclear weapon on U.S. soil is disconcertingly high.** While a terrorist organization may experience difficulty constructing nuclear weapons facilities, **there is significant concern that terrorists can obtain a nuclear weapon or nuclear materials.** The fear that **an actor could steal a nuclear weapon** or fissile material **and transport it to the U**nited **S**tates has long-existed. It takes a great amount of time and resources (including territory) to construct centrifuges and reactors to build a nuclear weapon from scratch. **Relatively easily-transportable nuclear weapons**, however, **present one opportunity to terrorists.** For example, **exercises similar to the recent Russian movement of nuclear weapons from munitions depots to storage sites may prove attractive targets. Loose nuclear materials pose a second opportunity. Terrorists could use them to create a crude nuclear weapon similar to the gun-type design of Little Boy. Its simplicity** – two subcritical masses of highly-enriched uranium – **may make it attractive to terrorists.** While such a weapon might not produce the immediate destruction seen at Hiroshima, the radioactive fall-out and psychological effects would still be damaging. These two opportunities for terrorists differ from concerns about a “dirty bomb,” which mixes radioactive material with conventional explosives.

#### decapitation solves

Anderson 13

[Kenneth, Professor of Law, Visiting Fellow, The Hoover Institution on War, Revolution and Peace, Stanford University, Member, Hoover Task Force on National Security and Law, Non-Resident Visiting Fellow, The Brookings Institution (Governance Studies), Senior Fellow, The Rift Valley Institute, “The Case for Drones”, 5/24, <http://dyn.realclearpolitics.com/printpage/?url=http://www.realclearpolitics.com/articles/2013/05/24/the_case_for_drones_118548-full.html>, CMR]

The whack-a-mole criticism is wildly overstated and, as a matter of terrorist leadership, simply not true. Captured terrorist communications show that qualified and experienced operational commanders are not so easy to come by. One can argue that the failure to carry off large-scale attacks in the West is the result of the defensive hardening of targets and better homeland security, which is certainly true; but culling the ranks of terrorist leaders and the resulting inability to plan another 9/11 is also critical.

#### Drones are best – alternatives increase terrorism and civilian casualties while crushing US credibility

**Byman** July/August **’13** (Daniel L, Research Director, Saban Center for Middle East Policy, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, “Why Drones Work: The Case for Washington's Weapon of Choice”, Foreign Affairs, <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>, CMR)

Critics of drone strikes often fail to take into account the fact that the alternatives are either too risky or unrealistic. To be sure, in an ideal world, militants would be captured alive, allowing authorities to question them and search their compounds for useful information. Raids, arrests, and interrogations can produce vital intelligence and can be less controversial than lethal operations. That is why they should be, and indeed already are, used in stable countries where the United States enjoys the support of the host government. But in war zones or unstable countries, such as Pakistan, Yemen, and Somalia, arresting militants is highly dangerous and, even if successful, often inefficient. In those three countries, the government exerts little or no control over remote areas, which means that it is highly dangerous to go after militants hiding out there. Worse yet, in Pakistan and Yemen, the governments have at times cooperated with militants. If the United States regularly sent in special operations forces to hunt down terrorists there, sympathetic officials could easily tip off the jihadists, likely leading to firefights, U.S. casualties, and possibly the deaths of the suspects and innocent civilians.¶ Of course, it was a Navy SEAL team and not a drone strike that finally got bin Laden, but in many cases in which the United States needs to capture or eliminate an enemy, raids are too risky and costly. And even if a raid results in a successful capture, it begets another problem: what to do with the detainee. Prosecuting detainees in a federal or military court is difficult because often the intelligence against terrorists is inadmissible or using it risks jeopardizing sources and methods. And given the fact that the United States is trying to close, rather than expand, the detention facility at Guantánamo Bay, Cuba, it has become much harder to justify holding suspects indefinitely. It has become more politically palatable for the United States to kill rather than detain suspected terrorists.¶ Furthermore, although a drone strike may violate the local state’s sovereignty, it does so to a lesser degree than would putting U.S. boots on the ground or conducting a large-scale air campaign. And compared with a 500-pound bomb dropped from an F-16, the grenadelike warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone.¶ Finally, using drones is also far less bloody than asking allies to hunt down terrorists on the United States’ behalf. The Pakistani and Yemeni militaries, for example, are known to regularly torture and execute detainees, and they often indiscriminately bomb civilian areas or use scorched-earth tactics against militant groups.

