# 1NC

### Off

#### The war power authority of the president is activated by Congressional authorization- that’s key to set a limit on what the term means

Bejesky 2013 [Robert Bejesky M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law ¶ (Georgetown). The author has taught international law courses for Cooley Law School and the ¶ Department of Political Science at the University of Michigan, American government and ¶ constitutional law courses for Alma College, and business law courses at Central Michigan University ¶ and the University of Miami. 1/23/2013 “WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE “ZONE OF TWILIGHT”” St Mary’s Law Journal http://www.stmaryslawjournal.org/pdfs/Bejesky\_Step12.pdf]

Congressional war powers include the prerogatives to “declare War;” ¶ “grant Letters of Marque and Reprisal,” which were operations that fell ¶ short of “war”; “make Rules for the Government and Regulation of the ¶ land and naval Forces;” “to provide for organizing, arming, and ¶ disciplining, the Militia;” “make Rules concerning Captures on Land and ¶ Water;” “raise and support Armies;” and “provide and maintain a ¶ Navy.”¶ 46¶ Alternatively, the President is endowed with one war power, ¶ that of “Commander in Chief of the Army and Navy.”¶ 47¶ Numerical ¶ comparison indicates that the intended dominant branch in war powers ¶ decisions is Congress. The Commander in Chief authority is a core preclusive power that ¶ designates the President as the head of the military command chain once ¶ Congress activates the power.¶ 48¶ Moreover, peripheral Commander in ¶ Chief powers are bridled by both statutory and treaty restrictions.¶ 49¶ The ¶ media lore of using “Commander in Chief” coterminous with “President” ¶ might occasionally be a misnomer outside of war, perhaps abetting ¶ presidential expansionism when combined with commentators employing ¶ terms such as “inherent authority.” Clearly, if Congress has not activated ¶ war powers, the President still possesses inherent authority to react ¶ expeditiously and unilaterally to defend the nation when confronted with ¶ imminent peril.¶ 50¶ However, the Framers drew a precise distinction when ¶ they specifically empowered the President “to repel and not to commence ¶ war.”¶ 51¶ Alexander Hamilton explained that latitude was required “because ¶ it is impossible to foresee or to define the extent and variety of national ¶ exigencies, and the correspondent extent and variety of the means which ¶ may be necessary to satisfy them.”¶ 52

#### Prefer this interp based on limits- presidents assert they have the authority to do almost anything- the negative cannot be expected to have a case neg to every assertion the OLC has ever made about presidential authority- their aff is not a restriction of a law on the books which opens the floodgates to any stupid satire/parody/whatever of the “subject” of the resolution

### Off

#### Class is the driver of all social and existential conditions. Only emancipation from the status quo modes of production can enact any form of human freedom

**Ebert and Zavarzadeh in 2008**(Teresa L., English, State University of New York, Albany, Mas’ud, prolific writer and expert on class ideology, “Class in Culture”, p.ix-xii)

**Class** is everywhere and nowhere. It **is the most decisive condition of social life: it shapes the economic and**, consequently, **the social and cultural resources of people**. It determines their birth, healthcare, clothing, schooling, eating, love, labor, sleep, aging, and death. Yet **it remains invisible in the every day and in practical consciousness because,** for the most part, **it is dispersed through popular culture, absorbed in cultural difference, obscured by formal equality before the law or explained away by philosophical arguments**. Class in Culture attempts to trace class in different cultural situations and practices to make its routes and effects visible. However, the strategies obscuring class are cunning, complex, and subtle, and are at work in unexpected sites of culture. Consequently, this is not a linear book: it surprises class in the segments, folds, vicinities, points, and divides of culture. It moves, for example, from Abu Ghraib to the post-deconstructive proclamations of Antonio Negri, from stem cell research to labor history, from theoretical debates on binaries to diets. It is also written in a variety of registers and lengths: in the vocabularies of theory, the idioms of description and explanation, as well as in the language of polemics, and in long, short, and shorter chapters. Regardless of the language, the plane of argument, the length of the text, and the immediate subject of our critiques, our purpose has been to tease out from these incongruous moments the critical elements of a basic grammar of class-one that might be useful in reading class in other social sites. Our text on eating, for example, unpacks two diets that, we argue, reproduce class binaries in the zone of desire. The point here is not only when one eats, one eats class, but also class works in the most unexpected comers of culture, Eating as a sensuous, even sensual corporeality, is seen as the arena of desire which is represented in the cultural imaginary as autonomous from social relations. **Desire is thought to be exemplary of the singularity of the individual and her freedom from material conditions. One desires what one desires. Desire is the absolute lack: it is the unrepresentable.** We argue, however, that **one desires what one can desire; one's desire is always and ultimately determined before one desires it, and it is determined by one's material (class) conditions.** Our point is not that **individuality and singularity** are myths but that they **are myths in class societies**. **Individuality and singularity become reality**-not stories that culture tells to divert people from their anonymity in a culture of commodities-**only when one is free from necessity beyond which "begins that development of human energy which is an end in itself'** (Marx, Capita/III, 958-59). **Class is the negation of human freedom**. **A theory of class** (such as the one we articulate) **argues that class is the material logic of social life and** therefore it **determines how people live and think**. But this is too austere for many contemporary critics. ("Determinism" is a dirty totalizing word in contemporary social critique.) Most writers who still use the concept of class prefer to talk about it in the more subtle and shaded **languages of overdetermination, lifestyle, taste, prestige, and preferences**, **or** in the **stratification** terms of income, occupation, and even status. These **are all significant** aspects of social life, **but they are effects of class and not class**. This brings us to the "simple" question: What is class? We skip the usual review of theories of class because they never lead to an answer to this question. The genre of review requires, in the name of fairness, "on the one hand, on the other hand" arguments that balance each perspective with its opposite. The purpose of Class in Culture is not review but critique not a pluralism that covers up an uncommitted wandering in texts but an argument in relation to which the reader can take a position leading to change and not simply be more informed. This is not a book of information; it is a book of critique. To answer the question (what is class?), we argue-and here lies the austerity of our theory-**class is essentially a relation of property, of owning**. Class, in short, is **a relation to labor because property is the congealed alienated labor of the other**. By owning we obviously do not mean owning just anything. Owning a home or a car or fine clothes does not by itself put a person in one or another class. What does, is **owning the labor power of others in exchange for wages.** Unlike a home or a car, labor (or to be more precise "**labor power**") **is a commodity that produces value when it is consumed**. Structures like homes or machines like cars or products such as clothes do not produce value. Labor does. **Under capitalism, the producers of value do not own what they produce**. The capitalist who has purchased the labor power of the direct producers owns what they produce. Class is this relation of labor-owning. This means wages are symptoms of estranged labor, of the unfreedom of humans, namely the exploitation of humans by humans-which is another way to begin explaining class. **To know class, one has to learn about the labor relations that construct class differences**, that enable the subjugation of the many by the few. **Under capitalism labor is unfree**, it is forced wage-labor that produces "surplus value"-an objectification of a person's labor as commodities that are appropriated by the capitalist for profit. **The labor of the worker,** therefore, **becomes "an object" that "exits outside him**, independently, as **something alien to him, and it becomes a power on its own confronting him" which**, among other things, **"means that the life which he has conferred on the object confronts him as something hostile and alien**" (Marx, Economic and Philosophic Manuscripts of 1844,272). The direct producers' own labor, in other words, negates their freedom because it is used, in part, to produce commodities not for need but for exchange. **One**, therefore, **is made "to exist, first, as a worker; and, second as a physical subject**. The height of this servitude is that it is only as a worker that he can maintain himself as a physical subject, and that it is only as a physical subject that he is a worker" (273). Under wage labor, **workers**, consequently, **relate to their own activities as "an alien activity not belonging to [**them]" (275). **The estranged relation** of people to the object of their labor **is not a local matter but includes all spheres of social life**. ln other words, it is "at the same time the relation to the sensuous external world, to the objects of nature, as an alien world inimically opposed to [them]" (275). **The scope of estrangement in a class society**, of human unfreedom caused by wage labor, is not limited to the alienation of the worker from her products. It includes the productive activity itself because what is produced is a "summary of the activity, of production," and therefore it is "manifested not only in the result but in the act of production, within the producing activity itself' (274). **The worker, in the act of production, alienates herself from herself because production activity is "active alienation, the alienation of activity, the activity of alienation**" (274)-an activity which does not belong to her. This is another way of saying that the activity of labor-life activity-is turned against the worker and "here we have self-estrangement" (275). In his theory of alienated labor, Marx distinguishes between the "natural life" of eating, drinking, and procreating which humans share with other animals and the "species life" which separates humans from animal. This distinction has significant implications for an emancipatory theory of classless society. "Species life" is the life marked by consciousness, developed senses, and a human understanding himself in history as a historical being because "his own life is an object for him" (276}--humans, as "species beings," are self-reflexive. To be more clear, "conscious life activity distinguishes man immediately from animal life activity" (276). The object of man's labor is the actualization, the "objectification of man's species-life" (277). Alienated labor, however, "in tearing away from man the object of his production, therefore, ... tears from him his species-life" (277). Consequently, "it changes for him the life of the species into a means of individual life ... it makes individual life in its abstract form the purpose of life of the species, likewise in the abstract and estranged form" (276). This is another way of saying that **the larger questions that enable humans to build their world consciously are marginalized, and sheer biological living** ("individual life in the abstract") **becomes the goal of life in class society structured by wage labor. "Life itself appears only as a means to life"** (276). **Class turns "species life" into "natural life."** Since society is an extension of the sensuous activities of humans in nature (labor), **the alienation of humans from the products of their labor, from the very process of labor, which is their life activity, and from their species-being, leads to the estrangement of humans from humans (**277)-**the alienation in class societies that is experienced on the individual level as loneliness**. In confronting oneself, one confronts others; which is another way of saying that one's **alienation from the product of one's labor**, from productive activity, and from "species life" **is** at the same time **alienation from other people, their labor, and the objects of their labor**. In class societies, **work**, therefore, **becomes the negation of the worker:** he "only feels himself outside his work, and in his work feels outside himself" (274). **Ending class structures is a re-obtaining of human freedom.** Freedom here is not simply the freedom of individuals as symbolized, for instance, in bourgeois "freedom of speech" but is a world-historical **"freedom from necessity**" (Marx, Critique of the Gotha Programme). **Class struggle is the struggle for human emancipation by putting an end to alienated labor** (as class relations). Alienated labor is the bondage of humans to production: it is an effect of wage labor (which turns labor into a means of living) and private property (which is congealed labor). **Emancipation from alienated labor is, therefore, the emancipation of humans from this bondage because "all relations of servitude," such as class relations, "are but modifications and consequences" of the relation of labor to production** (Marx, Economic and Philosophic Manuscripts of 1844,280). **Class**, in short, **is the effect of property relations that are themselves manifestations of the alienation of labor as wage labor. Wage labor alienates one from one's own product, from oneself, from other humans, and, as Marx put it, "estranges the species from man**" (276).

#### Capitalism’s preoccupation with endless accumulation will result in total ecological destruction and extinction

Foster 11,[John Bellamy ] Dec. 2011, Capitalism and the Accumulation of Catastrophe, Monthly Review, Vol. 63 Issue 07, <http://monthlyreview.org/2011/12/01/capitalism-and-the-accumulation-of-catastrophe> (Aug 2012)

Yet, the continued pursuit of Keynes’s convenient lie over the last eight decades has led to a world far more polarized and beset with contradictions than he could have foreseen. It is a world prey to the enormous unintended consequences of accumulation without limits: namely, global economic stagnation, financial crisis, and planetary ecological destruction. Keynes, though aware of some of the negative economic aspects of capitalist production, had no real understanding of the ecological perils—of which scientists had already long been warning. Today these perils are impossible to overlook. Faced with impending ecological catastrophe, it is more necessary than ever to abandon Keynes’s convenient lie and espouse the truth: that foul is foul and fair is fair. Capitalism, the society of “après moi le déluge!” is a system that fouls its own nest—both the human-social conditions and the wider natural environment on which it depends. The accumulation of capital is at the same time accumulation of catastrophe, not only for a majority of the world’s people, but living species generally. Hence, nothing is *fairer*—more just, more beautiful, and more necessary—today than the struggle to overthrow the regime of capital and to create a system of substantive equality and sustainable human development; a socialism for the twenty-first century.

