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#### Our interpretation is the aff has to defend instrumental implementation of an example of the resolutional statement

#### The resolution indicates affs should advocate topical government change

Ericson 2003

(Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Statutory restrictions mandate government action

Kershner 2010

(Joshua, Articles Editor, Cardozo Law Review. J.D. Candidate (June 2011), Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615)

The process by which the President fills an Executive Branch position is governed by the Appointments Clause: [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. n81 This process is divided into three phases: (1) Congress creates an Executive Branch position by statute; n82 (2) the President nominates an individual to fill the position; n83 and (3) the Senate confirms the nominee. n84 The Clause covers a specified list of positions and the generic "other Officers of the United States." n85 The Clause controls who nominates, appoints, and confirms an individual for such a position. n86 Finally, the Clause defines a separate process for inferior officers. n87 It should be noted, however, that the Appointments Clause limits but does not empower Congress to create positions. n88 That power comes from the Necessary and Proper Clause. n89 The House of Representatives has no role in the process of nomination and appointment and is specifically not mentioned in the [\*626] Appointments Clause. All of the powers contained in the Appointments Clause are reserved to the President, the Senate, or both. n90 The Appointments Clause makes a distinction between the power to nominate and the separate power to appoint. The power of nomination is textually reserved to the President of the United States, n91 whereas the power of appointment is shared by the President and the Senate. n92 Statutory restrictions violate the plain text of the Appointments Clause because the very act of passing a statute requires the involvement of the House of Representatives. n93 Statutory restrictions on the appointments process are further problematic because the Appointments Clause's power to nominate is vested solely in the President. n94 Those statutory restrictions that limit the President's power to nominate violate the plain text of the Clause. n95 Where the Constitution provides a clear procedural process, the Supreme Court has consistently applied strict principles of formalism, construing the text so as to limit, rather than expand, the powers of the various branches of government. n96 The Senate's role in the appointments process is the final confirmation of a nominee. n97 The "advice and consent" of the Senate applies only to the appointment power. n98 The President and the Senate have interpreted advice as non-binding guidance, and have interpreted [\*627] consent as the act of confirmation. n99 Thus, the Appointments Clause gives the Senate only the narrow function of confirming nominees. n100

#### So do judicial restrictions

Singer 2007

(Jana, Professor of Law, University of Maryland School of Law, SYMPOSIUM A HAMDAN QUARTET: FOUR ESSAYS ON ASPECTS OF HAMDAN V. RUMSFELD: HAMDAN AS AN ASSERTION OF JUDICIAL POWER, Maryland Law Review 2007 66 Md. L. Rev. 759)

n25. See, e.g., Dep't of the Navy v. Egan, 484 U.S. 518, 530 (1988) (noting the reluctance of courts "to intrude upon the authority of the Executive in military and national security affairs"); see also Katyal, supra note 1, at 84 (noting that "in war powers cases, the passive virtues operate at their height to defer adjudication, sometimes even indefinitely"); Harold Hongju Koh, Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair, 97 Yale L.J. 1255, 1313-17 (1988) (discussing the Court's use of justiciability doctrines to refuse to hear challenges to the President's authority in cases involving foreign affairs); Gregory E. Maggs, The Rehnquist Court's Noninterference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122, 1124-38 (2006) (discussing the Rehnquist Court's general policy of nonintervention in cases concerning actions of governmental agencies and political entities in national security matters); Peter E. Quint, Reflections on the Separation of Powers and Judicial Review at the End of the Reagan Era, 57 Geo. Wash. L. Rev. 427, 433-34 (1989) (discussing the use of the political question doctrine as a means to avoid judicial restrictions on presidential power in cases involving military force).

#### Three reasons our interpretation is best

#### First is limits. Allowing affs that are only tangentially related to the topic allows an unlimited number of affs (prisons, immigration, etc) where the aff would always have the literature advantage. Even if they win that those affs are debatable, the aff would always have the literature and expertise advantage against impact turns to their aff. They also force the negative to engage in limitless research to prepare for every conceivable approach to the topic, making debate A) inaccessible to people that have to work for a living and B) even more biased toward schools with large coaching staffs.

#### Specific, limited resolutions ensure mutual ground which is key to sustainable controversy without sacrificing creativity or openness

Steinberg & Freeley 2008

\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as ~~human~~ beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Second is Education. Policy focus is key – disengagement from politics abdicates responsibility and decreases governmental responsibility – especially true for war powers

Mellor 2013

[Ewan, European University Institute, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, http://www.academia.edu/4175480/Why\_policy\_relevance\_is\_a\_moral\_necessity\_Just\_war\_theory\_impact\_and\_UAVs\]

This section of the paper considers more generally the need for just war theorists to engage with policy debate about the use of force, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. It draws on John Kelsay’s conception of just war thinking as being a social practice,35 as well as on Michael Walzer’s understanding of the role of the social critic in society.36 It argues that the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.”37 Kelsay argues that: [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just.38 He also argues that “good just war thinking involves continuous and complete deliberation, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.”39 This is important as it highlights the need for just war scholars to engage with the ongoing operations in war and the specific policies that are involved. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,”40 in terms of being able to discuss it and judge it in moral terms. Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. The just war theorist, as a social critic, must be involved with his or her own society and its practices. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 the just war theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted.42 It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to demonstrate its hypocrisy and to show the gap that exists between its practice and its values.43 The tradition itself provides a set of values and principles and, as argued by Cian O’Driscoll, constitutes a “language of engagement” to spur participation in public and political debate.44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force.46 By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis. Engaging with the reality of war requires recognising that war is, as Clausewitz stated, a continuation of policy. War, according to Clausewitz, is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued.47 Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship.48 This engagement must bring just war theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers, however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition the policy-makers will be forced to account for their decisions and justify them in just war language. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”,49 it is incumbent upon just war theorists to ensure that the public are informed and are capable of holding their political leaders to account. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility. As Walzer has argued, it is precisely because it is “our country” that we are “especially obligated to criticise its policies.”51

#### Decisionmaking skills gained from debate are key to problem solving in all facets of life—outweighs the case

Steinberg & Freeley 2008

\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp. 9-10

If we assume it to be possible without recourse to violence to reach agreement on all the problems implied in the employment of the idea of justice we are granting the possibility of formulating an ideal of ~~man~~ and society, valid for all beings endowed with reason and accepted by what we have called elsewhere the universal audience.14 I think that the only discursive methods available to us stem from techniques that are not demonstrative—that is, conclusive and rational in the narrow sense of the term—but from argumentative techniques which are not conclusive but which may tend to demonstrate the reasonable character of the conceptions put forward. It is this recourse to the rational and reasonable for the realization of the ideal of universal communion that characterizes the age-long endeavor of all philosophies in their aspiration for a city of ~~man~~ in which violence may progressively give way to wisdom.13 Whenever an individual controls the dimensions of" a problem, he or she can solve the problem through a personal decision. For example, if the problem is whether to go to the basketball game tonight, if tickets are not too expensive and if transportation is available, the decision can be made individually. But if a friend's car is needed to get to the game, then that person's decision to furnish the transportation must be obtained. Complex problems, too, are subject to individual decision making. American business offers many examples of small companies that grew into major corporations while still under the individual control of the founder. Some computer companies that began in the 1970s as one-person operations burgeoned into multimillion-dollar corporations with the original inventor still making all the major decisions. And some of the multibillion-dollar leveraged buyouts of the 1980s were put together by daring—some would say greedy—financiers who made the day-to-day and even hour-to-hour decisions individually. When President George H. W. Bush launched Operation Desert Storm, when President Bill Clinton sent troops into Somalia and Haiti and authorized Operation Desert Fox, and when President George W. Bush authorized Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, they each used different methods of decision making, but in each case the ultimate decision was an individual one. In fact, many government decisions can be made only by the president. As Walter Lippmann pointed out, debate is the only satisfactory way the exact issues can be decided: A president, whoever he is, has to find a way of understanding the novel and changing issues which he must, under the Constitution, decide. Broadly speaking ... the president has two ways of making up his mind. The one is to turn to his subordinates—to his chiefs of staff and his cabinet officers and undersecretaries and the like—and to direct them to argue out the issues and to bring him an agreed decision… The other way is to sit like a judge at a hearing where the issues to be decided are debated. After he has heard the debate, after he has examined the evidence, after he has heard the debaters cross-examine one another, after he has questioned them himself he makes his decision… It is a much harder method in that it subjects the president to the stress of feeling the full impact of conflicting views, and then to the strain of making his decision, fully aware of how momentous it Is. But there is no other satisfactory way by which momentous and complex issues can be decided.16 John F. Kennedy used Cabinet sessions and National Security Council meetings to provide debate to illuminate diverse points of view, expose errors, and challenge assumptions before he reached decisions.17 As he gained experience in office, he placed greater emphasis on debate. One historian points out: "One reason for the difference between the Bay of Pigs and the missile crisis was that [the Bay of Pig\*] fiasco instructed Kennedy in the importance of uninhibited debate in advance of major decision."18 All presidents, to varying degrees, encourage debate among their advisors. We may never be called on to render the final decision on great issues of national policy, but we are constantly concerned with decisions important to ourselves for which debate can be applied in similar ways. That is, this debate may take place in our minds as we weigh the pros and cons of the problem, or we may arrange for others to debate the problem for us. Because we all are increasingly involved in the decisions of the campus, community, and society in general, it is in our intelligent self-interest to reach these decisions through reasoned debate.