### Topic Debate Good 2NC

#### Simulated national security law debates preserve agency, enables activism, enhances decision-making, and avoids cooption – only legal deliberative action solves

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

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

### drones inev

#### \*\*Empirics are conclusive

James, national security reporter – NPR, 2/8/’13

(Frank, “Death By Drone, And The Sliding Scale Of Presidential Power,” http://www.npr.org/blogs/itsallpolitics/2013/02/08/171467519/death-by-drone-and-the-sliding-scale-of-presidential-power)

The controversy over President Obama's targeted-killings-by-drone policy is a reminder that the default position of presidents in times of crisis is generally to side with national security over civil liberties. Whether it has been Great Emancipator Abraham Lincoln sidestepping Congress and suspending habeas corpus to enable the arrests of scores of Confederate sympathizers, or that great liberal Franklin D. Roosevelt placing his imprimatur on the internment in camps of hundreds of thousands of Japanese Americans after Pearl Harbor, presidents have often used their power as military commander-in-chief in ways profoundly at odds with constitutional protections of the individual. If truth is the first casualty of war, civil liberties often come second. A 2008 collection of essays titled , published by the Russell Sage Foundation, examines this tension throughout the nation's history. It found no shortage of times when national security concerns — as defined by a president who was sometimes abetted by Congress and the courts — infringed on civil liberties. A Legacy Of Power Grabs And the examples go all the way back to the start of the republic. Daniel Farber, the University of California, Berkeley law professor who edited the book, said he came away from the project with the sense that it's more the rule than the exception that civil liberties are early casualties of a president's response to national emergencies. In an interview, Farber said: "My feeling, after looking at all that history in the book, is that that just goes with the office. It's part of what happens when you're sitting in the Oval Office. "Presidents, regardless of political party, or liberal versus conservative, they just don't seem to have a lot of qualms about doing what they think is necessary for national security. So it doesn't surprise me [that Obama has allowed Americans to be targeted in drone strikes overseas]. There have been very few exceptions."

### Hospitality

**Their ethics provides no actual ethical interaction and creates the destruction of our culture. It is as inconsistent as the ethics they criticize**

**Pera 04**, Marcello, London School of Economics, 10 February, Multiculturalism and the Open Society, [www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20040210Pera.pdf](http://www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20040210Pera.pdf)

Deconstruction is a polite, post-modern, as they say, expression. As I understand it, it is the “philosophically correct” equivalent of internal critique. To deconstruct a concept or an idea is to show its incompleteness or inconsistencies. This, in my view, implies that deconstructivists are like half-philosophers. They criticize, but they do not and cannot go beyond the positions that are internally criticised. If you want to advance and defend an alternative, positive view, you have to look elsewhere and for somebody else, most probably you have to look for full- fledged philosophers. Speaking of “deconstructive politics” and its consequences, for **example a deconstructive policy of immigration, is tantamount to speaking of an oxymoron.** Derrida’s analysis of hospitality is a typical case. **When we grant hospitality to strangers** ─ Derrida maintains ─ **we agree to protect them, even though they are foreign to us. It seems that the best way to accomplish this task is to open our public space to foreigners** **by sharing with them our rights and our responsibilities**. To make this process easier we should teach them our language as well. In a word, **we integrate them** in our culture. But this very concept of integration reveals its cultural and psychological violence**. Giving hospitality no longer means giving protection to someone who is foreign to us, since it now implies that he or she must become** like us. **Such hospitality is paradoxical in character: we give hospitality to a foreigner to the extent in which we succeed in making him or her no longer be a foreigner**. **Should we then accept the Other unconditionally? This, too, is paradoxical. The law of unconditional hospitality is in conflict with the very same laws of hospitality, since accepting the Other’s culture without asking him or her to accept our set of responsibilities and rights might destroy the foundation on which our own culture is based**. **Unconditional hospitality**, therefore, **is as inconsistent as conditional hospitality**.