#### Method is key- our alternative is dialectical materialism which provides the best method for understanding social and political relations-this education is key to achieve class consciousness and stop capitalism

**Lukacs in 67** (George, Hungarian Marxist philosopher and literary critic. He is a founder of the tradition of Western Marxism. He contributed the ideas of reification and class consciousness to Marxist philosophy and theory, and his literary criticism was influential in thinking about realism and about the novel as a literary genre. He served briefly as Hungary's Minister of Culture as part of the government of the short-lived Hungarian Soviet Republic, History and Class Consciousness)

If the question were really to be formulated in terms of such a crude antithesis it would deserve at best a pitying smile. But in fact it is not (and never has been) quite so straightforward. Let us assume for the sake of argument that recent research had disproved once and for all every one of Marx's individual theses. Even if this were to be proved, every serious 'orthodox' Marxist would still be able to accept all such modern findings without reservation and hence dismiss all of Marx's theses in toto—without having to renounce his orthodoxy for a single moment. **Orthodox Marxism**, therefore, **does not imply the uncritical acceptance of the results of Marx's investigations**. It is not the 'belief in this or that thesis, nor the exegesis of a 'sacred' book. **On the contrary, orthodoxy refers exclusively to method. It is the scientific conviction that dialectical materialism is the road to truth and that its methods can be developed, expanded and deepened** only along the lines laid down by its founders. It is the conviction, moreover, that all attempts to surpass or 'improve' it have led and must lead to over-simplification, triviality and eclecticism. Materialist dialectic is a revolutionary dialectic. **This definition is so important** and altogether so crucial for an understanding of its nature **that if the problem is to be approached in the right way this must be fully grasped before we venture upon a discussion of the dialectical method itself**. **The issue turns on the question of theory and practice**. And this not merely in the sense given it by Marx when he says in his first critique of Hegel that "theory becomes a material force when it grips the masses".1 Even **more to the point is the need to discover those features and definitions both of the theory and the ways of gripping the masses which convert the theory, the dialectical method, into a vehicle of revolution**. We must extract the practical essence of the theory from the method and its relation to its object. **If this is not done that 'gripping the masses' could well turn out to be a will o' the wisp**. **It might turn out that the masses were in the grip of quite different forces**, that they were in pursuit of quite different ends. **In that event**, there would be no necessary connection between the theory and their activity, **it would be a form that enables the masses to become conscious of their socially necessary or fortuitous actions, without ensuring a genuine and necessary bond between consciousness and action**. In the same essay\* Marx clearly defined the conditions in which a relation between theory and practice becomes possible. "It is not enough that thought should seek to realise itself; reality must also strive towards thought." Or, as he expresses it in an earlier work:3 "It will then be realised that the world has long since possessed something in the form of a dream which it need only take possession of consciously, in order to possess it in reality." **Only when consciousness stands in such a relation to reality can theory and practice be united. But for this to happen the emergence of consciousness must become the decisive step which the historical process must take** towards its proper end (an end constituted by the wills of men, but neither dependent on human whim, nor the product of human invention). The historical function of theory is to make this step a practical possibility. Only when a historical situation has arisen in which a class must understand society if it is to assert itself; only when the fact that a class understands itself means that it understands society as a whole and when, in consequence, the class becomes both the subject and the object of knowledge; in short, **only when these conditions are all satisfied will the unity of theory and practice, the precondition of the revolutionary function of the theory, become possible**. Such a situation has in fact arisen with the entry of the proletariat into history. "When the proletariat proclaims the dissolution of the existing social order,” Marx declares, "it does no more than disclose the secret of its own existence, for it is the effective dissolution of that order." \* **The links between the theory that affirms this and the revolution are not just arbitrary, nor are they particularly tortuous** or open to misunderstanding. **On the contrary, the theory is essentially the intellectual expression of the revolutionary process itself. In it every stage of the process becomes fixed so that it may be generalised**, communicated, utilised **and developed**. **Because the theory does nothing but arrest and make conscious each necessary step, it becomes at the same time the necessary premise of the following one**. <1-3>

#### Our method is the only way to stop capitalism-their knowledge only values individual epistemologies and identity. This cuts analysis off from the totality of capitalism ensuring the case fails.

**Lukacs in 67** (George, Hungarian Marxist philosopher and literary critic. He is a founder of the tradition of Western Marxism. He contributed the ideas of reification and class consciousness to Marxist philosophy and theory, and his literary criticism was influential in thinking about realism and about the novel as a literary genre. He served briefly as Hungary's Minister of Culture as part of the government of the short-lived Hungarian Soviet Republic, History and Class Consciousness)

**It is not the primacy of economic motives in historical explanation that constitutes the decisive difference between Marxism and bourgeois thought, but the point of view of totality**. **The category of totality, the** all-pervasive **supremacy of the whole over the parts is the essence of the method which** **Marx** took over from Hegel and brilliantly **transformed into the foundations of a wholly new science**. **The capitalist separation of the producer from the total process of production**, the division of the process of labour into parts at the cost of the individual humanity of the worker, **the atomisation of society into individuals** who simply go on producing without rhyme or reason, **must all have a profound influence on the** thought, the science and the **philosophy of capitalism**. **Proletarian science is revolutionary not just by virtue of its revolutionary ideas** which it opposes to bourgeois society, **but above all because of its method**. The primacy of the category of totality is the bearer of the principle of revolution in science. The revolutionary nature of Hegelian dialectics had often been recognised as such before Marx, notwithstanding Hegel's own conservative applications of the method. But no one had converted this knowledge into a science of revolution. It was Marx who transformed the Hegelian method into what Herzen described as the 'algebra of revolution\*. **It was not enough**, however, **to give it a materialist twist.** **The revolutionary principle** inherent in Hegel's dialectic **was able to come to the surface** less **because of** that than because of **the validity of the method itself, viz. the concept of totality**, the subordination of every part to the whole unity of history and thought. **In Marx the dialectical method aims at understanding society as a whole. Bourgeois thought concerns itself with objects** that arise either from the process of studying phenomena in isolation, or from the division of labour and specialisation in the different disciplines. **It holds abstractions to be 'real' if it is naively realistic, and 'autonomous' if it is critical**. **Marxism**, however, **simultaneously raises and reduces all specialisations to the level of aspects in a dialectical process**. This is not to deny that the process of abstraction and hence the isolation of the elements and concepts in the special disciplines and whole areas of study is of the very essence of science. **But what is decisive is whether this process of isolation is a means towards understanding the whole** and whether it is integrated within the context it presupposes and requires, **or whether the abstract knowledge of an isolated fragment retains its 'autonomy\* and becomes an end in itself.** In the last **analysis Marxism docs not acknowledge the existence of independent sciences of law, economics or history**, etc.: **there is nothing but a single, unifed— dialectical and historical—science of the evolution of society as a totality**. The category of totality, however, determines not only the object of knowledge but also the subject. **Bourgeois thought judges social phenomena** consciously or unconsciously, naively or subtly, consistently **from the standpoint of the individual**.1 **No path leads from the individual to the totality; there is at best a road leading to aspects of particular areas, mere fragments for the most part**, 'facts\* bare of any context, or to abstract, special laws. The totality of an object can only be posited if the positing subject is itself a totality; and if the subject wishes to understand itself, it must conceive of the object as a totality. In modern society only the classes can represent this total point of view. By tackling every problem from this angle, above all in Capital, Marx supplied a corrective to Hegel who still wavered between the "great individual and the abstract spirit of the people." Although his successors understood him even less well here than on the issue of'idealism' versus 'materialism\* this corrective proved even more salutary and decisive. <27-28>

### Off

#### The United States Congress should limit the President's war powers authority to assert, on behalf of the United States, immunity from judicial review by establishing a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings.

#### Ex post review solves accountability and transparency

Jaffer 2013 [Jameel Jaffer, Director of the ACLU's Center for Democracy 126 Harv. L. Rev. F. 185 (2013) “Judicial Review of Targeted Killings” http://www.harvardlawreview.org/issues/126/april13/forum\_1002.php]

Second, judicial engagement with the targeted killing program does not actually require the establishment of a new court. In a case pending before Judge Rosemary Collyer of the District Court for the District of Columbia, the ACLU and the Center for Constitutional Rights represent the estates of the three U.S. citizens whom the CIA and JSOC killed in Yemen in 2011. The complaint, brought under Bivens v. Six Unknown Named Agents, seeks to hold senior executive officials liable for conduct that allegedly violated the Fourth and Fifth Amendments. It asks the court to articulate the limits of the government’s legal authority and to assess whether those limits were honored. In other words, the complaint asks the court to conduct the kind of review that many now seem to agree that courts should conduct.¶ This kind of review—ex post review in the context of a Bivens action—could clarify the relevant legal framework in the same way that review by a specialized court could. But it also has many advantages over the kind of review that would likely take place in a specialized court. In a Bivens action, the proceedings are adversarial rather than ex parte, increasing their procedural legitimacy and improving their substantive accuracy. Hearings are open to the public, at least presumptively. The court can focus on events that have already transpired rather than events that might or might not transpire in the future. And a Bivens action can also provide a kind of accountability that could not be supplied by a specialized court reviewing contemplated strikes ex ante: redress for family members of people killed unlawfully, and civil liability for officials whose conduct in approving or carrying out the strike violated the Constitution. (Of course, in one profound sense a Bivens action will always come too late, because the strike alleged to be unlawful will already have been carried out. Again, though, if “imminence” is a requirement, ex ante judicial review is infeasible by definition.)

#### Legal restraints work---exception theory is self-serving and wrong

William E. Scheuerman 6, Professor of Political Science at Indiana University, Carl Schmitt and the Road to Abu Ghraib, Constellations, Volume 13, Issue 1

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to them. The claim also suffers from a certain vagueness and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonisms. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22¶ Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fighters. His view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian model. By broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal framework. Why is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states. 23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international law. We cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.¶ This is a powerful argument, but it remains flawed. Every modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian moments. The same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sources. In short, it is by no means self-evident that trying to give coherent legal form to a transitional political and social moment is always doomed to fail. Moreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt asserts. In some recent accounts, the general trend towards extending basic protections to non-state actors is plausibly interpreted in a more positive – and by no means incoherent – light.24¶ Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12). Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence. 25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50). Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of war. The Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field. “Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).¶ As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universe. To be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet one possible resolution of the dilemma he describes would be to figure how to reform the process whereby rules of war are adapted to novel changes in military affairs in order to minimize the danger of anachronistic or out-of-date law. Instead, Schmitt simply employs the dilemma of legal obsolescence as a battering ram against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

### Off

#### Counterterrorism is effective now

Anderson 2013 [Kenneth Anderson Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law May 24, 2013 “The Case for Drones” Real Clear Politics http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548-full.html]

Barack Obama campaigned for his first presidential term on the platform of ending America’s wars. Obama voters and much of the rest of the world figured this promise referred not only to the conventional conflicts in Iraq and Afghanistan, but also to what liberals considered the long and unnecessary national nightmare of the war on terror. It now seems clear he was misunderstood—though we don’t know yet whether the misunderstanding was by Obama’s design or due to changes that took place after he assumed office. Obama’s policy proved not to be “peace breaks out.” It was, rather, that America would wind down its two counterinsurgency, boots-on-the-ground wars and undertake a refocused effort against the terrorists who had set this all in motion. He framed it this way during the 2008 race. “If Pakistan cannot or will not take out al-Qaeda leadership when we have actionable intelligence about their whereabouts,” he said on the campaign trail, “we will act to protect the American people. There can be no safe haven for al-Qaeda terrorists.” No safe havens—that has been Barack Obama’s strategic lodestar in the war on terror.¶ It is this proposition, more than any other, that gets us to drone warfare.¶ Even as Obama publicly disdained the institutions and methodologies of Bush’s war on terror, he was issuing a new call to arms in that war. Taking the fight directly to the enemy required a means of combat other than counterinsurgency warfare on the ground, and the United States turned to a technology the Israelis had used effectively in their war against Palestinian terrorists: unmanned surveillance drones, now weaponized.¶ This tool had been used during the Bush administration, but sparingly-—largely due to geopolitical fears, but also because it was only by the second Bush term that the CIA had established ground-level human-intelligence networks in Afghanistan and Pakistan sufficient for making independent targeting decisions without having to rely on the questionable and self-interested information coming from Pakistan’s intelligence services.¶ The strategy has worked far better than anyone expected. It is effective, and has rightfully assumed an indispensable place on the list of strategic elements of U.S. counterterrorism-on-offense.