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

Galloway 2007

(Ryan, professor of communications at Samford University, “Dinner And Conversation At The Argumentative Table: Reconceptualizing Debate As An Argumentative Dialogue”, Contemporary Argumentation and Debate, Vol. 28 2007, ebsco)

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

### Terror DA

#### Broad executive discretion over detention is necessary to solve terrorism

Tomatz and Graham 2013

[Michael, Colonel, B.A., University of Houston, J.D., University of Texas, LL.M., The Army Judge Advocate General Legal Center and School (2002); serves as the Chief of Operations and Information Operations Law in the Pentagon and Lindsey, J.D., University of South Carolina, serves as the Senior Individual Mobilization Augmentee to The Judge Advocate Senior United States Senator from South Carolina, “NDAA 2012: CONGRESS AND CONSENSUS ON ENEMY DETENTION.” Air Force Law Review, 69 A.F. L. Rev. 1. Lexis]

Reading the tea leaves of judicial dicta may be fraught with difficulty, but one certainly discerns from these pragmatic guidelines a view that the Executive should be accorded reasonable deference in matters of preventive detention. This deference is strongest during the early phases of detention, when facts are unclear, when the risks of release are acute, and the dangers of substituting a judicial judgment for that of the military or the Commander-in-Chief is greatest. If the Government learns that al-Qaeda operatives have invaded the U.S. bent on detonating explosives near chemical-laden rail cars, the overwhelming national effort must be directed toward destroying or detaining those forces intent on harming the country. This is not the time for Miranda and presentment but for concerted, decisive action bounded by the law of war. Every instrument of national power must be brought to bear, both military and civilian. If it makes the most sense for the FBI to detain someone, they should do so. If the military has the most information and can most quickly and effectively detain and interrogate, then consistent with military regulations, they should do so.¶ The process of understanding the depth and breadth of the danger, connecting the web of those involved, determining the possibility of future attacks takes time. It remains essential to afford the Commander-in-Chief adequate time and decision space to maximize the opportunity to defeat the threat and prevent future attacks.That is why the NDAA imposes no temporal limits, why it avoids geographic restrictions and why it grants no special protections to citizens who take up arms with the enemy. As Hamdan and Boumerdiene make clear, there are limits to the Court's deference. The more time that passes, the greater the consequences of an erroneous deprivation of liberty and the greater the risk of not affording someone a reasonable opportunity to challenge the basis for their detention. If there is consensus on the matter of process in preventive detention, it appears to mean reasonable deference followed by increased scrutiny with the passage of time. It means judicial review bounded by pragmatism, and it means balancing very real security concerns against the need to protect individuals from arbitrary deprivation of liberty.

#### Nuclear terrorism is likely

Matthew, et al 2013

[ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

#### Even one attack risks extinction

Toon 2007

[Owen B., chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf]

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.  
sdf

#### Challenging Muslim groups that target civilians is not Anti-Muslim. Anti-Muslim sentiment instead results from conflating cultural characteristics and violence

**Ramadan ‘10** – Tariq, professor of Islamic Studies at the Faculty of Theology at Oxford (Good Muslim, Bad Muslim”, Middle East Online, First Published: 2010-03-17, http://www.middle-east-online.com/english/?id=37897)

There are those in the west today who are keen to define moderate Muslims as those who are invisible, or look just like us, who support us, or even as those who have accepted the terms of their subjection. In turn, they want to declare all the rest as fundamentalists or extremists. Such self-serving judgements are ideological in nature and lead only to an intellectual confusion that prevents us from grasping the essentially political and economic nature of the debate. They cannot help us to understand the complex dynamics at work in Muslim societies. Once we have condemned the violent -- extremist groups that murder innocent civilians supposedly in the name of Islam, we must move forward and place their political positions in context. There exists a strictly religious debate, couched in the language of Islamic jurisprudence and the fundamentals of faith, over the notion of moderation. If this is grasped - as it must be - it becomes possible to approach the more relevant political questions with far less prejudice and naivety. We should never forget that religious moderation, however it is defined, is perfectly compatible with a radical, non-violent, democratic political stance that rejects all forms of domination, exploitation and oppression.

### DA

#### Capture over drones now

David Corn, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?,” MOTHER JONES, 5—23—13,

http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties

So Obama's speech **Thursday** on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes.¶ The New York Times received the customary pre-speech leak and reported:¶ A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.¶ Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured**,** Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted.¶ These moves may not satisfy civil-liberties-minded critics on sthe right and the left**.** Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo**—though** he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here **is** Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?)¶ Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis.¶ With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism.

#### Plan spurs shift towards drones

Robert Chesney, Professor, Law, University of Texas, “Who May Be Held? Military Detention through the Habeas Lens,” BOSTON COLLEGE LAW REVIEW v. 52, 2011, LN.

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon—i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of “control” may be quite weak).210¶ From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government.211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view it is no surprise that lethal drone strikes have increased dramatically over the past two years, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan.212¶ Decisions regarding the calibration of a detention system—the¶ management of the convergence process, if you will—thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### Drone violence is unethical – locks us into constant and violent ethical responses

Paul Kahn 02 "The Paradox of Riskless Warfare"<http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1325&context=fss_papers> Paul W. Kahn is the Robert W. Winner Professor of Law and the Humanities at Yale Law School and the Director of the Orville H. Schell, Jr. Center for International Human Rights.

The requirement of reciprocity. The right of combatants to injure and kill each other is founded neither on judgments of their own moral guilt nor on judgments of the moral evil of the end for the sake of which their force is deployed. Rather, combatants are allowed to injure each other just as long as they stand in a relationship of mutual risk. The soldier who takes himself out of combat is no longer a legitimate target. The morality of the battlefield, accordingly, is a variation on the morality of individual self-defense. Injury beyond the point required for self-defense is disproportionate and, therefore, prohibited. Defending himself, the combatant advances the political objective for which force is deployed. The soldier’s privilege of self-defense is subject to a condition of reciprocity. Soldiers cannot defend themselves by threatening to injure noncombatants; they are not permitted civilian reprisals. Combatants cannot threaten the family of an enemy soldier, even if the threat would effectively induce surrender, and thus reduce the overall injuries caused by combat. These limits do not distinguish the morally guilty from the morally innocent. All may be morally innocent; all are in a tragic and dangerous situation. Nor do such limits necessarily minimize the overall suffering in a war. On efficiency grounds alone, we can never dispose of the claim that ruthlessness in the pursuit of war is the most humane method of fighting, for it brings combat to a swift end. Surely we cannot look at the battlefields of the twentieth century and conclude that the morality of jus in bello—just conduct in war—has made wars less costly or more humane. The rule of reciprocal selfdefense cannot be justified by appeal to any of our ordinary moral intuitions: it fails the test of utility, and it also fails the test of deontological rules, since it does not support the moral autonomy and dignity of the individual. Rather, the rule of reciprocal self-defense stands as its own first principle within a circumscribed context in which individuals act in politically compelled roles. If the fundamental principle of the morality of warfare is a right to exercise self-defense within the conditions of mutual imposition of risk, then the emergence of asymmetrical warfare represents a deep challenge. A regime capable of targeting and destroying others with the push of a button, with no human intervention but only the operation of the ultimate high tech weapon, propels us well beyond the ethics of warfare. Such a deployment of force might be morally justified—it might be used to promote morally appropriate ends—but we cannot appeal to the morality of warfare to justify this mode of combat. It would be a mistake to believe that we remain sufficiently far from this high-tech image that the problem does not press upon us practically. Riskless warfare can be a product of technological innovation, but it is also a function of political decisions. In Kosovo, Western forces were reported to be operating under a policy that missions were not to be undertaken if there was a serious risk of casualties. The situation in Afghanistan is less clear. While the losses are few, an outsider at least has the impression of reciprocal risk. The political leadership took a different position from that in Kosovo, warning the public that in this case there would be casualties, that sacrifice would be required. There are, however, likely to be more, not fewer, Kosovos in our future.

#### Aff fails cant overcome

Liotta 2005 (P. H. Liotta, Professor of Humanities at Salve Regina University, Newport, RI, and Executive Director of the Pell Center for International Relations and Public Policy, 2005 “Through the Looking Glass” Sage Publications)

Although it seems attractive to focus on exclusionary concepts that insist on desecuritization, privileged referent objects, and the ‘belief’ that threats and vulnerabilities are little more than social constructions (Grayson, 2003), all these concepts work in theory but fail in practice. While it may be true that national security paradigms can, and likely will, continue to dominate issues that involve human security vulnerabilities – and even in some instances mistakenly confuse ‘vulnerabilities’ as ‘threats’ – there are distinct linkages between these security concepts and applications. With regard to environmental security, for example, Myers (1986: 251) recognized these linkages nearly two decades ago: National security is not just about fighting forces and weaponry. It relates to watersheds, croplands, forests, genetic resources, climate and other factors that rarely figure in the minds of military experts and political leaders, but increasingly deserve, in their collectivity, to rank alongside military approaches as crucial in a nation’s security. Ultimately, we are far from what O’Hanlon & Singer (2004) term a global intervention capability on behalf of ‘humanitarian transformation’. Granted, we now have the threat of mass casualty terrorism anytime, anywhere – and states and regions are responding differently to this challenge. Yet, the global community today also faces many of the same problems of the 1990s: civil wars, faltering states, humanitarian crises. We are nowhere closer to addressing how best to solve these challenges, even as they affect issues of environmental, human, national (and even ‘embedded’) security. Recently, there have been a number of voices that have spoken out on what the International Commission on Intervention and State Sovereignty has termed the ‘responsibility to protect’:10 the responsibility of some agency or state (whether it be a superpower such as the United States or an institution such as the United Nations) to enforce the principle of security that sovereign states owe to their citizens. Yet, the creation of a sense of urgency to act – even on some issues that may not have some impact for years or even decades to come – is perhaps the only appropriate first response. The real cost of not investing in the right way and early enough in the places where trends and effects are accelerating in the wrong direction is likely to be decades and decades of economic and political frustration – and, potentially, military engagement. Rather than justifying intervention (especially military), we ought to be justifying investment. Simply addressing the immensities of these challenges is not enough. Radical improvements in public infrastructure and support for better governance, particularly in states and municipalities (especially along the Lagos–Cairo–Karachi–Jakarta arc), will both improve security and create the conditions for shrinking the gap between expectations and opportunity. A real debate ought to be taking place today. Rather than dismissing ‘alternative’ security foci outright, a larger examination of what forms of security are relevant and right among communities, states, and regions, and which even might apply to a global rule-set – as well as what types of security are not relevant – seems appropriate and necessary. If this occurs, a truly remarkable tectonic shift might take place in the conduct of international relations and human affairs. Perhaps, in the failure of states and the international community to respond to such approaches, what is needed is the equivalent of the 1972 Stockholm conference that launched the global environmental movement and established the United Nations Environmental Programme (UNEP), designed to be the environmental conscience of the United Nations. Similarly, the UN Habitat II Conference in Istanbul in 1996 focused on the themes of finding adequate shelter for all and sustaining human development in an increasingly urbanized world. Whether or not these programs have the ability to influence the future’s direction (or receive wide international support) is a matter of some debate. Yet, given that the most powerful states in the world are not currently focusing on these issues to a degree sufficient to produce viable implementation plans or development strategies, there may well need to be a ‘groundswell’ of bottom-up pressure, perhaps in the form of a global citizenry petition to push the elusive world community toward collective action.Recent history suggests that military intervention as the first line of response to human security conditions underscores a seriously flawed approach. Moreover, those who advocate that a state’s disconnectedness from globalization is inversely proportional to the likelihood of military (read: US) intervention fail to recognize unfolding realities (Barnett, 2003, 2004). Both middle-power and major-power states, as well as the international community, must increasingly focus on long-term creeping vulnerabilities in order to avoid crisis responses to conditions of extreme vulnerability. Admittedly, some human security proponents have recently soured on the viability of the concept in the face of recent ‘either with us or against us’ power politics (Suhrke, 2004). At the same time, and in a bit more positive light, some have clearly recognized the sheer impossibility of international power politics continuing to feign indifference in the face of moral categories. As Burgess (2004: 278) notes, ‘for all its evils, one of the promises of globalization is the unmasking of the intertwined nature of ethics and politics in the complex landscape of social, economic, political and environmental security’**.** While it is still not feasible to establish a threshold definition for human security that neatly fits all concerns and arguments (as suggested by Owen, 2004: 383), it would be a tragic mistake to assume that national, human, and environmental security are mutually harmonious constructs rather than more often locked in conflictual and contested opposition with each other. Moreover, aspects of security resident in each concept are indeed themselves embedded with extraordinary contradictions. Human security, in particular, is not now, nor should likely ever be, the mirror image of national security. Yet, these contradictions are not the crucial recognition here. On the contrary, rather than focusing on the security issues themselves, we should be focusing on the best multi-dimensional approaches to confronting and solving them. One approach, which might avoid the massive tidal impact of creeping vulnerabilities, is to sharply make a rudder shift from constant crisis intervention toward strategic planning, strategic investment, and strategic attention. Clearly, the time is now to reorder our entire approach to how we address – or fail to address – security.