**Hospitality is inherently conditional and reinforces societal divisions – This increases racism as the gift of unconditional hospitality necessitates docility by the receiver and promulgates status quo power structures**

**Yegenoglu 03**, Meyda - Department of Sociology Middle East Technical University - Liberal Multiculturalism and the Ethics of Hospitality in the Age of Globalization-http://muse.jhu.edu/journals/pmc/v013/13.2yegenoglu.html

As I mentioned above, Derrida directs our attention to the fact that in Kant's essay, **hospitality is framed as a question of law,** an obligation, a duty, and a right: it refers to the welcoming of an alien/stranger other as a non-enemy. **The formulation of hospitality as a question of law weaves it with contradiction because the welcoming of the other within the limits of law is possible on the condition that the host, the owner of the home, the one who accepts, remains the master of the home and thereby retains his/her authority** in that place. The law of hospitality is the law of oikonomia, the law of one's home. **Offered as the law of place, hospitality lays down the limits of a place and retains the authority over that place, thus limiting the gift that is offered,** retaining the self as self in one's own home as the condition of hospitality. In making this the condition of hospitality, it affirms the law of the same. Hospitality is a giving gesture. But with the hospitality as law, what this gesture in fact does is to subject the stranger/foreigner to the law of the host's home. In this way, the foreigner is allowed to enter the host's space under conditions the host has determined. Hence conditional welcoming entails a way of insinuating a place from which one invites the other and hence lays down the conditions for "appropriating for oneself a place to welcome the other, or, worse, welcoming the other in order to appropriate for oneself a place and then speak the language of hospitality" (15-6). Therefore the law of hospitality is characterized by a limitation. The host affirms the position of a master in his/her own home; in the space and things he/she provides to the stranger/guest, the host assures his/her sovereignty and says: this space belongs to me; we are in my home. Welcome to me. Feel at home but on the condition that you obey the rules of hospitality (14). This gesture affirms one's sovereignty and one's being at one's own home. For this reason, hospitality as law limits itself with a threshold.6 Drawing on Derrida's deconstructive reading of the contradictions inherent in conditional hospitality, we can suggest that multiculturalist tolerance of minorities within the host nation-state is not for nothing. **Welcoming the other in the form of codified multiculturalist tolerance implies a conditional welcoming, as the hospitality offered remains limited within law and jurisdiction.** But more importantly, **this kind of tolerance does not result in a fundamental modification of the host** subject's mode of inhabiting the territory that is deemed to be solely within his/her possession. **Far from laying the grounds for an interruption of sovereign identity of the self, multiculturalist respect and tolerance implies the conditional welcoming of the guest within the prescribed limits of the law and hence implies a reassertion of mastery over the national space as it enables the subject to appropriate a place for itself**--an empty and universal and therefore sovereign place--from which the other is welcomed. **Thus the place from which multiculturalist tolerance welcomes the particularity of the other, fortified by codifications such as affirmative action and other legal measures, is what precisely enables the disavowed and inverted self-referentiality of racist hospitality which by emptying the host's position from any positive content asserts its superiority and sovereignty.**

#### Deconstruction has been coopted by the status quo.

Nealon 06

Jeffrey T. Professor of English at Penn State University, Post-Deconstructive? Negri, Derrida, and the Present State of Theory, symploke 14.1/2 (2006) 68-80]