#### Drones are key to counterterror operations- improvements in technology make them incredibly precise and make oversight awesome

Cartwright 2013 [General (ret) James E. Cartwright¶ my testimony will be based on my 40 years of military experience and work I am currently supporting with various universities, think tanks and studies Testimony to the Senate Judiciary Subcommittee on the ¶ Constitution, Civil Rights, and Human Rights¶ 24 March 2013 “CONSTITUTIONAL AND COUNTER TERRORISM IMPLICATIONS OF TARGETED KILLING” http://www.judiciary.senate.gov/pdf/04-23-13CartwrightTestimony.pdf]

Advances in high band-width satellite communications, sensing technologies -¶ particularly full motion video - combined with existing aircraft technology has allowed ¶ armed drones to emerge as the platform of choice in this counter terror mission space. In ¶ military operations, these drones are highly capable and sought after by ground forces. ¶ They cost roughly $4-5M versus a modern fighter’s $150M. They persist on station for ¶ 15-20 hours without refueling, versus 1-2 hours for fighter attack aircraft. They consume ¶ 100 gallons of fuel per flight versus 1,000-3,000 gallons for an unrefueled fighter attack ¶ aircraft. Their optics provides full motion imagery at far greater distances and altitudes ¶ than the human eye, and the crews are not distracted or disabled by the constant duties of ¶ flight. Their sensor information can be distributed to fixed and mobile users in real time. ¶ For a Marine, this means getting up in the morning, getting a patrol assignment, ¶ monitoring the target area in real time, while conducting mission planning, followed by ¶ travel to the target area, execution of the mission, return to base and debriefing. They can ¶ rerun the entire mission for accurate debriefings and mission effectiveness and ¶ accountability. During all that, they have an armed escort that can see over hills, and ¶ around corners, in the palm of their hand. Not hard to see why military operations are ¶ significantly improved by this technology.¶ Drones offer many advantages over other conventional forces in counter terrorism ¶ missions. Basing can be located far from the area of interest without sacrificing time on ¶ station. They have far greater mobility than a similar ground or naval capability. Their ¶ elevated sensors are generally more effective in locating and pursuing a threat. They can ¶ persist in an area for extended periods of time awaiting emergence or a clear opportunity. ¶ They can quickly adapt to fixed and mobile targets. These and many other attributes of ¶ armed drones make them the leading choice in counter terrorism operations.

#### There is a linear increase in risk every time the Aff prevents action

Metz 2013 [Steven Metz is a defense analyst and the author of "Iraq and the Evolution of American Strategy." His weekly WPR column, Strategic Horizons, appears every Wednesday 27 Feb 2013 World Politics Review “Strategic Horizons: The Strategy Behind U.S. Drone Strikes” http://www.worldpoliticsreview.com/articles/12747/strategic-horizons-the-strategy-behind-u-s-drone-strikes]

The current strategy of containing al-Qaida-style extremism may repeat this pattern. Its strategic logic is the same, even if its methods differ. Yet, as during the Cold War, remaining steadfast until the strategy works will not be easy. Many parts of it are difficult, even repellent. Drone strikes are an example. But there is no other sustainable method of offensive actions that can effectively hinder the ability of the terrorists to organize and execute attacks. Even though this conflict does not look like the sort of traditional wars that Americans are used to, it cannot be handled like a law enforcement issue. And those who support a strictly defensive version of containment may be right that al-Qaida's flame will eventually burn out on its own. But without an offensive element to U.S. strategy, this day will be postponed, increasing the chances that a terrorist will get through America's defenses. And extending the conflict also brings even greater suffering to the people al-Qaida and its ilk hide behind.¶ Nearly all Americans would embrace a strategy that counters and defeats al-Qaida-style extremists without using drone strikes. So far, though, critics of the drones have not provided a viable alternative or made the case that the strategic costs of drones outweigh the benefits. At this point, drones remain the only effective offensive tool in a strategy that requires them.

#### Nuclear terrorism breaks the taboo- causes escalation

Bin ‘9 (5-22-09 About the Authors Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND).Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People’s Liberation Army with an MA from China’s National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin. )

**The nuclear taboo is a** kind **of international norm and this type of norm is supported by the promotion of the norm through international social exchange.** **But at present the increased threat of nuclear terrorism has lowered people’s confidence that nuclear weapons will not be used**. **China and the United States have a broad common interest in combating nuclear terrorism.** **Using technical and institutional measures to break the foundation of nuclear terrorism and lessen the possibility of a nuclear terrorist attack can not only weaken the danger of nuclear terrorism itself but also** strengthen people’s confidence in the nuclear taboo**, and in this way preserve an international environment beneficial to both China and the United States.** **In this way even if there is crisis in China-U.S. relations caused by conflict, the nuclear taboo can also help both countries reduce suspicions about the nuclear weapons problem, avoid miscalculation and thereby reduce the** danger of a nuclear war**.**

### Case

#### Indicts of our epistemology or knowledge are not absolute or a reason to disregard our offense

Jackson 2010 (Patrick Thaddeus Jackson, Associate Professor of International Relations in the School of International Service at the American University in Washington, DC, 2010, “The Conduct of Inquiry in International Relations: Philosophy of Science and its Implications for the Study of World Politics,” ebook)

Faced with the impossibility of putting an end to the science question within IR by turning to the philosophy of science, what should we do? Since we cannot resolve the question of what science is by appealing to a consensus in philosophy, one option is to become philosophers of science ourselves, and to spend our time and our scholarly efforts trying to resolve thorny and abstract issues about the status of theory and evidence and the limits of epistemic certainty. But this is an unappealing option for a scholarly field defined, if loosely, by its empirical focus (world politics), and it would be roughly akin to advising physicists to become philosophers of physics in order to resolve the question of what physics was and whether it was a science. This also mis-states the relationship between philosophical debates and scientific practice; practicing scientists have a pretty good working definition of what it means for something to be “scientific,” but this “is less a matter of strategy than of ongoing evaluative practice,” conducted in the course of everyday knowledge-producing activities (Taylor 1996, 133). We do not expect physicists to give philosophical answers to questions about the scientific status of their scholarship; we expect them to produce knowledge of the physical world. Similarly, we should not expect IR scholars to engage in “philosophy of IR” to the detriment of generating knowledge about world politics; the latter, not the former, is our main vocational task.

#### Treat their alt as though it were implemented as policy- Policy focus key to vet theory

Feaver 2001 Peter Feaver (Asst. Prof of Political Science at Duke University) 2001 Twenty-First Century Weapons Proliferation, p 178)

At the same time, virtually all good theory has implications for policy. Indeed, if no conceivable extension of the theory leads to insights that would aid those working in the ‘real world’, what can be ‘good’ about good theory? Ignoring the policy implications of theory is often a sign of intellectual laziness on the part of the theorist. It is hard work to learn about the policy world and to make the connections from theory to policy. Often, the skill sets do not transfer easily from one domain to another, so a formidable theorist can show embarrassing naivete when it comes to the policy domain he or she putatively studies. Often, when the policy implications are considered, flaws in the theory (or at least in the presentation of the theory) are uncovered. Thus, focusing attention on policy implications should lead to better theorizing. The gap between theory and policy is more rhetoric than reality. But rhetoric can create a reality–or at least create an undesirable kind of reality–where policy makers make policy though ignorant of the problems that good theory would expose, while theorists spin arcana without a view to producing something that matters. It is therefore incumbent on those of us who study proliferation–a topic that raises interesting and important questions for both policy and theory–to bring the communities together. Happily, the best work in the proliferation field already does so.

#### Weigh our specific evidence to get closer to the truth

Kratochwil 2008 (Friedrich Kratochwil, professor of international relations at European University Institute, 2008

(Friedrich, “The Puzzles of Politics,” pg. 200-213)

In what follows, I claim that the shift in focus from “demonstration” to science as practice provides strong prima facie reasons to choose pragmatic rather than traditional epistemological criteria in social analysis.

Irrespective of its various forms, the epistemological project includes an argument that all warranted knowledge has to satisfy certain field- independent criteria that are specified by philosophy (a “theory of know- ledge”). The real issue of how our concepts and the world relate to each other, and on which non-idiosyncratic grounds we are justified to hold on to our beliefs about the world, is “answered” by two metaphors. The first is that of an inconvertible ground, be it the nature of things, certain intuitions (Des- cartes’ “clear and distinct ideas”) or methods and inferences; the second is that of a “mirror” that shows what is the case.¶ There is no need to rehearse the arguments demonstrating that these under- lying beliefs and metaphors could not sustain the weight placed upon them. A “method” à la Descartes could not make good on its claims, as it depended ultimately on the guarantee of God that concepts and things in the outer world match. On the other hand, the empiricist belief in direct observation forgot that “facts” which become “data” are – as the term suggests – “made”. They are based on the judgements of the observer using cultural criteria, even if they appear to be based on direct perception, as is the case with colours.4¶ Besides, there had always been a sneaking suspicion that the epistemological ideal of certainty and rigour did not quite fit the social world, an objection voiced first by humanists such as Vico, and later rehearsed in the continuing controversies about erklären and verstehen (Weber 1991; for a more recent treatment see Hollis 1994). In short, both the constitutive nature of our concepts, and the value interest in which they are embedded, raise peculiar issues of meaning and contestation that are quite different from those of description. As Vico (1947) suggested, we “understand” the social world because we have “made it”, a point raised again by Searle concerning both the crucial role played by ascriptions of meaning (x counts for y) in the social world and the distinction between institutional “facts” from “brute” or natural facts (Searle 1995). Similarly, since values are constitutive for our “interests”, the concepts we use always portray an action from a certain point of view; this involves appraisals and prevents us from accepting allegedly “neutral” descriptions that would be meaningless. Thus, when we say that someone “abandoned” another person and hence communicate a (contestable) appraisal, we want to call attention to certain important moral implica- tions of an act. Attempting to eliminate the value-tinge in the description and insisting that everything has to be cast in neutral, “objective”, observational language – such as “he opened the door and went through it” – would indeed make the statement “pointless”, even if it is (trivially) “true” (for a powerful statement of this point, see Connolly 1983).¶ The most devastating attack on the epistemological project, however, came from the history of science itself. It not only corrected the naive view of knowledge generation as mere accumulation of data, but it also cast increasing doubt on the viability of various field-independent “demarcation criteria”. This was, for the most part, derived from the old Humean argument that only sentences with empirical content were “meaningful”, while value statements had to be taken either as statements about individual preferences or as meaningless, since de gustibus non est disputandum. As the later dis- cussion in the Vienna circle showed, this distinction was utterly unhelpful (Popper 1965: ch. 2). It did not solve the problem of induction, and failed to acknowledge that not all meaningful theoretical sentences must correspond with natural facts.¶ Karl Popper’s ingenious solution of making “refutability” the logical cri- terion and interpreting empirical “tests” as a special mode of deduction (rather than as a way of increasing supporting evidence) seemed to respond to this epistemological quandary for a while. An “historical reconstruction” of science as a progressive development thus seemed possible, as did the specification of a pragmatic criterion for conducting research.¶ Yet again, studies in the history of science undermined both hopes. The different stages in Popper’s own intellectual development are, in fact, rather telling. He started out with a version of conjectures and refutations that was based on the notion of a more or less self-correcting demonstration. Con- fronted with the findings that scientists did not use the refutation criterion in their research, he emphasised then the role of the scientific community on which the task of “refutation” devolved. Since the individual scientist might not be ready to bite the bullet and admit that she or he might have been wrong, colleagues had to keep him or her honest. Finally, towards the end of his life, Popper began to rely less and less on the stock of knowledge or on the scientists’ shared theoretical understandings – simply devalued as the “myth of the framework” – and emphasised instead the processes of communica- tion and of “translation” among different schools of thought within a scien- tific community (Popper 1994). He still argued that these processes follow the pattern of “conjecture and refutation”, but the model was clearly no longer that of logic or of scientific demonstration, but one that he derived from his social theory – from his advocacy of an “open society” (Popper 1966). Thus a near total reversal of the ideal of knowledge had occurred. While formerly everything was measured in terms of the epistemological ideal derived from logic and physics, “knowledge” was now the result of deliberation and of certain procedural notions for assessing competing knowledge claims. Politics and law, rather than physics, now provided the template.¶ Thus the history of science has gradually moved away from the epistemo- logical ideal to focus increasingly on the actual practices of various scientific communities engaged in knowledge production, particularly on how they handle problems of scientific disagreement.5 This reorientation implied a move away from field-independent criteria and from the demonstrative ideal to one in which “arguments” and the “weight” of evidence had to be appraised. This, in turn, not only generated a bourgeoning field of “science studies” and their “social” epistemologies (see Fuller 1991), but also suggested more generally that the traditional understandings of knowledge production based on the model of “theory” were in need of revision.¶ If the history of science therefore provides strong reasons for a pragmatic turn, as the discussion above illustrates, what remains to be shown is how this turn relates to the historical, linguistic and constructivist turns that preceded it. To start with, from the above it should be clear that, in the social world, we are not dealing with natural kinds that exist and are awaiting, so to speak, prepackaged, their placement in the appropriate box. The objects we investi- gate are rather conceptual creations and they are intrinsically linked to the language through which the social world is constituted. Here “constructivists”, particularly those influenced by Wittgenstein and language philosophy, easily link up with “pragmatists” such as Rorty, who emphasises the product- ive and pragmatic role of “vocabularies” rather than conceiving of language as a “mirror of nature” (Rorty 1979).¶ Furthermore, precisely because social facts are not natural, but have to be reproduced through the actions of agents, any attempt to treat them like “brute” facts becomes doubly problematic. For one, even “natural” facts are not simply “there”; they are interpretations based on our theories. Secondly, different from the observation of natural facts, in which perceptions address a “thing” through a conceptually mediated form, social reality is entirely “arti- ficial” in the sense that it is dependent on the beliefs and practices of the actors themselves. This reproductive process, directed by norms, always engenders change either interstitially, when change is small-scale or adaptive – or more dramatically, when it becomes “transformative” – for instance when it produces a new system configuration, as after the advent of national- ism (Lapid and Kratochwil 1995) or after the demise of the Soviet Union (Koslowski and Kratochwil 1994). Consequently, any examination of the social world has to become in a way “historical” even if some “structuralist” theories attempt to minimise this dimension. [. . .]¶ Therefore a pragmatic approach to social science and IR seems both necessary and promising. ¶ On the one hand, it is substantiated by the failure of the epistemological project that has long dominated the field. On the other, it offers a different positive heuristics that challenges IR’s traditional disciplin- ary boundaries and methodological assumptions. Interest in pragmatism therefore does not seem to be just a passing fad – even if such an interpre- tation cannot entirely be discounted, given the incentives of academia to find, just like advertising agencies, “new and improved” versions of familiar products.