### K

#### The aff’s use of the term “Islamophobia” conflates bigotry and oppression with mental illness-This creates new forms of oppression

Clark 2011

[Nicky, writes for Liberal Conspiracy, “The ‘madness’ of terrorism and other offensive terms”, http://liberalconspiracy.org/2011/07/26/the-madness-of-terrorism-and-other-offensive-terms/]

Without the slightest medical evidence to back up the claims the medical status of the Norwegian killer has been firmly established in all of our minds. He is depending or you choice of national newspaper, rolling news channel or twitter feed either a “Lunatic”, “nutter”, “psychopath”. “madman”, “deranged” or “unhinged”. For the moment these terms are as wrong as they are offensive. If it transpires that Anders Breivik does in fact have a diagnosis then they will simply be offensive terms. In the battle to reduce stigma and ignorance of mental health and disability, semantics are everything. It may seem a small and pointless exercise but actually in terms of sexism, racism, Islamaphobia and homophobia, language and the abuses of it, is recognised as vitally important in reducing bigoted attitudes. However the preponderance of many to routinely disenfranchise disabled people and those with mental illness, casually and routinely, bears much closer scrutiny. When the culprit was found not to be as first supposed, the Islamaphobia from some ceased yet the epithets for mental health continued in abundance. There seems only one explanation: he must be a “mad man”.

#### This recreates oppression and stigmatizes mental illness

Clark 2011

[Nicky, writes for Liberal Conspiracy, “The ‘madness’ of terrorism and other offensive terms”, http://liberalconspiracy.org/2011/07/26/the-madness-of-terrorism-and-other-offensive-terms/]

So I’m asking for a small thing, before you use abusive epithets for a widely misunderstood yet widely experienced condition, think again. In fact, by reducing mental illness to a throw away term, by describing something or someone as “mental” or a “nutter”, or a “psycho”, you are using hate speech; you are promoting a stereotypical view of mental illness in a derogatory way. Describing a killer as a maniac, is actually far more damaging to millions those living with mental illness, coping daily to get well surrounded by pervasive negative clichés. In using terms without a thought or recognition of the ignorance it breeds through normalising hate speech, it compounds the stigma, which prevents many getting the help they desperately need. The innocent survivors of the horrific events in Norway who seek to rebuild their lives, and move on from this unimaginably traumatic experience, may in time face this same stigma too.

### Case

#### Ethical obligations are tautological—the only coherent rubric is to maximize number of lives saved

**Greene 2010** – Associate Professor of the Social Sciences Department of Psychology Harvard University (Joshua, Moral Psychology: Historical and Contemporary Readings, “The Secret Joke of Kant’s Soul”, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf), WEA)

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood whatKant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will getcharacteristically deontological answers. Some will be tautological: "Because it's murder!"Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about them because they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

#### The term ‘Islamophobia’ is the wrong frame for evaluating anti-Muslim racism:

#### 1. Zero causal explanatory power as a method and you can’t solve it because it’s so nebulous

Bleich, professor of political science – Middlebury, ‘11

(Erik, “What Is Islamophobia and How Much Is There? Theorizing and Measuring an Emerging Comparative Concept,” American Behavioral Scientist, 55(12) p. 1581-1600)

Islamophobia is a widely used concept in public and scholarly circles. It was originally developed in the late 1990s and early 2000s by political activists, nongovernmental organizations (NGOs), public commentators, and international organizations to draw attention to harmful rhetoric and actions directed at Islam and Muslims in Western liberal democracies. For actors like these, the term not only identifies anti- Islamic and anti-Muslim sentiments, it also provides a language for denouncing them. In recent years, Islamophobia has evolved from a primarily political concept toward one increasingly deployed for analytical purposes. Researchers have begun using the term to identify the history, presence, dimensions, intensity, causes, and consequences of anti-Islamic and anti-Muslim sentiments. In short, Islamophobia is an emerging comparative concept in the social sciences. Yet, there is no widely accepted definition of the term. As a result, it is extremely difficult to compare levels of Islamophobia across time, location, or social group, or to levels of analogous categories such as racism, anti-Semitism, or xenophobia. Without a concept that applies across these comparative dimensions, it is also virtually impossible to identify the causes and consequences of Islamophobia with any precision.

#### 2. Essentialism. ‘Islamophobia’ portrays all Muslims as defined by Islam—locks in discrimination and anti-Muslim alarmism

Halliday, professor of international relations – London School of Economics, ‘99

(Fred, “`Islamophobia’ reconsidered,” *Ethnic and Racial Studies* Volume 22, Number 5, p. 892-902, September)

No subject in contemporary public discussion has attracted more confused discussion than that of relations between ‘Islam’ and the West. Whether it be the discussion of relations between Muslim states and non- Muslim countries, or that of the relations between non-Muslims and Muslims within Western countries, the tendency has on both sides been, with some exceptions , towards alarmism and simplification. Alarmism has concerned the ‘threat’ which, from one side, ‘Islam’ poses to the non- Muslim world, and on the other, which ‘the West’ poses to Muslims. Non- Muslim simplification involves many obvious issues: terrorism – as if most Muslims are terrorists or most terrorists are Muslims; the degree of aggressiveness found in the Muslim world and the responsibility of Muslims for this; the willingness of Muslims to allow for diversity, debate, respect for human rights. It is not only the sensationalist media, but also writers with an eye to current anxieties of the reading public, such as V. S. Naipaul and Samuel Huntington, who reinforce such misrepresentation. Muslim simplification is itself two-sided: on the one hand, a stereotyping of the ‘West’; on the other, the assertion of a unitary identity for all Muslims, and of a unitary interpretation of text and culture. The core simplification involves these very terms themselves: ‘the West’ is not a valid aggregation of the modern world and lends itself far too easily to monist, conspiratorial presentations of political and social interaction. But nor is the term ‘Islam’ a valid shorthand for summarizing how a billion Muslims, divided into over éfty states, and into myriad ethnicities and social groups, relate to the contemporary world, to each other or to the non-Muslim world. To get away from such simpliécations is, however, virtually impossible, since both those opposed to ‘Islam’ and those invoking it adhere to such labels. Moreover, as much of this literature shows, those who are most intent on critiquing standard Western prejudices about the Muslim world themselves fall back on another set of simplifcations. Instead of fearing or hating anti-Muslim stereotypes, we are now invited to respect, understand, study ‘Islam’. Islamophobia, Eurocentrism, stereotyping The literature under review here ranges across several aspects of this question. The Runnymede and Wilton Park reports identify misinterpretations, above all in the West, of the Muslim world and advocate a more tolerant, informed, relation to the Muslim world. They reèect an approach derived, on the one hand, from race relations and, on the other, from inter-faith dialogue. They both set current frictions in the context of the long historical relations between Muslims and the Christian world, both identify the role of the media in reinforcing stereotypes, both advocate greater discussion between communities. Most signiécantly, perhaps, they accept the term ‘Islam’ as a denomination of the primary identity of those who are Muslims; they avoid discussion of the diversities within Muslim societies, on ethnic grounds or on the interpretation of the Muslim tradition and on its application to the contemporary world.

# 2NC

## T

### 2NC Overview

#### Our interpretation is that the affirmative must instrumentally affirm a policy option that is an example of the resolution. The 1AC must include a plan advocating that the United States federal government increase restrictions on the Presidents war powers that is supported by arguments why federal government action is good.

#### Three advantages

#### Limits – allowing any aff with a tangential relation to the topic goes a step to far. Forces us to spend too much time outside of debate researching every philosophical position or method for social change, which trades off with school or having to work for a living. Our Steinberg & Freely evidence says limited resolutions are key to having a predictable stasis point, which is best for clash and preparation.

#### Education – their interpretation detracts from education about specific policy proposals – the Mellor evidence is specific to the context of war powers and says we need to learn the language of policy to challenge just war justifications for violence. This functions as a solvency takeout because Obama can just hide behind legal jargon to avoid political backlash – empirically proven with NSA and drones.

#### Ground – the core controversy of the resolution is “should the other branches restrict the executive”. Stable negative ground rooted in the literature is key to predictability and fairness, which is the basis of communicative engagement –that’s the Galloway evidence. Limiting ground to questions of instrumental adoption creates the potential for collective understanding that fosters social cohesion.

