## 1NC v ASU

### T

#### The aff’s not topical—

#### “Resolved” is governmental

Jeff Parcher 1, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### “Should” is obligatory

Judge Henry Nieto 9, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### Substantial means full effect---must be tangible increase in restrictions

**Words & Phrases 64** (40 W&P 759)

The words "outward, open, actual, risible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not bidden; exposed to view; free from concealment dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 111. App. 308, 31R

#### Increase denotes a specific change

**Ripple 87** (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

#### War powers refers to specifically enumerated authority—anything else is vague

**Bradley, 10** - \* Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship>)

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### “Topic relevance” isn't enough—only a precise and limited rez creates deliberation on a point of mutual difference

**Steinberg & Freeley 8** \*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.

#### Vote neg—

#### 1. Prep and clash—post facto topic shift alters balance of prep, which structurally favors the aff because they speak last and use perms—key to engage a prepared adversary.

#### 2. Limits—specific topics are key to reasonable expectations for 2Ns—open subjects create incentives for avoidance—that overstretches the neg and turns participation.

#### 3. Key to education on particulars of the presidency—prior question to informed criticism

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

\*Card modified for gendered language, we prefer the gender neutral term person AND His references the president who self identifies as male

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/%22%20%5Ct%20%22_blank) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g" \t "_blank) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html%22%20%5Ct%20%22_blank). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8" \t "_blank), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976%22%20%5Ct%20%22_blank) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File%3A1976prescountymap2.PNG%22%20%5Ct%20%22_blank) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html%22%20%5Ct%20%22_blank) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html%22%20%5Ct%20%22_blank) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man (ethical person) who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein%22%20%5Ct%20%22_blank), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

#### 4. Key to meaningful dialogue—monopolizing strategic ground makes discussion one-sided and subverts any role of the neg

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

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

### DA

#### Sustained intelligence gathering on terrorism is the only way to solve – the aff undermines that

Hanson 10—Senior Fellow, Hoover. Former visiting prof, classics, Stanford. PhD in classics, Stanford (Victor Davis, The Tragic Truth of War, 19 February 2010, http://www.victorhanson.com/articles/hanson021910.html)

Victory has usually been defined throughout the ages as forcing the enemy to accept certain political objectives. “Forcing” usually meant killing, capturing, or wounding men at arms. In today’s polite and politically correct society we seem to have forgotten that nasty but eternal truth in the confusing struggle to defeat radical Islamic terrorism. What stopped the imperial German army from absorbing France in World War I and eventually made the Kaiser abdicate was the destruction of a once magnificent army on the Western front — superb soldiers and expertise that could not easily be replaced. Saddam Hussein left Kuwait in 1991 when he realized that the U.S. military was destroying his very army. Even the North Vietnamese agreed to a peace settlement in 1973, given their past horrific losses on the ground and the promise that American air power could continue indefinitely inflicting its damage on the North. When an enemy finally gives up, it is for a combination of reasons — material losses, economic hardship, loss of territory, erosion of civilian morale, fright, mental exhaustion, internal strife. But we forget that central to a concession of defeat is often the loss of the nation’s soldiers — or even the threat of such deaths. A central theme in most of the memoirs of high-ranking officers of the Third Reich is the attrition of their best warriors. In other words, among all the multifarious reasons why Nazi Germany was defeated, perhaps the key was that hundreds of thousands of its best aviators, U-boaters, panzers, infantrymen, and officers, who swept to victory throughout 1939–41, simply perished in the fighting and were no longer around to stop the allies from doing pretty much what they wanted by 1944–45. After Stalingrad and Kursk, there were not enough good German soldiers to stop the Red Army. Even the introduction of jets could not save Hitler in 1945 — given that British and American airmen had killed thousands of Luftwaffe pilots between 1939 and 1943. After the near destruction of the Grand Army in Russia in 1812, even Napoleon’s genius could not restore his European empire. Serial and massive Communist offensives between November 1950 and April 1951 in Korea cost Red China hundreds of thousands of its crack infantry — and ensured that, for all its aggressive talk, it would never retake Seoul in 1952–53. But aren’t these cherry-picked examples from conventional wars of the past that have no relevance to the present age of limited conflict, terrorism, and insurgency where ideology reigns? Not really. We don’t quite know all the factors that contributed to the amazing success of the American “surge” in Iraq in 2007–08. Surely a number of considerations played a part: Iraqi anger at the brutish nature of al-Qaeda terrorists in their midst; increased oil prices that brought massive new revenues into the country; General Petraeus’s inspired counterinsurgency tactics that helped win over Iraqis to our side by providing them with jobs and security; much-improved American equipment; and the addition of 30,000 more American troops. But what is unspoken is also the sheer cumulative number of al Qaeda and other Islamic terrorists that the U.S. military killed or wounded between 2003 and 2008 in firefights from Fallujah to Basra. There has never been reported an approximate figure of such enemy dead — perhaps wisely, in the post-Vietnam age of repugnance at “body counts” and the need to create a positive media image. Nevertheless, in those combat operations, the marines and army not only proved that to meet them in battle was a near death sentence, but also killed thousands of low-level terrorists and hundreds of top-ranking operatives who otherwise would have continued to harm Iraqi civilians and American soldiers. Is Iraq relatively quiet today because many who made it so violent are no longer around? Contemporary conventional wisdom tries to persuade us that there is no such thing as a finite number of the enemy. Instead, killing them supposedly only incites others to step up from the shadows to take their places. Violence begets violence. It is counterproductive, and creates an endless succession of the enemy. Or so we are told. We may wish that were true. But military history suggests it is not quite accurate. In fact, there was a finite number of SS diehards and kamikaze suicide bombers even in fanatical Nazi Germany and imperial Japan. When they were attrited, not only were their acts of terror curtailed, but it turned out that far fewer than expected wanted to follow the dead to martyrdom. The Israeli war in Gaza is considered by the global community to be a terrible failure — even though the number of rocket attacks against Israeli border towns is way down. That reduction may be due to international pressure, diplomacy, and Israeli goodwill shipments of food and fuel to Gaza — or it may be due to the hundreds of Hamas killers and rocketeers who died, and the thousands who do not wish to follow them, despite their frequently loud rhetoric about a desire for martyrdom. Insurgencies, of course, are complex operations, but in general even they are not immune from eternal rules of war. Winning hearts and minds is essential; providing security for the populace is crucial; improving the economy is critical to securing the peace. But all that said, we cannot avoid the pesky truth that in war — any sort of war — killing enemy soldiers stops the violence. For all the much-celebrated counterinsurgency tactics in Afghanistan, note that we are currently in an offensive in Helmand province to “secure the area.” That means killing the Taliban and their supporters, and convincing others that they will meet a violent fate if they continue their opposition. Perhaps the most politically incorrect and Neanderthal of all thoughts would be that the American military’s long efforts in both Afghanistan and Iraq to kill or capture radical Islamists has contributed to the general safety inside the United States. Modern dogma insists that our presence in those two Muslim countries incited otherwise non-bellicose young Muslims to suddenly prefer violence and leave Saudi Arabia, Yemen, or Egypt to flock to kill the infidel invader. A more tragic view would counter that there was always a large (though largely finite) number of radical jihadists who, even before 9/11, wished to kill Americans. They went to those two theaters, fought, died, and were therefore not able to conduct as many terrorist operations as they otherwise would have, and also provided a clear example to would-be followers not to emulate their various short careers. That may explain why in global polls the popularity both of bin Laden and of the tactic of suicide bombing plummeted in the Middle Eastern street — at precisely the time America was being battered in the elite international press for the Iraq War. Even the most utopian and idealistic do not escape these tragic eternal laws of war. Barack Obama may think he can win over the radical Islamic world — or at least convince the more moderate Muslim community to reject jihadism — by means such as his Cairo speech, closing Guantanamo, trying Khalid Sheikh Mohammed in New York, or having General McChrystal emphatically assure the world that killing Taliban and al-Qaeda terrorists will not secure Afghanistan. Of course, such soft- and smart-power approaches have utility in a war so laden with symbolism in an age of globalized communications. But note that Obama has upped the number of combat troops in Afghanistan, and he vastly increased the frequency of Predator-drone assassination missions on the Pakistani border. Indeed, even as Obama damns Guantanamo and tribunals, he has massively increased the number of targeted assassinations of suspected terrorists — the rationale presumably being either that we are safer with fewer jihadists alive, or that we are warning would-be jihadists that they will end up buried amid the debris of a mud-brick compound, or that it is much easier to kill a suspected terrorist abroad than detain, question, and try a known one in the United States. In any case, the president — immune from criticism from the hard Left, which is angrier about conservative presidents waterboarding known terrorists than liberal ones executing suspected ones — has concluded that one way to win in Afghanistan is to kill as many terrorists and insurgents as possible. And while the global public will praise his kinder, gentler outreach, privately he evidently thinks that we will be safer the more the U.S. marines shoot Taliban terrorists and the more Hellfire missiles blow up al-Qaeda planners. Why otherwise would a Nobel Peace Prize laureate order such continued offensive missions? Victory is most easily obtained by ending the enemy’s ability to resist — and by offering him an alternative future that might appear better than the past. We may not like to think all of that entails killing those who wish to kill us, but it does, always has, and tragically always will — until the nature of man himself changes.

