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### Agamben

#### Notions of US legal prestige and modeling solidify global inequality by replacing political violence with legal violence---turns the case because it subordinates effective domestic systems to predatory rule of law models

Ugo Mattei 3, Alfred and Hanna Fromm Professor of International and Comparative Law, U.C. Hastings; Professore Ordinario di Diritto Civile, Università di Torino A Theory of Imperial Law: A Study on U.S. Hegemony and the Latin Resistance, ic.ucsc.edu/~rlipsch/pol160A/Mattei.pdf

This essay attempts to develop a theory of imperial law that is able to explain postCold War changes in the general process of Americanization in legal thinking. My claim is that “imperial law” is now a dominant layer of world-wide legal systems.1 Imperial law is produced, in the interest of international capital, by a variety of both public and private institutions, all sharing a gap in legitimacy, sometimes called the “democratic deficit.” Imperial law is shaped by a spectacular process of exaggeration, aimed at building consent for the purpose of hegemonic domination. Imperial law subordinates local legal arrangements world-wide, reproducing on the global scale the same phenomenon of legal dualism that thus far has characterized the law of developing countries. Predatory economic globalization is the vehicle, the all-mighty ally, and the beneficiary of imperial law. Ironically, despite its absolute lack of democratic legitimacy, imperial law imposes as a natural necessity, by means of discursive practices branded “democracy and the rule of law,” a reactive legal philosophy that outlaws redistribution of wealth based on social solidarity.2 At the core of imperial law there is U.S. law, as transformed and adapted after the Reagan-Thatcher revolution, in the process of infiltrating the huge periphery left open after the end of the Cold War. A study of imperial law requires a careful discussion of the factors of penetration of U.S. legal consciousness world-wide, as well as a careful distinction between the context of production and the context of reception3 of the variety of institutional arrangements that make imperial law. Factors of resistance need to be fully appreciated as well.¶ I. AMERICAN LAW: FROM LEADERSHIP TO DOMINANCE The years following the Second World War have shown a dramatic change in the pattern of world hegemony in the law. Leading legal ideas, once produced in Continental Civilian Europe and exported through the periphery of the world, are now for the first time produced in a common law jurisdiction: the United States.4 There is little question that the present world dominance of the United States has been economic, military, and political first, and legal only in a more recent moment, so that a ready explanation of legal hegemony can be found with a simple Marxist explanation of law as a superstructure of the economy.5 Nevertheless, the question of the relationship between legal, political, and economic hegemony is not likely to be correctly addressed within a cause-and-effect paradigm.6 Ultimately, addressing this question is a very important area of basic jurisprudential research because it reveals some general aspects about the nature of law as a device of global governance.¶ Observing historical patterns of legal hegemony allows us to critique the distinction between two main patterns of governance through the law (and of legal transplants).7 Scholars of legal transplants have traditionally distinguished two patterns. The first is law as dominance without hegemony, in which the legal system is ultimately a coercive apparatus asserting political and economic power without consent. This area of inquiry and this model have been used to explain the relationship between the legal system of the motherland and that of the colonies within imperialistic colonial enterprises. The opposing pattern, telling a story of consensual voluntary reception by an admiring periphery of legal models developed and provided for at the center, is usually considered the most important pattern of legal transplants. It is described by stressing on the idea of consent within a notion of “prestige.”8¶ Little effort is necessary to challenge the sufficiency of this basic taxonomy in introducing legal transplants. Law is a detailed and complex machinery of social control that cannot function with any degree of effectiveness without some cooperation from a variety of individuals staffing legal institutions. These individuals usually consist of a professional elite which either already exists or is created by the hegemonic power. Such an elite provides the degree of consent to the reception of foreign legal ideas that is necessary for any legal transplant to occur. Hence, the distinction between imperialistic and non-imperialistic transplants is a matter only of degree and not of structure. In order to understand the nature of present legal hegemony, it is necessary to capture the way in which the law functions to build a degree of consent to the present pattern of international economic and political dominance.9¶ In this essay I suggest that a fundamental cultural construct of presumed consent is the rhetoric of democracy and the rule of law utilized by the imperial model of governance, 10 triumphant worldwide together with the neo-American model of capitalism developed by the Reagan and Thatcher revolution early in the 1980s. I argue that the last twenty years have produced the triumph in global governance of reactive, politically irresponsible institutions, such as the courts of law, over proactive politically accountable institutions such as direct administrative apparatuses of the State.11¶ This essay attempts to open a radical revision of some accepted modes of thought about the law as they appear today, at what has been called “the end of history.”12 Its aim is to discuss some ways in which global legality has been created in the present stage of world-wide legal development. It will show how democracy and the rule of law, in the present legal landscape, are just another rhetoric of legitimization of a given international dynamic of power. It will also denounce the present unconscious state in which the law is produced and developed by professional “consent building” elites. The consequences of such unconsciousness are creating a legal landscape in which the law is “naturally” giving up its role of constraining opportunistic behavior of market actors. This process results in the development of faked rules and institutions that are functional to the interests of the great capital and that dramatically enlarge inequality within society. I predict that such a legal environment is unable to avoid tragic results on a global scale such as those outlined in the well-known parable of the tragedy of the commons.13¶ My object of observation is a legal landscape in transition. I wish to analyze this path of transition from one political setting (the local state) to another political setting (world governance) in which American-framed reactive institutions are asserting themselves as legitimate and legitimating governing bodies, which I call imperial law. Imperial law is the product of a renowned alliance between state and economic institutions, a cooperative game in which a very limited number of powerful players are at play.14 While in the ages of colonialism such political battles for international hegemony were mostly carried on with an open use of force and political violence (in such a way that final extensive conflict between superpowers was unavoidable), in the age of globalization and of economic Empire political violence has been transformed into legal violence.

#### Their pariah regulation backfires- normalizes militarism and leads to worse forms of violence

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[Neil, PhD from University of Kent at Canterbury, University of Bradford Associate Dean for Research for the School of Social and International Studies, "Humanitarian Arms Control and Processes of Securitization: Moving Weapons along the Security Continuum," Contemporary Security Policy, Vol 32, Issue 1, 2011, tandfonline, accessed 9-5-13, mss]