#### No impact – threat construction isn’t sufficient to cause wars

Kaufman, Prof Poli Sci and IR – U Delaware, ‘9

(Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” *Security Studies* 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs only if these factors are harnessed. Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence.

A virtue of this symbolist theory is that symbolist logic explains why ethnic peace is more common than ethnonationalist war. Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

#### Policing and remote killings have been getting easier for a long time- has made them less violent

Carpenter and Shaikhouni 2011 [Charli Carpenter is associate professor of international relations at the University of Massachusetts, Amherst, and blogs about human security at the Duck of Minerva. Lina Shaikhouni is completing a degree in political science at the University of Massachusetts, Amherst, with an emphasis on human rights and humanitarian law. June 7 2011 Foreign Policy “Don’t Fear the Reaper” http://www.foreignpolicy.com/articles/2011/06/07/dont\_fear\_the\_reaper?page=0,1]

Misconception No. 2: Drones Make War Easy and Game-Like, and Therefore Likelier. Remote-controlled violence even with a human in the loop also has people concerned: Nearly 40 percent of the op-eds we studied say that remote-control killing makes war too much like a video game. Many argue this increases the likelihood of armed conflict.¶ It's a variation on an old argument: Other revolutions in military technology -- the longbow, gunpowder, the airplane -- have also progressively removed the weapons-bearer from hand-to-hand combat with his foe. Many of these advances, too, were initially criticized for degrading the professional art of war or taking it away from military elites. For example, European aristocrats originally considered the longbow and firearms unchivalrous for a combination of these reasons.¶ It's true that all killing requires emotional distancing, and militaries throughout time have worked hard to devise ways to ease the psychological impact on soldiers of killing for the state in the national interest. Yet it's not so clear whether the so-called Nintendo effect of drones increases social distance or makes killing easier. Some anecdotal evidence suggests the opposite: Drone pilots say they suffer mental stress precisely because they have detailed, real-time images of their targets, and because they go home to their families afterward rather than debriefing with their units in the field. Studies haven't yet confirmed which view is accurate or whether it's somehow both.¶ Even if some variant of the Nintendo effect turns out to be real, there is little evidence that distancing soldiers from the battlefield or the act of killing makes war itself more likely rather than less. If that were true, the world would be awash in conflict. As former Lt. Col. Dave Grossman has documented, at no time in history has the combination of technology and military training strategies made killing so easy -- a trend that began after World War I. Yet as political scientist Joshua Goldstein demonstrates in a forthcoming book, the incidence of international war -- wars between two or more states -- has been declining for 70 years.¶ The political debate over drones should move away from the fear that military advancements mean war is inevitable and instead focus on whether certain weapons and platforms are more or less useful for preventing conflict at a greater or lesser cost to innocent civilian lives. Activists should keep pressure on elected officials, military personnel, and other public institutions to make armed conflict, where it occurs, as bloodless as possible. For example, some human rights groups say the Nintendo effect itself could be harnessed to serve humanitarian outcomes -- by embedding war law programming into game designs.

#### Drones eliminate the possibility of miscalc- it functionally eliminates the fog of war- that’s what makes air power dangerous

Rosén 2013 [Frederik Rosén Danish Institute For International Studies, Defence and Security, Post-Doc DIIS Working Paper 2013:04 “Extremely Stealthy and Incredibly Close: Drones, Control, and Legal Responsibility” http://www.academia.edu/2907252/Extremely\_Stealthy\_and\_Incredibly\_Close\_Drones\_Control\_and\_Responsibility]

Looking back on recent armed conﬂicts in Libya, Afghanistan, Iraq, Kosovo, and Kuwait, all of which were fought with cutting-edge western military technology, we see that weak intelligence has been the dominant cause of combat-related collateral damage. Furthermore, weak intelligence results more often than not from an understandable reluctance to send in reconnaissance troops to collect the necessary information to guide weapon delivery. The surveillance capability of drone technology provides an effective remedy by collecting real-time intelligence. Combined with other forms of surveillance technology, we are moving swiftly towards an era where the “fog of war” has become history. For the high tech military, armed conﬂicts move pixel by pixel towards ultrahigh deﬁnition and total transparency. This is not only a question of whether states want transparency or not. Rather, insofar as proper technology is available, states are obliged by international law to move it in that direction. The critical question of the use of armed force in the age of drone technology is about the moral and legal obligations that total surveillance entails.

#### Endorsing the overt politics of our alternative overcomes the methological blind spots of parrhesia, which also gut aff solvency

Samuel McCormick 2012 Purdue University

Philosophy and Rhetoric > Volume 42, Number 1, 2009 (Project Muse)

This distinction between Mr. Keuner's attitude toward political engagement and those of the philosophic politician and the parrhesiastes has significant implications for the study of the relationship between philosophers and their political cultures. Although the Straussian analysis of philosophic politics dutifully notes the subtle rhetorical maneuvers of major Western thinkers, it fails to guide us beyond their canonical tracts and treatises. Conversely, while the study of parrhesia often attends to the political discourse of thinking men and women, it does little to help us account for their frequent use of indirect, and oftentimes ambivalent, modes of resistance. Studying conduct such as that of Mr. Keuner, which is overtly political, reliant on the discipline of philosophy, and characterized by elusive subversions of authority, enables us to redress these methodological blind spots.

#### Parrhesia fails – its unsustainable and its inability to recognize institutional barriers creates a technocratic backlash

**Bean 9** (Hamilton, Ph.D. candidate at the University of Colorado, Boulder, “A Complicated and Frustrating Dance”: National Security Reform, the Limits of Parrhesia , and the Case of the 9/11 Families)

These comments underscore the difficulty of pinpointing the families’ specific influence within the 9/11 Commission. This difficulty is exacerbated by the dearth of academic literature on direct citizen participation in national security affairs, as well as the lack of structural opportunities for that participation.10 The 9/11 families resemble an advocacy group, yet one possessing an exceptionally complicated relationship with institutional elites and intermediaries. The 9/11 families affected change through public and interpersonal forms of communication. Focusing principally on the families’ communication, however, ignores the influence of institutional communication that significantly shaped the unfolding of events. In this essay, I examine both public and institutional communication to understand how the 9/11 families were able to secure a voice—however faint and fragile—within institutional structures characterized by well-established and obdurate asymmetries of power.11 I also show how national security elites subsequently reasserted their authority and control to contain an undesirable challenge. Specifically, I build here on the work of Jonathan Simon, Professor of Law at the University of California, who argues that the 9/11 families’ “parrhesiastic [End Page 431] truth” spurred the 9/11 Commission’s leaders to challenge executive and congressional privilege in a way never before seen in a public investigation.12 In conceptualizing “parrhesiastic truth,” Simon relies on Michel Foucault’s definition of parrhesia (par-rez′-i-a)—a type of speech characterized by “frankness,” “truth,” “criticism,” “danger,” and “duty.”13 For Foucault, parrhesia is “a verbal activity in which a speaker expresses his personal relationship to truth.”14 One who uses parrhesia views truth-telling as a “moral duty.”15 For Simon, the “cultural availability of the victim of violent crime as a valorized—even idealized—model of the democratic citizen” allowed the 9/11 families to shape events temporarily through their public and private parrhesiastic truth telling.16 Beyond this characterization of the 9/11 families’ “parrhesiastic truth” as a discursive phenomenon, however, Simon does not explore its complexity as a situated rhetorical performance. Simon also overlooks the powerful countervailing rhetorical strategies that opponents used to circumvent the families’ influence. I therefore argue that the case of the 9/11 families represents both disruption and continuity in the rhetorical history of citizen participation in U.S. national security affairs. Most participants agree, for example, that the 9/11 Commission would probably not have been established without the 9/11 families’ extensive lobbying of congressional leaders and unusually favorable treatment by mainstream media outlets.17 Breitweiser states, “We had become the outsiders who had forced their way inside.”18 Once inside, however, the families’ inability to sustain their preferred framing for 9/11—a framing that sought to assign concrete, specific accountability for the catastrophe—demonstrates the limits of parrhesia in the face of persistent patterns of institutional rhetoric that operate to exclude, contain, and suppress citizen voices.19 On this issue, communication scholar William Kinsella states that “potent rhetorical strategies are required for discursive containment, or for the oppositional task of opening up new discursive possibilities.”20 By focusing on both parrhesia and the oppositional rhetorical strategies that its use induces, this essay responds to calls from rhetorical scholars to identify “the specific rhetorical strategies that people actually use” in promoting or impeding citizen participation within national security affairs.21 This case study focuses on the scene of citizen participation within a national security-related investigatory commission. Such commissions have consistently served as key sites of national security strategizing and policymaking in the post–World War II era.22 Although national security policymaking remains the domain of technocratic elites, the aftermath of 9/11 nevertheless represents an exigence in which established elements of the relationship between elites and citizens were at least partially and temporarily destabilized. As a result, critically analyzing the rhetorical strategies of the competing groups responding to this exigence is useful for theorizing the development of a rhetorical democracy.23 A rhetorical [End Page 432] democracy has been defined as “a democracy constituted by its rhetorical practices.”24 Scholars pursuing this topic, however, immediately encounter complex normative and empirical issues. In his introduction to a recent special issue of Presidential Studies Quarterly , rhetorical scholar Robert Ivie describes the normative impulse of rhetorical democracy as “some way of redirecting [rhetoric] from war making, of strengthening the means of democratic dissent and deliberation, of reinforcing democratic values, and of turning myth toward the ends of peace building.”25 Contributors to this special issue adapted Ivie’s foundational work for their own projects. For example, Bryan Taylor’s integrative analysis of nuclear rhetoric, rhetorical democracy, and presidential discourse explicitly describes how rhetorical scholars might reconceptualize ideals of deliberative democracy, assess their associated discursive practices, raise questions about how and with what effect these practices hail citizens to participate, and critique the ethics and politics of these processes. Taylor states that “rhetorical scholars of democracy oppose corrosive discourse which forecloses the possibility of achieving mutual identification between opponents and thus cooperation.”26 Exploring what productive and corrosive discourse actually looks like in the context of a national security-related investigatory commission develops our understanding of how citizens and institutional elites use language to advance toward or retreat from the ideals of a rhetorical democracy. As a result, the case of the 9/11 families adds to our knowledge of rhetorical and cultural phenomena, influencing when, why, and how citizens are excluded from directly participating in national security affairs.27 Alternately, this essay promotes consideration of the potentially productive role of citizen discourse. Ideally, scholars and citizens focused on the development of a rhetorical democracy can use the case of the 9/11 families to detect institutional strategies used by national security elites to impede citizen participation, as well as anticipate opportunities for successful citizen intervention in “demophobic” uses of power.28 Even with this knowledge, however, direct participation will continue to be difficult to achieve as citizens confront assumptions concerning the (in)appropriateness of their involvement in the national security arena.29