#### Tiebreaker – you should employ the most predictable framework for debate – our definitions prove that the most grammatically correct interpretation of the phrase “Resolved: That the United States federal government should” is that the affirmative must defend the institutional adoption of the plan.

### Topical Versions

#### Topical versions are simple:

#### 1) have the congress end indefinite detention – you could imagine the ethical framing of your affirmative as a challenge to anti-islamic policymakers. Guarantees they can talk about their impacts while we get topic DA’s and executive restrain cp’s.

#### 2) have the courts overturn Ashcroft v. iqbal which is a detention case that ruled that our detention policy was neutral and racist towards islam. Guarantees court disads and courts k links v. the courts ability to check racism.

#### 3) end the patriot act’s justification for detention as being anti-islamic – means we get politics, and debates about congress mechanisms.

#### All of these reasonably defend a negative action by the USFG against the presidential war powers which allows critical ground and maintains aff flexibility.

### We Meet

#### They don’t meet – our interp was extended above – not enough to K the government, need a policy that defends changing that.

### Germaneness Solves

#### Germaneness is arbitrary – is ending detention of immigrants germane to war powers? Is criticizing the US for being a Presidential system germane – competing interpretations certainly makes more sense in this context.

#### Not true – the topic is whether restrictions should happen, not whether authority is good. We lose out on circumvention and politics, which is uniquely good on this topic because it’s about how the branches interact with each other. This also answers their “solves ground claim”. Galloway specifically says germaneness is impossible.

#### It’s not better for debate – Galloway evidence says that we need stable neg ground. Steinberg and Freely evidence says questions of “what do we do” are more productive than “is the status quo bad”. They can always take the moral high ground.

### Permutation

#### They haven’t done the permutation – it’s not that they prevent policy, but that they didn’t defend one. The damage is already done. This isn’t a “policymaking tradeoff DA”, it’s a T argument.

#### It also doesn’t solve our limits DA because they can still research any tangential relationship to the topic.

### Role of the Ballot

#### The role of the ballot should be to vote for the team that did the better debating – any other role is self-serving. The aff always says “vote for whoever solves the aff better”.

#### Winning that their scholarship is important doesn’t respond to the question of how that should be debated in a competitive arena.

### A2 Self Fulfilling Prophecy

#### Their characterization of framework is flawed – we aren’t an exclusion of any scholarship or debate practice. This debate is about what you didn’t do, not about what you did. Enemy creation bad, anti-Muslim sentiment bad, and America bad are all valid aff arguments, but they are all justification for restriction the power of the state. That’s not the bush administration at all.

#### Their evidence about “exposing instances” is solved by our T version of the aff – you can repeal the NDAA and PATRIOT Act.

### A2 Epistemology DA

#### Their Grosfoguel and Mielants evidence doesn’t say what they need it to – it’s just a uniqueness argument about status quo politics. Debate isn’t that – they have no argument why our framework requires expertism or “point-zero” perspective.

### A2 Rationality DA

#### Seriously, all of their disads to our framework make no sense. We don’t have to win that there’s a universal understanding of everything, just that praxis matters too, especially in the context of debate.

#### Even if there is no absolute truth, we can create provisional consensus and common understanding

Ferguson and Mansbach 2002

(Yale, Prof of IR at Rutgers, Richard, Prof of IR at Iowa State, *International Relations and the “Third Debate,”* ed. Jarvis)

Although there may be no such thing as “absolute truth” (Hollis, 1994:240-247; Fernandez-Armesto, 1997:chap.6), there is often a sufficient amount of intersubjective consensus to make for a useful conversation. That conversation may not lead to proofs that satisfy the philosophical nit-pickers, but it can be educational and illuminating. We gain a degree of apparently useful “understanding” about the things we need (or prefer) to “know.”

### A2 State – Islamophobic

#### 1) Framework is not anti-islamic – voting for the predictability aspects of framework to guarantee mutually sustainable negative ground is not anti-islamic but is a necessary formation of gamesplaying.

#### 2) Our framework does not impose democracy – democracy is just a positive net benefit – the only thing we impose is stable structures for engagement and the role of the negative.

#### 3) no internal link – the impacts are not comparable – this is an argumentative game not the imposition of a form of governance on another country – the debate space itself is a ground for discussion of different models of debate NOT for the exclusion from the debate community.

#### Switch side debate solves any risk of debate being unethical – their arguments are based in a lack of understanding of the activity and how it works to shape students.

Abbott 2009

(Blake, Debate Coach at the University of Georgia and B.A. in Political Science at Mercer University and M.A. from Wake Forest University, “The Project and Switch Side Debate”, November 11th, http://www.georgiadebate.org/2009/11/the-project-and-switch-side-debate)

In debates that take place between policy teams and project teams, one central sticking point tends to be over the merits of switch side debate in our activity. Proponents of switch side debate argue that doing so offers debaters an opportunity to take a new perspective by learning and advocating a position they might not agree with within a given debate round. Doing so enhances critical thinking skills and teaches debaters to become better advocates for the things they do believe because they have examined all sides of the argument. Opponents argue that switch side debate is basically modern day sophistry, leading to an “anything goes” approach to argumentation that has no ethical foundation. Lack of such foundation leads to rounds where debaters advocate nuclear wars, extinction, and even racism or genocide. I think the major drawback in debates on this particular issue is that they tend to lack real clash. One side says switch side debating is educational, and the other says it’s unethical. No one resolves these two impacts. Well, I will attempt to provide some (contingent, I’m sure) way to resolve this discussion, and I’ll start out by stating my advocacy: project teams should be more willing to engage in switch side debate. In my previous post, I argued that project teams should engage the current debate topic, and I still think avoiding the topic is a big missed opportunity. Here, though, project teams take a very one-size-fits-all approach to switch side debate that misses the chances to explore numerous aspects of their own arguments and strategic goals. I am convinced that the topic presents less of a hindrance and more of an opportunity for project teams to find links to the things they want to say. I’ve heard some arguments/questions that I have heard some project teams make, and I’ve been frankly shocked at how poor the answers to these questions has been. I’ll address a couple here. The first one is a subset of the “switch side debate is unethical” argument, and it goes something like this: “Are you saying that on a slavery topic, we would have to advocate slavery good?” First, I take issue with the question. Switch side debating isn’t just taking both sides of any good/bad debate. There’s more to it than that, especially since sometimes there are more than 2 sides to an issue. Second, this is an extreme example, but even if I grant the premise of the question, I would say that you should be willing to examine that argument and advocate it in the space of a debate. That doesn’t mean that you take on that belief; it does mean that you don’t close off an argument just because you don’t agree. The debate round should be a space to test out arguments, and part of the education one gets from that testing is the experience of advocating something unfamiliar, and even oppositional to your beliefs. Plus, you can better argue against the offending argument if you have tried it on in an environment that encourages you to learn how it works. Ultimately, I dispute the slippery slope in the premise of this argument, though. Maybe you wouldn’t, as a matter of conscience, be willing to go as far as say “slavery good,” but on this year’s topic, you should be willing to argue that either we should reduce our nuclear weapons or we shouldn’t. You can support your claim with reasons based in your project, but the fact that the potential exists advocate bad things in a debate round isn’t by itself a sufficient reason to refuse switch side debate. I'm sure many people arguments they may not be willing to make for their own reasons, but that fact alone is not a condemnation of switch side debating. Another argument I hear is the use of a paragraph from William Spanos in the book “Cross-X” in which he argues that debate’s potential for “‘disinterested’ argumentative skills” becomes a training ground for neoconservative ideology. It is important to note that Spanos’ understanding of debate is marginal at best, but more importantly, even if he’s right that debate can produce neocons, that’s not the only outcome. It can, and has, also produced strong advocates for anti-neocon causes. For example, Neal Katyal, the attorney who successfully argued Hamdan v. Rumsfeld in the Supreme Court, was a debater. Also, I would quibble with the terminology of “disinterested” argumentation that Spanos uses and project teams pick up on. Just because I argue for something institutional in nature in a debate round doesn’t mean that I’m taking a disinterested view. In fact, the process of arguing unfamiliar points is a really good way for me to become interested and gain a personal connection to the arguments that I make in rounds, even if that personal connection isn’t the same as ones that project teams discuss. Believe me, I could just as easily go off on policy teams for not really switching sides on many big arguments (with the exception of the occasional impact turn debate, we pretty much presume that hegemony is good and nuclear war is bad, regardless of side). My basic point here is that project teams do themselves a disservice by closing off new ways to approach argumentation that are allowed by switch side debate. We don’t have to take a full-tilt, anything goes approach, but don’t throw it all out either. Even if some potential for abuse exists, it’s a risk worth taking.

#### Criticizing the government only isolates the left—brutal American history is a reason to engage the state, not reject it

Gitlin 2005

(Todd, professor of journalism and sociology at Columbia University, The Intellectuals and Patriotism, http://www.ciaonet.org/book/git01/)

From the late New Left point of view, then, patriotism meant obscuring the whole grisly truth of the United States. It couldn’t help spilling over into what Orwell thought was the harsh, dan- gerous, and distinct phenomenon of nationalism, with its aggres-sive edge and its implication of superiority. Scrub up patriotism as you will, and nationalism, as Schaar put it, remained “patrio- tism’s bloody brother.” Was Orwell’s distinction not, in the end, a distinction without a difference? Didn’t his patriotism, while refusing aggressiveness, still insist that the nation he affirmed was “the best in the world”? What if there was more than one feature of the American way of life that you did not believe to be “the best in the world”—the national bravado, the overreach of the marketplace. Patriotism might well be the door through which you marched with the rest of the conformists to the beat of the national anthem. Facing these realities, all the left could do was criticize empire and, on the positive side, unearth and cultivate righteous tradi-tions. The much-mocked “political correctness” of the next aca- demic generations was a consolation prize. We might have lost politics but we won a lot of the textbooks. The tragedy of the left is that, having achieved an unprece-dented victory in helping stop an appalling war, it then proceeded to commit suicide. The left helped force the United States out of Vietnam, where the country had no constructive work to do—ei- ther for Vietnam or for itself—but did so at the cost of discon-necting itself from the nation. Most U.S. intellectuals substituted the pleasures of condemnation for the pursuit of improvement. The orthodoxy was that “the system” precluded reform—never mind that the antiwar movement had already demonstrated that reform was possible. Human rights, feminism, environmental- ism—these worldwide initiatives, American in their inception, flowing not from the American Establishment but from our own American movements, were noises off, not center stage. They were outsider tastes, the stuff of protest, not national features, the real stuff. Thus when, in the nineties, the Clinton administra-tion finally mobilized armed force in behalf of Bosnia and then Kosovo against Milosevic’s genocidal Serbia, the hard left only could smell imperial motives, maintaining that democratic, anti-genocidal intentions added up to a paper-thin mask. In short, if the United States seemed fundamentally trapped in militarist imperialism, its opposition was trapped in the mir-ror-image opposite. By the seventies the outsider stance had be-come second nature. Even those who had entered the sixties in diapers came to maturity thinking patriotism a threat or a bad joke. But anti-Americanism was, and remains, a mood and a metaphysics more than a politics. It cannot help but see practical politics as an illusion, entangled as it is and must be with a sys-tem fatally flawed by original sin. Viewing the ongoing politics of the Americans as contemptibly shallow and compromised, the demonological attitude naturally rules out patriotic attachment to those very Americans. Marooned (often self-marooned) on university campuses, exiled in left-wing media and other cultural outposts—all told, an archipelago of bitterness—what sealed it- self off in the postsixties decades was what Richard Rorty has called “a spectatorial, disgusted, mocking Left rather than a Left which dreams of achieving our country.”