In this account of contemporary HAC, powerful actors who aim to uphold the status quo principally have a role as agents of resistance to control agendas, not as actors in the production of control regimes. This certainly reﬂects important aspects of contemporary campaigns to regulate pariah weapons but, as I suggest below, it offers a rather incomplete account. Moreover, if such accounts did indeed provide a complete understanding of the dynamics underpinning these control agendas it would certainly represent a novel development, not least because the long history of pariah weapons regulation illustrates the way that weapons taboos frequently reﬂect the interests of the powerful. For example, one factor in the virtual eradication of the gun in 17th and 18th century Japan was that it represented a threat to the warrior class when in the hands of the lower classes.48 The same was true of the rather less successful attempt of the Second Lateran Council to ban the crossbow – a ban partly motivated by the fact that crossbows could pierce the armour of the knight – and a ban that was notably not extended to use against non-Christians.49Similarly, whilst the restrictions on the slave, arms, and liquor trade to Africa embodied in the 1890 Brussels Act were certainly grounded in an ethical discourse, the restrictions imposed on the trade in ﬁrearms were primarily rooted in concerns about the impact of the trade on colonial order. As one British colonial ofﬁcial noted at the time, the restrictions on the small arms trade to Africa reﬂected imperial concern to ‘avoid the development and paciﬁcation of this great continent ... [being] carried out in the face of an enormous population, the majority of whom will probably be armed with ﬁrst-class breechloading riﬂes’.50 The history of pariah weapons regulation would therefore appear to demonstrate a persistent link between the material and political interests of states and / or powerful elites and the emergence of pariah weapons regulation. To be sure, the material and political interests of the same, or other, powerful actors also provide countervailing pressures – the immediate interests of nobles in winnings wars with crossbows mostly won out over their broader class interests,51 whilst colonial competition to secure arms proﬁts and local allies mitigated the impact of the various restrictions on the ﬁrearms trade in the late 19th century.52 But the point is that whilst the genesis of earlier attempts at pariah regulation may, in part, be explained by reference to particular securitizing moments of intervention, the impact of such interventions can only be understood by locating them in particular political economies of power. What is surprising therefore about accounts of post-Cold War humanitarian arms control is that this long history has largely failed to prompt consideration of the way in which contemporary regulation might also reﬂect the interests of powerful states and other actors, albeit in ways that are subject to similar countervailing pressures – an issue that will be taken up below. Pariah Weapons, Heroic Weapons, and Legitimized Military Technology A further recurring theme in the history of pariah regulation is the way in which restrictions on pariah weapons are often related in some way to the construction of a broad arena of legitimized military technology. A particularly extreme example of this is the way in which pariah weapons are sometimes constructed as the antithesis of the ‘heroic weapon’ – a weapon deemed to embody positive values such as honour and / or which is deemed central to national defence. Thus, the series of relatively successful Acts implemented in England between 1508 and 1542 banning crossbows were largely rooted in a concern to preserve the use of the heroic longbow, deemed central to a long line of English military successes.53 The Japanese ban on the gun was similarly connected to the romanticization of the heroic samurai sword as the visible form of one’s honour, as associated with grace of movement in battle and even its status as a work of art.54 In effect both the crossbow in 16th century England and the gun in 17th and 18th century Japan became the ‘other’ which deﬁned legitimized military technologies and militarism. Redford makes much the same point about English attitudes to the submarine, which was constructed as an ‘other’ partly because of the British romanticization of the battleship (‘the upper class or aristocracy of warships’)55 as central to British security and linked to British notions of valour and honour in the conduct of war. This highlights the ways in which the security meaning associated with particular sets of weapons technology are not just a function of the framings speciﬁc to that technology but are also relational, with the representation of one weapon playing an important role in constituting the meaning of another (albeit in sometimes unexpected ways), and vice versa. Not surprisingly perhaps, similar themes also help explain the contemporary taboos constructed around particular sets of military technology such as cluster munitions. Cluster Munitions What is particularly striking about the campaign against cluster munitions is not its success in banning an inhumane weapon but the fact that this success was achieved at a moment in history when, in absolute terms at least, cluster munitions use had fallen from the peak years of use during the Vietnam era (see Table 2). In the latter period cluster bombs such as the CBU-24 represented a ‘major increase in battleﬁeld lethality’ yet its development and deployment was ‘accomplished with no public debate and relatively little subsequent protest’.56 Indeed, for the American military, ‘CBUs were categorised as a standard weapon, to be taken off the shelf – “conventional ironmongery”.57 This is not to suggest that American use of cluster munitions in this period went unremarked. There were certainly some critics at the time who argued that such weapons were inhumane.58 There were also attempts, sponsored by the International Committee of the Red Cross (ICRC) and Sweden in particular, to promote restrictions on cluster munitions in negotiations in the 1970s on the Additional Protocols to the 1949 Geneva Conventions.59 The point is however, that these efforts never achieved traction either with diplomats or with a wider public in the way that the issue would 30 years later. The labels attached to cluster munitions and also landmines only changed dramatically as the move into the post-Cold War era occurred when they moved from being treated as unproblematic elements in global military arsenals to a form of ‘technology non grata’ – weaponry deemed immoral, inhumane, and indiscriminate. Crucially, such a successful process of stigmatization was only made feasible in the context of a post-Cold War widening of the security label to incorporate the notion of human security as a referent object; by the turn to casting security interventions in humanitarian terms; and the representation of modern weaponry as humane because of its perceived capacity to better discriminate between civilians and combatants. The widening and deepening of the security label created the permissive environment necessary for activists to reframe cluster munitions (and APMs) as threats to the human. At the same time, the discussion of intervention in humanitarian terms60 and of precision weapons as instruments of humane warfare61 created a legitimized discursive space into which campaigners could insert a re-representation of landmines and cluster munitions technology as inhumane. Indeed, such a re-representation only exerted a powerful appeal because it was consonant with both the predominant framing of security threats in a postCold War world and a new divide between good and odious military technology. This is not to suggest that such developments reﬂected some teleology in which security and arms control practice progressively evolved to be more humane. As Krause and Latham have noted, for example, whilst the post-Cold War era concern with the impact of ‘inhumane weapons’ represents a notable shift compared with the Cold War arms control agenda, it does have similarities with the late 19th century when a Western discourse of civilized warfare was also prominent. One corollary of this – then as now – was a concern to specify what constituted an ‘inhumane weapon’62 manifest, for example, in the negotiations in the Hague conferences over problem technologies such as the dum dum bullet. As Michael Howard has suggested though, whilst initiatives such as the Hague conferences achieved notable successes, they also reﬂected the fact that liberal internationalists had ‘abandoned their original objects of preventing war and building peace in favour of making war more humane for those actually ﬁghting it’.63 The prohibitions on cluster munitions and also APMs can be understood as similarly ambiguous developments. On the one hand, the legitimizing discourse of Western militaries and arms ﬁrms was turned against them in order to generate powerful taboos against particular categories of weapons – even in the face of opposition from these militaries. The language of state security was coopted to promote human security, to preserve life, and prevent threats to its existence. On the other hand, the same prohibitions can ultimately be understood less as progressive initiatives imposed on foot-dragging states by the bottom-up power of global civil society and more as performative acts that simultaneously function to codify aspects of a new set of criteria for judging international respectability in a post-Cold War era, to reinforce the security framings of the era and to legitimize those categories of weapons successfully constructed as precise, discriminate, and thus humane. Indeed, to the extent that states such as the United States have been able to circumscribe their commitments on landmines etc. they have been able to beneﬁt from the broader legitimizing effects of speciﬁc weapons taboos without being unduly constrained by the speciﬁc regulatory requirements they have given rise to. Moreover, as already noted, the presence of pariah weapons regulation is not necessarily a sign of a more general shift to the tighter regulation of the arms trade – quite the reverse in some cases. Thus, any evaluation of the overall impact of such regulation on global and local security also has to take into account the broader system of arms regulation in which it is located, and the relationship that exists between pariah regulation and this broader system.

#### Sanitization of US policy leads to endless violence and imperialism – turns case

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[A. J., retired career officer in the United States Army, former director of Boston University's Center for International Relations (from 1998 to 2005), The New American Militarism: How Americans Are Seduced by War, 2005 accessed 9-4-13, mss]