#### The logical outcome of the aff would be trial or release - either would be the largest security breach in history – it undermines the entire fight against terrorism

-Destroys courthouse, jail, and judge security

-Causes court clogging

-Increases risk of terror attack at the trial or against the public

-Causes waves of litigation

-Prison transfers are a huge risk

-Valuable intelligence leaks

-Testimony in trial reveals US means of evidence collection

-Successful prosecutions don’t set a precedent

-Doesn’t increase soft power

Mukasey former U.S. Attorney General ‘9 (Michael, “Civilian Courts Are No Place to Try Terrorists,” <http://online.wsj.com/article/SB10001424052748704107204574475300052267212.html>, Mike)

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the Sept. 11, 2001 terrorist attacks, and other detainees allegedly involved. The Justice Department claims that our courts are well suited to the task. Based on my experience trying such cases, and what I saw as attorney general, they aren't. That is not to say that civilian courts cannot ever handle terrorist prosecutions, but rather that their role in a war on terror—to use an unfashionably harsh phrase—should be, as the term "war" would suggest, a supporting and not a principal role. The challenges of a terrorism trial are overwhelming. To maintain the security of the courthouse and the jail facilities where defendants are housed, deputy U.S. marshals must be recruited from other jurisdictions; jurors must be selected anonymously and escorted to and from the courthouse under armed guard; and judges who preside over such cases often need protection as well. All such measures burden an already overloaded justice system and interfere with the handling of other cases, both criminal and civil. Moreover, there is every reason to believe that the places of both trial and confinement for such defendants would become attractive targets for others intent on creating mayhem, whether it be terrorists intent on inflicting casualties on the local population, or lawyers intent on filing waves of lawsuits over issues as diverse as whether those captured in combat must be charged with crimes or released, or the conditions of confinement for all prisoners, whether convicted or not. Even after conviction, the issue is not whether a maximum-security prison can hold these defendants; of course it can. But their presence even inside the walls, as proselytizers if nothing else, is itself a danger. The recent arrest of U.S. citizen Michael Finton, a convert to Islam proselytized in prison and charged with planning to blow up a building in Springfield, Ill., is only the latest example of that problem. Moreover, the rules for conducting criminal trials in federal courts have been fashioned to prosecute conventional crimes by conventional criminals. Defendants are granted access to information relating to their case that might be useful in meeting the charges and shaping a defense, without regard to the wider impact such information might have. That can provide a cornucopia of valuable information to terrorists, both those in custody and those at large. Thus, in the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman and others that I presided over in 1995 in federal district court in Manhattan, the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators, regardless of whether they are charged as defendants. One of those co-conspirators, relatively obscure in 1995, was Osama bin Laden. It was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to bin Laden in Khartoum, Sudan, where he then resided. He was able to learn not only that the government was aware of him, but also who else the government was aware of. It is not simply the disclosure of information under discovery rules that can be useful to terrorists. The testimony in a public trial, particularly under the probing of appropriately diligent defense counsel, can elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts. The alternative is to lengthen criminal trials beyond what is tolerable by vetting topics in closed sessions before they can be presented in open ones. In June, Attorney General Eric Holder announced the transfer of Ahmed Ghailani to this country from Guantanamo. Mr. Ghailani was indicted in connection with the 1998 bombing of U.S. Embassies in Kenya and Tanzania. He was captured in 2004, after others had already been tried here for that bombing. Mr. Ghailani was to be tried before a military commission for that and other war crimes committed afterward, but when the Obama administration elected to close Guantanamo, the existing indictment against Mr. Ghailani in New York apparently seemed to offer an attractive alternative. It may be as well that prosecuting Mr. Ghailani in an already pending case in New York was seen as an opportunity to illustrate how readily those at Guantanamo might be prosecuted in civilian courts. After all, as Mr. Holder said in his June announcement, four defendants were "successfully prosecuted" in that case. It is certainly true that four defendants already were tried and sentenced in that case. But the proceedings were far from exemplary. The jury declined to impose the death penalty, which requires unanimity, when one juror disclosed at the end of the trial that he could not impose the death penalty—even though he had sworn previously that he could. Despite his disclosure, the juror was permitted to serve and render a verdict. Mr. Holder failed to mention it, but there was also a fifth defendant in the case, Mamdouh Mahmud Salim. He never participated in the trial. Why? Because, before it began, in a foiled attempt to escape a maximum security prison, he sharpened a plastic comb into a weapon and drove it through the eye and into the brain of Louis Pepe, a 42-year-old Bureau of Prisons guard. Mr. Pepe was blinded in one eye and rendered nearly unable to speak. Salim was prosecuted separately for that crime and found guilty of attempted murder. There are many words one might use to describe how these events unfolded; "successfully" is not among them. The very length of Mr. Ghailani's detention prior to being brought here for prosecution presents difficult issues. The Speedy Trial Act requires that those charged be tried within a relatively short time after they are charged or captured, whichever comes last. Even if the pending charge against Mr. Ghailani is not dismissed for violation of that statute, he may well seek access to what the government knows of his activities after the embassy bombings, even if those activities are not charged in the pending indictment. Such disclosures could seriously compromise sources and methods of intelligence gathering. Finally, the government (for undisclosed reasons) has chosen not to seek the death penalty against Mr. Ghailani, even though that penalty was sought, albeit unsuccessfully, against those who stood trial earlier. The embassy bombings killed more than 200 people. Although the jury in the earlier case declined to sentence the defendants to death, that determination does not bind a future jury. However, when the government determines not to seek the death penalty against a defendant charged with complicity in the murder of hundreds, that potentially distorts every future capital case the government prosecutes. Put simply, once the government decides not to seek the death penalty against a defendant charged with mass murder, how can it justify seeking the death penalty against anyone charged with murder—however atrocious—on a smaller scale? Even a successful prosecution of Mr. Ghailani, with none of the possible obstacles described earlier, would offer no example of how the cases against other Guantanamo detainees can be handled. The embassy bombing case was investigated for prosecution in a court, with all of the safeguards in handling evidence and securing witnesses that attend such a prosecution. By contrast, the charges against other detainees have not been so investigated. It was anticipated that if those detainees were to be tried at all, it would be before a military commission where the touchstone for admissibility of evidence was simply relevance and apparent reliability. Thus, the circumstances of their capture on the battlefield could be described by affidavit if necessary, without bringing to court the particular soldier or unit that effected the capture, so long as the affidavit and surrounding circumstances appeared reliable. No such procedure would be permitted in an ordinary civilian court. Moreover, it appears likely that certain charges could not be presented in a civilian court because the proof that would have to be offered could, if publicly disclosed, compromise sources and methods of intelligence gathering. The military commissions regimen established for use at Guantanamo was designed with such considerations in mind. It provided a way of handling classified information so as to make it available to a defendant's counsel while preserving confidentiality. The courtroom facility at Guantanamo was constructed, at a cost of millions of dollars, specifically to accommodate the handling of classified information and the heightened security needs of a trial of such defendants. Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania. In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

#### Extinction

Owen B. Toon 7, 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.