# 2NC

## Drones Good

### 2NC Solves Escalation

#### Drones ensure nonbattlefield violence doesn’t escalate- ensures they can be deployed before other more destructive weapons systems to prevent miscalc

Rosén 2013 [Frederik Rosén Danish Institute For International Studies, Defence and Security, Post-Doc DIIS Working Paper 2013:04 “Extremely Stealthy and Incredibly Close: Drones, Control, and Legal Responsibility” http://www.academia.edu/2907252/Extremely\_Stealthy\_and\_Incredibly\_Close\_Drones\_Control\_and\_Responsibility]

Regarding urgency, here deﬁned as a military situation in which “all feasible precaution” demands less pre-operational information gathering, we may notice how signature strikes and targeted killings more often than not are carried out in the absence of actual ﬁghting, and mostly rely on careful targeting considerations. Hours, days or weeks of surveillance may lie ahead of the attack. This leaves plenty of time for considering and taking precautionary steps. It has been argued that there is “strong evidence that UAVs are better, not worse, at noncombatant discrimination.”¶ 50¶ That may or may not be true; statistics indicate the latter.¶ 51¶ The argument here is that in a strategic landscape void of the kind of urgency we have traditionally connected with armed conﬂict, such as hectic combat situations or the sudden necessity of protecting strongholds, the ‘feasibility’ parameter of balancing between urgency and precaution changes. In situations of targeted killings and signature killings, urgency does not stem from battle distress. It springs solely from the risk of missing the chance of killing a suspected or conﬁrmed target. Still, the principle of precaution applies. The question drone technology presents us with is what “all feasibility of precaution” may mean in a situation devoid of the kind of military urgency the principle originally aimed at? Furthermore, the availability of drone technology obviously attaches new precautionary obligations to many other weapon systems. The relatively swift deployment time of drones may, in many situations, require militaries to deploy drones in advance of bombing or shelling.

## Cap Stuff

#### Their treatment of capitalism as literary instead of material is a huge link their anti-foundationalism undermines attempts to conceptualize capitalism in ways that enable action – vote negative to endorse action itself anyway

David Mazella 2012 University of Houston

Eighteenth-Century Life > Volume 36, Number 2, Spring 2012 (Project Muse)

Though Shea’s book is exemplary in its balanced and scholarly approach towards a subject that lends itself to extremes of moralistic celebration or denunciation, I do feel that there were a few lost opportunities in her treatment of such rich historical materials. My first concern is about her fudging the important distinction between Cynicism as a lived philosophy and Cynicism as a literary, particularly satirical, trope: this seems key, for example, for understanding how the ethical Cynicism of its founder Diogenes differs from the literary Cynicism of Menippus, the more compromised and belated figure from whom Lucianic satire may be traced.10 Consequently, the first part of her [End Page 148] book seems to slight the ethical dimension to the eighteenth-century reception of Diogenes, and focuses almost entirely upon the satirical or Lucianic images of the Cynics publicized by their avowed enemies. I similarly felt that much of Shea’s discussion of Wieland’s utopian cosmopolitanism in his version of Diogenes’s Republic overstressed the passivity of Diogenes as man of feeling and the depoliticization of what is, after all, a model republic in a late eighteenth-century political context. This emphasis neglects, I think, the possibilities of strongly imitative readings, or even mis-readings, that would push this work’s version of Cynicism, like its rendition of Rousseauian themes, in the more radical directions of Foucault’s evocation of a “lived philosophy.” Finally, much of the excitement of the Rameau’s Nephew and Sade chapters, as well as the discussion of Rousseau, derives from precisely this interest in how the philosopher can conduct a philosophical life and still serve philosophy and others in all his conscious acts. Though these earlier readings have the potential to be seen as instances of Foucault’s notions of lived philosophy, militant beneficence, or even parrhesia, they are kept largely separate from Foucault’s terms, which are only developed in the latter half of the book. My comments about Thorne’s book will necessarily be more partial, because Thorne’s study of skepticism is more expansive than Shea’s work of long-term historical contextualization, and because substantial portions of it fall outside the comparative framework I have devised for this review. It is important, then, to register the considerable virtues of Thorne’s work: the first would be its intellectual breadth, which is interestingly matched by a conversational style that manages to encapsulate complex scholarly debates in a few paragraphs or, better yet, a single turn of phrase (I particularly enjoyed the discussions of Montaigne and Swift, which showcased Thorne’s ability to characterize not just the form of their writings, but also the major interpretive issues surrounding them). The second is its theoretical acuity, which allows Thorne to synthesize arguments from ancient and Enlightenment philosophers in ways that render them intelligible in relation to terms like “anti-foundationalism.” The third is his ability to align a really ambitious account of philosophic argument with more traditionally literary concerns of authorship, form, and genre, successfully demonstrating, for example, how certain skeptical arguments recur in a variety of domains in the seventeenth century (such as natural philosophy, utopia, theater, science) as well as the eighteenth century (public sphere and novel). My reservations about the book really follow from some of the virtues I have just outlined. Thorne’s conversational manner of argument, for example, works largely by alluding to vast areas of scholarship that are only faintly touched on, occasionally without resolving the important issues raised. This [End Page 149] stylistic habit of argument by allusion, along with Thorne’s preference for decontextualizing terms like “anti-foundationalism,” and his constant use of meta-discourse, left me wondering, at times, just which authors and texts he was making claims about, and what precisely he was claiming about them.11 This sometimes gives us the impression that the book is a polemic written against writers too unimportant to name or against positions that no scholar would bother to defend. Which writers, for example, could be identified as one of the “many” who believe that their anti-foundationalism liberates them from the institutional constraints and historical determinants they reveal in others (16)? I found this manner of argumentation, however, most disturbing when a critical context that I fully expected to find did not appear: in the chapter entitled “Skepticism and Rhetoric,” which extensively discusses the argument ad utramque partem (21–51) (arguments on both sides of a question), I expected to see some mention of Quentin Skinner’s important work on this figure in Renaissance rhetoric and political thought, especially since it seemed directly relevant to his subsequent discussions of Carneades, Montaigne, and Hobbes, and might even be relevant to his concluding discussions of the “antinomy of antinomies” (anti-foundationalism as market-thought and as political resistance) (310–24).12 Skinner’s reading of Hobbesean rhetoric seems especially pertinent to Thorne’s argument because it ties up a number of otherwise loose strands in the book’s rather discontinuous, chronologically discrete succession of chapters. Thorne, for example, tantalizingly aligns Hadot’s therapeutic notion of philosophy with both the early Cynics and the rhetorical techniques of ancient skeptics like Sextus Empiricus (45–51), but he does not pursue the question of how skepticism both as way of life and as political and rhetorical tool might be relevant to his later chapters, though this might have strengthened his account of seventeenth-century science or twentieth-century anti-foundationalism. Ultimately, however, my biggest puzzlement came when Thorne repeatedly warns the reader about the “temptation” of “rediscover[ing] our skepticism” in the work of older skeptics like Sextus Empiricus or Hobbes or others, or when he chides previous scholars for failing to resist “the urge” to “transform [these earlier skeptics] into so many dummy versions of their own projects” (11). This is an odd complaint, because it sounds as if Thorne has suddenly switched his argumentative and narrative mode from a suppositional philosophic “storytelling” to something like the referential “history” he occasionally denies he is writing (328n9), though I admit he also suggests that he is offering a series of “case histories” intended to teach us to “think historically about skepticism” (13). I am also unsure on what basis he can prefer his own stories about Sextus Empiricus, Hobbes, and so on, over the “dummy versions” [End Page 150] of these philosophers created by earlier scholars (and philosophers), once we grant the notion that philosophy is continually being reinvented, for better or worse, by new users in new contexts. I am not saying that Thorne is wrong in taking these positions, only that this question of how “thinking historically” is different from “history” needs to be pursued in a more sustained fashion, if only to understand the consequences, and why these discrete “case histories” have been gathered together in the same argument. I do not wish to end this review on a harsh note, because I think that Thorne’s book is a genuine achievement, and his epilogue on the “antinomy of antinomies” is as good a description as I have found of the epistemological double bind we find ourselves in at this particular moment in the history of capital. I do wish, however, that he had followed Hadot’s hint, and wondered out loud, and in print, what sort of life and what sort of thought his combination of philosophizing and storytelling might lead to. This notion of the philosophical life is something that Shea, echoing Foucault’s final formulations, calls Cynicism’s “philosophical specificity”: Cynicism mobilizes thought and enables action to the extent that it creates “troubling combinations of the moral and satirical, the virtuous and the scurrilous” (200). The philosopher as parrhesiast speaks freely, serves others, and conducts himself in an active and reflective way regarding his own body and the social institutions he inhabits. Thorne, on the other hand, once he articulates his final question on his final page—“What is it about the status of knowledge . . . that makes anti-foundationalist critique compelling?”—finds it difficult to “know how to proceed,” since global capitalism at this historical juncture seems equally adept at both defeating the pretensions of knowledge and giving it a kind of unprecedented centrality in its ceaseless organizational activities (324). As he notes, this antinomy “humiliates any conceptual scheme around which we might try organize [knowledge] and through which we might try to justify action against it.” These humiliations, however, seem a more serious problem for justifications of action than action itself, which goes forward no matter how poorly we manage our justifications. This seems like an important qualification to this book’s rather downbeat approach to human agency. In the words of Tristram Shandy , “The Philosopher [Diogenes the Cynic] would use no other argument to the sceptic [Zeno], who disputed with him against the reality of motion, save that of rising up upon his legs, and walking a-cross the room.”13

#### We should focus our criticism on class struggle, ignoring notions of individual power

Zavarzadeh 03, editor of Transformation: Marxist Boundary Work in Theory, Economics, Politics and Culture

(Mas'ud, “The Pedagogy of Totality,” Journal of Advanced Composition Theory 23.1, http://redcritique.org/FallWinter2003/thepedagogyoftotality.htm)