As people interested in the discourse of theory today, are we to be encouraged or discouraged? Has deconstruction "won" or "lost" in relation to the armature of contemporary capitalism? Has deconstruction's triumph as a kind of capitalist *epistemology* ironically cost it the store in terms of its status as a *critical* discourse? In the end, there are of course an undecidable number of ways to grapple with the upshot of these events, but in conclusion I'd like to highlight two [End Page 77] readings, both touching on the question of discouragement and death—the death of theory, the death of Derrida. On one reading, this is a very discouraging story indeed—deconstruction, the once-proud king of the critical discourses, now eaten alive, coopted, by the inexorable machine that is capitalism. The "deconstructed" blazer was one thing, but how soon is it until we see Derrida on a billboard, parked in front of an Apple computer, or we're reminded that he, like Jack Kerouac, wore khakis? I'll call this one the "Borg" theory of reception ("resistance is futile"—they will coopt everything); and while it seems to me that this isn't the most productive general reading of recent history, it is a plotline that's pretty prevalent on the US cultural left today (how else could a provincial, know-nothing asshole like Karl Rove be situated as a Machiavellian genius within dominant discourse)? In short, deconstruction here becomes a subgenre of a larger kind of lament about late capitalism: "they've stolen our icons again, and drained them of all the cool libratory content." As my hipster friends lament, "Yea, Zeppelin was still cool, until it played under a Cadillac commercial." And don't even get them started on the Flaming Lips' Hewlett-Packard commercial, or the indignity of our greatest bard of alienation, Iggy Pop, hawking luxury cruises (who knew that shuffleboard constituted a "Lust for Life"?). Cooptation—it had to happen to deconstruction. Very discouraging. On another reading, however, discouragement in the face of the present (like its binary opposite, heroism?) is largely beside the point. Negri's reading shows us that the "abstruse theorist" (Kandell) of the *Times* obituary was in fact *correct*—"deconstruction is the case" under the rule of advanced global finance capital. Values of all kinds have been unmoored from any necessary reference or gold standard—a state of affairs that's as true for the open, floating status of gender roles as it is for the fluctuating value of the Euro. Cultural and economic value at the edge of capitalism is in the process of being remade as an ongoing destruction of older norms in the name of producing, measuring, and evaluating "other" flows. Advanced global finance capital, one might say, is the most intense example of deconstruction (and vice versa). At some level, if this diagnosis is correct (and I think it is), this should make us feel quite "encouraged" indeed: Abstruse theorist was right—binary essentialist schemes are yesterday's news! There are of course lots of things to be discouraged about in the present, but also considerable reason for hope. In any case, as people interested in theory, this hardly leaves us without work to do. We will, however, have to redirect our efforts, and stop worrying quite so much about "the next big thing" or spending quite so much time deconstructing particular artifacts—continuing to understand "theory" primarily as a series of methods for producing novel interpretations of cultural artifacts is, and to my mind always has been, [End Page 78] the road to nowhere. Today, the "deconstructive" insight is not the purview of a single critical paradigm or hermeneutic method, but it is in fact what Derrida claimed it was: "the case, what is happening today." Deconstruction is not an esoteric knowledge to be lorded over by nerdy gurus like us. On the contrary: the necessary, structural openness of all systems is no longer so much an elite knowledge, as it is what we might venture to call the "common." At the end of day, one might say that this is deconstruction's primary lesson and legacy.

**no autoimmunity**

Edward Ross **Dickinson 4**, Associate Professor, History Ph.D., U.C. Berkeley, Central European History, Vol. 37 No. 1, p. 34-36

And it is, of course, embedded in a broader discursive complex (institutions, professions, fields of social, medical, and psychological expertise) that pursues these same aims in often even more effective and inescapable ways.89 In short, the **continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable**.¶Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. **And it is certainly fruitful to view them from this very broad perspective. But that analysis can easily become superficial and misleading, because it obfuscates the profoundly different strategic and local dynamics of power in the two kinds of regimes**. Clearly **the democratic welfare state is not only formally but also substantively quite different from totalitarianism**. Above all, again, **it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism** (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies.¶ In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. But again, **there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is functionally incompatible with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly narrow limits on coercive policies, and to have generated a “logic” or imperative of increasing liberalization**. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90¶ Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufficient numbers of people that I think it becomes useful to conceive of them as productive of a strategic configuration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, **totalitarianism cannot be the sole orientation point for our understanding of biopolitics, the only end point of the logic of social engineering.** ¶ **This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory. Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states**; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. **But they are two very different ways of organizing it. The concept “power” should not be read as a universal stifling night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same**.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” **Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate**. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite radically differing potentials.91