### A2 We’re a Prerequisite

#### That might be true, but the 1AC can both “address the construction of the Other” and say “therefore, we should restrict the authority to detain”

#### The argument that criticism precedes action only dooms their project to irrelevance

McCLEAN 2001

(David, New School University, “The Cultural Left and the Limits of Social Hope,” http://www.american-philosophy.org/archives/past\_conference\_programs/pc2001/Discussion%20papers/david\_mcclean.htm)

Yet for some reason, at least partially explicated in Richard Rorty's Achieving Our Country, a book that I think is long overdue, leftist critics continue to cite and refer to the eccentric and often a priori ruminations of people like those just mentioned, and a litany of others including Derrida, Deleuze, Lyotard, Jameson, and Lacan, who are to me hugely more irrelevant than Habermas in their narrative attempts to suggest policy prescriptions (when they actually do suggest them) aimed at curing the ills of homelessness, poverty, market greed, national belligerence and racism. I would like to suggest that it is time for American social critics who are enamored with this group, those who actually want to be relevant, to recognize that they have a disease, and a disease regarding which I myself must remember to stay faithful to my own twelve step program of recovery. The disease is the need for elaborate theoretical "remedies" wrapped in neological and multi-syllabic jargon. These elaborate theoretical remedies are more "interesting," to be sure, than the pragmatically settled questions about what shape democracy should take in various contexts, or whether private property should be protected by the state, or regarding our basic human nature (described, if not defined (heaven forbid!), in such statements as "We don't like to starve" and "We like to speak our minds without fear of death" and "We like to keep our children safe from poverty"). As Rorty puts it, "When one of today's academic leftists says that some topic has been 'inadequately theorized,' you can be pretty certain that he or she is going to drag in either philosophy of language, or Lacanian psychoanalysis, or some neo-Marxist version of economic determinism. . . . These futile attempts to philosophize one's way into political relevance are a symptom of what happens when a Left retreats from activism and adopts a spectatorial approach to the problems of its country. Disengagement from practice produces theoretical hallucinations"(italics mine).(1) Or as John Dewey put it in his The Need for a Recovery of Philosophy, "I believe that philosophy in America will be lost between chewing a historical cud long since reduced to woody fiber, or an apologetics for lost causes, . . . . or a scholastic, schematic formalism, unless it can somehow bring to consciousness America's own needs and its own implicit principle of successful action."

### A2 Reasonability/Comp Interps Bad

#### Competing interpretations is the best framework

#### Neutrality – Standards of “abuse” and “reasonability” are subjective and allow for judge intervention that benefits neither team – debaters should decide debates

#### Reasonability is silly – Applied in any other debate context this notion is absurd. Nobody would vote for an aff that said “well, we don’t quite outweigh your disad but we’re *really close*”

#### This isn’t a competing interpretations question – they don’t have a counter-interpretation that’s reasonable – don’t let them just assert that they’re reasonable if they aren’t

[Just because they can point to ground they preserve doesn’t make their affirmative fair. You have to assess the predictability of that ground to determine if they maintain fairness.]

#### This is a reason to err negative on topicality – nobody makes this argument unless they know their affirmative crosses the line.

## K

### Overview

#### The term “Islamophobia” gets tied to pseudo scientific discourses-Attempts to frame the term in a scientific project that doesn’t actually exist

Chikermame, 11 [Gautam, Hindustam Times, “Time to rethink the term Islamophobia”, http://blogs.hindustantimes.com/just-faith/?p=900]

Three books, published in the past few months, have focused on Islamophobia, a phenomenon that United Nations secretary-general Kofi Annan was at a loss to describe. “When a new word enters the language, it is often the result of a scientific advance or a diverting fad,” he said in a December 2004 address titled, Confronting Islamophobia: Education for Tolerance and Understanding. “But when the world is compelled to coin a new term to take account of increasingly widespread bigotry, that is a sad and troubling development. Such is the case with Islamophobia.” The vagueness of the term — political, social, religious — is further complicated by science, which defines it as: “Marked and persistent fear that is excessive or unreasonable, cued by the presence or anticipation of a specific object or situation (e.g., flying, heights, animals, receiving an injection, seeing blood).” An article by Jalees Rehman, assistant professor of medicine at University of Chicago in Huffington Post points out the extent of vagueness: “The person recognises that the fear is excessive or unreasonable for discussing the term.” Being a non-scientific term but using all the elements of science — unreasonable fear — to define and frame it, the word has caught a new momentum, with three new books on the subject (Islamophobia: The Ideological Campaign Against Muslims by Stephen Sheehi; Islamophobia by Chris Allen and Islamophobia: The Challenge of Pluralism in the 21st Century edited by John L. Esposito and Ibrahim Kalin) being released in the past few months. “These books,” writes Rehman, “discuss a variety of topics related to the phenomenon of ‘Islamophobia’, such as its various manifestations in politics and the mass media, its historical roots and development, the overlap of ‘Islamophobia’ with racism and how ‘Islamophobia’ relates to colonialism and imperialism. The actual definition of ‘Islamophobia’ is not discussed in much detail.” According to Kofi Annan, there is a long history to the phenomenon: “The word seems to have emerged in the late 1980s and early 1990s. But the phenomenon dates back centuries. Today, the weight of history and the fallout of recent developments have left many Muslims around the world feeling aggrieved and misunderstood, concerned about the erosion of their rights and even fearing for their physical safety.” The religion is definitely under pressure, no doubt. But it’s certainly not a ‘phobia’, as many Islamic organisations profess. Time to rethink the loose usage of the term, by I suppose.

#### Turns both racism and rationality

Mignolo 2000 [Walter, William H. Wannamaker Professor of Literature and Romance Studies at Duke University Local Histories/Global Designs, 0691001405 115-117

enrique Dussel, an Argentinian philosopher associated with the philosophy of liberation, has been articulating a strong countermodern argument. I quote from the beginning of his Frankfurt lectures: Modernity is, for many (for Jurgen Habermas or Charles Taylor, for example), in essentially or exclusively European phenomenon. In these lectures, I will argue that modernity is, in fact, a European phenomenon, but one constituted in dialectical relation with a non-European alterity that is its ultimate content. Modernity appears when Europe affirms itself as the "center" of a World history that it inaugurates; the "periphery" that surrounds this center is consequently part of its self-definition. The occlusion of this periphery (and of the role of Spain and Portugal in the formation of the modern world system from the late fifteenth to the mid-seventeenth centuries) leads the major contemporary thinkers of the "center" into a Eurocentric fallacy in their understanding of modernity. If their understanding of the genealogy of modernity is thus partial and provincial, their attempts at a critique or defense of it are likewise unilateral and, in part, false. (Dussel [19931 1995, 65) The construction of the idea of modernity linked to European expansion, as forged by European intellectuals, was powerful enough to last almost five hundred years. Postcolonial discourses and theories began effectively to question that hegemony, a challenge that was unthinkable (and perhaps unexpected) by those who constructed and presupposed the idea of modernity as a historical period and implicitly as *the* locus of enunciation—a locus of enunciation that in the name of rationality, science, and philosophy as serted its own privilege over other forms of rationality or over what, from the perspective of modern reason, was nonrational. I would submit, conse quently, that postcolonial literature and postcolonial theories are constructing a new concept of reason as differential loci of enunciation. What does "differential" mean? Differential here first means a displacement of the concept and practice of the notions of knowledge, science, theory, and understanding articulated during the modern period.® Thus, Dussel's region alization of modernity could be compared with Homi Bhabha's, both speak ing *from* different colonial legacies (Spanish and English respectively): "Driven by the subaltern history of the margins of modernity—rather than by the failures of logocentrism—I have tried, in some small measure, In *revise the known, to rename the postmodern from the position of the postcolo nial"* (Bhabha 1994, 175; emphasis added). I find a noteworthy coincidence between Dussel and Bhabha, albeit with some significant differences in accent. The coincidence lies in the very iui portant fact that the task of postcolonial reasoning (i.e., theorizing) is not only linked to the immediate political needs of decolonization (in Asia, Al rica, and the Caribbean) but also to the rereading of the paradigm of modi i n reason. This task is performed by Dussel and Bhabha in different, although complementary ways. After a detailed analysis of Kant's and Hegel's construction of the idea of I nlightenment in European history, Dussel summarizes the elements that i onstitute the myth of modernity: (1) Modern (European) civilization understands itself as the most developed, the superior, civilization; (2) This sense of superiority obliges it, in the form of a categorical imperative, as it were, to "develop" (civilize, uplift, educate) the more primitive, barbarous, underdeveloped civilizations;

(3) The path of such development should be that followed by Europe in its own development out of antiquity and the Middle Ages; (4) Where the barbarians or the primitive opposes the civilizing process, the praxis of modernity must, in the last instance, have recourse to the violence necessary to remove the obstacles to modernization; (5) This violence, which produces in many different ways, victims, takes on an almost ritualistic character: the civilizing hero invests his victims (the colonized, the slave, the woman, the ecological destruction of the earth, etc.) with the character of being participants in a process of redemptive sacrifice; (6) from the point of view of modernity, the barbarian or primitive is in a state of guilt (for, among other things, opposing the civilizing process). This allows modernity to present itself not only as innocent but also as a force that will emancipate or redeem its victims from their guilt; (7) Given this "civilizing" and redemptive character of modernity, the suffering and sacrifices (the costs) of modernization imposed on "immature" peoples, slaves, races, the "weaker" sex, el cetera, are inevitable and necessary. (Dussel 119931 1995, 75) the myth of modernity is laid out by Dussel to confront alternative interpietations. While Horkheimer and Adorno, as well as postmodernist think• is such as Lyotard, Rorty, or Vattimo, all propose a critique of reason (a v iolent, coercive, and genocidal reason), Dussel proposes a critique of the enlightenment's irrational moments as sacrificial myth not by negating reason but by asserting the reason of the other—thai is, by identifying postcolonial reason as differential locus of enunciation. The intersection between tbi idea of a self-centered modernity grounded in its own appropriation of greco-Roman (classical) legacies and an emerging idea of modernity from the margins (or countermodernity) makes clear that history does not begin in Greece, and that different historical beginnings are, at the same time, anchored to diverse loci of enunciation. This simple axiom is, 1 submit, a bind.internal one for and of postsubaltern reason. Finally, Bhabha's project in lename the postmodern from the position of the postcolonial also finds lis niche in postsubaltern reason as a differential locus of enunciation.