Today as never before in their history Americans are enthralled with military power. The global military supremacy that the United States presently enjoys--and is bent on perpetuating-has become central to our national identity. More than America's matchless material abundance or even the effusions of its pop culture, the nation's arsenal of high-tech weaponry and the soldiers who employ that arsenal have come to signify who we are and what we stand for. When it comes to war, Americans have persuaded themselves that the United States possesses a peculiar genius. Writing in the spring of 2003, the journalist Gregg Easterbrook observed that "the extent of American military superiority has become almost impossible to overstate." During Operation Iraqi Freedom, U.S. forces had shown beyond the shadow of a doubt that they were "the strongest the world has ever known, . . . stronger than the Wehrmacht in r94o, stronger than the legions at the height of Roman power." Other nations trailed "so far behind they have no chance of catching up. ""˜ The commentator Max Boot scoffed at comparisons with the German army of World War II, hitherto "the gold standard of operational excellence." In Iraq, American military performance had been such as to make "fabled generals such as Erwin Rommel and Heinz Guderian seem positively incompetent by comparison." Easterbrook and Booz concurred on the central point: on the modern battlefield Americans had located an arena of human endeavor in which their flair for organizing and deploying technology offered an apparently decisive edge. As a consequence, the United States had (as many Americans have come to believe) become masters of all things military. Further, American political leaders have demonstrated their intention of tapping that mastery to reshape the world in accordance with American interests and American values. That the two are so closely intertwined as to be indistinguishable is, of course, a proposition to which the vast majority of Americans subscribe. Uniquely among the great powers in all of world history, ours (we insist) is an inherently values-based approach to policy. Furthermore, we have it on good authority that the ideals we espouse represent universal truths, valid for all times. American statesmen past and present have regularly affirmed that judgment. In doing so, they validate it and render it all but impervious to doubt. Whatever momentary setbacks the United States might encounter, whether a generation ago in Vietnam or more recently in Iraq, this certainty that American values are destined to prevail imbues U.S. policy with a distinctive grandeur. The preferred language of American statecraft is bold, ambitious, and confident. Reflecting such convictions, policymakers in Washington nurse (and the majority of citizens tacitly endorse) ever more grandiose expectations for how armed might can facilitate the inevitable triumph of those values. In that regard, George W. Bush's vow that the United States will "rid the world of evil" both echoes and amplifies the large claims of his predecessors going at least as far back as Woodrow Wilson. Coming from Bush the war- rior-president, the promise to make an end to evil is a promise to destroy, to demolish, and to obliterate it. One result of this belief that the fulfillment of America's historic mission begins with America's destruction of the old order has been to revive a phenomenon that C. Wright Mills in the early days of the Cold War described as a "military metaphysics"-a tendency to see international problems as military problems and to discount the likelihood of finding a solution except through military means. To state the matter bluntly, Americans in our own time have fallen prey to militarism, manifesting itself in a romanticized view of soldiers, a tendency to see military power as the truest measure of national greatness, and outsized expectations regarding the efficacy of force. To a degree without precedent in U.S. history, Americans have come to define the nation's strength and well-being in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideals? Already in the 19905 America's marriage of a militaristic cast of mind with utopian ends had established itself as the distinguishing element of contemporary U.S. policy. The Bush administrations response to the hor- rors of 9/11 served to reaffirm that marriage, as it committed the United States to waging an open-ended war on a global scale. Events since, notably the alarms, excursions, and full-fledged campaigns comprising the Global War on Terror, have fortified and perhaps even sanctified this marriage. Regrettably, those events, in particular the successive invasions of Afghanistan and Iraq, advertised as important milestones along the road to ultimate victory have further dulled the average Americans ability to grasp the significance of this union, which does not serve our interests and may yet prove our undoing. The New American Militarism examines the origins and implications of this union and proposes its annulment. Although by no means the first book to undertake such an examination, The New American Militarism does so from a distinctive perspective. The bellicose character of U.S. policy after 9/11, culminating with the American-led invasion of Iraq in March 2003, has, in fact, evoked charges of militarism from across the political spectrum. Prominent among the accounts advancing that charge are books such as The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic, by Chalmers Johnson; Hegemony or Survival: Americas Quest for Global Dominance, by Noam Chomsky; Masters of War; Militarism and Blowback in the Era of American Empire, edited by Carl Boggs; Rogue Nation: American Unilateralism and the Failure of Good Intentions, by Clyde Prestowitz; and Incoherent Empire, by Michael Mann, with its concluding chapter called "The New Militarism." Each of these books appeared in 2003 or 2004. Each was not only writ- ten in the aftermath of 9/11 but responded specifically to the policies of the Bush administration, above all to its determined efforts to promote and justify a war to overthrow Saddam Hussein. As the titles alone suggest and the contents amply demonstrate, they are for the most part angry books. They indict more than explain, and what- ever explanations they offer tend to be ad hominem. The authors of these books unite in heaping abuse on the head of George W Bush, said to combine in a single individual intractable provincialism, religious zealotry, and the reckless temperament of a gunslinger. Or if not Bush himself, they fin- ger his lieutenants, the cabal of warmongers, led by Vice President Dick Cheney and senior Defense Department officials, who whispered persua- sively in the president's ear and used him to do their bidding. Thus, accord- ing to Chalmers Johnson, ever since the Persian Gulf War of 1990-1991, Cheney and other key figures from that war had "Wanted to go back and finish what they started." Having lobbied unsuccessfully throughout the Clinton era "for aggression against Iraq and the remaking of the Middle East," they had returned to power on Bush's coattails. After they had "bided their time for nine months," they had seized upon the crisis of 9/1 1 "to put their theories and plans into action," pressing Bush to make Saddam Hussein number one on his hit list." By implication, militarism becomes something of a conspiracy foisted on a malleable president and an unsuspecting people by a handful of wild-eyed ideologues. By further implication, the remedy for American militarism is self-evi- dent: "Throw the new militarists out of office," as Michael Mann urges, and a more balanced attitude toward military power will presumably reassert itself? As a contribution to the ongoing debate about U.S. policy, The New American Militarism rejects such notions as simplistic. It refuses to lay the responsibility for American militarism at the feet of a particular president or a particular set of advisers and argues that no particular presidential election holds the promise of radically changing it. Charging George W. Bush with responsibility for the militaristic tendencies of present-day U.S. for- eign policy makes as much sense as holding Herbert Hoover culpable for the Great Depression: Whatever its psychic satisfactions, it is an exercise in scapegoating that lets too many others off the hook and allows society at large to abdicate responsibility for what has come to pass. The point is not to deprive George W. Bush or his advisers of whatever credit or blame they may deserve for conjuring up the several large-scale campaigns and myriad lesser military actions comprising their war on ter- ror. They have certainly taken up the mantle of this militarism with a verve not seen in years. Rather it is to suggest that well before September 11, 2001 , and before the younger Bush's ascent to the presidency a militaristic predisposition was already in place both in official circles and among Americans more generally. In this regard, 9/11 deserves to be seen as an event that gave added impetus to already existing tendencies rather than as a turning point. For his part, President Bush himself ought to be seen as a player reciting his lines rather than as a playwright drafting an entirely new script. In short, the argument offered here asserts that present-day American militarism has deep roots in the American past. It represents a bipartisan project. As a result, it is unlikely to disappear anytime soon, a point obscured by the myopia and personal animus tainting most accounts of how we have arrived at this point. The New American Militarism was conceived not only as a corrective to what has become the conventional critique of U.S. policies since 9/11 but as a challenge to the orthodox historical context employed to justify those policies. In this regard, although by no means comparable in scope and in richness of detail, it continues the story begun in Michael Sherry's masterful 1995 hook, In the Shadow of War an interpretive history of the United States in our times. In a narrative that begins with the Great Depression and spans six decades, Sherry reveals a pervasive American sense of anxiety and vulnerability. In an age during which War, actual as well as metaphorical, was a constant, either as ongoing reality or frightening prospect, national security became the axis around which the American enterprise turned. As a consequence, a relentless process of militarization "reshaped every realm of American life-politics and foreign policy, economics and technology, culture and social relations-making America a profoundly different nation." Yet Sherry concludes his account on a hopeful note. Surveying conditions midway through the post-Cold War era's first decade, he suggests in a chapter entitled "A Farewell to Militarization?" that America's preoccupation with War and military matters might at long last be waning. In the mid- 1995, a return to something resembling pre-1930s military normalcy, involving at least a partial liquidation of the national security state, appeared to be at hand. Events since In the Shadow of War appear to have swept away these expectations. The New American Militarism tries to explain why and by extension offers a different interpretation of America's immediate past. The upshot of that interpretation is that far from bidding farewell to militariza- tion, the United States has nestled more deeply into its embrace. f ~ Briefly told, the story that follows goes like this. The new American militarism made its appearance in reaction to the I96os and especially to Vietnam. It evolved over a period of decades, rather than being sponta- neously induced by a particular event such as the terrorist attack of Septem- ber 11, 2001. Nor, as mentioned above, is present-day American militarism the product of a conspiracy hatched by a small group of fanatics when the American people were distracted or otherwise engaged. Rather, it devel- oped in full view and with considerable popular approval. The new American militarism is the handiwork of several disparate groups that shared little in common apart from being intent on undoing the purportedly nefarious effects of the I96OS. Military officers intent on reha- bilitating their profession; intellectuals fearing that the loss of confidence at home was paving the way for the triumph of totalitarianism abroad; reli- gious leaders dismayed by the collapse of traditional moral standards; strategists wrestling with the implications of a humiliating defeat that had undermined their credibility; politicians on the make; purveyors of pop cul- turc looking to make a buck: as early as 1980, each saw military power as the apparent answer to any number of problems. The process giving rise to the new American militarism was not a neat one. Where collaboration made sense, the forces of reaction found the means to cooperate. But on many occasions-for example, on questions relating to women or to grand strategy-nominally "pro-military" groups worked at cross purposes. Confronting the thicket of unexpected developments that marked the decades after Vietnam, each tended to chart its own course. In many respects, the forces of reaction failed to achieve the specific objectives that first roused them to act. To the extent that the 19603 upended long-standing conventions relating to race, gender, and sexuality, efforts to mount a cultural counterrevolution failed miserably. Where the forces of reaction did achieve a modicum of success, moreover, their achievements often proved empty or gave rise to unintended and unwelcome conse- quences. Thus, as we shall see, military professionals did regain something approximating the standing that they had enjoyed in American society prior to Vietnam. But their efforts to reassert the autonomy of that profession backfired and left the military in the present century bereft of meaningful influence on basic questions relating to the uses of U.S. military power. Yet the reaction against the 1960s did give rise to one important by-prod: uct, namely, the militaristic tendencies that have of late come into full flower. In short, the story that follows consists of several narrative threads. No single thread can account for our current outsized ambitions and infatua- tion with military power. Together, however, they created conditions per- mitting a peculiarly American variant of militarism to emerge. As an antidote, the story concludes by offering specific remedies aimed at restor- ing a sense of realism and a sense of proportion to U.S. policy. It proposes thereby to bring American purposes and American methods-especially with regard to the role of military power-into closer harmony with the nation's founding ideals. The marriage of military metaphysics with eschatological ambition is a misbegotten one, contrary to the long-term interests of either the American people or the world beyond our borders. It invites endless war and the ever-deepening militarization of U.S. policy. As it subordinates concern for the common good to the paramount value of military effectiveness, it promises not to perfect but to distort American ideals. As it concentrates ever more authority in the hands of a few more concerned with order abroad rather than with justice at home, it will accelerate the hollowing out of American democracy. As it alienates peoples and nations around the world, it will leave the United States increasingly isolated. If history is any guide, it will end in bankruptcy, moral as well as economic, and in abject failure. "Of all the enemies of public liberty," wrote James Madison in 1795, "war is perhaps the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies. From these proceed debts and taxes. And armies, debts and taxes are the known instruments for bringing the many under the domination of the few .... No nation could preserve its freedom in the midst of continual Warfare." The purpose of this book is to invite Americans to consider the continued relevance of Madison's warning to our own time and circumstances.