A pedagogy that understand class—as an objectivity—will be able to contribute to its transformation. Without teaching for ending class, which is possible only through understanding it as objective, all acts of pedagogy become acts of cultural adjustment to the dominant social conditions—acts of learning "how power works" (Giroux, Impure Acts, 139) in order to manipulate it and make it work for them. Giroux calls the arts and crafts of manipulating power, "critical pedagogy" and call its manipulators "critical citizens". This is a citizenry, however, that is always concerned with how power works on "them", through "them" and for "them" (not the collective). It is obsessed with "power" and never concerned with "exploitation". It is, in the language of bourgeois stratification, an "upper middle class" citizenry for whom the question of poverty (exploitation) is non-existent, and the only question is the question of personal liberty (power), as Giroux makes even more clear in his stories in Breaking into the Movies: Film and the Culture of Politics; Public Spaces, Private Lives. In the name of a "pedagogy without guarantees" (Impure Acts, 12)—which legitimates the right-wing ideology of "equality of opportunity" but not outcome and the bourgeois obsession with "self-definition and social responsibility" (12) as if these were simply matters of "contingency and contextuality" (12)—Giroux opposes a pedagogy of totality and rejects class as "the totalizing politics of class struggle" (Impure Acts, 25). Indeterminate, non-totalizing cultural interpretations ("producing a language", 12) in pedagogy displace explanatory class critique, and consequently all structural material contradictions are re-written as contingent cultural excess that surpasses all structures. Consequently, racism, in Giroux's contingent pedagogy of adjustment is not the effect of structural economic compulsion (Marx, Capital, 1, 899) but a cultural oppression: the "legacy of white supremacy" (Impure Acts, 66). Giroux and other critical pedagogues always criticize capitalism and regard their pedagogy to be a resistance against it. Their criticism, however, is, in practice a radical complicity with capital because it always erases the fundamental material contradiction of capitalism (the appropriation of products from its producers) and instead focuses on such matters as race, sexuality, gender, and the environment as autonomous sites of the exercise of power. When their teacherly criticism approaches capitalism as an economic system, it is finance capital that is their object of attention. Focusing on finance capital, however, represents money itself ("interest") as the source of wealth. In doing so, it marginalizes labor as the source of value and class as the marker of relations of property and exploitation. Replacing capitalism as wage labor with capitalism as finance capital has been the political goal in the writings of such post-al writers as Derrida (Specters of Marx), Deleuze and Guattari (Anti-Oedipus: Capitalism and Schizophrenia) and Bataille, The Accursed Share. "In a sense", write Deleuze and Guattari, "[I]t is the bank that controls the whole system and the investment of desire. One of Keynes's contributions was the reintroduction of desire into the problem of money; it is this that must be subject to the requirements of Marxist analysis. That is why it is unfortunate that Marxist economics too often dwell on considerations concerning the mode of production, and on the theory of money as the general equivalent as found in the first section of Capital, without attaching enough importance to banking practice, to financial operations, and to specific circulation of credit money—which would be the meaning of a return to Marixst theory of money". (Anti-Oedipus 230). Focusing on banking effectively diverts attention away from how "money" is obtained at the point of production and instead focuses on the institutions of its distribution, as in Fredric Jameson's "Culture and Finance Capital". In the manner in which Felski and others substitute class affect for class economics, in the left discussion of capitalism, the conceptual analysis of labor as the source of wealth and wage labor as the structure of exploitation are displaced by empathy for those who suffer at the hands of financial institutions such as the IMF and World Bank, as in Amitava Kumar's World Bank Literature—a book of pedagogical mourning and melancholia. The grounding premise of "Culture and Finance Capital", World Bank Literature and other contemporary left writings on capitalism is that it is possible to have capitalism without oppression, namely capitalism as a compassionate exploitation of people by people. Capitalism is for them always and ultimately cultural. It is, as Kumar writes, a web of "power relations" and "cultural practices". In Kumar's affective politics, banks are criticized in order to reform capitalism not to overthrow it. The popularity of "bank writing" in bourgeois left circles now is, in part, grounded in the writings of Pierre Bourdieu who theorizes "capital" as a form of wealth—a resource—which produces power (The Field of Cultural Production, 74-141). Capital is, of course, not a thing but rather a social relation (Marx, Wage-Labour and Capital, 28-30; Capital, 3, 953-0954) that is clearly recognized as such in revolutionary writings on banks (Fidel Castro "Abolish The IMF" (Capitalism in Crisis 288-292). Capitalism is not about "money", it is about the social relations of property: class. Class is not lifestyle, income or job. Nor is it life-chances in the market (Weber), a state of mind or a matter of social prestige or status. Classes are large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation (in most cases fixed and formulated in law) to the means of production, by their role in the social organization of labour, and, consequently, by the dimensions of the share of social wealth of which they dispose and the mode of acquiring it. Classes are groups of people one of which can appropriate the labour of another owing to the different places they occupy in a definite system of social economy. (Lenin, "A Great Beginning: Heroism of the Workers in the Rear. 'Communist Subbotniks'" 421). Class is, fundamentally, the relation of the subject of labor to ownership of the means of production; it is the objective social relations of property, not a story of desire, affect or power.

#### Aff naturalizes capitalism with their critique of drones and sovereignty

Ebert and Zavarzadeh in 2008(Teresa L., English, State University of New York, Albany, Mas’ud, prolific writer and expert on class ideology, “Class in Culture”, p. 36-38)

**The** cultural **activism of capital against labor**, however, **was not limited to conservative thinkers. It also** energetically **recruited Left intellectuals and "socialists of the** heart." The defense of free enterprise from the Left has always been of great cultural value to capitalism. **When Left intellectuals** defend the market directly-in the guise, for example, of "market socialism" (Market Socialism: The Debate among Socialists, ed. Oilman; Why Market Socialism? Voices from Dissent, ed. Roosevelt and Belkin)--or **denounce the enemies of capital as totalitarian, as violators of human rights, and for repressing the play of cultural meanings and thus singularity and heterogeneity** (e.g., Sidney **Hook**, Emesto **Laclau**, Jean-Francois **Lyotard**, Jacques **Derrida**), **their discourses seem more authoritative and sound more credible coming from the supposed critics of capital than do the discourses of conservative authors.** To put it precisely: **the Left has been valuable to capitalism because it has played a double role in legitimating capitalism. It has criticized capitalism as a culture, but has normalized it as an economic system** (e.g., Deleuze and Guat-tari, *Anti-Oedipus: Capitalism and Schizophrenia;* Duncombe, ed., *Cultural Resistance Reader;* Kraus and Lotringer, eds., *Hatred of Capitalism).* **It** has **complained about capitalism's** so-called corporate **culture**, **but** has **normalized it as a system of wage-labor that** is **grounded on exchange-relations and produces the corporate culture**. **The normalization of capitalism by the Left takes many forms**, **but** all **involve the justification of exploitation, which the Left represents as redemptive. They are** all **versions**-with various degrees of conceptual complexity- -**of** Nicholas D. **Kristof's argument in** his "In **Praise of the Maligned Sweatshop**." **He writes that** the sweatshops in Africa set up by capitalists of the North are in fact "opportunities" and advises that "**anyone who cares about** fighting **poverty should campaign in favor of sweatshops**." His argument is summed up by two sentences printed in boldface and foregrounded in his essay: **"What's worse than being exploited? Not being exploited**" *(The New York Times,* 6 June 2006, A-21). **What** has **made this** double **role** of postwar Left writers **so effective for capitalism is the way their** innovative **writing**, unorthodox **uses of language, and** captivating **arguments have generated** intellectual **excitement**. Jean-Paul **Sartre**, Theodor **Adorno,** Jean-Francais **Lyotard**, Jacques **Derrida**, Judith **Butler**, Jean **Baudrillard**, Jacques **Lacan**, Michel **Foucault**, Gilles **Deleuze**, Giorgio **Agamben**, Slavoj **Zizek**, **and** Stuart **Hall**, to name the most familiar authors, **have each used** quite **different**, **but** still **intellectually intriguing idioms**, **to de-historicize capitalism**. In highly subtle and nuanced arguments, **they have translated capitalism's Authoritarian economic practices**-which quietly force workers to concede to the exploitation of their labor-**into cultural values of free choice and self-sovereignty** (at the same time that they question traditional subjectivity). **Their most effective contributions to capitalism and its economic institutions have been to represent capitalism as a discursive system of meanings and** thus **divert attention away from its economic violence to its semantic transgressions-its homogenizing of meanings** in, for example, popular culture **or its erasure of difference** in cultural lifestyles. **They** have **criticized capitalism**, in other words, **for its** cultural **destruction of human imagination, but** at the same time, they **have condoned its logic of exploitation by dismantling** almost all **the conceptual apparatuses and analytics that offer a materialist understanding of capitalism as an economic system**. More specifically, **they have discredited any efforts to place class at the center of understanding and to grasp the extent and violence of labor practices**. They have done so, in the name of the "new" and with an ecstatic joy bordering on religious zeal (Ronell, *The Telephone Book;* Strangelove, *The Empire of Mind: Digital Piracy and the Anti-Capitalist Movement;* Gibson-Graham, *A Postcapitatist Politics).* **Left thinkers,** for example**, have argued that "new" changes in capitalism**-**the shift**, they claim, **from production to consumption**-**have triggered "a revolution in human thought around the idea of 'culture" which**, under new conditions, **has** itself **become material, "primary and constitutive"** (Hall, "The Centrality of Culture" 220, 215), **and is no** longer secondary and **dependent on** such outside **matters as relations of production**. Consequently, Hall and **others have argued that the analytics of base/superstructure has become irrelevant to sociocultural interpretations because the "new" conditions have rendered such concepts as objectivity, cause and effect, and materialism questionable.** "**The** old **distinction**" **between "**economic **'base' and** the ideological **'superstructure**" therefore **can no longer be sustained because the new culture is** what Fredric Jameson calls **"mediatic**" *(Postmodernism* 68). According to Hall, "media both form a critical part of the material infrastructure ... and are the principal means by which ideas and images are circulated" (Hall 209) . . . The logic of Hall's argument is obtained by treating the "material" as materialist. Media, however, are "material" only in a very trivial sense, they have a body of matter, and are a material vehicle (as a "medium"), but **media are not "materialist**" because, as we argue in our theory of materialism below, **they do not produce "value" and are not "productive." They distribute values produced at the point of production**. The un-said of Hall's claim is that **production and consumption/distribution are no longer distinguishable and more significantly, labor has itself become immaterial-**which is now a popular tenet in the cultural turn (Hardt and Negri, *Multitude).* But, even Paul Thompson, who is not without sympathy for the tum to culture, argues that **"labour is never immaterial. It is not the content of labour but its commodity form that gives 'weight' to an object or idea in a market economy,"** and, he adds, **While it is true that production has been deterritorialised** to an extent, **network firms are not a replacement for the assembly line and do not substitute horizontal for vertical forms of coordination**. Network firms are a type of extended hierarchy, based, as Harrison observes, on concentration without centralisation: 'production may be decentralised, while power finance, distribution, and control remain concentrated among the big firms' *(Lean and Mean: The Changing Landscape of Corporate Power in the Age of Flexibility,* 1994: 20). **Internal networks do not exist independently of these relations of production.** and forms of cooperation, such as teams, are set in motion and monitored by management rather than spontaneously formed. ("Foundation and Empire: A Critique of Hardt and Negri" 84) **Relations of production have shaped and will continue to shape the cultural superstructure. Changes in its phenomenology-**the textures of everyday lifestyles, whether one listens to music in a concert hall, on the radio, or through an iPod-**should not lead to postmodern** Quixotic **fantasies about the autonomy of culture from its material base** [Ebert, *Cultural Critique (with an attitude)].* As Marx writes, the Middle Ages could not live on Catholicism, nor could the ancient world on politics. On the contrary, **it is the manner in which they gained their livelihood which explains why in one case politics, in the other case Catholicism, played the chief part** .... And then **there is** Don **Quixote who long ago paid the penalty for wrongly imagining that knight errantry was compatible with all economic forms of society**. (Marx, *Capital* l, 176).

#### Method is the foremost political question- whoever has the best explanation for exploitation should win because they are the ones with the most effective strategy for engagement

Tumino ‘1

[Stephen, Prof English at Pitt, ““What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critique, p. online]

Any effective political theory will have to do at least two things: it will have to offer an integrated understanding of social practices and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). Such an understanding of social inequality is based on the fundamental understanding that the source of wealth is human knowledge and not human labor. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth. In this paper I argue that any emancipatory theory has to be founded on recognition of the priority of Marx's labor theory of value and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory.

#### Understanding economics and society as totalizing is the key methodological point of departure for understanding class relations

**Lukacs in 67** (George, Hungarian Marxist philosopher and literary critic. He is a founder of the tradition of Western Marxism. He contributed the ideas of reification and class consciousness to Marxist philosophy and theory, and his literary criticism was influential in thinking about realism and about the novel as a literary genre. He served briefly as Hungary's Minister of Culture as part of the government of the short-lived Hungarian Soviet Republic, History and Class Consciousness)

**Marx\*s dictum**: **"The relations of production of every society form a whole**"" **is the methodological point of departure and the key to the historical understanding of social relations**. **All the isolated partial categories can be thought of and treated**—in isolation—**as something that is always present in every society**. (If it cannot be found in a given society this is put down to \*chance\* as the exception that proves the rule.) **But the changes to which these individual aspects are subject give no clear and unambiguous picture of the real differences in the various stages of the evolution of society. These can really only be discerned in the context of the total historical process of their relation to society as a whole**. <7-8>

# 1NR

**Impact 2NC**

**---Our impact outweighs – terrorist attack breaks the nuclear taboo and lowers the threshold for all nuclear use--- guarantees escalation.**

Comes first-

**---Even a 1% probability means you vote neg.**

Matthew **Bunn**, Associate Professor of Public Policy at the Belfer Center for Science and International Affairs at the John F. Kennedy School of Government, November **2008**, Securing the Bomb 2008, p. 14-15

**Even a 1 percent chance** over the next ten years would be enough to justify substantial action to reduce the risk, **given the scale of the consequence**s. No one in their right mind would operate a nuclear power plant upwind of a major city that had a 1 percent chance over ten years of blowing sky-high—the risk would be understood by all to be too great. But that, in effect, is what we are doing—or worse—by managing the world’s nuclear stockpiles as we do today. The nuclear security improvements and nuclear material removals that have been accomplished in recent years— along with the disruption of al-Qaeda’s central command—have reduced the risk. But the danger remains very real.