### Terror DA

#### Resolve to fight is key to an effective and limited campaign

Brook and Ghate 2005

(Yaron, Exec Director of the Ayn Rand Institute, Onkar, Ph.D in Philosophy and Senior Fellow at ARI, “The Foreign Policy of Guilt,” August 1, <http://www.aynrand.org/site/News2?page=NewsArticle&id=11269>)

Support for totalitarian Islam will wither only when the Islamic world is convinced that the West will fight--and fight aggressively. As long as the insurgents continue with their brutal acts in Iraq, unharmed by the mightiest military force in human history, as long as the citizens of London return to "normal" lives with subways exploding all around them, as long as the West continues to negotiate with Iran on nuclear weapons--as long as the West continues to appease its enemies, because it believes it has no moral right to destroy them, totalitarian Islam is emboldened. It is the West's moral weakness that feeds terrorism and brings it fresh recruits. It is the prospect of success against the West, fueled by the West's apologetic response, that allows totalitarian Islam to thrive. Bush has said repeatedly, in unguarded moments, that this war is un-winnable. By his foreign policy, it is. But if the British and American people gain the self-esteem to assert our moral right to exist--with everything this entails--victory will be ours.

### Blowback: 1NC (:30

#### no drone blowback – alt causes inevitable, alternatives worse

**Etizoni 13** 4/30 – director of the Institute for Communitarian Policy Studies and a professor of International Affairs at the George Washington University (Amitai, “Drones: Say it with figures”, 2013, <http://www.upi.com/Top_News/Analysis/Outside-View/2013/04/30/Outside-View-Drones-Say-it-with-figures/UPI-25571367294880/>, CMR)

Attacking drones, the most effective counter-terrorism tool the United States has found thus far, is a new cause celebre among progressive public intellectuals and major segments of the media.¶ Their arguments would deserve more of a hearing if, instead of declaring their contentions as fact, they instead coughed up some evidence to support their claims.¶ One argument that is repeated again and again is that killing terrorists with drones generates resentment from Pakistan to Yemen, thereby breeding many more terrorists than are killed. For example, Akbar Ahmed, a distinguished professor at American University, told the BBC on April 9 that, for "every terrorist drones kill, perhaps 100 rise as a result."¶ The key word is "perhaps"; Ahmed cites no data to support his contention.¶ Similarly, in The New York Times, Jo Becker and Scott Shane write that "Drones have replaced Guantanamo as the recruiting tool of choice for militants," citing as their evidence one line Faisal Shahzad, who had tried to set off a car bomb in Times Square, used in his 2010 trial seeking to justify targeting civilians.¶ At the same time, when HBO interviewed children who carry suicide vests, they justified their acts by the presence of foreign troops in their country and burning of Korans.¶ No such self-serving statements can be taken as evidence in themselves.¶ And Peter Bergen, a responsible and serious student of drones, quotes approvingly in The Washington Post a new book by Mark Mazzetti, who claims that the use of drone strikes "creates enemies just as it has obliterated them." Again, however, Mazzetti presents no evidence.¶ One may at first consider it obvious that, when American drones kill terrorists who are members of a tribe or family, other members will resent the United States. And hence if the United States would stop targeting people from the skies, that resentment would abet and ultimately vanish.¶ In reality, ample evidence shows that large parts of the population of several Muslim countries resent the United States for numerous and profound reasons, unrelated to drone attacks.¶ These Muslims consider the United States to be the "Great Satan" because it violates core religious values they hold dear; it promotes secular democratic liberal regimes; it supports women's rights; and it exports a lifestyle that devout Muslims consider hedonistic and materialistic to their countries.¶ These feelings, data show, are rampant in countries in which no drones attacks have occurred, were common in those countries in which the drones have been employed well before any attacks took place, and continue unabated, even when drone attacks are greatly scaled back.¶ As Marc Lynch notes in Foreign Affairs:¶ "A decade ago, anti-Americanism seemed like an urgent problem. Overseas opinion surveys showed dramatic spikes in hostility toward the United States, especially in the Arab world ... It is now clear that even major changes, such as Bush's departure, Obama's support for some of the Arab revolts of 2011, the death of Osama bin Laden, and the U.S. withdrawal from Iraq, have had surprisingly little effect on Arab attitudes towards the United States. Anti-Americanism might have ebbed momentarily, but it is once again flowing freely."¶ The Pew Global Attitudes Project says anti-American sentiments were high and on the rise in countries where drone strikes weren't employed. In Jordan, for example, U.S. unfavorability rose from 78 percent in 2007 to 86 percent in 2012 while Egypt saw a rise from 78 percent to 79 percent over the same period.¶ Notably, the percentage of respondents reporting an "unfavorable" view of the United States in these countries is as high, or higher, than in drone-targeted Pakistan.¶ In Pakistan, a country that has been subjected to a barrage of strikes over the last five years, the United States' unfavorability held steady at 68 percent from 2007-10 (dropping briefly to 63 percent in 2008), but then began to increase, rising to 73 percent in 2011 and 80 percent in 2012 -- a two-year period in which the number of drone strikes was actually dropping significantly.¶ It is also worth noting that these critics attribute resentment to drones rather than military strikes.¶ Do they really think that resentment would be lower if the United States were using cruise missiles? Or bombers? Or Special Forces?