#### The Alternative is to reject the 1AC and imagine Whatever Being--Any point of rejection of the sovereign state creates a non-state world made up of whatever life – that involves imagining a political body that is outside the sphere of sovereignty in that it defies traditional attempts to maintain a social identity

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(Anne, “Bio-Sovereignty and the Emergence of Humanity,” Theory & Event, Volume 7, Issue 2, Project Muse)

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier Coming Community, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. / "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). / This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. / Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-such, for belonging itself." (0.1-1.2). / Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of homo sacer, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153). / We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

### Deterrence

Drones policy is shrouded in secrecy – debate is impossible because of the lack of transparency – instead of assessing the information selectively leaked by the government, focus should be on the production of knowledge behind policy.

Toth, ’13 [Kate Toth, London School of Economics, Dissertation; “REMOTE-CONTROLLED WAR: IMPLICATIONS OF THE DISTANCING OF STATE-SPONSORED VIOLENCE ON AMERICAN DEMOCRACY”; Apr 27, 2013; http://www.academia.edu/3125323/REMOTE-CONTROLLED\_WAR\_IMPLICATIONS\_OF\_THE\_DISTANCING\_OF\_STATE-SPONSORED\_VIOLENCE\_ON\_AMERICAN\_DEMOCRACY]

With regard to drones, what the public knows has been released through leaks to the press that were likely approved by the President (Engelhardt, 2012). Though the government now claims the right to assassinate Americans along with foreigners through the drone program, “informed public debate and judicial oversight” are impossible because “its drone program is so secret [the government] can't even admit to its existence” (Freed Wessler, 2012). That is, except via leaks that allow Obama to craft a politically advantageous narrative (Friedersdorf, 2012a). Meanwhile, the use of drones has exploded domestically, and again, “citizens lack a basic right to know who is operating the drones circling their houses, what information is being collected and how it will be used” (ABC News, 2012). The Bush administration politicized science (Beck, 1992) by notoriously editing reports on climate change and pressuring scientists (Coglianese, 2009). This is instructive for the current debate as it exhibits that one cannot simply assess the information released, but examine this knowledge within a political context, harking back to Foucault’s (1997) production of knowledge. Writing about the covert drone strikes, Friedersdorf (2012b) in The Atlantic asked, “in what sense would we be living in a representative democracy if neither the bulk of Congress nor the people” are told about the strikes? One of the lingering questions raised from this debate is, how different is it if we were told the bare minimum of facts via leaks, so still preventing effective debate, versus being told nothing at all? When President Obama took office, in the memo outlining his “Transparency and Open Government” initiative, it was written that transparency will “ensure the public trust and establish a system of transparency, public participation, and collaboration” and that this transparency will “strengthen our democracy” (White House, 2009). This is what Obama believes transparency has the power to achieve, and it falls in line with the access to information that Diamond and Morlino (2004) highlight as key to accountability in democracy. President Obama’s track record is, perhaps, an example of not striking the right balance between what, and how much, to release. However, given that many of the steps he has taken, both in terms of transparency of existing programs and secrecy regarding proliferation of new programs such as drones, it does not seem likely that this is unintentional. Transparency relies on a strong civil society to use the information effectively, or press for it to be released (Etzioni, 2010); perhaps this lack of accountability is also indicative of the weakness of current American civil society and media.

#### Drones are a minor symptom of US militarism- the aff’s myopic focus solves nothing but obscures the bigger picture and enables militarism

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[Daniel, "Drones are a symptom, not a cause," 5-23-12, slouchingcolumbia.wordpress.com/2012/05/23/drones-are-a-symptom-not-a-cause/, accessed 9-2-13, mss]