**---Policy Preference- nuclear terrorism is the most important policy issue**

Robert **Chesney**, B.S., Tex. Christian Univ., J.D., Harvard Law School, November **1997**, National Insecurity: Nuclear Material Availability And The Threat Of Nuclear Terrorism, 20 Loy. L.A. Int’l & Comp. L.J. 29, lexis

The horrible truth is that the threat of nuclear terrorism is real, in light of the potential existence of a black market in fissile material. Nuclear terrorists might issue demands, but then again, they might not. Their target could be anything: a U.S. military base in a foreign land, a crowded U.S. city, or an empty stretch of desert highway. In one fell swoop, nuclear terrorists could decapitate the U.S. government or destroy its financial system. The human suffering resulting from a detonation would be beyond calculation, and in the aftermath, the remains of the nation would demand both revenge and protection. Constitutional liberties and values might never recover. When terrorists strike against societies already separated by fundamental social fault lines, such as in Northern Ireland or Israel, conventional weapons can exploit those fault lines to achieve significant gains. 1 In societies that lack such pre-existing fundamental divisions, however, conventional weapon attacks do not pose a top priority threat to national security, even though the pain and suffering inflicted can be substantial. The bedrock institutions of the United States will survive despite the destruction of federal offices; the vast majority of people will continue to support the Constitution despite the mass murder of innocent persons. The consequences of terrorists employing weapons of mass destruction, however, would be several orders of magnitude worse than a conventional weapons attack. Although this threat includes chemical and biological weapons, a nuclear weapon's devastating [\*32] potential is in a class by itself. 2 Nuclear terrorism thus poses a unique danger to the United States: through its sheer power to slay, destroy, and terrorize, a nuclear weapon would give terrorists the otherwise-unavailable ability to bring the United States to its knees. Therefore, preventing terrorists from obtaining nuclear weapons should be considered an unparalleled national security priority dominating other policy considerations.

#### Extinction

Robock 09 – Professor of climatology @ Rutgers University [Alan Robock (Associate director of Rutger’s Center for Environmental Prediction. 30 year researcher in the area of climate change. Holds a doctorate in meteorology from MIT. Published over 150 peer-reviewed papers on climate change), “Nuclear winter” The Encyclopedia of Earth, January 6, 2009, Pg. http://www.eoearth.org/article/Nuclear\_winter]

Nuclear winter is a term that describes the climatic effects of nuclear war. In the 1980's, work conducted jointly by Western and Soviet scientists showed that for a full-scale nuclear war between the United States and the Soviet Union the climatic consequences, and indirect effects of the collapse of society, would be so severe that the ensuing nuclear winter would produce famine for billions of people far from the target zones. There are several wrong impressions that people have about nuclear winter. One is that there was a flaw in the theory and that the large climatic effects were disproven. Another is that the problem, even if it existed, has been solved by the end of the nuclear arms race. But these are both wrong. Furthermore, new nuclear states threaten global climate change even with arsenals that are much less than 1% of the current global arsenal. What's New Based on new work published in 2007 and 2008 by some of the pioneers of nuclear winter research who worked on the original studies, we now can say several things about this topic. New Science: A minor nuclear war (such as between India and Pakistan or in the Middle East), with each country using 50 Hiroshima-sized atom bombs as airbursts on urban areas, could produce climate change unprecedented in recorded human history. This is only 0.03% of the explosive power of the current global arsenal. This same scenario would produce global ozone depletion , because the heating of the stratosphere would enhance the chemical reactions that destroy ozone. A nuclear war between the United States and Russia today could produce nuclear winter, with temperatures plunging below freezing in the summer in major agricultural regions, threatening the food supply for most of the planet. The climatic effects of the smoke from burning cities and industrial areas would last for several years, much longer than we previously thought. New climate model simulations, that have the capability of including the entire atmosphere and oceans, show that the smoke would be lofted by solar heating to the upper stratosphere, where it would remain for years. New Policy Implications: The only way to eliminate the possibility of this climatic catastrophe is to eliminate the nuclear weapons. If they exist, they can be used. The spread of nuclear weapons to new emerging states threatens not only the people of those countries, but the entire planet. Rapid reduction of the American and Russian nuclear arsenals will set an example for the rest of the world that nuclear weapons cannot be used and are not needed. How Does Nuclear Winter Work? A nuclear explosion is like bringing a piece of the Sun to the Earth's surface for a fraction of a second. Like a giant match, it causes cities and industrial areas to burn. Megacities have developed in India and Pakistan and other developing countries, providing tremendous amounts of fuel for potential fires. The direct effects of the nuclear weapons, blast, radioactivity, fires, and extensive pollution, would kill millions of people, but only those near the targets. However, the fires would have another effect. The massive amounts of dark smoke from the fires would be lofted into the upper troposphere, 10-15 kilometers (6-9 miles) above the Earth's surface, and then absorption of sunlight would further heat the smoke, lifting it into the stratosphere, a layer where the smoke would persist for years, with no rain to wash it out. The climatic effects of smoke from fires started by nuclear war depend on the amount of smoke. Our new calculations show that for 50 nuclear weapons dropped on two countries, on the targets that would produce the maximum amount of smoke, about 5 megatons (Tg) of black smoke would be produced, accounting for the amount emitted from the fires and the amount immediately washed out in rain. As the smoke is lofted into the stratosphere, it would be transported around the world by the prevailing winds. We also did calculations for two scenarios of war between the two superpowers who still maintain large nuclear arsenals, the United States and Russia. In one scenario, 50 Tg of black smoke would be produced and in another, 150 Tg of black smoke would be produced. How many nuclear weapons would be required to produce this much smoke? It depends on the targets, but there are enough weapons in the current arsenals to produce either amount. In fact, there are only so many targets. Once they are all hit by weapons, additional weapons would not produce much more smoke at all. Even after the current nuclear weapons reduction treaty between these superpowers is played out in 2012, with each having about 2,000 weapons, 150 Tg of smoke could still be produced. Here are movies of the smoke transport from three different scenarios: These new results were made possible by the use of a state-of-the-art general circulation model of the climate. For the first time a complete calculation of not only atmospheric but also oceanic circulation was conducted, including the entire atmosphere from the surface up through the troposphere, stratosphere, and mesosphere, to an elevation of 80 kilometers (50 miles). Previous calculations had not been run for the 10 year simulations here, and had not allowed the smoke to be lofted into the upper stratosphere, where it would persist for many years. We calculated the climate response to the three scenarios illustrated above. Compared to the global warming observed for the past century, all three scenarios show massive cooling. Compared to the climate change for the Northern Hemisphere for the past 1,000 years, the famous hockey stick diagram, the climate change from any of these scenarios is unprecedented. Compared to climate change for the past millenium, even the 5 Tg case ( a war between India and Pakistan) would plunge the planet into temperatures colder than the Little Ice Age (approximately1600-1850 ). This would be essentially instantly , and agriculture would be severely threatened . Larger amounts of smoke would produce larger climate changes, and for the 150 Tg case produce a true nuclear winter, making agriculture impossible for years. In both cases, new climate model simulations show that the effects would last for more than a decade. Analogs Support the Theory Nuclear winter is a theory based on computer model calculations. Normally, scientists test theories by doing experiments, but we never want to do this experiment in the real world. Thus we look for analogs that can inform us of parts of the theory. And there are many such analogs that convince us that the theory is correct: Cities burning. Unfortunately, we have several examples of cities burning, firestorms created by the intense release of energy, and smoke being pumped into the upper atmosphere. These include San Francisco as a result of the earthquake in 1906, and cities bombed in World War II, including Tokyo, Dresden, Hamburg, Darmstadt, Hiroshima, and Nagasaki. The seasonal cycle. In the winter, the climate is cooler, because the days are shorter and sunlight is less intense. Again, this helps us quantify the effects of reduction of solar radiation. The diurnal cycle. At night the Sun sets and it gets cold at the surface. If the Sun did not rise tomorrow, we already have an intuitive feel for how much cooling would take place and how fast it would cool. Volcanic eruptions. Explosive volcanic eruptions, such as those of Tambora in 1815, Krakatau in 1883 and Pinatubo in 1991, provide several lessons. The resulting sulfate aerosol cloud in the stratosphere is transported around the world by winds, thus supporting the results from the animations above. The surface temperature plummets after each large eruption, in proportion to the thickness of the stratospheric cloud. In fact 1816, following Tambora, is known as the "Year Without a Summer," with global cooling and famine. Following the Pinatubo eruption, global precipitation, river flow, and soil moisture all reduced, since cooling the planet by blocking sunlight has a strong effect on reducing evaporation and weakening the hydrologic cycle. This is also what the nuclear winter simulations show. Forest fires. Smoke from large forest fires sometimes is injected into the lower stratosphere. And the smoke is transported around the world, also producing cooling under the smoke. Dust storms on Mars. Occasionally, dust storms start in one region of Mars, but the dust is heated by the Sun, lofted into the upper atmosphere, and transported around the planet to completely enshroud it in a dust blanket. This process takes a couple weeks, just like our computer simulations for the nuclear winter smoke. Extinction of the dinosaurs. 65,000,000 years ago an asteroid or comet smashed into the Earth in southern Mexico. The resulting dust cloud, mixed with smoke from fires, blocked out the Sun, killing the dinosaurs, and starting the age of mammals. This Cretaceous-Tertiary (K-T) extinction may have been exacerbated by massive volcanism in India at the same time. This teaches us that large amounts of aerosols in Earth's atmosphere have caused massive climate change and extinction of species . The difference with nuclear winter is that the K-T extinction could not have been prevented. Policy Implications The work on nuclear winter in the 1980's, and the realization that both direct and indirect effects of nuclear war would be a global catastrophe, led to the end of arms race and the end of the Cold War. In response to the comment "In the 1980s, you warned about the unprecedented dangers of nuclear weapons and took very daring steps to reverse the arms race," in an interview in 2000, Mikhail Gorbachev said "Models made by Russian and American scientists showed that a nuclear war would result in a nuclear winter that would be extremely destructive to all life on Earth; the knowledge of that was a great stimulus to us, to people of honor and morality, to act in that situation."[1] Since the 1980's, the number of nuclear weapons in the world has decreased to 1/3 of the peak number of more than 70,000. The consequences of regional-scale nuclear conflicts are unexpectedly large, with the potential to become global catastrophes. The combination of nuclear proliferation, political instability, and urban demographics may constitute one of the greatest dangers to the stability of society since the dawn of humans. The current and projected American and Russian nuclear arsenals can still produce nuclear winter. Only nuclear disarmament will prevent the possibility of a nuclear environmental catastrophe.

#### Extinction outweighs – as long as there is some life there’s only a risk they retain ontological capacity

Jonas 1996 Hans Jonas (Former Alvin Johnson Prof. Phil. – New School for Social Research and Former Eric Voegelin Visiting Prof. – U. Munich) 1996 “Morality and Mortality: A Search for the Good After Auschwitz”, p. 111-112)

With this look ahead at an ethics for the future, we are touching at the same time upon the question of the future of freedom. The unavoidable discussion of this question seems to give rise to misunderstandings. My dire prognosis that not only our material standard of living but also our democratic freedoms would fall victim to the growing pressure of a worldwide ecological crisis, until finally there would remain only some form of tyranny that would try to save the situation, has led to the accusation that I am defending dictatorship as a solution to our problems. I shall ignore here what is a confusion between warning and recommendation. But I have indeed said that such a tyranny would still be better than total ruin; thus, I have ethically accepted it as an alternative. I must now defend this standpoint, which I continue to support, before the court that I myself have created with the main argument of this essay. For are we not contradicting ourselves in prizing physical survival at the price of freedom? Did we not say that freedom was the condition of our capacity for responsibility—and that this capacity was a reason for the survival of humankind?; By tolerating tyranny as an alternative to physical annihilation are we not violating the principle we established: that the How of existence must not take precedence over its Why? Yet we can make a terrible concession to the primacy of physical survival in the conviction that the ontological capacity for freedom, inseparable as it is from man's being, cannot really be extinguished, only temporarily banished from the public realm. This conviction can be supported by experience we are all familiar with. We have seen that even in the most totalitarian societies the urge for freedom on the part of some individuals cannot be extinguished, and this renews our faith in human beings. Given this faith, we have reason to hope that, as long as there are human beings who survive, the image of God will continue to exist along with them and will wait in concealment for its new hour. With that hope—which in this particular case takes precedence over fear—it is permissible, for the sake of physical survival, to accept if need be a temporary absence of freedom in the external affairs of humanity. This is, I want to emphasize, a worst-case scenario, and it is the foremost task of responsibility at this particular moment in world history to prevent it from happening. This is in fact one of the noblest of duties (and at the same time one concerning self-preservation), on the part of the imperative of responsibility to avert future coercion that would lead to lack of freedom by acting freely in the present, thus preserving as much as possible the ability of future generations to assume responsibility. But more than that is involved. At stake is the preservation of Earth's entire miracle of creation, of which our human existence is a part and before which man reverently bows, even without philosophical "grounding." Here too faith may precede and reason follow; it is faith that longs for this preservation of the Earth (fides quaerens intellectum), and reason comes as best it can to faith's aid with arguments, not knowing or even asking how much depends on its success or failure in determining what action to take. With this confession of faith we come to the end of our essay on ontology.