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#### The 1AC’s “critical analysis” is dangerously misguided – it disguises traditional anti-Muslimism thinking under the veil of academic studies – this is a privileged hegemonic understanding of indefinite detention

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.33-35, Mike)

Middle Easterners, and especially Arab-Americans, had been in the first rank of the founders of Middle Eastern studies in America, and had long entered the university precisely through the Arab and Islamic field. (A recent president of MESA summarized his experience this way: “I cannot claim any discrimination against me in my youth [or for that matter as an adult] owing to my being an Arab-American.”)26 But they had not enjoyed automatic preference over others. Orientalism implicitly claimed for them a privileged understanding of the Arab and Islamic East, due not to any individual competence, but to their collective innocence of orientalist bias. They were unspoiled; they were entitled. From the general, Said proceeded to the specific: the development of Middle Eastern studies in America. Orientalism made two claims. First, Said determined that American Middle Eastern studies “retains, in most of its general as well as its detailed functioning, the traditional orientalist outlook which had been developed in Europe”—the outlook he had presented (or caricatured) in his book. “The European tradition of Orientalist scholarship was, if not taken over, then accommodated, normalized, domesticated, and popularized and fed into the postwar efflorescence of Near Eastern studies in the United States.”27 In the oceanic crossing, this tradition traded its old philological cloak for the fashionable garb of the social sciences. (“Enter the social scientist and the new expert,” wrote Said, “on whose somewhat narrower shoulders was to fall the mantle of Orientalism.”)28 But “the core of the Orientalist dogma” remained intact.29 This meant that Middle Eastern studies in America suffered from the same genetic defect as its European parent. Second, Said represented Middle Eastern studies in America as a tightly integrated “establishment,” which maintained dominance through invisible networks: There is of course a Middle East studies establishment, a pool of interests, “old boy” or “expert” networks linking corporate business, the foundations, the oil companies, the missions, the military, the foreign service, the intelligence community together with the academic world. There are grants and other rewards, there are organizations, there are hierarchies, there are institutes, centers, faculties, departments, all devoted to legitimizing and maintaining the authority of a handful of basic, basically unchanging ideas about Islam, the Orient, and the Arabs.30 It was all made to sound conspiratorial (“a pool of interests”), authoritarian (“there are hierarchies”), and corrupt (those “other rewards”). To top it off, the “old boys” were of one hue: “Power in the system (in universities, foundations, and the like) is held almost exclusively by non-Orientals, although the numerical ratio of Oriental to non-Oriental resident professionals does not favor the latter so overwhelmingly.”31 In 1981, Said published a sequel to Orientalism, entitled Covering Islam, which expanded on his sketchy indictment of Middle Eastern studies in America and took his argument one step further. The American version of orientalism, he now argued, was even more hegemonic and constricting than its European predecessors. Britain and France had produced a class of “colonial experts” for imperial service, but this class did not in turn produce an adjunct to it equivalent to the network of the Middle East studies-government-corporate alliance that exists in the United States. Professors of Arabic or Persian or Islamic institutions did their work in British and French universities; they were called on for advice and even participation by the colonial departments and by private business enterprises; they occasionally held congresses; but they do not seem to have created an independent structure of their own, sustained and even maintained by the private business sector or directly by foundations and the government.32 Europe’s scholars, Said now decided, “intervened here and there in the conduct of policy, but always after the policy was in place and on the ground so to speak.”33 And however much hostility there was to Islam in Europe, there were always some scholars, like Louis Massignon in France, who displayed “imagination and refinement.”34 Reviewing the works of Rodinson and Hourani, Said announced that “there is no way of imagining how these works might have been produced in the United States,” for “in America, unlike Europe, there is both a peculiarly immediate sense of hostility and a coarse, on the whole unnuanced, attitude toward Islam.”35 American scholars were really just drab policy experts in academic disguise; the American academic community simply “responds to what it construes as national and corporate needs.”36 In America, it was a “fact,” concluded Said, that “anything said about Islam by a professional scholar is within the sphere of influence of corporations and the government.”37 Throughout Covering Islam, “coarse” America was compared unfavorably to “refined” Europe, thus updating the argument of Orientalism: bad as orientalism had been in Europe, America made it worse.

#### The affirmative makes a blanket claim conflating Islam and anti-Muslimism in the U.S. – their assumptions ignore acts of pre-meditated violence carried out by radical Islamic extremists resulting in a politics of denialism

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.50-52, Mike)

To resolve this anomaly, Esposito came forward to claim that Islamist movements were nothing other than movements of democratic reform. Only orientalist prejudice, of the kind dissected by Said, prevented American observers from seeing past external form to this inner quality. Americans would “have to transcend their narrow, ethnocentric conceptualization of democracy” to comprehend “Islamic democracy that might create effective systems of popular participation, though unlike the Westminster model or the American system.”21 This idea—that Americans suffered from an ethnocentric understanding of democracy—soon reverberated throughout Middle Eastern studies. Historian Richard Bulliet, on-and-off director of the Middle East Institute at Columbia University (and self-described “consultant to the Department of State”)22 declared (in a Washington conference) that the defining of democracy was part of “a world hegemonic discourse of Western cultural imperialism.” He urged “the reshaping of the concept of democracy within world terms in which there is a dialogue of discourse and not simply a Western hegemonic discourse.”23 Armed with this indictment of American ethnocentrism, academic experts could now assert that every Islamist state or movement was either democratic or potentially democratic. Historian John Voll, Esposito’s closest collaborator (whom Esposito would bring to Georgetown from another remote outpost, the University of New Hampshire) appeared before a congressional committee in 1992, where he pleaded on behalf of Sudan—a place without political parties, ruled by a military junta in league with an Islamist ideologue. Voll described the Sudanese regime as “an effort to create a consensual rather than a conflict format for popular political participation,” and then delivered this opinion: “It is not possible, even using exclusively Western political experience as basis for definition, to state that if a system does not have two parties, it is not democratic.”24 And so American congressmen were instructed by the president-elect of MESA that a country with no political parties, presided over by a coup-plotting general, ridden by civil war, with a per capita gross domestic product of $200, still might qualify somehow as a democracy. This was not deliberate self-parody; it was merely Esposito’s logic advanced ad absurdum. As for Islamist violence, this was deemed beyond the bounds of approved research. Dwelling upon it would only reinforce stereotypes. After all, announced Esposito, “most” Islamic movements had reached the conclusion that violence was “counterproductive.” “They speak of the need to prepare people for an Islamic order rather than to impose it.”25 Therefore, promised Esposito, the violence that had marred the 1980s would recede, and “the nineties will prove to be a decade of new alliances and alignments in which the Islamic movements will challenge rather than threaten their societies and the West.”26 Yet despite these assurances, there seemed to be no shortage in the 1990s of Islamists still prepared to live up to orientalist expectations. Acolytes of shaykhs angry at America continued to plant massive bombs—inside the World Trade Center in New York, near an American barracks in al-Khobar, outside American embassies in Nairobi and Dar Es Salaam. Tourists in Luxor, bus riders in Tel Aviv, and pedestrians in Algiers all became the targets of lethal and indiscriminate attacks. Not all of the Islamists—perhaps not even “most” of them—had heard that violence was “counterproductive.” Whenever such an act occurred, scholars who had promised a waning of the violence entered a state of denial. After the World Trade Center bombing, Columbia’s Richard Bulliet organized a conference—not to explain the appearance of terrorism in his city, but to confront “a new anti-Semitism” against Muslims, driven by “the propensities of the non-elite news media to over-publicize, hype, and sell hostility to Islam.” These media were the real fanatics. “Some Muslims from New York are going to be tried for seditious conspiracy to commit criminal acts,” he warned ominously. “A guilty verdict will send a chill of fear throughout America.”27 This was typical of the hyperbole popularized by Said—and it was just as misplaced. When “some Muslims” eventually were found guilty, there was no chill of fear, and no new anti-Semitism. Americans, in their basic fairness and respect for due process, saw the bombing trial as a straightforward criminal case. In their coverage of the arrests and trial, “non-elite” journalists and commentators again outperformed the tabloid academics, who had been indoctrinated by Said to expect only the worst from America beyond the campus. From the Islamists, these same scholars expected only the best. Islamists were either moderate or moderating, moving steadily toward a rational accommodation with changing reality. The Palestinian Hamas was a case in point. In 1993, Foreign Affairs opened its pages to Bulliet, who considered the “possibility that a Hamas campaign of violence could cause the Rabin government to fall and return the Likud Party to power.” Given the track record of Hamas, this did look like a cause for concern. “But that outcome seems unlikely,” Bulliet reassured his readers, “since it would amount to Israel playing into the hands of the spoilers. Violence, therefore, will probably be deemed too great a risk by Hamas leaders.”28 The prophet did prophesy falsely: two years later, a violent campaign of suicide bombings by Hamas did return the Likud to power, with implications for the balance of the decade. Academics blinded by the paradigms of Said and Esposito continued to be surprised not only by America, where they lived, but by the Middle East, which they studied. Still, the expectations of their academic milieu remained very predictable, and as long as they met them, they remained safe and secure behind its impenetrable defenses.