Drones have yet to be used in a situation where a pilot of a manned strike platform would have been at serious risk from something besides a plane crash. In practice, in these kinds of campaigns the most vulnerable people are those operating on the ground to support drone operations, and more of them, not fewer of them, are brought in to support so-called drone wars. But does the lack of accident threat increase bellicosity? Not really, since again, in virtually all theaters of drone use, drone strikes occur where manned strikes or manned ISR support is also occurring. These aircraft are also at accident risk, yet they are often used alongside drones or to fulfill missions that drones also carry out. While again, on paper, drones remove these risk, in practice the kind of missions policymakers employ drones with does not suggest drones have significantly changed their calculus towards waging standoff strike campaigns. Policymakers are relying on drones The United States is only “relying” on drones in Pakistan, and even then, in Pakistan it’s also operating Counterterrorism Pursuit Teams on the ground and other proxy militia forces, and very likely receiving the kind of manned ISR support that drones very frequently do in Afghanistan (along with strike support in that theater, of course). The “unique capabilities” of drones do not change the calculus to actually initiate military action, they just change the relative logistical load of the operation. That’s not a revolution and that’s hardly enough evidence to suggest it significantly effects U.S. bellicosity or the accountability of warmaking by giving policymakers a cost free option for prosecuting strikes. In Yemen and Somalia, policymakers almost certainly are not relying on drones. The first drone strikes in Somalia did not occur until years after the U.S. had begun using JSOC ground forces, helicopters, gunships, and naval aircraft and ship fires to target the ICU and later al Shabaab. Even then, drones have yet to actually take over the duties of strike missions, as the F-15E squadron in Djibouti suggests. In Yemen, the strikes have generally been a mix of platforms that has ranged from drones, to seaborne fire missions, to manned aircraft. So it’s certainly not an undisputed fact that policymakers are relying on drones, even if this factor is publicly played up by the media and government alike. If anything, drones are over-emphasized to hide the very many people operating on the ground and in manned supporting strike and ISR platforms that are involved in these wars. It’s absolutely false to suggest that it’s casualty aversion or drone expendability which enables these conflicts, or otherwise policymakers would not be using manned missions in Yemen and Somalia (and they would probably be more willing to conduct high-value strikes when Pakistan clamps down on strikes). Farley suggests that policymakers are not casualty tolerant of air wars. This is false. In fact, the utter air superiority of U.S. forces has been invoked for the ease of conducting U.S. airpower interventions in the Balkans and Iraq after 1991. There’s significant evidence to suggest that policymakers consider aerial and naval assets writ large, along with deniable and covert SOF assets, more expendable than regular ground troops from the Army and the USMC. The record of U.S. military interventions suggests this. Casualty aversion from ground troops did not prevent the growth of an airpower mystique among policymakers which allowed for interventions in Bosnia, Kosovo, Iraq between 1991-2003, and later, Libya. The punitive use of aerial and standoff fires is extended to virtually all aerial assets, and in many cases policymakers are more eager to send manned aircraft against enemy air defenses than they are to send unmanned strike aircraft into contested areas. If Farley was arguing, as many other commentators have, that there is a general airpower mystique, that would be a much more plausible argument. But the conduct of U.S. military interventions since 1991 suggests that policymakers are not very worried about pilot casualties (even after the shoot-down of an F-16 in Bosnia and an F-117 in the Kosovo War), and drone strikes rarely occur when there’s a real threat of pilot casualties beyond the accidents that can afflict the manned strike and ISR assets used alongside them. Drones make policymakers more prone to use force This is highly unlikely. As I have noted, in Yemen, Somalia, and Pakistan, drone use has been dependent on both militarily and diplomatically permissive environments, and they are generally used alongside [non-drone]~~manned~~ assets, proxy forces, special operations, and security force assistance to other states. In other words, there are a variety of militarized options which are employed concomitantly which all suggest drone strikes were not the limiting factor in the U.S. choosing to find a variety of direct and indirect methods for covertly and overtly killing foes determined to be hostile to the country. Secondly, the fact that the U.S. also uses the Pursuit Teams and other covert actors in Pakistan suggests that the U.S. would still be trying to kill its enemies across the borders if drones were not available. In Yemen there isn’t convincing evidence that drones are the reason the U.S. chose to militarize its policy there, as the increase in strikes starting in 2009 came with an increase in [non-drone]~~manned~~ and naval strikes. In Somalia, drones are definitively not the reason the U.S. chose to militarize its counterterrorism policy there, as U.S. strikes in support of the American-backed Ethiopian invasion in 2006 were all of a manned variety. Thirdly, there’s little suggestion that drones are blinding policymakers to the virtues of riskier means of force, an example of which that Farley cites is SOF. But SOCOM has expanded enormously alongside the growth of the drone program, and SOCOM and JSOC are operating on the ground in far far more countries than we use drones! Not only that, but JSOC, CIA SAD operators, and proxy forces such as contractors, militia groups and foreign military forces are all in play in Yemen, Somalia, and Pakistan. Standoff strikes are always and everywhere just one prong of the U.S. counterterrorism strategy – even the kinetic aspects. If anything, the biggest advantage to policymakers of drones, in terms of initiating and continuing use of force, is that they allow policymakers to obscure and misinform the public and the international community – and each other – as to the extent of the military and covert campaign. But that’s not drones eluding accountability and enabling bellicosity, it’s secrecy and the management of public perceptions. The CIA had methods of doing this thing before today’s remotely-operated weapons were invented. Back in the day, when you wanted to avoid the bad publicity of USAF or USN platforms getting formally involved in “shadow wars” (and they often were anyway, as they very obviously are now), you started a secret air force. Former USAF or USN airframes, crewed and often even supported by foreign nationals or deniable covert operators. This was what happened in Cuba and the Congo. **Drones make very little difference in the ability of policymakers to militarize** U.S. **foreign policy** approaches. They are insufficient for action in military impermissive airspace, and they are almost always used alongside manned assets, and they are always used alongside covert ground or proxy forces. This is why I greatly admire the work of national security journalists (the first coming to mind being Jeremy Scahill and Marc Ambinder and D.B. Grady) who sketch out not simply the new hotness that is killer robots, but the full spectrum of direct and indirect methods that are by necessity and by preference used along side drone attacks, such as SOF, manned platforms, naval assets, spies, mercenaries, unsavory foreign security services, militias, warlords, and even terrorists previously targeted by the U.S. to attack America’s real and imagined enemies in places like Yemen and Somalia. **Criticism that exalts the mythical capabilities of drones** to conduct cost-free, casualty-free campaigns in fact **enables** to prosecution of **unaccountable wars**. Why? Because it’s not having the option of drones which make the policymakers responsible for determining the mission and demanding warheads put to foreheads decide to do so. If it was, then we’d see being drones used in the expendable, cost-free ways that our comprehensive strike campaigns and covert wars suggest is not occurring. Instead, the exaltation of these game-changing features of drones, which will be eagerly swallowed by the broader public, if not by critics of the war on terror, is often parroted by the fears of drone critics, which give policymakers the ability to obscure the extent of the “drone wars” and what is really going on**. It’s not drones that** decrease accountability or **increase bellicosity. It’s secrecy and bureaucratic politics**. Drones don’t truly offer any advantages in terms of secrecy or bureaucratic politics that did not already exist or are not being cultivated alongside drones by other branches of the military and intelligence community. Even the much-vaunted ability that drones give the CIA to conduct military-grade “secret wars” was pioneered aerially by the “instant air forces” of the Cold War that it set up, as well as other proxy assets with which the CIA can emply and is now employing in its modern shadow conflicts. The very same compartmentalization and secrecy that protect the drone campaign also protects the activities of [non-drone]~~manned~~ strike missions, SOCOM, CIA assets, and U.S.-backed proxy forces. Drones only marginally alter the kind of impunity that U.S. air superiority gave American policymakers to launch its airpower interventions of the 1990s and 2000s (themselves, as Carl Schmitt foresaw in the 1950s, an outgrowth of naval technology). What’s at least slightly novel about these campaigns is the way in which bureaucracies and secrecy have been utilized to obscure policymakers use of all manner of overt and covert strike, ground, intelligence and proxy assets from proxy criticism, even though even this was essentially cultivated during the Cold War. Perhaps some day in the future drone capabilities will improve enough that they will actually encourage the lack of accountability and bellicosity that critics blame for them. But the record of drone usage so far suggests that the evasions of accountability and enablings of bellicosity in question are equally available to [non-drone]~~manned~~ assets, standoff naval assets, and deniable covert assets. Drones have yet to be responsible for a single militarization of a U.S. CT campaign that would not have been militarized by the concomitant use of other assets. **They’re a symptom** of the post-Iraq decision to conduct comprehensive shadow conflicts against AQAM ( arguably pioneered in the Horn of Africa long before strike drones showed up), **not** from what we can observe in the conduct of drones so far, **a cause** of its direction. They are a useful instrument in the toolbox. But **it’s the toolbox, not any one tool** in it, **that’s shaping policy**. Giving the **drones** the kind of **hype** they receive **from critics** and proponents alike shifts debate **obscures what’s really** **allowing policymakers to conduct** today’s **wars.**

The theory of deterrence is wrong- they ignore cognative bias and relative perspectives- empirical examples like Pearl Harbor prove miscalculation

Larkin ’11 (Colonel Sean P. Larkin, USAF, is Commander of the Global Threat Analysis Group, National Air and Space Intelligence Center, at Wright-Patterson Air Force Base, Ohio, “The Limits of Tailored Deterrence”, issue 63, 4th quarter 2011)