### DA: Cruise Missile Shift

#### Drones are popular---limiting use causes cruise missiles – increases blowback and civilian casualties

Byman 13 (Daniel L. Byman Research Director, Saban Center for Middle East Policy¶ Senior Fellow, Foreign Policy, Saban Center for Middle East Policy “Why Drones Work: The Case for Washington's Weapon of Choice,” http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman)

But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths—about one to three, according to the Bureau of Investigative Journalism—is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone’s real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted. Even if the strike had gone forward for some reason, the drone’s far smaller warhead would have killed fewer innocents. Civilian deaths are tragic and pose political problems. But the data show that drones are more discriminate than other types of force.¶ FOREIGN FRIENDS¶ It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.”¶ As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who tshreatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.”¶ Still, Pakistan is reluctant to make its approval public. First of all, the country’s inability to fight terrorists on its own soil is a humiliation for Pakistan’s politically powerful armed forces and intelligence service. In addition, although drones kill some of the government’s enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.¶ A 2012 poll found that 74 percent of Pakistanis viewed the United States as their enemy, likely in part because of the ongoing drone campaign. Similarly, in Yemen, as the scholar Gregory Johnsen has pointed out, drone strikes can win the enmity of entire tribes. This has led critics to argue that the drone program is shortsighted: that it kills today’s enemies but creates tomorrow’s in the process.¶ Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

### MPX – WMD Terror

#### Risk of WMD terrorist attack is high

**Leiter 13** – Director, National Counterterrorism Center (2007-2011), Senior Counselor to the Chief Executive Officer, Palantir Technologies (Michael, Testimony before the United States Senate, Counterterrorism Policies and Priorities: Addressing the Evolving Threat, March 20, <http://www.foreign.senate.gov/imo/media/doc/Michael_Leiter_Testimony.pdf>, CMR)

Weapons of Mass Destruction. There is no doubt that smallish terrorist attacks or at ¶ least attempts will continue to occur at home and abroad. Such attacks can cause ¶ enormous pain and suffering to victims and their families, but they are clearly of a ¶ scale—at least with respect to absolute numbers killed—that is dwarfed by other ¶ societal ills such as routine criminal activity. The same cannot be said of terrorists’ ¶ use of weapons of mass destruction—and more specifically biological weapons or an ¶ improvised nuclear device (IND). ¶ Although we have also made progress in reducing the likelihood of terrorists ¶ obtaining WMD, for the foreseeable future we are faced with the possibility that a ¶ terrorist organization will successfully acquire these weapons. In this case, ¶ technology is not yet our friend as the ease with which these weapons can be ¶ obtained and hidden continues to exceed our ability to detect them. ¶ Weapons of mass destruction pose a unique challenge as they are the prototypical ¶ low likelihood, high consequence event and thus determining the proper allocation of ¶ resources to combat them is particular contentious. That being said, we must ¶ continue to protect against the most dangerous of materials (e.g., HEU) being ¶ obtained by terrorists, secure weapons in the most dangerous places (e.g., Pakistan ¶ and increasingly Syria), and pursue research and development that will assist in ¶ detecting chemical and biological weapons in places where they would do the most ¶ harm.