#### This politics of denial is a self-fulfilling prophecy that prevents spill-over to policymakers – that means there is zero impact to voting aff even if they win the thesis of the 1AC

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.84-88, Mike)

Did Middle Eastern studies meet any existential need? In 1979, MESA’s Board described academic Middle Eastern studies as “one of this country’s greatest resources for understanding and learning to live with an ever more vital part of the world.”2 Twenty years later, it was difficult to say just whom this resource purported to serve, except itself. Not only had its champions made serious errors of estimation regarding some of the most central issues in Middle Eastern affairs. They simultaneously fenced themselves off from effective interaction with those Americans entrusted with meeting existential needs: the U.S. government. The rise of antigovernment zealotry in Middle Eastern studies would have astonished the founders. For many of them, initial interest in the contemporary Middle East had been stirred by their military or civilian service during the Second World War. When the region became a war theatre, recalled one observer, “calls came from various government departments and agencies: the State Department, the War Department (G-2), Signal Corps, Naval Intelligence, the Office of Strategic Services (OSS), the Office of War Information, and the like.” The war put Americans in the Middle East, and also brought about “the realization of the immense scientific deficit which had accumulated over a long period of time through the neglect of the modern Near East by the social sciences and not a few of the humanistic disciplines.”3 After the war, private foundations worked to make good the “deficit.” But the academics also subjected the government to heavy lobbying. In 1949, the Committee on Near Eastern Studies pointed enviously to the postwar decision of the British government to subsidize university programs on the Middle East.4 In 1950, the executive secretary of the American Council of Learned Societies determined that even at the best American universities, “the academic structure is almost as West European centered as it was when Mecca was practically as far away as the moon.” This could be repaired “only with the expenditure of large social capital, and that, in our political structure, means Federal Government funds.” In particular, there was “no reason why there should not be government fellowships in Near Eastern studies precisely as there are government fellowships in atomic science. The one is just as important to the national security as the other.”5 But all of these pleas failed utterly. J. C. Hurewitz, then at Columbia, recalled that Washington urged the expansion of the field, but did so “without even a gesture of fiscal generosity.” Congress was paralyzed by “diehard isolationists” and Senator Joseph McCarthy.6 For a full decade into the Cold War, academics cajoled and implored government for support—and got nowhere. Only after the Soviets launched Sputnik in 1957 did education lobbyists find an opening. America, they argued, had fallen behind Russia in education, including international education. Academic lobbyists joined with sympathetic congressmen and officials to propose “emergency” funding of education under the rubric of national defense. Some conservative congressmen remained doubtful. Senator Strom Thurmond, for one, opposed the bill, citing its “unbelievable remoteness from national defense considerations.”7 But the bill became law— the National Defense Education Act of 1958—and “defense education” quickly developed into another federal semi-entitlement, which carried no obligation for any specific contribution to America’s defense. Title VI of the act provided for the support of language and area studies, and the appropriation, administered by what was then called the Department of Health, Education, and Welfare, made possible the expansion of area studies centers. These functioned autonomously not only from other university departments; they also enjoyed autonomy from the government. In 1962, heads of centers called for an extension and enlargement of the act. In doing so, they praised the “statesmanlike and educationally informed way” in which Title VI was administered, allowing the universities to move forward “while preserving their own freedom of action and maintaining their own distinctive character.”8 The president of the American Council of Education was even more straightforward: “The Federal Government has provided its share of the financing of language and area centers without impairing the autonomy of the institutions receiving the funds; in short, Federal funds have been given without Federal control.”9 From its inception, Title VI was administered as a no-strings-attached benefit. Later, the “defense” designation was dropped altogether. But the early leaders of Middle Eastern studies were also men (there were few women) of a patriotic disposition, who could be counted upon to help out. Having served their country during the Second World War, they felt no aversion to maintaining their contacts in Washington. This was not an “old boy” network, but a “new boy” network, of people who had come together for the first time in the defining experience of their generation. Despite widely different social and ethnic origins, they shared camaraderie and an implicit trust, and a worldview shaped by the recent conflict. In these years, as Bernard Lewis later put it, “the choices before us still retained something of the clarity, even the starkness, which they had kept through the war years and which they have subsequently lost.”10 Something of the ambiance is conveyed by Hurewitz’s account of how he gained access to classified and nonclassified intelligence material for his book Middle East Politics: The Military Dimension (1969). A telephone call to an old OSS acquaintance; a serendipitous coincidence of interests; a security clearance and contract; and publication of the results after a speedy review—it was all fairly easygoing.11 Certainly government expected to reap benefits in the form of enhanced understanding, but it was believed that these would accumulate slowly, through a generalized diffusion of knowledge. Universities could do what they always did, but with far greater resources. And in the 1960s, money was so easy that only new centers competed for funds; centers, once funded, enjoyed automatic renewal of their grants. The gap between Washington and academe began to open during the years of radical politicization of the campus in the mid-1960s. The U.S. Army– sponsored Project Camelot, meant to mobilize area studies for in-country counterinsurgency research, evoked a strong backlash in academe, the Department of State, and Congress. (Project Camelot began its operations in Chile. But according to its plan, the project would have eventually included Army-sponsored social science research in Iran, Egypt, and Turkey.) The Department of Defense had overreached. But the episode became a narrow prism through which academics continued to view relations with government. Even when the circumstances that produced Project Camelot disappeared, many academics instinctively regarded any government initiative as a potential Project Camelot, and reacted accordingly. As it turned out, the idea of a pervasive Department of Defense “penetration” of academe was a myth; as a 1973 survey of area specialists revealed, “the radical caucuses’ concern about the dread impact of military support for academic area research seems numerically to be unjustified.”12 But suspicions in academe fed upon themselves, and the divide widened. By the time Richard Nixon entered the White House in 1969, area studies no longer rested on a Washington consensus, and Nixon’s administration immediately set out to eliminate support for all area studies centers, including those devoted to the Middle East. In his 1970 budget message, Nixon listed the National Defense Education Act as one of the “less productive and outmoded programs.” In the words of MESA’s president at the time, this “led to one of the greatest lobbying efforts ever conducted by educators in this county,” involving university presidents, center directors, and area studies associations.13 Friends in Congress managed to ward off the attack, but not before the administration succeeded in halving the budget (funding of Middle East centers was halved almost exactly). Funds were restored in 1972, but in 1973, the Department of Education halved the number of area studies centers and cut the number of Middle East centers from twelve to seven.14 In 1974, the administration zero-budgeted Title VI and again proposed to eliminate the program. Henry Kissinger and Senator Daniel Patrick Moynihan intervened with Nixon, but it was Congress that saved the day. In the new climate, the government required that all center grants be awarded exclusively through a competition, and that 15 percent of center funding be used for “outreach” beyond the campus.15 By the time Edward Said sat down to write Orientalism in 1975, the leaders of Middle Eastern studies knew something he did not know or preferred to ignore: the days of relaxed reliance on Washington were over. Even before the Middle Eastern studies “establishment” came under assault from the left, it found itself under attack by the right, which identified no real benefit from university-based programs and centers. This view also percolated through the bureaucracy. In 1979, a RAND report on area studies noted that government analysts displayed an “attitude of condescension or flat dismissal toward academics, who ‘don’t really know what is going on’ or—as in the common State Department view—are engaged in research that is not directly relevant to policymaking.”16 In 1981, a RAND report on Title VI singled out Middle East scholars for their lack of communication with policymakers: “We found in talking with faculty at area centers that their own training often makes it difficult for them to translate scholarly research into an applied format useful to policymakers. This is particularly true for humanities faculty who presently dominate some of the largest Middle Eastern centers.”17 Fortunately for the Middle East centers, they were part of the wider framework of Title VI, which was on its way to becoming a secure semi-entitlement, backed up by the full weight of the higher education lobby. In the first years of Ronald Reagan’s presidency, one last attempt was made to zero-budget Title VI. The academics rushed to persuade Secretary of Defense Caspar Weinberger to intervene on their behalf, which he did, and the appropriation was saved once again at the eleventh hour.18 Since that time, Title VI funding has remained constant in some years and has increased in others. But the frustration in Washington also remained constant, and in some from the existence of so many federally subsidized centers, programs, scholars, and students devoted to the Middle East. Their efforts were often clumsy, and their authors demonstrated an imperfect grasp of the workings of academe. More importantly, government seemed unaware of the revolution that had taken place in Middle Eastern studies. These had come to be dominated by the American generation formed by the Vietnam war, and an Arab generation formed by the 1967 Arab-Israeli war and the Palestinian awakening. Many of the insurgents, in their bid for academic power, had denounced established scholars for their alleged complicity with the American government. Once in power, they proceeded to erect high ramparts between the field and Washington, and to patrol them with a zealotry that would lead many officials to write off academe altogether.