Deterrence is back. Although the Cold War concept lost its centrality in security policy for many years, the United States embraced a modified version of it in its 2006 and 2010 National Security Strategies.1 The original concept of deterrence—preventing an attack by credibly threatening unacceptable retaliation—has been reborn as tailored deterrence. Tailored deterrence seeks to customize whole-of-government deterrence strategies to specific actors and scenarios. Ideally, this approach would address the flaws in rational deterrence theory, which assumes that adversaries will make decisions exclusively on the basis of the expected costs and benefits of a contemplated course of action. However, the U.S. approach to tailored deterrence largely ignores decades of theoretical development and criticism of rational deterrence theory. The Department of Defense (DOD) Deterrence Operations Joint Operating Concept (DO–JOC) describes a deterministic approach that combines rational deterrence theory with effects-based operations concepts. Consequently, tailored deterrence neglects some of the most important elements of contemporary deterrence theory, including the uncertainty and cognitive biases inherent both to intelligence assessments and to international relations. While deterrence remains relevant, the U.S. objective to “decisively influence the adversary’s decision-making calculus”2 overstates tailored deterrence’s potential and does not adequately acknowledge its shortfalls. The U.S. approach to tailored deterrence is flawed because of its reliance on two erroneous assumptions: that the Nation can reliably assess an adversary’s decision calculus, and that it can decisively influence an adversary’s choices. The United States must recognize that deterrence is a blunt instrument, not a scalpel, and modify its deterrence strategies accordingly. Deterrence Definition and Requirements The persistent popularity of deterrence can largely be attributed to its apparent simplicity. It is not difficult to understand the concept of intimidating or otherwise convincing an adversary not to take an action. DOD defines deterrence as “prevention from action by fear of the consequences. Deterrence is a state of mind brought about by the existence of a credible threat of unacceptable counteraction.”3 Theorists further subdivide deterrence into two categories: deterrence by punishment is the threat of retaliation if an adversary takes an action; deterrence by denial is the threat of successfully defeating an adversary’s action.Most theorists and practitioners agree on deterrence’s requirements. A deterring actor must communicate to an opponent a credible threat that is of sufficient magnitude to change the results of the opponent’s cost-benefit analysis.5 However, agreement on deterrence’s broad definition and requirements has not settled the long-running dispute over its effectiveness or proper role in national security policy. More than a half century of debate has produced a diverse, compelling, and incomplete collection of theories that cannot reliably predict or explain deterrence success or failure. Evolution of Deterrence Theory The advent of the nuclear age elevated the concept of deterrence to prominence in U.S. academic and governmental circles. Deterrence was particularly attractive to many American academics since it was consistent with the Realist school of international relations to which they already subscribed.6 Although deterrence was an old concept, the incomparably destructive power of nuclear weapons and Cold War bipolarity triggered a theoretical quest for a complete understanding of the art of intimidation. Robert Jervis adroitly categorized the development of deterrence theory into three waves.7 The first wave of deterrence theory emerged immediately after World War II as academics struggled to understand the implications of the atomic bomb for war and international relations. Bernard Brodie and others led the wave with their 1946 book, The Absolute Weapon, which presciently discussed the possibility of a nuclear arms race and remarked that in “the atomic age the threat of retaliation is probably the strongest single means of determent.”8 The authors grasped the Pyrrhic nature of victory in a nuclear exchange, leading to Brodie’s famous observation that the U.S. military must shift its focus from winning wars to averting them.9 The second wave of deterrence theory followed in the 1950s. Confronted with the nuclear-armed superpower standoff that first-wave theorists predicted, second-wave scholars sought to define how to prevent a disarming Soviet first strike. In 1958, Albert Wohlstetter warned that a small nuclear arsenal would be insufficient for deterrence, and counseled that “to deter an attack means being able to strike back in spite of it.”10 Thomas Schelling employed game theory to demonstrate that the probability of conflict between adversaries depends on their perceptions of each other’s intentions and their fear of being attacked first.11 Thus, a secure second-strike capability and clearly communicating a threat to retaliate became the bedrock of second-wave theory. These theorists also grappled with the concept of extended deterrence. Schelling considered deterrent threats to respond to an attack on the defender’s homeland inherently credible, while threats to extend deterrence to allies “must be made credible.”12 Second-wave theorists postulated several ways to make extended deterrence threats convincing, including maintaining a reputation of loyalty to one’s allies, stationing forces in defended countries, and convincing the adversary that retaliation would be essentially automatic. 13 Perhaps the most powerful aspect of second-wave extended deterrence theory was Schelling’s “threat that leaves something to chance.” This concept holds that ambiguous or implausible threats can still deter aggression between nuclear powers since even a conventional test of extended deterrence risks inadvertent nuclear war.14 Second-wave deterrence theory is also known as rational deterrence theory since it relies on specific assumptions about the actors involved. First, rational deterrence theory assumes that the actors are rational and that they will make choices that maximize their expected utility according to microeconomic theory. In other words, actors will always make decisions in order to maximize their gains and minimize their losses. Second, the theory relies on a principle explanatory assumption: the only difference between actors’ behavior stems from differing opportunities, not other influences such as culture or norms. Third, consistent with its Realist origins, second-wave theory assumes that states will behave as if they are unitary actors—the theory does not address leadership personalities or internal politics.15 In addition to rational deterrence theory’s three formal assumptions, there are several implied requirements. The theory is limited in scope since it only deals with hostile relationships between states.16 The theory requires that actors incorporate new information into their decisionmaking process, so they realize when a prospective gain has turned into a loss. Actors must also consider the probabilities of various possible outcomes when making a decision.17 Finally, the theory’s principle explanatory assumption implies that all actors have the same risk tolerance.18 Second-wave theory proved persuasive, and Washington dutifully implemented many of its prescriptions.19 The United States developed a large nuclear second-strike capability, strove to establish the credibility of its extended deterrence commitments, and occasionally attempted to make Moscow doubt Washington’s restraint.20 Second-wave deterrence theory provided a cost-effective way for the Nation to pursue the ends of its containment strategy. Robert Jervis identified the third wave of deterrence theory as beginning in the 1970s with the search for evidence to support or refute the second wave.21 The third wave successfully applied both empirical analysis and psychology to question the assumptions and implications of secondwave theory. Empirical analysis, most famously Alexander George and Robert Smoke’s 1974 Deterrence in American Foreign Policy, found that the history of conventional deterrence failures did not support the predictions of second-wave theory. Even when the theoretical conditions for success (that is, commitment, communication, and a credible threat) were met, deterrence often failed in the real world.22 Third-wave theory contended that the second wave failed to incorporate critical factors, including variations in the aggressors’ risk-taking propensity, utility of rewards in addition to threats, and influence of domestic politics on decisionmakers.23 The third wave also focused more analytical effort on the aggressor’s decisionmaking process as opposed to the second wave’s nearly exclusive emphasis on the credibility of the defender’s threats.24 Consequently, third-wave theorists sought to demonstrate that psychological factors often cause decisionmakers to behave in ways that contradict rational deterrence theory’s assumptions. Misperception is one of the most important psychological factors—the defender may misunderstand the threat, and the aggressor may fail to appreciate the defender’s resolve and/or capability to retaliate.25 Contrary to the requirements of rational deterrence theory, third-wave theory proposes that decisionmakers are not good at estimating risks and cannot make fine adjustments to cost-benefit analysis based on anything but the most drastic change in probabilities.26 Similarly, powerful cognitive biases affect both sides of the deterrence relationship. Since people prefer consistency to dissonant information, actors are likely to interpret new information in accordance with preexisting beliefs.27 Despite the success of the empirical and psychological approach in casting doubt on rational deterrence theory, third-wave theory did not resolve the deficiencies it identified. 28 No grand unified theory of deterrence emerged in the decades after Jervis identified the trend. Third-wave deterrence theory did not replace rational deterrence theory, but it did create an intellectual counterweight to its influential antecedent. Deterrence theory continued to evolve in concept and application as theorists and strategists reframed their views to reflect significant world events. The end of the Cold War shifted attention from the Soviet Union to deterring rogue states; the 9/11 attacks stimulated more discussion of deterring nonstate actors and their sponsors. Ultimately, the United States sought an approach that would apply to the entire spectrum of challenges. U.S. Policy and Tailored Deterrence President George W. Bush’s administration introduced the term tailored deterrence into U.S. national policy documents in 2006 with the release of the administration’s second National Security Strategy (NSS) and Quadrennial Defense Review (QDR). These documents represented a major shift in national security policy, as President Bush’s 2002 NSS had downplayed the effectiveness of deterrence and advocated preventive war to remove threats from rogue states.29 Four years and one such preventive war later, however, the Bush administration resurrected and reinvented deterrence. The 2006 QDR heralded a shift “from ‘one size fits all’ deterrence to tailored deterrence for rogue powers, terrorist networks and nearpeer competitors.”30 The QDR offered few details on how the new brand of deterrence would operate; the 2006 DO–JOC served this purpose. The Obama administration appears to have continued the Bush-era tailored deterrence policy unaltered. The 2010 NSS and QDR discuss tailored deterrence in much the same terms as their 2006 predecessors.31 According to the 2010 QDR: “Credibly underwriting U.S. defense commitments will demand tailored approaches to deterrence. Such tailoring requires an in-depth understanding of the capabilities, values, intent, and decision making of potential adversaries, whether they are individuals, networks, or states. Deterrence also depends on integrating all aspects of national power.”32 Defining Tailored Deterrence. Despite the change in administrations, the 2006 DO–JOC remains the definitive opensource description of the U.S. approach to tailored deterrence. U.S. Strategic Command (USSTRATCOM) led the creation of the document, but it reflects a DOD-wide concept that was approved by Secretary of Defense Donald Rumsfeld.33 Since its publication, USSTRATCOM leaders have repeatedly reemphasized the DO–JOC’s principles for “waging deterrence,” finding them “perfectly satisfactory” as recently as 2010.34 The DO–JOC seeks to describe how DOD will work with the rest of the U.S. Government to “decisively influence the adversary’s decision-making calculus in order to prevent hostile actions against U.S. vital interests.”35 The Nation must identify which adversaries it wishes to deter and what actions they are to be deterred from taking, then tailor operations to the characteristics of each adversary and scenario.36 The DO–JOC assumes that adversary decisions to act or not are based on deliberate calculations of the value and probability of the outcome of alternate courses of action. It also assumes that the United States can identify and assess at least some elements of each adversary’s decision calculus.37 Beyond these assumptions, the DO–JOC breaks the adversary decision calculus down into three elements: benefits of an action, costs of an action, and consequences of restraint (that is, what could happen if the adversary does not take the contemplated action). The DO–JOC also assumes that the United States will be able to influence at least some adversary “values and perceptions relevant to their decision-making.”38 It states that the methods the Nation will employ to achieve its ends will be “credibly threatening to deny benefits and/or impose costs while encouraging restraint.”39 The DO–JOC envisions military deterrence operations as part of a larger national deterrence strategy that integrates all elements of national power. These interagency activities are to be conducted on a daily basis during peacetime, crisis, and war.40 The DO–JOC purports to offer “a new approach to understanding the ways and means necessary to achieve the ends of deterrence.” 