### util

#### all lives equal- do best for most people

#### calc inevitable, beter than alt- livermore- can’t prove value to ethic outside of util-- finishing

fronted with the consequences of the choices that we have made. Not so for governments, however, which exercise authority by making decisions at a distance. Perhaps one of the most challenging aspects of governmental decisions is that they require a special kind of compassion—one that can seem, at first glance, cold and calculating, the antithesis of empathy. The aggregate and complex nature of governmental decisions does not address people as human beings, with concerns and interests, families and emotional relationships, secrets and sorrows. Rather, people are numbers stacked in a column or points on a graph, described not through their individual stories of triumph and despair, but by equations, functions, and dose-response curves. The language of **governmental decisionmaking can seem to**—and to a certain extent does—**ignore what makes individuals** unique and morally important. But, although the language of bureaucratic decisionmaking can be dehumanizing, **it is** also **a prerequisite for the** kind of **compassion** that is **needed** in contemporary society. Elaine Scarry has developed a comparison between individual compassion and statistical compassion.' Individual compassion is familiar—when we see a person suffering, or hear the story of some terrible tragedy, we are moved to take action. Statistical compassion seems foreign—we hear only a string of numbers but must comprehend "the concrete realities embedded there."' Individual compassion derives from our social nature, and may be hardwired directly into the human brain.' Statistical compassion calls on us to use our higher reasoning power to extend our natural compassion to the task of solving more abstract—but no less real—problems. Because compassion is not just about making us feel better—which we could do as easily by forgetting about a problem as by addressing it—we have a responsibility to make the best decisions that we can. This book argues that cost-benefit analysis, properly conducted, can improve environmental and public health policy. **Cost-benefit analysis**—the translation of human lives and acres of forest into the language of dollars and cents—**can seem harsh** and impersonal. **But such an approach is** also **necessary** to improve the quality of decisions that regulators make. **Saving the most lives**, and best protecting the quality of our environment and our health—in short, exercising our compassion most effectively—**requires us to step back** and use our best analytic tools. Sometimes, in order to save a life, we need to treat a person like a number. This is the challenge of statistical compassion. This book is about making good decisions. It focuses on the area of environmental, health and safety regulation. These regulations have been the source of numerous and hard-fought controversies over the past several decades, particularly at the federal level. Reaching the right decisions in the areas of environmental protection, increasing safety, and improving public health is clearly of high importance. Although it is admirable (and fashionable) for people to buy green or avoid products made in sweatshops, efforts taken at the individual level are not enough to address the pressing problems we face—there is a vital role for government in tackling these issues, and sound collective decisions concerning regulation are needed. There is a temptation to rely on gut-level decisionmaking in order to avoid economic analysis, which, to many, is a foreign language on top of seeming cold and unsympathetic. For government to make good decisions, however, it cannot abandon reasoned analysis. Because of the complex nature of governmental decisions, we have no choice but to deploy complex analytic tools in order to make the best choices possible**. Failing to use these tools**, which **amounts to abandoning our duties to one another,** is not a legitimate response. Rather, **we** must **exercise** statistical **compassion by recognizing** what **numbers** of lives saved **represent: living and breathing human beings,** unique, with rich inner lives and an interlocking web of emotional relationships. The acres of a forest can be tallied up in a chart, but that should not blind us to the beauty of a single stand of trees. We need to use complex tools to make good decisions while simultaneously remembering that we are not engaging in abstract exercises, but that we are having real effects on people and the environment. In our personal lives, it would be unwise not to shop around for the best price when making a major purchase, or to fail to think through our options when making a major life decision. It is equally foolish for government to fail to fully examine alternative policies when making regulatory decisions with life-or-death consequences. This reality has been recognized by four successive presidential administrations. Since 1981, the cost-benefit analysis of major regulations has been required by presidential order. Over the past twenty-five years, however, environmental and other progressive groups have declined to participate in the key governmental proceedings concerning the cost-benefit analysis of federal regulations, instead preferring to criticize the technique from the outside. The resulting asymmetry in political participation has had profound negative consequences, both for the state of federal regulation and for the technique of cost-benefit analysis itself. Ironically, this state of affairs has left progressives open to the charge of rejecting reason, when in fact strong environmental and public health pro-grams are often justified by cost-benefit analysis. It is time for progressive groups, as well as ordinary citizens, to retake the high ground by embracing and reforming cost-benefit analysis. The difference between being unthinking—failing to use the best tools to analyze policy—and unfeeling—making decisions without compassion—is unimportant: Both lead to bad policy. **Calamities** can **result from the failure to use** either emotion or **reason.** Our emotions provide us with the grounding for our principles, our innate interconnectedness, and our sense of obligation to others. We use our powers of reason to build on that emotional foundation, and act effectively to bring about a better world.