#### The alternative is to reject the 1AC’s epistemology – our rejection is crucial to reinvigorate empirical observation into debates over Islam, anti-Muslimism and indefinite detention

Kramer ‘1 (Martin, Ivory Towers on Sand, The Washington Institute for Near East Policy, P.121-124, Mike)

If the Middle East had lost its importance to the United States, one could leave it at that. But the Middle East continues to preoccupy Americans. Whether the subject is energy or human rights, missile defense or nuclear proliferation, Iran or Iraq, Islamism or Israel, terrorism or weapons of mass destruction, the Middle East engenders public debate and compels policymaking at the highest levels. Indeed, it is one of the few parts of the world where the United States could find itself even more deeply involved over the next two decades. American understanding of the Middle East—an understanding in perpetual need of improvement—could still be enhanced by an improvement in the performance of Middle Eastern studies. What will it take to heal Middle Eastern studies, if they can be healed at all? The usual mantra among academics is that the field has to submit even more reverentially to the disciplines and their theories. The mandarins proclaim that “scholars of Middle East politics must prove their credentials by the demonstrable theoretical relevance of their work,” in the first instance by “showing that generally available theoretical claims and categories are applicable in Middle Eastern settings.”2 These theories are powerful totems—far more powerful than the realities of the Middle East, which are distant and remote from the American campus. In such a climate, there is a strong incentive to put theoretical commitments before empirical observation. Even though this has been the source of repeated error, breaking out of the circle involves professional risk of a high order. To put the Middle East before theorizing about the Middle East is to run the risk of being denounced as a disciplinary naïf or a “latent” orientalist. In striking contrast, there is no professional cost for substantive error in interpreting the actual Middle East. Indeed, leaders of the field do it all the time without any negative consequences. Yet the salvation of Middle Eastern studies lies precisely in looking past the rapid turnover of theories in the social sciences to the Middle East itself in all its theory-defying complexity. Certainly this must be the lesson of the debacles of the last twenty years, all of which originated precisely in the effort to slavishly apply irrelevant or faulty paradigms to the region. The academics are naturally reluctant to cast Middle Eastern studies as a spoiler of the social sciences, and it is always safer to take a seat in the chorus. But reducing the Middle East to a set of proofs will not only perpetuate the marginality of Middle Eastern studies. It will rob the field of its potential for contributing to the great debates, present and future, over the place of the Middle East in a globalized world. Nor will Middle Eastern studies in America pull out of the doldrums if their leaders persist in totally negating the very rich patrimony of scholarly orientalism. For all the limitations of this tradition, it inculcated high standards of cultural literacy and technical proficiency. It also cultivated an appreciation of the uniqueness of Islamic civilization in its Middle Eastern setting. As a result, the study of Islam in the orientalist tradition enjoyed cultural prestige. Its greatest practitioners commanded respect throughout their own societies and among learned Middle Easterners. In contrast, the post-orientalists have made Middle Eastern studies into a mere dependency of the social sciences and relegated themselves to the dubious duty of proving the universality of the latest theories propounded by the trendiest academic celebrities. Orientalism had heroes. Middle Eastern studies have none, and they never will, unless and until scholars of the Middle East restore some continuity with the great tradition. The obstacles to this shift are formidable. The field of Middle Eastern studies is strewn with living monuments to recent excesses. Walk down the hall of any Middle East center, read the names on the doors, and recall the controversies and fads of America at end-of-century. Not everyone can be reinvented, not everyone can reinvent. But Americans reinvented Middle Eastern studies at least twice before, forty years ago in response to Title VI, and twenty years ago in response to the appearance of Orientalism. Middle Eastern studies are due for another reinvention. As in the past, so this time, it is generational change that will renew and reinvigorate the field. The mission will probably be accomplished by people who are under forty, who are not implicated in the excesses of the recent past, and who understand how perilously close to the precipice they have been led. Their task will be a formidable one. The climate that now prevails in Middle Eastern studies is best described in these words: A young scholar depends on this network for his or her subventions, to say nothing of employment and the possibility of publication in the established journals. To venture unfriendly critiques of the recognized scholars or of their work, in this field more than in the fields of general history or literature, is to risk too much. . . . And the moment a voice is heard that challenges this conspiracy of silence, ideology and ethnic origins become the main topic.3 This was Edward Said, writing in 1981. Are these words any less true today, now that Said’s disciples govern Middle Eastern studies? It might even be said that they are truer than ever. The role of the secure, senior scholars is therefore crucial. They now have the obligation of going back to ask how and why they went wrong. Lisa Anderson and James Bill, political scientists, had the standing and the courage to admit that they and their colleagues persistently failed to explain the Middle East. The regeneration of Middle Eastern studies will proceed more rapidly if more senior scholars come forward from all of the disciplines, to debate and criticize the state of the field and reexamine the validity of their own theories, paradigms, and methodologies. To the founders’ credit, they did just that twenty-five years ago, when their own constructs began to fail. At that time, Leonard Binder, as MESA president, mobilized the now-defunct Research and Training Committee of MESA to analyze the state of the field. Even Said found merit in the resulting book, The Study of the Middle East (1976), precisely because it revealed Middle Eastern studies to be “an embattled field,” surrounded by “a general air of crisis.”4 Where is the air of crisis today? The leaders of Middle Eastern studies instead radiate smugness, shake their heads at the tumult in the public arena, and retreat ever more deeply into their own secluded world, with its rigid etiquette of theory and its peculiar mannerisms of political posturing. Complacency pervades the senior ranks. Today it is almost impossible to imagine MESA, under such leadership, initiating a collective soul searching. MESA now functions as a kind of union or lobby that boosts the image of Middle Eastern studies and circles the wagons against any criticism. What about those supposed hothouses of innovation, the Social Science Research Council and the Ford Foundation? The SSRC, which marched Middle Eastern studies down every dead end in the 1980s and 1990s, has now convened a “Regional Advisory Panel” for the Middle East and North Africa, to survey the state of the field around the world and “set up new and different kinds of networks between scholars who work on the region.” 5 Its opening gambit has been to ponder whether there even is a Middle East to study—yet another inauspicious beginning on Third Avenue. As for the Ford Foundation, it has become a virtual colony of the most radical post-orientalists. In 1997, the foundation entrusted the post-orientalist fashion designers at New York University with developing a “demonstration model for renewing the field of Middle Eastern studies.”6 Ford’s most recent major contribution to the field, made in 1999, was a $300,000 grant to the “progressive” activists of MERIP, the “leftover left,” to enable them “to reach a wider audience in the media, policy and education arenas.”7 In its dogged pursuit of the latest trend, Ford is often the first foundation to put its money down. And it is usually the last foundation to acknowledge its losses. The next breakthroughs will not come from within these institutions. The professional associations and the big foundations, where rewards derive solely from adherence to consensus, are notoriously slow at responding to changing reality. The breakthroughs will come from individual scholars, often laboring on the margins. As the dominant paradigms grow ever more elaborate, inefficient, and insufficient, they will begin to shift. There will be more confessions by senior scholars, and more defections by their young protégés. The question is whether anything can or should be done from outside academe to accelerate the process.