41 Despite the document’s use of an effects-based operations and transformational lexicon, however, the DO–JOC describes little that is new. When compared to its theoretical roots, tailored deterrence appears to be old wine in a new jar. What Theory Drives the Practice? The DO–JOC approach to tailored deterrence— “credibly threatening to deny benefits and/or impose costs while encouraging restraint”42— is an amalgam of second- and third-wave deterrence theory, heavily influenced by effects-based operations concepts. Denying benefits and imposing costs are simply alternate names for deterrence by denial and deterrence by punishment, respectively. Encouraging restraint incorporates Schelling’s and third-wave theorists’ ideas of offering the adversary reassurance or rewards for maintaining the status quo.43 The DO–JOC relies on many secondwave assumptions but rejects others in favor of third-wave considerations. Consistent with rational deterrence theory, the DO–JOC assumes that choices are based on rational calculations of the expected costs and benefits of an action. Similarly, the DO–JOC accepts second-wave theory’s implied assumption that actors will continually incorporate new information into their decision calculus. However, tailored deterrence rejects second-wave theory’s principle explanatory and unitary rational actor assumptions, requiring instead that each adversary be viewed as a complex system of unique decisionmakers. The DO–JOC also uses third-wave theory by allowing for variations in adversaries’ risk-taking propensities. Nevertheless, tailored deterrence largely ignores some of the most important elements of third-wave theory. The DO–JOC pays little attention to psychological factors that undermine deterrence, including cognitive barriers to perception and decisionmaking. The DO–JOC acknowledges and discusses several areas of uncertainty, but presents these ambiguities as solvable problems rather than inescapable fog and friction. The DO–JOC’s language indicates that tailored deterrence owes more to the deterministic concepts of effects-based operations than it does to the more Clausewitzian cautions of third-wave deterrence theory. Although effects-based operations concepts were never fully incorporated into joint doctrine, two elements that were absorbed— effects and systems perspective—had a profound impact on tailored deterrence. First, the DO–JOC states that deterrence planning must include identifying what effects the United States desires to have on an adversary’s decision calculus.44 The doctrinal use of effects leads the DO–JOC to seek measures of effectiveness in order to assess the success or failure of deterrent actions. The document initially acknowledges *the near impossibility* of measuring the contribution of deterrent actions to adversary restraint. However, the DO–JOC goes on quixotically to discuss how such elusive metrics should be constructed.45 This approach to assessment clearly emphasizes the deterministic perspective of effectsbased operations over the views of both second- and third-wave deterrence theorists, who maintain that deterrence success is difficult to assess in historical retrospect, much less in real time.46 Second, and more revealing, is the DO–JOC’s statement that “a systems approach to understanding the adversary and the operating environment underpins deterrence operations.”47 The systems perspective in joint doctrine emphasizes understanding an adversary by constructing models of interrelated systems in order to identify effects and centers of gravity.48 As many critics have pointed out, however, the systems approach is most appropriate for understanding and predicting effects on closed systems, such as electrical powergrids. Open systems, such as societies and national leadership structures, tend to defy both the systems approach to understanding them and deterministic, effects-based attempts to influence them.49 Assessing the Adversary Decision Calculus Tailored deterrence requires that the United States understand each adversary’s decision calculus with a high level of certainty in order to design deterrent actions that will achieve decisive influence over adversaries’ choices. However, tailored deterrence’s assumptions oversimplify the basis on which people make decisions. People make choices based in part on their perceptions of expected utility, but they are also influenced by other factors, including their personal perspectives and cognitive biases. Many of these factors are enigmatic even to the actors themselves, making the decision calculus exceptionally difficult to assess and leaving adversaries’ choices largely unpredictable. History *provides many examples of deterrence failures in which the defender misunderstood the adversary’s decision calculus* and was therefore surprised by an “irrational” action. Keith Payne cites the *Japanese attack on Pearl Harbor, China’s entry into the Korean War, and the Soviet deployment of nuclear missiles to Cuba* as examples in which U.S. estimates of the adversary decision calculus predicted the opposite outcome.50 Janet Gross Stein uses Egypt’s *1973 surprise attack against Israel and Iraq’s 1990 invasion of Kuwait* as other case studies of deterrence failures.51 In all these examples, the defenders assessed that their presumably rational adversary would refrain from action because upsetting the status quo would result in a net loss. However, the deterrence failures listed above cannot be attributed to irrationality. As Keith Payne observed, there is an often unappreciated difference between rational and reasonable decisionmaking.52 If actors are rational, they make decisions that logically link to their objectives. However, whether or not an actor’s decisions are reasonable is a matter of perspective. If an outside observer does not share or understand the adversary’s goals and values, the adversary’s decisions may appear unreasonable, and will therefore be unpredictable.53 Second-wave theory and tailored deterrence both correctly assume that irrational actors are rare, but fail to appreciate how little this assumption matters when compared to the impact of the actors’ divergent perspectives on a deterrence relationship. The Adversary’s Perspective. Opposing leaders frequently see the world uniquely because of the large differences in the leaders’ individual expectations and beliefs. Cognitive psychology shows that all people develop unique belief systems, or schemata, based on their experiences, to help organize and interpret information. These schemata are necessary to functioning in a complex world, but they also “constrain and condition how and what leaders perceive.”54 As a result of these differing contexts, leaders may interpret the same situation quite differently. For example, while the United States confidently concluded that China would stay out of the Korean War, Mao Zedong attacked the U.S. Eighth Army in North Korea because he probably believed China was being encircled by America.55 Leaders’ perceptions are also shaped by the mental shortcuts, or heuristics, that all people use to selectively process and recall information. One of the most powerful heuristics results in the availability bias—the tendency for people to interpret events in terms of other events they can easily remember. 56 This results in leaders being disproportionately influenced by historical events that they or their country experienced directly.57 Saddam Hussein’s perspective on combat in the Iran-Iraq War led him to disregard U.S. airpower; he similarly concluded from the U.S. experience in Lebanon that America was casualty averse and would not be able to remove him from Kuwait.58 Third-wave theory also maintains that domestic political considerations are often a critical factor in adversaries’ decisions. This factor is consistent with Jervis’s observation that leaders often make a decision based on one value dimension (for example, domestic politics) without fully considering its impact on other dimensions.59 Thus, Anwar Sadat’s primary concerns in 1973 were domestic politics, regaining lost honor, and the consequences of not attacking, rather than the probable military outcome.60 The Deterrer’s Perspective. In its estimation of the adversary decision calculus, the United States is constrained by the same cognitive barriers that influence an adversary’s viewpoint, as well as other **biases** that commonly **undermine intelligence analysis** and policymaking. Intelligence estimates are prone to the bias of mirror-imaging, which is the assumption that the adversary thinks and operates like the analyst’s country.61 Mirror-imaging is closely related to the availability heuristic, since when reliable intelligence is lacking, analysts and policymakers will tend to fill in the blanks with information that is readily recalled: their nation’s capabilities, plans, and intentions. For example, Israel’s emphasis on airpower drove it to judge Egypt’s readiness in 1973 by an Israeli standard. Due to this mirror-imaging, Israel ignored compelling evidence of an imminent Egyptian attack, believing that Sadat would be deterred at least until Egypt reconstituted its air force.62 Analysts also tend to be biased toward viewing the adversary’s actions as the result of centralized direction and to underestimate other explanations, such as coincidences, accidents, or mistakes.63 The centralized direction bias is particularly troublesome for the analysis of an adversary decision calculus since it causes analysts to “overestimate the extent to which other countries are pursuing coherent, rational, goal-maximizing policies” and to “overestimate the predictability of future events in other countries.”64 The power of this bias and the unpredictability of even a wellknown adversary were highlighted in 1962, shortly before the United States discovered Soviet nuclear missiles in Cuba. Washington erroneously concluded in a Special National Intelligence Estimate that the Soviet Union would not put offensive weapons in Cuba because such a move would be inconsistent with the observed patterns of Soviet behavior and American estimates of Nikita Khrushchev’s decision calculus.65 Decisionmakers may also be affected by motivated biases, which result from subconscious psychological pressure that distorts perception. Motivated biases differ from cognitive biases because the source of the error is the person’s fear and needs, rather than expectations or cognitive limits.66 This tendency results in defensive avoidance techniques to **selectively process information** that supports their favored policy to reduce anxiety. In May 1967, pressure from domestic and Arab constituencies probably motivated Egypt’s overestimation of its chances of winning a war with Israel. Egypt’s leaders initially assessed that war would result in low benefits and high costs. However, contrary to rational deterrence theory’s requirements, Egypt’s leaders reversed their estimate a few weeks later and chose war.67