### A2 Perm

#### This must be a voting issue – Ableist Speech strengthens oppression and destroys the purposes of public debate – the impacts trump the other warrants in their arguments

Wheelchair Dancer, 2008

(“On Making Argument: Disability and Language”, <http://cripwheels.blogspot.com/2008/04/on-making-argument-disability-and.html> Accessed: 2/10/11)  
If you are feeling a little bit of resistance, here, I'd ask you to think about it. If perhaps what I am saying feels like a burden -- too much to take on? a restriction on your carefree speech? -- perhaps that feeling can also serve as an indicator of how pervasive and thus important the issue is. As a community, we've accepted that commonly used words can be slurs, and as a rule, we avoid them, hopefully in the name of principle, but sometimes only in the name of civility. Do you go around using derivatives of the b**\*ch** word?If you do, I bet you check which community you are in**....** Same thing for the N word**.** These days, **depending on your age,** you might say something is retarded **or spastic,** but you probably never say that it's gay. I'd like to suggest that society as a whole has not paid the same kind of attention to disabled people's concerns about language. By not paying attention to the literal value, the very real substantive, physical, psychological, sensory, and emotional experiences that come with these linguistic moves, we have created a negative rhetorical climate. In this world, it is too easy for feminists and people of colour to base their claims on argumentative strategies that depend, as their signature moves, on marginalizing the experience of disabled people and on disparaging their appearance and bodies. Much of the blogosphere discourse of the previous weeks has studied the relationships between race, (white) feminism and feminists, and WOC bloggers. To me, the intellectual takeaway has been an emerging understanding of how, in conversation, notions of appropriation, citation, ironization, and metaphorization can be deployed as strategies of legitimation and exclusion. And, as a result, I question how "oppressed, minoritized" groups differentiate themselves from other groups in order to seek justice and claim authority. Must we always define ourselves in opposition and distance to a minoritized and oppressed group that can be perceived as even more unsavory than the one from which one currently speaks? As I watched the discussion about who among the feminist and WOC bloggers has power and authority and how that is achieved, I began to recognise a new power dynamic both on the internet and in the world at large. Feminism takes on misogyny. The WOC have been engaging feminism. But from my point of view, a wide variety of powerful feminist and anti-racist discourse is predicated on negative disability stereotyping. There's a kind of hierarchy here: the lack of awareness about disability, disability culture and identity, and our civil rights movement has resulted in a kind of domino effect where disability images are the metaphor of last resort: the bottom, the worst. Disability language has about it a kind of untouchable quality -- as if the horror and weakness of a disabled body were the one true, reliable thing, a touchstone to which we can turn when we know we can't use misogynistic or racist language. When we engage in these kinds of argumentative strategies, we exclude a whole population of people whose histories are intricately bound up with ours. When we deploy these kinds of strategies to underscore the value of our own existence in the world, we reaffirm and strengthen the systems of oppression that motivated us to speak out in the first place.

### 2nc a2: language is not static

#### This defeats the entirety of the purpose of the aff – clearly language can change but it still has persuasive elements to it. The status quo’s racism does not have to be combined with the status quo’s violence towards disability

### 2nc a2: Richardson ev

#### The entirety of your argument is that the term is necessary to galvanize supporters, our link arguments prove that it also excludes and disenfranchises disabled members.

#### Further there is not way to quantify that – this is a rhetorical activity – voting aff does not galvanize the movement – we should be skeptical of linguistic choices in these spaces. The reason that it galvanizes people is because it represents a group of people as sick or insane which is unethical.

#### Further, other terms solve such as “anti-muslim sentiment”

Griffiths, 11 [Alex, essay on E International Relations, “The term Islamophobia is to some extent controversial. Assess the arguments both for and against its use”, http://www.e-ir.info/?p=12759]

Islamophobia is an imperfect term, the value judgement it automatically intones, the suggestion of a homogeneity which simply isn’t there and the insinuation that a problem taken with Muslims automatically equates to a problem with Islam is unaccommodating. Though undoubtedly possessing its own problems, the label which this essay initially chose out of deference to neutrality, “Anti-Muslim sentiment” appears popular with some commentators who take issue with the term but accept what it is seeking to address, it avoids many of the pitfalls which have befallen Islamophobia; it is notably similar to Anti-Semitism which has gained widespread acceptance. A viewpoint which this writing has not addressed but certainly warrants study is the related term “Islam anxiety” as expounded by Juan Cole in his text Engaging the Muslim world.

### 2nc a2: beck – phobia not ableist

#### this evidence is bullshit – its quoting a politico blogger sharing their opinion – it does not have linguistic accuracy – further, the warrant is wrong, it describes phobia as a suffix in opposition to “philia” but retains the idea that it is an “irrational fear” which compares it to ableist notions of irrationality.

#### Links outweigh – the risk the term has an exclusionary basis outweighs.

# 1NR

## DA

### O/V

#### Terrorism turns preemption—Al Qaeda seeks to preempt the entire future of the globe

Derrida 3 - Jacques Derrida, Directeur d’Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris, and Professor of Philosophy, French and Comparative Literature at the University of California, Irvine, 2003, Philosophy in a Time of Terror, interviewed by Giovanni Borradori, p. 98-99

Borradori: Earlier you emphasized the essential role of international organizations and the need to cultivate a respect for international law. Do you think that the kind of terrorism linked to the al Qaeda organization and to bin Laden **harbors international political ambitions?** Derrida: What appears to me **unacceptable** in the "strategy" (in terms of weapons, practices, ideology, rhetoric, discourse, and so on) of the "bin Laden effect" is not only the cruelty, the **disregard for human life**, the disrespect for law, for women, the use of what is worst in technocapitalist modernity for the purposes of religious fanaticism. No, it is, above all, the fact that such actions and such discourse **open onto no future** and, in my view, have no future. If we are to put any faith in the perfectibility of public space and of the world juridico-political scene, of the "world" itself, then there is, it seems to me, nothing good to be hoped for from that quarter. What is being proposed, at least implicitly, is that all capitalist and modern techno scientific forces be put in the service of an interpretation, itself dogmatic, of the Islamic revelation of the One. Nothing of what has been so laboriously secularized in the forms of the "political," of "democracy," of "international law," and even in the nontheological form of sovereignty (assuming, again, that the value of sovereignty can be completely secularized or detheologized, a hypothesis about which I have my doubts), none of this seems to have any place whatsoever in the discourse "bin Laden." That is why, in this unleashing of violence without name, **if I had to take one of the two sides and choose in a binary situation**, well, **I would**. Despite my very strong **reservations about the American**, indeed European, political **posture**, about the "international antiterrorist" coalition, despite all the de facto betrayals, all the failures to live up to democracy, international law, and the very international institutions that the states of this "coalition" themselves founded and supported up to a certain point, I would take the side of the camp that, in principle, by right of law, **leaves a perspective open to perfectibility** in the name of the "political," democracy, international law, international institutions, and so on. Even if this "in the name of" is still merely an assertion and a purely verbal commitment. Even in its most cynical mode, **such an assertion still lets resonate within it an invincible promise**. **I don't hear any such promise coming from "bin Laden**," at least not one for this world.

#### Not only is this a solvency takeout but it’s a turns case claim—any attack makes people dig in their heels

McDonough 9 (David. S. McDonough, Fellow at the Centre for Foreign Policy Studies at Dalhousie University, “Beyond Primacy: Hegemony and ‘Security Addiction’ in U.S. Grand Strategy”, Winter 2009, Orbis, ScienceDirect)