### Counter-advocacy

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

#### Clark, 11 **[**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”.

#### **Recreates oppression and stigmatizes mental illness**

#### Clark, 11 [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.

#### Instead, the ballot should reject the rhetoric of “Islamophobia”-We can agree with the entirety of the plan but reject the violent and stigmatizing discourse of the 1AC.

### Case

#### Islamophobia has 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.

#### Not the root cause

Joppke, professor of politics – American University of Paris, PhD Sociology – Berkeley, ‘9

(Christian, “Limits of Integration Policy: Britain and Her Muslims,” Journal of Ethnic and Migration Studies, Volume 35, Issue 3)

The Runnymede report defines Islamophobia as certain ‘closed’ views of Islam, which are distinguished from ‘open views’ in terms of eight binary oppositions, such as ‘monolithic/diverse’, ‘separate/interacting’, or ‘inferior/different’ (the first adjective always marking a ‘closed’, the second an ‘open’ view). This makes for an elastic definition of Islamophobia, with little that could not be packed into it. Consider the eighth binary opposition, ‘Criticism of West rejected/considered’. If ‘criticisms made by Islam of “The West” (are) rejected out of hand’, there is an instance of Islamophobia, the non-biased attitude being that ‘criticisms of “the West” and other cultures are considered and debated’. Is it reasonable to assume that people enter debate by putting their point of view to disposition? Under such demanding standards, only an advocate of Habermasian communicative rationality would go free of the charge of Islamophobia. However, the real problem is to leave unquestioned the exit position, ‘criticism of the West’. In being sweeping and undifferentiated, such a stance seems to be no less phobic than the incriminated opposite. If the point of the Runnymede report is to ‘counter Islamophobic assumptions that Islam is a single monolithic system’, it seems inconsistent to take for granted a similarly monolithic ‘criticism of “the West”’, which the ‘West’ is asked to ‘consider and debate’. There is a double standard here, in that ‘the West’ is asked to swallow what on the other side would qualify as phobia.

#### 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:

#### Islamophobia discourse is backdoor censorship—crowds out legitimate discussion of Islam by conflating the religion with the people

Malik, Fellow – Royal Society of Arts, history and philosophy of science – Imperial College, writer, lecturer, broadcaster – BBC, ‘5

(Kenan, “The Islamophobia Myth,” *Prospect*, February, <http://www.kenanmalik.com/essays/prospect_islamophobia.html>)

Pretending that Muslims have never had it so bad might bolster community leaders and gain votes for politicians, but it does the rest of us, whether Muslim or non-Muslim, no favours at all. The more that the threat of Islamophobia is exaggerated, the more that ordinary Muslims come to accept that theirs is a community under constant attack. It helps create a siege mentality, stoking up anger and resentment, and making Muslim communities more inward looking and more open to religious extremism. Muslim leaders constantly warn that Islamophobia is alienating Muslims and pushing many into the hands of extremists. However, it's not Islamophobia, but the perception that it blights lives, that is often the bigger problem. In making my Channel 4 documentary I asked dozens of ordinary Muslims across the country about their experience of Islamophobia. Everyone believed that police harassment was common though no one had been stopped and searched. Everyone insisted that physical attacks were rife, though few had been attacked or knew anyone who had.

What is being created here is a culture of victimhood in which 'Islamophobia' has become one-stop cause of the myriad of problems facing Muslims. Take, for instance, the social problems which beset Muslim communities. The figures are truly appalling. Bangladeshis and Pakistanis (who comprise most of Muslims in this country) are two and a half times more likely to be unemployed than are whites. Average earnings among Muslim men are 68 per cent that of non-Muslim men. 65 per cent of Bangladeshis are semi-skilled manual workers compared with 23 per cent among other ethnic minorities and 15 per cent among white Britons. Fifty four per cent of Pakistani and Bangladeshi homes receive income support. In 2000, 30 per cent of Pakistani students gained five or more good GCSEs, compared with 50 per cent in the population as a whole.

It has become common to blame all of this on Islamophobia. According to the Muslim News, 'media reportage and public discourse on Islam and Muslims have a huge impact on Muslim labour market performance'. Islamophobia shapes 'how Muslim children are treated in schools', the 'self-esteem on Muslim children' as well as 'their educational achievements'. Unemployment, poverty and poor educational standards is not, however, a new phenomenon in Muslim communities in this country. And the causes are myriad. Racism certainly plays a part. So does class. The social profile of Pakistanis and Bangladeshis is closer to that of Afro-Caribbeans than it is to Indians or Chinese. That is because while the latter are often from middle class backgrounds, most Banglandeshis, Pakistanis and Afro-Caribebans originally came from poor working class or rural, with few resources, especially to combat the intense racism they faced in this country. Class plays as important a role as race or religion in explaining the poor performance of Muslims. Indeed, Indian Muslims tend to be far better of than those from Bangladesh or Pakistan - and conversely Bangladeshi and Pakistani non-Muslims tend to be worse off.

Some also point the finger at cultural practices within some Muslim communities. 'By and large', the journalist Yasmin Alibhai Brown acknowledges, 'the lowest achieving communities in this country are Muslim. When you talk to people about why this is happening the one reason they give you, the only reason they give you, is Islamophobia.' It's not an argument that Alibhai Brown accepts. 'It is not Islamophobia that makes parents take 14 year old bright girls out of school to marry illiterate men, and the girl has again to bring up the next generation who will again be denied not just education but the value of education.'

Alibhai Brown disagrees with me about the extent of Islamophobia, believing that it is a major force shaping Muslim lives. But, she adds, it has also become 'a convenient label, a figleaf, a reason that is so comfortable for Muslims whenever they have to look at why they aren't in the places that they have to be. All too often Islamophobia is used as an excuse in a way to kind of blackmail society.'