### CTS

#### Nuclear terror is inevitable

Jaspal 2012 (Zafar Nawaz Jaspal, Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Pakistan “Nuclear/Radiological Terrorism: Myth or Reality?”, Journal of Political Studies, Vol. 19, Issue - 1, 2012, 91:111)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dualuse nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does noteliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth. Farsighted rationality obligates that one should not miscalculate transnational terrorist groups — whose behavior suggests that they have a death wish — of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18). Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a“religious duty” (Yusufzai, 1999, January 11). The IAEA also reported that “al-Qaeda was actively seeking an atomic bomb.” Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had “revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda” (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that “we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10).” On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that “I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29).” He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers in the nuclear scientific bureaucracies. It also authenticates bin Laden’s Deputy Ayman Zawahiri’s claim which he made in December 2001: “If you have $30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available (Allison, 2010, January: 2).” The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33Defense Secretary Robert Gates admitted in 2008 that “what keeps every senior government leader awake at night is the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear (Mueller, 2011, August 2).” Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out: “Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred” (Whiteneck, 2005, Summer: 187) Since taking office, President Obama has been reiterating that “nuclear weapons represent the ‘gravest threat’ to United States and international security.” While realizing that the US could not prevent nuclear/radiological terrorist attacks singlehandedly, he launched 47an international campaign to convince the international community about the increasing threat of nuclear/ radiological terrorism. He stated on April 5, 2009: “Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold (Remarks by President Barack Obama, 2009, April 5).” He added: “One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe” (Remarks by President Barack Obama, 2009, April 5). In July 2009, at the G-8 Summit, President Obama announced the convening of a Nuclear Security Summit in 2010 to deliberate on the mechanism to “secure nuclear materials, combat nuclear smuggling, and prevent nuclear terrorism” (Luongo, 2009, November 10). President Obama’s nuclear/radiological threat perceptions were also accentuated by the United Nations Security Council (UNSC) Resolution 1887 (2009). The UNSC expressed its grave concern regarding ‘the threat of nuclear terrorism.” It also recognized the need for all States “to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists.” The UNSC Resolution called “for universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism.” (UNSC Resolution, 2009) The United States Nuclear Posture Review (NPR) document revealed on April 6, 2010 declared that “terrorism and proliferation are far greater threats to the United States and international stability.” (Security of Defence, 2010, April 6: i). The United States declared that it reserved the right to“hold fully accountable” any state or group “that supports or enables terrorist efforts to obtain or use weapons of mass destruction, whether by facilitating, financing, or providing expertise or safe haven for such efforts (Nuclear Posture Review Report, 2010, April: 12)”. This declaration underscores the possibility that terrorist groups could acquire fissile material from the rogue states**.**

#### Fiction doesn’t take out the DA--- Critical terror studies are wrong – no evidence to substantiate their claims and no viable alternative

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 to*excess*” (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.

#### Terrorism studies are epistemologically valid---our authors are self-reflexive

Boyle, 08 – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problem-solving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems. In fact, terrorism scholars are not only well aware of these problems, but also have provided their own searching critiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). Some of those scholars most associated with the critique of empiricism implied in ‘Orthodox Terrorism Studies’ have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism. For example, Jackson (2007a) regularly cites the handbook produced by Schmid and Jongman (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they point out that they have not revised their chapter on theories of terrorism from the first edition, because the failure to address persistent conceptual and data problems has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, Silke's (2004) volume on the state of the field of terrorism research performed a similar function, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. A non-reflective community of scholars does not produce such scathing indictments of its own work.

### A2 Law K

#### Pragmatic policy-focused approach is critical to productive change---K’s abstractions fail

William J. Novak 8, Associate Professor of History at the University of Chicago and Research Professor at the American Bar Foundation, “The Myth of the “Weak” American State”, June, http://www.history.ucsb.edu/projects/labor/speakers/documents/TheMythoftheWeakAmericanState.pdf

There is an alternative. In the early twentieth century, amid a first wave of nation- state and economic consolidation and assertiveness, American social science generated some fresh ways of looking at power in all its guises—social, economic, political, and legal. Overshadowed to some extent by exuberant bursts of American exceptionalism that greeted confrontations with totalitarianism and then terrorism, the pragmatic, critical, and realistic appraisal of American power is worth recovering. From Lester Frank Ward and John Dewey to Ernst Freund and John Commons to Morris Cohen and Robert Lee Hale, early American socioeconomic theorists developed a critique of a thin, private, and individualistic conception of American liberalism and interrogated the location, organization, and distribution of power in a modernizing United States. All understood the problem of power in America as complex and multifaceted, not simple or one-dimensional, especially as it concerned the relationship of state and civil society. Rather than spend endless time debating the proper definition of law or the correct empirical measure of the state, they concentrated instead on detailed investigations of power in action in the everyday practices and policies that constituted American public life. Rather than confine the examination of power to the abstract realm of political theory or the official political acts of elites, electorates, interest groups, or social movements, these analysts instead embraced a more capacious conception of governance as “an activity which is apt to appear whenever men are associated together.”35 More significantly, these political and legal realists never forgot, amid the rhetoric of law and the pious platitudes that routinely flow from American political life, the very real, concrete consequences of the deployment of legal and political power. They never forgot the brutal fact that Robert Cover would later state so provocatively at the start of his article “Violence and the Word” that legal and political interpretation take place “in a field of pain and death.” 36 The real consequences of American state power are all around us. In a democratic republic, where force should always be on the side of the governed, writing the history of that power has never been more urgent.

#### Critical legal philosophy is non-empirical, cherry-picked garbage

John Stick 86, Assistant Professor of Law at Tulane University School of Law, “Can Nihilism Be Pragmatic?”, Harvard Law Review, Vol. 100, No. 2 (Dec., 1986), pp. 332-401, JSTOR

This Article examines the relationship between the critical legal nihilists and the philosophers they rely upon for support. The nihilists' use of philosophy is important, because their critique is at bottom conceptual and not empirical. Legal nihilists do not study the work of large numbers of practicing attorneys or judges to discover the extent of agreement about whether particular legal arguments are valid. Instead, they parse the words of theorists and appellate judges to discover contradictions and opposed values. This selective parsing of the language of a few theorists and judges (neglecting the hundreds of thousands of practicing attorneys) is itself far from adequate empirical technique. More important, the nihilists' leap from the general inconsistencies they discover to a claim that law does not follow standards of rationality is unconvincing without philosophical argument. Nihilists rarely attempt to supply that argument themselves; if they feel any need of further discussion they usually rely upon theorists outside the discipline of law.9 ¶ This Article demonstrates that the nihilists misuse much of the philosophy they attempt to appropriate. In order to focus the discussion, this Article concentrates on one comprehensive statement of nihilism and the major intellectual influences upon it. The best and most complete exposition of the nihilist critique of law was written by Joseph Singer in a recent article in the Yale Law Journal.10 His article is the most philosophically sophisticated and judicious work to date. Singer states that he relies heavily on the analysis of the philosophers Richard Bernstein, Michael Sandel, and Roberto Unger,11 but he acknowledges that he owes his greatest intellectual debt to Richard Rorty, 12 a scholar who identifies his own position with pragmatism. 13 I focus on the relationship between Singer and Rorty not only because Singer claims that Rorty has had the greatest influence on his thought, but also because Rorty is the closest in spirit to Singer.14 For example, Bernstein,15 Sandel,16 and Unger17 all allow rationality and shared values larger roles in political and moral argument than does Rorty. If Singer is too much of an irrationalist for Rorty, then a fortiori Singer is too much of an irrationalist for the others. 18

#### No alternative to the law/legal system---other ideas bring more inequality and abuse

Jerold S. Auerbach 83, Professor of History at Wellesley, “Justice Without Law?”, 1983, p. 144-146

As cynicism about the legal system increases, so does enthusiasm for alternative dispute-settlement institutions. The search for alternatives accelerates, as Richard Abel has suggested, "when some fairly powerful interest is threatened by an increase in the number or magnitude of legal rights.\*'6 Alternatives are designed to provide a safety valve, to siphon discontent from courts. With the danger of political confrontation reduced, the ruling power of legal institutions is preserved, and the stability of the social system reinforced. Not incidentally, alternatives prevent the use of courts for redistributive purposes in the interest of equality, by consigning the rights of disadvantaged citizens to institutions with minimal power to enforce or protect them. It is, therefore, necessary to beware of the seductive appeal of alternative institutions. They may deflect energy from political organization by groups of people with common grievances; or discourage effective litigation strategies that could provide substantial benefits. They may, in the end, create a two-track justice system that dispenses informal "justice" to poor people with "small" claims and "minor" disputes, who cannot afford legal services, and who are denied access to courts. (Bar associations do not recommend that corporate law firms divert their clients to mediation, or that business deductions for legal expenses—a gigantic government subsidy for litigation—be eliminated.) Justice according to law will be reserved for the affluent, hardly a novel development in American history but one that needs little encouragement from the spread of alternative dispute-settlement institutions.¶ It is social context and political choice that determine whether courts, or alternative institutions, can render justice more or less accessible—and to whom. Both can be discretionary, arbitrary, domineering—and unjust. Law can symbolize justice, or conceal repression. It can reduce exploitation, or facilitate it. It can prohibit the abuse of power, or disguise abuse in procedural forms. It can promote equality, or sustain inequality. Despite the resiliency and power of law, it seems unable to eradicate the tension between legality and justice: even in a society of (legal) equals, some still remain more equal than others. But diversion from the legal system is likely to accentuate that inequality. Without legal power the imbalance between aggrieved individuals and corporations, or government agencies, cannot be redressed. In American society, as Laura Nader has observed, "disputing without the force of law ... [is| doomed to fail."7 Instructive examples document the deleterious effect of coerced informality (even if others demonstrate the creative possibilities of indigenous experimentation). Freed slaves after the Civil War and factory workers at the turn of the century, like inner-city poor people now, have all been assigned places in informal proceedings that offer substantially weaker safeguards than law can provide. Legal institutions may not provide equal justice under law, but in a society ruled by law it is their responsibility.¶ It is chimerical to believe that mediation or arbitration can now accomplish what law seems powerless to achieve. The American deification of individual rights requires an accessible legal system for their protection. Understandably, diminished faith in its capacities will encourage the yearning for alternatives. But the rhetoric of "community" and "justice" should not be permitted to conceal the deterioration of community life and the unraveling of substantive notions of justice that has accompanied its demise. There is every reason why the values that historically are associated with informal justice should remain compelling: especially the preference for trust, harmony, and reciprocity within a communal setting. These are not, however, the values that American society encourages or sustains; in their absence there is no effective alternative to legal institutions.¶ The quest for community may indeed be "timeless and universal."8 In this century, however, the communitarian search for justice without law has deteriorated beyond recognition into a stunted off-shoot of the legal system. The historical progression is clear: from community justice without formal legal institutions to the rule of law, all too often without justice. But injustice without law is an even worse possibility, which misguided enthusiasm for alternative dispute settlement now seems likely to encourage. Our legal culture too accurately expresses the individualistic and materialistic values that most Americans deeply cherish to inspire optimism about the imminent restoration of communitarian purpose. For law to be less conspicuous Americans would have to moderate their expansive freedom to compete, to acquire, and to possess, while simultaneously elevating shared responsibilities above individual rights. That is an unlikely prospect unless Americans become, in effect, un-American. Until then, the pursuit of justice without law does incalculable harm to the prospect of equal justice.