The reason that the current debate is currently mired in second-order issues of multilateral versus unilateral legitimacy can be attributed to the post 9/11 security environment. A grand strategy is, after all, ‘‘a state’s theory about how it can best cause security for itself.’’ 35 It would be prudent to examine why the neoconservative ‘‘theory’’ proved to be so attractive to American decision-makers after the 9/11 attacks, and why the Democrats have begun to rely on an equally primacist ‘‘theory’’ of their own. As Charles Kupchan has demonstrated, a sense of vulnerability is often directly associated with dramatic shifts in a state’s grand strategy. Kupchan is, of course, largely concerned with vulnerability to changes in the global distribution of power. 36 Even so, the 9/11 terrorist attacks have dramatically increased the U.S. sense of strategic vulnerability to both global terrorist organizations like Al Qaeda and even to more traditional threats that are seen, as Donald Rumsfeld said, ‘‘in a dramatic new light–through the prism of our experience on 9/11.’’ 37 Perhaps more than any previous terrorist action, these attacks demonstrated the potential inﬂuence of non-state terrorist groups like Al Qaeda. U.S. strategic primacy makes conventional responses unattractive and ultimately futile to potential adversaries. The country’s societal vulnerability to terrorist attacks will likewise lead to extremely costly defensive reactions against otherwise limited attacks. For both the United States and its asymmetrical adversaries, the advantage clearly favors the offense over the defense. With the innumerable list of potential targets, ‘‘preemptive and preventive attacks will accomplish more against. . .[terrorists or their support structures], dollar for dollar, than the investment in passive defenses.’’ 38 As former Undersecretary of Defense for Policy Douglas Feith has argued, a primary reliance on defense requires instrusive security measures that would inevitably endanger American civil liberties and curtail its free and open society. 39 Strategic preponderance ensures that the United States will continue to face adversaries eager to implement asymmetrical tactics, even as it offers the very resources necessary to implement both offensive and less effective defensive measures. Unfortunately, terrorist groups with strategic reach (i.e., capable of inﬂuencing the actions of states) will likely increase in the coming years due to a combination of factors, including the ‘‘democractization of technology,’’ the ‘‘privatization of war’’ and the ‘‘miniaturization of weaponry.’’ As more groups are imbued with sophisticated technological capabilities and are able to employ increasingly lethal weapons, the United States will be forced to rely even further on its unprecedented global military capabilities to eliminate this threat. The global war on terror, even with tactical successes against al Qaeda, will likely result in an inconclusive ending marked by the fragmentation and proliferation of terrorist spoiler groups. The ‘‘Israelization’’ of the United States, in which ‘‘security trumps everything,’’ will be no temporary phenomenon. 40 Realism provides an insufﬁcient means for understanding the current post-9/11 strategic threat environment and underestimates the potential impact of the terrorist threat on the American sense of vulnerability. Globalized terrorism must be confronted by proactive measures to reduce the domestic vulnerability to attack and to eliminate these organizations in their external sanctuaries. Even then, these measures will never be able to ensure ‘‘perfect security.’’ As a result, signiﬁcant public pressure for expanded security measures will arise after any attack. The United States will be consumed with what Frank Harvey has termed security addiction: ‘‘As expectations for acceptable levels of pain decrease, billions of dollars will continue to be spent by both parties in a never-ending competition to convince the American public that their party’s programs are different and more likely to succeed.’’ 41 This addiction has an important impact on the dramatically rising levels of homeland security spending. Indeed, while this increased spending is an inevitable and prudent reaction to the terrorist threat, it also creates high public expectations that will only amplify outrage in a security failure. 42 Relatedly, American strategic preponderance plays an important role in facilitating a vigorous international response to globalized terrorism, including the use of coercive military options and interventions. A primacist strategy has the dual attraction of both maximizing U.S. strategic dominance and convincing the public of a party’s national security credentials. Indeed, the Republicans had developed a strong advantage in electoral politics by its adherence to a strong military and aggressive strategy, and the Democrats in turn ‘‘learned the lesson of its vulnerability on the issue and [...] explicitly declared its devotion to national security and support for the military.’’ 43 The 9/11 attacks may not have altered the distribution of power amongst major states, but it has directly created a domestic political situation marked by an addiction to expansive security measures that are needed to satisfy increasingly high public expectations. In such a climate, it is easy to see why the neo-conservatives were so successful in selling their strategic vision. The fact that the United States has effectively settled on a grand strategy of primacy in the post-9/11 period should come as no surprise. **It is simply inconceivable that a political party could successfully advocate a grand strategy that does not embrace military preeminence and interventionism**, two factors that are seen to provide a deﬁnite advantage in the pursuit of a ‘‘global war on terror.’’ Political parties may disagree on the necessary tactics to eliminate the terrorist threat. But with increased vulnerability and security addiction, the United States will continue to embrace strategies of primacy– rather than going ‘‘beyond primacy’’–for much of the Long War.

### Epistem DA

#### Radical Islamic terrorism is not a social construction but a reality – yes, we shouldn’t essentialize all Islamists but the aff is ignorant to those acting under a radical interpretation and devoted to violence

Krauthammer 10 (Charles, Pulitzer prize winning columnist for the Washington Post, MD Harvard, “ The Cowardice Of Not Calling Them Enemies”, 7/2/10,http://www.investors.com/NewsAndAnalysis/Article/539272/201007021859/The-Cowardice-Of-Not-Calling-Them-Enemies.aspx)

Holder's avoidance of the obvious continues the absurd and embarrassing refusal of the Obama administration to acknowledge who out there is trying to kill Americans and why. In fact, it has banned from its official vocabulary the terms jihadist, Islamist and Islamic terrorism. Instead, President Obama's National Security Strategy insists on calling the enemy — how else do you define those seeking your destruction? — "a loose network of violent extremists." But this is utterly meaningless. This is not an anger-management therapy group gone rogue. These are people professing a powerful ideology rooted in a radical interpretation of Islam, in whose name they propagandize, proselytize, terrorize and kill. Why is this important? Because the first rule of war is to know your enemy. If you don't, you wander into intellectual cul-de-sacs and ignore the real causes that might allow you to prevent recurrences. The Pentagon report on the Fort Hood shooter runs 86 pages with not a single mention of Hasan's Islamism. It contains such politically correct inanities as "religious fundamentalism alone is not a risk factor." Of course it is. Indeed, Islamist fundamentalism is not only a risk factor. It is the risk factor, the common denominator linking all the great terror attacks of this century — from 9/11 to Mumbai, from Fort Hood to Times Square, from London to Madrid to Bali. The attackers were of various national origin, occupation, age, social class, native tongue and race. The one thing that united them was the jihadist vision in whose name they acted. To deny this undeniable truth leads to further absurdities. Remember the wave of speculation about Hasan's supposed secondary post-traumatic stress disorder — that he was so deeply affected by the heart-rending stories of his war-traumatized patients that he became radicalized? On the contrary. He was moved not by their suffering but by the suffering they (and the rest of the U.S. military) inflicted on Hasan's fellow Muslims, in whose name he gunned down 12 American soldiers while shouting "Allahu Akbar." With Shahzad, we find the equivalent ridiculous — and exculpating — speculation that perhaps he was driven over the edge by the foreclosure of his home. Good grief. Of course his home went into foreclosure — so would yours if you voluntarily quit your job and stopped house payments to go to Pakistan for jihadist training. As the Washington Post's Charles Lane pointed out, foreclosure was a result of Shahzad's radicalism, not the cause. There's a final reason why the administration's cowardice about identifying those trying to kill us cannot be allowed to pass. It is demoralizing. It trivializes the war between jihadi barbarism and Western decency, and diminishes the memory of those (including thousands of brave Muslims — Iraqi, Pakistani, Afghan and Western) who have died fighting it. Churchill famously mobilized the English language and sent it into battle. But his greatness lay not just in eloquence but in his appeal to the moral core of a decent people to rise against an ideology the nature of which he never hesitated to define and describe — and pronounce ("Nahhhhzzzzi") in an accent dripping with loathing and contempt. No one is asking Obama or Holder to match Churchill's rhetoric — just Shahzad's candor.

#### Islamic terrorism is a real thing – individuals exist who believe in a religious duty to destroy us – force is the only option

Jones 8—religion, psychology and terrorism, Rutgers. Snr Research Fellow, Center on Terrorism, John Jay College. ThD, Uppasala U. Psy.D, dept of clinical psychology, Rutgers. PhD in religious studies, Brown. (James, Blood That Cries Out From the Earth, 42-3)

One of the most widespread beliefs of violent religious movements is their apocalyptic vision of a cosmic struggle of the forces of the all-good against the forces of the all-evil ( Juergensmeyer, 2000; Kimball, 2002; Wessinger, 2000). Osama bin Laden says it clearly: there are “two adversaries; the Islamic nation, on the one hand, and the United States and its allies on the other. It is either victory and glory or defeat and humiliation” (quoted in Moghadam, 2006: 717). Virtually all religious terrorists agree that they are locked in an apocalyptic battle with demonic forces, that is, usually with the forces of secularism. We have seen how Sayyid Qutb denoted secularism and the concomitant values of individual rights and the separation of religion and law as demonic and the source of most of the misery of the modern world and demanded a jihad against it (Berman, 2003). Continuing Qutb’s diatribe, the founder of Hamas told a reporter, “There’s a war going on” not just against Israeli occupation but against all secular governments including the Palestinian authority because there “is no such thing as a secular state in Islam” ( Juergensmeyer, 2000: 76). Hamas’s arch enemy, Rabbi Meir Kahane, whose Jewish Defense League was responsible for numerous attacks on Muslims in the United States and Israel, said bluntly “secular government is the enemy” ( Juergensmeyer, 2000: 55). Asahara, the founder of the Aum Shinrikyo, is reported to have shouted again and again at his followers, “Don’t you realize that this is war” (Lifton, 2000: 56) and to have insisted that his group existed “on a war footing” (Lifton, 2000: 60). The Reverend Paul Hill, who shot and killed a physician in front of a family planning clinic in the United States, wrote “The battle over abortion is primarily spiritual. The confl ict is between God’s will and kingdom and Satan’s opposing will and kingdom” (Hill, 2003: 8). Hill’s actions were justifi ed to an interviewer by his brother-in-arms, the Reverend Michael Bray, who wrote the bible of the violent anti-choice movement, entitled tellingly A Time to Kill, as the product of a Christian subculture in America that considers itself at war with the larger society, and to some extent victimized by it. . . . This subculture sees itself justifi ed in its violent responses to a vast and violent repression waged by secular . . . agents of a satanic force . . . a great defensive Christian struggle against the secular state, a contest between the forces of spiritual truth and heathen darkness, in which the moral character of America as a righteous nation hangs in the balance.( Juergensmeyer, 2000: 36) Juergensmeyer concludes in his investigation of religiously sponsored terrorism around the globe, Terror in the Mind of God, that “what is strikingly similar about the cultures of which they [religious terrorists] are a part is their view of the contemporary world at war” ( Juergensmeyer, 2000: 151). Qutb and the jihadists are not alone in declaring war on the secular state.