What all this suggests is the need for an open, frank debate about Muslims and their relationship to wider British society. There is clearly prejudice and fear of Islam in this country. Muslims do get harassed and attacked because of their faith. At the same time the degree of hatred and discrimination is being exaggerated to suit particular political agendas, stoking up resentment and creating a victim culture.

The likelihood of such a frank, open debate is, however, not very high. 'Islamophobia' has become not just a description of anti-Muslim prejudice but also a prescription for what may or may not be said about Islam. Every year, the Islamic Human Rights Commission organises a mock awards ceremony for its 'Islamophobe of the Year'. Last year there were two British winners. One was the BNP's Nick Griffin. The other? Guardian columnist Polly Toynbee. Toynbee’s defence of secularism and women’s rights, and criticism of Islam, was, it declared, unacceptable. Isn't it absurd, I asked the IHRC's Massoud Shadjareh, to equate a liberal anti-racist like Polly Toynbee with the leader of a neo-fascist party. Not at all, he suggested. 'There is a difference between disagreeing and actually dismissing certain ideologies and certain principles. We need to engage and discuss. But there’s a limit to that.' It is difficult to know what engagement and discussion could mean when leading Muslim figures seem unable to distinguish between liberal criticism and neo-fascist attacks.

It would be tempting to dismiss the IHRC as a fringe organisation. It's not. It is a consultant body to the UN. Its work has been praised by the CRE. More importantly its principal argument - that in a plural society, free speech is limited by the need not to give offence to particular religious or cultural groups - has become widely accepted. So, for instance, the government is proposing new legislation to outlaw incitement to religious hatred. The Serious and Organised Crime and Police Bill will make it an offence ‘to knowingly use words, behaviour or material that is threatening, abusive or insulting with the intention or likely effect that hatred will be stirred up against a group of people targeted because of their religious beliefs’ Supporters of the law claim that it will extend to Muslims, and other faith groups, the same protection that racial groups already possess. Sikhs and Jews are already by the Race Relations Act. The new law is aimed squarely at meeting Muslim concerns that they seem to have been left out.

#### The alternative is to adopt the term “anti-Muslimism”—that’s a better way to situate our ideological relationship with the Middle East

Saeed, Senior Lecturer in Media and Cultural Studies – University of Sunderland, ‘7

(Amir, “Media, Racism and Islamophobia: The Representation of Islam and Muslims in the Media,” Sociology Compass Volume 1, Issue 2, p. 443-462, November)

Halliday (1996, 160), however, notes that a distinction must be made between Islamophobia and anti-Muslimism

The tone of this rhetoric is often alarmist, and encompasses racist, xenophobic and stereotyping elements. The term ‘anti-Muslimism’ is used here to signify such a diffuse ideology, one rarely expressed in purely religious terms but usually mixed in with other rhetoric's and ideologies ... It involves not so much hostility to Islam as a religion ... But hostility to Muslims, to communities of peoples whose sole or main religion is Islam and whose Islamic character, real or invented, forms one of the objects of prejudice. In this sense anti-Muslimism often overlaps with forms of ethnic prejudice, covering peoples within which there may be well a significant non-Muslim element, such as Albanians, Palestinians or even Caucasians.

In short, it appears that what Halliday is arguing is that ‘anti-Muslimism’ is almost a new form of racism that discriminates not only on physical traits but also religious characteristics. For Halliday, the term ‘Islamophobia’ is inaccurate because it is too uniform. Halliday (1999) points out that usage of this term implies that there is only one Islam and that all Muslims are homogenous. In short, Halliday (1999, 898) is proposing that Islamophobia as a term suggests fear of Islam as a religion not fear of the people who follow Islam

#### Religion will ultimately bring about the Apocalypse—it’s try or die to break down the irrationality and violence that it brings with it

Harris, 4—Sam, author with a bachelor’s in philosophy and a doctorate in neuroscience from Stanford University; The End of Faith: Religion, Terror and the Future of Reason. Winner of the 2005 PEN/Martha Elbrand Award. Published 2004. Pages: 223-224

My GOAL in writing this book has been to help close the door to a certain style of irrationality. While religious faith is the one species of human ignorance that will not admit of even the possibility of correction, it is still sheltered from criticism in every corner of our culture. Forsaking all valid sources of information about this world (both spiritual and mundane), our religions have seized upon ancient taboos and pre scientific fancies as though they held ultimate metaphysical significance. Books that embrace the narrowest spec­trum of political, moral, scientific, and spiritual understanding­books that, by their antiquity alone, offer us the most dilute wisdom with respect to the present-are still dogmatically thrust upon us as the final word on matters of the greatest significance. In the best case, faith leaves otherwise well-intentioned people incapable of thinking rationally about many of their deepest concerns; at worst, it is a continuous source of human violence. Even now, many of us are motivated not by what we know but by what we are content merely to imagine. Many are still eager to sacrifice happiness, com­passion, and justice in this world, for a fantasy of a world to come. These and other degradations await us along the well-worn path of piety. Whatever our religious differences may mean for the next life, they have only one terminus in this one-a future of ignorance and slaughter. We live in societies that are still constrained by religious laws and threatened by religious violence. What is it about us, and specifically about our discourse with one another, that keeps these astonishing bits of evil loose in our world? We have seen that education and wealth are insufficient guarantors of rationality. Indeed, even in the West, educated men and women still cling to the blood-soaked heir­looms of a previous age. Mitigating this problem is not merely a matter of reining in a minority of religious extremists; it is a matter of finding approaches to ethics and to spiritual experience that make no appeal to faith, and broadcasting this knowledge to everyone. of course, one senses that the problem is simply hopeless. What could possibly cause billions of human beings to reconsider their religious beliefs? And yet, it is obvious that an utter revolution in our thinking could be accomplished in a single generation: if parents and teachers would merely give honest answers to the questions of every child. Our doubts about the feasibility of such a project should be tempered by an understanding of its necessity, for there is no rea­son whatsoever to think that we can survive our religious differ- ences indefinitely. Imagine what it would be like for our descendants to experience the fall of civilization. Imagine failures of reasonableness so total that our largest bombs finally fall upon our largest cities in defense of our religious differences. What would it be like for the unlucky survivors of such a holocaust to look back upon the hurtling career of human stupidity that led them over the precipice? A view from the end of the world would surely find that the six billion of us cur­rently alive did much to pave the way to the Apocalypse.

#### It’s try or die—religion will destroy us through competition and ideological wars

Harris, 4—Sam, author with a bachelor’s in philosophy and a doctorate in neuroscience from Stanford University; The End of Faith: Religion, Terror and the Future of Reason. Winner of the 2005 PEN/Martha Elbrand Award. Published 2004. Pages: 225-227