**Their prioritization of morality is complicit with the evil they criticize**

Jeffrey **Issac** (professor of political science at Indiana University) 20**02** Dissent, Spring, ebsco

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, **an unyielding concern with moral goodness undercuts political responsibility**. The concern may be morally laudable, reflecting a kind of personal integrity, but **it suffers** from **three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends**. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but **if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience** of their supporters; **(2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice**. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; **and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant**.

Just as the alignment with “good” may engender impotence, **it is often the pursuit of “good” that generates evil**. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. **Moral absolutism** inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it **undermines political effectiveness**.

## 1NR

#### Effective deliberation is the lynchpin of solving all existential global problems

**Lundberg 10** - Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life. Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

**Their ethics are incoherent – There is no consistent way to describe interactions with the other in their world.**

**Pera 04**, Marcello, London School of Economics, 10 February, Multiculturalism and the Open Society, [www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20040210Pera.pdf](http://www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20040210Pera.pdf)

**What are**, if any, **the political consequences of this deconstruction of the concept of hospitality?** **Multiculturalists** like Derrida **believe that we should abandon our current policies of integration and adopt instead a program whose task is the realization of “rainbow societies”,** where different and incompatible traditions may coexist on mutually good terms. **Unfortunately, there is no guarantee that such societies are stable and peaceful, at least there is no positive argument to this effect. Therefore, the consequence of the deconstruction of the idea of hospitality is a confused political theory with no suggestion of specific**, operative **policies**. I am fairly sure that **Derrida** would agree. However, he **tries to transform** what I consider **a** serious **flaw** **of deconstructivism into one of its merits. Proposing a political theory**, **he claims, means to accept what we understand as politics in our culture, while his aim is precisely to question the whole tradition in which the demand for theories is embedded.** Yet, even if **we were to accept his views,** Derrida himself would have to accept the following question as reasonable: **Once we have deconstructed the idea of hospitality,** or the idea of a political theory, or the idea of a Western tradition, **how should we behave with a foreigner**? **His answer is an outstanding example of** irritating vagueness. He argues that hospitality can neither be turned into mere integration nor can it be unconditional. In an interview, **he claims that it must be negotiated** and invented **every step of the way** and placed somewhere in between unconditional and conditional hospitality. Precisely where, Derrida does not say. In the same interview, **he admits that this policy is «very risky**». I believe he is right and I **take concessions like these as an** implicit admission of the conceptual sterility of his view**.** **Deconstructivism,** it seems to me, is a very poor philosophy with no positive or negative consequences. The only policy it can recommend **amounts to no more than the famous “anything goes”,** probably the best advice for fashionable academics, certainly **the worst for** responsible **politicians.**