### Detention Link

#### Prez flex is key to quick action and intel

Sulmasy 2009

[Glenn Sulmasy , law faculty of the United States Coast Guard Academy, , Anniversary Contributions: Use of Force: Executive Power: the Last Thirty Years, 30 U. Pa. J. Int'l L. 1355]

Since the attacks of 9/11, the original concerns noted by Hamilton, Jay, and Madison have been heightened. Never before in the young history of the United States has the need for an energetic executive been more vital to its national security. The need for quick action in this arena requires an executive response - particularly when fighting a shadowy enemy like al Qaeda - not the deliberative bodies opining on what and how to conduct warfare or determining how and when to respond. The threats from non-state actors, such as al Qaeda, make the need for dispatch and rapid response even greater. Jefferson's concerns about the slow and deliberative institution of Congress being prone to informational leaks are even more relevant in the twenty-first century. The advent of the twenty-four hour media only leads to an increased need for retaining enhanced levels of executive [\*1362] control of foreign policy. This is particularly true in modern warfare. In the war on international terror, intelligence is vital to ongoing operations and successful prevention of attacks. Al Qaeda now has both the will and the ability to strike with the equivalent force and might of a nation's armed forces. The need to identify these individuals before they can operationalize an attack is vital. Often international terror cells consist of only a small number of individuals - making intelligence that much more difficult to obtain and even more vital than in previous conflicts. The normal movements of tanks, ships, and aircrafts that, in traditional armed conflict are indicia of a pending attack are not the case in the current "fourth generation" war. Thus, the need for intelligence becomes an even greater concern for the commanders in the field as well as the Commander-in-Chief.¶ Supporting a strong executive in foreign affairs does not necessarily mean the legislature has no role at all. In fact, their dominance in domestic affairs remains strong. Additionally, besides the traditional roles identified in the Constitution for the legislature in foreign affairs - declaring war, ratifying treaties, overseeing appointments of ambassadors, etc. - this growth of executive power now, more than ever, necessitates an enhanced, professional, and apolitical oversight of the executive. An active, aggressive oversight of foreign affairs, and warfare in particular, by the legislature is now critical. Unfortunately, the United States - particularly over the past decade - has witnessed a legislature unable to muster the political will necessary to adequately oversee, let alone check, the executive branch's growing power. Examples are abundant: lack of enforcement of the War Powers Resolution abound the executive's unchecked invasions of Grenada, Panama, and Kosovo, and such assertions as the Authorization for the Use of Military Force, the USA Patriot Act, military commissions, and the updated Foreign Intelligence Surveillance Act ("FISA"). There have been numerous grand-standing complaints registered in the media and hearings over most, if not all, of these issues. However, in each case, the legislature has all but abdicated their constitutionally mandated role and allowed the judicial branch to serve as the only real check on alleged excesses of the executive branch. This deference is particularly dangerous and, in the current environment of foreign affairs and warfare, tends to unintentionally politicize the Court.¶ The Founders clearly intended the political branches to best serve the citizenry by functioning as the dominant forces in [\*1363] guiding the nation's foreign affairs. They had anticipated the political branches to struggle over who has primacy in this arena. In doing so, they had hoped neither branch would become too strong. The common theme articulated by Madison, ambition counters ambition, n17 intended foreign affairs to be a "give and take" between the executive and legislative branches. However, inaction by the legislative branch on myriad policy and legal issues surrounding the "war on terror" has forced the judiciary to fulfill the function of questioning, disagreeing, and "checking" the executive in areas such as wartime policy, detentions at Guantanamo Bay, and tactics and strategy of intelligence collection. The unique nature of the conflict against international terror creates many areas where law and policy are mixed. The actions by the Bush administration, in particular, led to outcries from many on the left about his intentions and desire to unconstitutionally increase the power of the Presidency. Yet, the Congress never firmly exercised the "check" on the executive in any formal manner whatsoever.¶ For example, many policymakers disagreed with the power given to the President within the Authorization to Use Military Force ("AUMF"). n18 Arguably, this legislation was broad in scope, and potentially granted sweeping powers to the President to wage the "war on terror." However, Congress could have amended or withdrawn significant portions of the powers it gave to the executive branch. This lack of withdrawal or amendment may have been understandable when Republicans controlled Congress, but as of November 2006, the Democrats gained control of both houses of the Congress. Still, other than arguing strongly against the President, the legislature did not necessarily or aggressively act on its concerns. Presumably this inaction was out of concern for being labeled "soft on terror" or "weak on national security" and thereby potentially suffering at the ballot box. This virtual paralysis is understandable but again, the political branches were, and remain, the truest voice of the people and provide the means to best represent the country's beliefs, interests, and national will in the arena of foreign affairs. It has been this way in the past but the more recent (certainly over the past thirty years and even more so in the past decade) intrusions of the judicial branch into what [\*1364] was intended to be a "tug and pull" between the political branches can properly be labeled as an unintended consequence of the lack of any real legislative oversight of the executive branch.¶ Unfortunately, now nine unelected, life-tenured justices are deeply involved in wartime policy decision making. Examples of judicial policy involvement in foreign affairs are abundant including Rasul v. Bush; n19 Hamdi v. Rumsfeld; n20 Hamdan v. Rumsfeld; n21 as well as last June's Boumediene v. Bush n22 decision by the Supreme Court, all impacting war policy and interpretation of U. S. treaty obligations. Simply, judges should not presumptively impact warfare operations or policies nor should this become acceptable practice. Without question, over the past thirty years, this is the most dramatic change in executive power. It is not necessarily the strength of the Presidency that is the change we should be concerned about - the institutional search for enhanced power was anticipated by the Founders - but they intended for Congress to check this executive tendency whenever appropriate. Unfortunately, this simply is not occurring in twenty-first century politics. Thus, the danger does not necessarily lie with the natural desire for Presidents to increase their power. The real danger is the judicial branch being forced, or compelled, to fulfill the constitutionally mandated role of the Congress in checking the executive.¶ 4. PRESIDENT OBAMA AND EXECUTIVE POWER¶ The Bush presidency was, and continues to be, criticized for having a standing agenda of increasing the power of the executive branch during its eight-year tenure. Numerous articles and books have been dedicated to discussing these allegations. n23 However, as argued earlier, the reality is that it is a natural bureaucratic tendency, and one of the Founders presciently anticipated, that each branch would seek greater powers whenever and wherever possible. As the world becomes increasingly interdependent, technology and armament become more sophisticated, and with [\*1365] the rise of twenty-first century non-state actors, the need for strong executive power is not only preferred, but also necessary. Executive power in the current world dynamic is something, regardless of policy preference or political persuasions, that the new President must maintain in order to best fulfill his constitutional role of providing for the nation's security. This is simply part of the reality of executive power in the twenty-first century. n24

#### Reforms result in catastrophic terrorism---releases them and kills intel gathering---turns the case

Goldsmith 2009

[Jack Goldsmith 09, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf]

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

### Threat High

#### Nuclear terror is still a threat – recent victories don’t justify complacency

Sturdee 2013

[Simon, AFP, “UN atomic agency sounds warming on ‘nuclear terrorism’”, http://www.foxnews.com/world/2013/07/01/un-atomic-agency-sounds-warning-on-nuclear-terrorism/#ixzz2ccQesW2r]

The head of the UN atomic agency warned Monday against complacency in preventing "nuclear terrorism", saying progress in recent years should not lull the world into a false sense of security. "Much has been achieved in the past decade," Yukiya Amano of the International Atomic Energy Agency told a gathering in Vienna of some 1,200 delegates from around 110 states including 35 ministers to review progress on the issue. "Many countries have taken effective measures to prevent theft, sabotage, unauthorised access, illegal transfer, or other malicious acts involving nuclear or other radioactive material. Security has been improved at many facilities containing such material." Partly as a result, he said, "there has not been a terrorist attack involving nuclear or other radioactive material." "But this must not lull us into a false sense of security. If a 'dirty bomb' is detonated in a major city, or sabotage occurs at a nuclear facility, the consequences could be devastating. "Nuclear terrorism" comprises three main risks: an atomic bomb, a "dirty bomb" -- conventional explosion spreading radioactive material -- and an attack on a nuclear plant. The first, using weapons-grade uranium or plutonium, is generally seen as "low probability, high consequence" -- very difficult to pull off but for a determined group of extremists, not impossible. There are hundreds of tonnes of weapons-usable plutonium and uranium -- a grapefruit-sized amount is enough for a crude nuclear weapon that would fit in a van -- around the world. A "dirty bomb" -- a "radiological dispersal device" or RDD -- is much easier but would be hugely less lethal. But it might still cause mass panic. "If the Boston marathon bombing (in April this year) had been an RDD, the trauma would be lasting a whole lot longer," Sharon Squassoni from the Center for Strategic and International Studies (CSIS) told AFP. Last year alone, the IAEA recorded 17 cases of illegal possession and attempts to sell nuclear materials and 24 incidents of theft or loss. And it says this is the "tip of the iceberg". Many cases have involved former parts of the Soviet Union, for example Chechnya, Georgia and Moldova -- where in 2011 several people were arrested trying to sell weapons-grade uranium -- but not only. Nuclear materials that could be used in a "dirty bomb" are also used in hospitals, factories and university campuses and are therefore seen as easy to steal. Major international efforts have been made since the end of the Soviet Union in 1991 and the September 11, 2001 attacks in the United States to prevent nuclear material falling into the wrong hands. US President Barack Obama hosted a summit in 2010 on the subject which was followed by another one in Seoul last year. A third is planned in The Hague in March. A report issued in Vienna on Monday to coincide with the start of the meeting by the Arms Control Association and the Partnership for Global Security said decent progress had been made but that "significant" work remained. Ten countries have eliminated their entire stockpiles of weapons-grade uranium, many reactors producing nuclear medicines were using less risky materials and smuggling nuclear materials across borders, for example from Pakistan, is harder, it said. But some countries still do not have armed guards at nuclear power plants, security surrounding nuclear materials in civilian settings is often inadequate and there is a woeful lack of international cooperation and binding global rules

### Root Cause

**Focusing on underlying factors won’t solve**

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

**Some critics** of the drone program, such as Ben Emmerson, the UN’s special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, have questioned the lethal approach, **argu**ing **for more focus on** the **factors that** might **contribute to extremism** and terrorism, **such as poverty**, unemployment, **and authoritarianism**. Such a strategy is appealing in principle, but **it is far from clear how Washington could execute it**. **Individuals join anti-American terrorist groups for many reasons**, ranging from outrage over U.S. support for Israel to anger at their own government’s cooperation with the United States. **Some people simply join up because their neighbors are doing so. Slashing unemployment** in Yemen, **bringing democracy** to Saudi Arabia, **and building a functioning government** in Somalia **are laudable goals, but they are not** politically or financially **possible for the U**nited **S**tates, **and even if achieved, they still might not reduce the allure of jihad.**

### Terror Studies

#### Our scholarship is valid--- 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.