If religious war is ever to become unthinkable for us, in the way that slavery and cannibalism seem poised to, it will be a matter of our having dispensed with the dogma of faith. If our tribalism is ever to give way to an extended moral identity, our religious beliefs can no longer be sheltered from the tides of genuine inquiry and gen­uine criticism. It is time we realized that to presume knowledge where one has only pious hope is a species of evil. Wherever convic­tion grows in inverse proportion to its justification, we have lost the very basis of human cooperation. Where we have reasons for what we believe, we have no need of faith; where we have no reasons, we have lost both our connection to the world and to one another. Peo­ple who harbor strong convictions without evidence belong at the margins of our societies, not in our halls of power. The only thing we should respect in a person's faith is his desire for a better life in this world; we need never have respected his certainty that one awaits him in the next. Nothing is more sacred than the facts. No one, therefore, should win any points in our discourse for deluding himself. The litmus test for reasonableness should be obvious: anyone who wants to know how the world is, whether in physical or spiritual terms, will be open to new evidence. We should take comfort in the fact that people tend to conform themselves to this principle whenever they are obliged to. This will remain a problem for religion. The very hands that prop up our faith will be the ones to shake it. IT IS as yet undetermined what it means to be human, because every facet of our culture-and even our biology itself-remains open to innovation and insight. We do not know what we will be a thousand years from now-or indeed that we will be, given the lethal absur­dity of many of our beliefs-but whatever changes await us, one thing seems unlikely to change: as long as experience endures, the difference between happiness and suffering will remain our paramount concern. We will therefore want to understand those pro­cesses-biochemical, behavioral, ethical, political, economic, and spir­itual-that account for this difference. We do not yet have anything like a final understanding of such processes, but we know enough to rule out many false understandings. Indeed, we know enough at this moment to say that the God of Abraham is not only unworthy of the immensity of creation; he is unworthy even of man. We do not know what awaits each of us after death, but we know that we will die. Clearly, it must be possible to live ethically-with a genuine concern for the happiness of other sentient beings-with­out presuming to know things about which we are patently igno­rant. Consider it: every person you have ever met, every person you will pass in the street today, is going to die. Living long enough, each will suffer the loss of his friends and family. All are going to lose everything they love in this world. Why would one want to be any­thing but kind to them in the meantime? We are bound to one another. The fact that our ethical intuitions must, in some way, supervene upon our biology does not make ethi­cal truths reducible to biological ones. We are the final judges of what is good, just as we remain the final judges of what is logical. And on neither front has our conversation with one another reached an end. There need be no scheme of rewards and punishments transcending this life to justify our moral intuitions or to render them effective in guiding our behavior in the world. The only angels we need invoke are those of our better nature: reason, honesty, and love. The only demons we must fear are those that lurk inside every human mind: ignorance, hatred, greed, and faith, which is surely the devil's masterpiece. Man is manifestly not the measure of all things. This universe is shot through with mystery. The very fact of its being, and of our own, is a mystery absolute, and the only miracle worthy of the name. The consciousness that animates us is itself central to this mystery and the ground for any experience we might wish to call "spiritual." No myths need be embraced for us to commune with the profundity of our circumstance. No personal God need be worshiped for us to live in awe at the beauty and immensity of creation. No tribal fictions need be rehearsed for us to realize, one fine day, that we do, in fact, love our neighbors, that our happiness is inextricable from their own, and that our interdependence demands that people everywhere be given the opportunity to flourish. The days of our religious identities are clearly numbered. Whether the days of civi­lization itself are numbered would seem to depend, rather too much, on how soon we realize this.

**Religion creates exclusionary dichotomies which cause conflict**

**Dawkins, 6—Richard, evolutionary biologist at Oxford University, The God Delusion, 2006, page 260-262**

I do not deny that humanity's powerful tendencies towards in- group loyalties and out-group hostilities would exist even in the absence of religion. Fans of rival football teams are an example of the phenomenon writ small. Even football supporters sometimes divide along religious lines, as in the case of Glasgow Rangers and Glasgow Celtic. Languages (as in Belgium), races and tribes (especially in Africa) can be important divisive tokens. But religion amplifies and exacerbates the damage in at least three ways: • Labelling of children. Children are described as 'Catholic children' or 'Protestant children' etc. from an early age, and certainly far too early for them to have made up their own minds on what they think about religion (I return to this abuse of childhood in Chapter 9). • Segregated schools. Children are educated, again often from a very early age, with members of a religious in-group and separately from children whose families adhere to other religions. It is not an exaggeration to say that the troubles in Northern Ireland would disappear in a generation if segregated schooling were abolished. • Taboos against 'marrying out'. This perpetuates hereditary feuds and vendettas by preventing the mingling of feuding groups. Intermarriage, if it were permitted, would naturally tend to mollify enmities. The village of Glenarm in Northern Ireland is the seat of the Earls of Antrim. On one occasion within living memory, the then Earl did the unthinkable: he married a Catholic. Immediately, in houses throughout Glenarm, the blinds were drawn in mourning. A horror of 'marrying out' is also widespread among religious Jews. Several of the Israeli children quoted above mentioned the dire perils of 'assimilation' at the forefront of their defence of Joshua's Battle of Jericho. When people of different religions do marry, it is described with foreboding on both sides as a 'mixed marriage' and there are often prolonged battles over how the children are to be brought up. When I was a child and still carried a guttering torch for the Anglican Church, I remember being dumbfounded to be told of a rule that when a Roman Catholic married an Anglican, the children were always brought up Catholic. I could readily under- stand why a priest of either denomination would try to insist on this condition. What I couldn't understand (still can't) was the asymmetry. Why didn't the Anglican priests retaliate with the equivalent rule in reverse? Just less ruthless, I suppose. My old chaplain and Betjeman's 'Our Padre' were simply too nice. Sociologists have done statistical surveys of religious homogamy (marrying somebody of the same religion) and heterogamy (marry- ing somebody of a different religion). Norval D. Glenn, of the University of Texas at Austin, gathered a number of such studies up to 1978 and analysed them together.102 He concluded that there is a significant tendency towards religious homogamy in Christians (Protestants marry Protestants, and Catholics Catholics, and this goes beyond the ordinary 'boy next door effect'), but that it is especially marked among Jews. Out of a total sample of 6,021 married respondents to the questionnaire, 140 called themselves Jews and, of these, 85.7 per cent married Jews. This is hugely greater than the randomly expected percentage of homogamous marriages. And of course it will not come as news to anybody.

**Religious certainty has been at the root of the world’s worst atrocities**

**Harris, 4—Sam, author with a bachelor’s in philosophy and a doctorate in neuroscience from Stanford University; The End of Faith: Religion, Terror and the Future of Reason. Winner of the 2005 PEN/Martha Elbrand Award. Published 2004.**

EVERY sphere of genuine discourse must, at a minimum, admit of discourse-and hence the possibility that those standing on its fringe can come to understand the truths that it strives to articulate. This is why any sustained exercise of reason must necessarily tran­scend national, religious, and ethnic boundaries. There is, after all, no such thing as an inherently American (or Christian, or Caucasian) physics.21 Even spirituality and ethics meet this criterion of univer­sality because human beings, whatever their background, seem to converge on similar spiritual experiences and ethical insights when given the same methods of inquiry. Such is not the case with the "truths" of religion, however. Nothing that a Christian and a Mus­lim can say to each other will render their beliefs mutually vulner­able to discourse, because the very tenets of their faith have immunized them against the power of conversation. Believing strongly, without evidence, they have kicked themselves loose of the world. It is therefore in the very nature of faith to serve as an imped iment to further inquiry. And yet, the fact that we are no longer killing people for heresy in the West suggests that bad ideas, how­ever sacred, cannot survive the company of good ones forever. Given the link between belief and action, it is clear that we can no more tolerate a diversity of religious beliefs than a diversity of beliefs about epidemiology and basic hygiene. There are still a num­ber of cultures in which the germ theory of disease has yet to put in an appearance, where people suffer from a debilitating ignorance on most matters relevant to their physical health. Do we "tolerate" these beliefs? Not if they put our own health in jeopardy.-? Even apparently innocuous beliefs, when unjustified, can lead to intolerable consequences. Many Muslims, for instance, are con­vinced that God takes an active interest in women's clothing. While it may seem harmless enough, the amount of suffering that this incredible idea has caused is astonishing. The rioting in Nigeria over the 2002 Miss World Pageant claimed over two hundred lives; inno­cent men and women were butchered with machetes or burned alive simply to keep that troubled place free of women in bikinis. Earlier in the year, the religious police in Mecca prevented paramedics and firefighters from rescuing scores of teenage girls trapped in a burn­ing building." Why? Because the girls were not wearing the tradi­tional head covering that Koranic law requires. Fourteen girls died in the fire; fifty were injured. Should Muslims really be free to believe that the Creator of the universe is concerned about hemlines?