#### Deterrence theory is incoherent and cannot account for human error and acting irrationally

#### Payne (their author), 2k3 National Institute for Public Policy President, DOD Forces Policy Deputy Assistant Secretary of Defense 2002-2003, Missouri State Defense and Strategic Studies Grad. Dept. Head, Nuclear Strategy Forum Co-Chairman, Comparative Strategy Editor-In-Chief, http://www.unm.edu/~gleasong/300/su2006/keith\_payne\_fallacies.pdf

The assumption of the Cold War deterrence framework, that deterrence will “work” in the context of secure and severe mutual threats because decision-making will be well informed, dispassionate, and rational cum reasonable, ignores or discounts the variety of factors illustrated above. A comparison of the Cold War deterrence framework with the incredibly broad spectrum of human motivations, goals, thought and values highlights the point that this framework cannot capture the reality of human decision-making. As a result, it is inadequate at best, and potentially grossly misleading.

The introduction of nuclear weapons to the mix of factors operating does not “fix” this problem. The tremendous lethality of nuclear weapons may usefully focus leadership attention on occasion. Even very lethal threats, however, cannot bring to an end the enormous capacity of leaders to have poor judgment, impaired rationality, to pursue “unreasonable” goals and embrace unreasonable values, to be ignorant, passionate, foolish, arrogant, or selectively attentive to risks and costs, and to base their actions on severely distorted perceptions of reality. As much as we might wish it not to be so, these factors play to some degree in virtually all crisis decision-making, and in some crises, they— not the particular character of the nuclear balance—will dominate decision-making. This conclusion ultimately calls into question confidence in the Cold War deterrence framework.

### I-Law

Universalization of I-law ignores the fragmented competing interests within the state that use I-law as a vehicle of Westen imperialism – nobody follows demands for “universal modeling”, turns solvency.

Trimble, Prof, of Law at UCLA, 1990 [Phillip, Stanford Law Review, Feb, REVIEW ESSAY: INTERNATIONAL LAW, WORLD ORDER, AND CRITICAL LEGAL STUDIES ]

In the same vein, the New Haven School approach assumes that a set of "common interests" of "the international community" exists, that government officials as well as "policy scientists" can discover these interests, and that international law doctrine should promote these interests. Chen repeatedly asserts that the "basic policy objectives for which the effective elites of the world maintain the global constitutive process of authoritative decision [i.e., policies pursued by government and other leaders in international affairs] are to promote the common interests of all peoples and to reject all claims of special interests. Professor Chen apparently has spent little time with politicians and government officials. It is not even clear how he would reconcile this recommended "standpoint" of a national decisionmaker with political accountability and democratic theory. The New Haven analysis is fundamentally deficient in two major interrelated respects. First, it assumes a single international community, and, second, it attributes to that community the values and interests that match closely the Utopian policy prescriptions of American idealists in the post-World War II era. These supposedly common interests of the international community turn out to be another label for Western liberal values: The international law enterprise thus becomes a vehicle for Western cultural imperialism. For example, Chen argues that [\*816] Third Wprld demands for a new information order, under which the content of news and activities of the media would be more closely controlled by governments, "must not be at the expense of the classic concern for individual freedom." He also points out that the "capital- importing countries ... need the cooperation of the capital-exporting countries ... [which] cannot be expected without adequate assurance of safety and return." Consequently, property rights of multinational corporate interests must be seen as part of the "common interest" to be expressed in the "desired world public order of human dignity." n32 Western-type cultural imperialism may well be desirable, but to masquerade it as accepted, universal law only serves to reinforce the perception of international law as naive, Utopian, and unconnected with the real world. In fact many international communities — of diplomats, commodity brokers, human rights activists, mountain climbers, and so on ~ exist with their own distinctive values, practices, and belief systems. Despite modern communication, transportation, and the haunting image of the whole earth photographed from outer space, however, we have no common, generally accepted world ideology that would give meaning to the term "international society." There is no generally shared story of origins and history, no general political organization, and little economic integration and social interaction. In short the characteristics of a generally unified society are lacking. Perhaps a true general "society" would not need all these characteristics, but planet earth does not yet approach any of them.

International Law is a rigged system of western domination- it maintains Western global control, establishes a hierarchy of culture, and spreads capitalist exploitation

Makau Mutua Professor of Law, State University of New York at Buffalo School of Law and Director of Human Rights Center at SUNY, 2000 [ Villanova Law Review, 45 Vill. L. Rev. 841 ]

In contrast to CRT, international law is the system, the jurisprudence of "insider" groups and dominant global interests. It is the normative center and the legitimating code of conduct for international society. Rooted in a deep-seated sense of European and global predestination, international law is founded on European biases that treat the universe as a theater for European and North American military, political, economic and cultural interests. n27 This global, white European supremacy over non-European peoples is premised on Europe as the center, Christianity as the fountain of civilization, the innateness of capitalist economics, and political imperialism as a necessity. n28 In this scheme of international law, Europe is the geographical center of the world, the point of reference; every other country or region is described as "remote" - the "Far East" or the "Middle East" - all relationships to their location to Europe. Christianity is the moral and naturalist foundation of civilization, and the reason without which full humanity is unattainable; thus, the coupling of Christianity to the colonial project and the fusion of church, state and empire are achieved. Capitalism is constructed as innate in humans, and, therefore, the basis for the regimes of the ownership, protection and distribution of global resources. Finally, political imperialism is an indispensable paradigm in the ordering of the relationship between Europeans and non-Europeans, with the manifest duty of the European to convey the gifts of civilization to backward and uncivilized races. International law orders the world into the European and the non-European, and gives primacy to the former. This is done by creating the [\*8501 notion of the hierarchy of cultures and peoples. The fundamental principles of international law evidence this inflexible view of the discipline. Sovereignty and statehood are defined in such a way as to exclude or subordinate non-European societies. n29 Membership in international society is a prerogative of European powers, which alone decides who belongs to this international society and can therefore enjoy the privileges of international law. The creation and re­creation of states, as well as their recognition, has largely been a prerogative of the American-European alliance. In 1967, for example, the "international community" refused to recognize Biafra, the Ibo- dominated state, which broke off from the Nigerian post-colonial state, even though Tanzania and several other African states made a strong case for secession. n30 In contrast, no hurdles prevented European states in the early 1990s from recognizing the states resulting from the fall of the Soviet Union and the collapse of Yugoslavia. n31 What the world has witnessed in the last five centuries is the universalization of an international law that is particular to Europe and seeks not universal justice, but an international legal order that erects, preserves and embraces European and American domination of the globe. It is impossible to provide any other reading for the racialization of international law by its chief authors, the Europeans and the Americans.

Climate change is not anthropocentric and isn’t just the extinction of humanity—climate change is a product of white culture and means the extinction of minorities—their neutral representations of climate make warming inevitable

Wynter, ‘07 [2007, Sylvia, Professor Emeritus in Spanish and Romance Languages at Stanford Univeristy, “The Human being as noun? Or being human as praxis? Towards the Autopoietic turn/overturn: A Manifesto,” otl2.wikispaces.com/file/view/The+Autopoetic+Turn.pdf]

#### For if, as Time magazine reported in January 2007 (Epigraph 2), a U.N. Intergovernmental panel of Natural Scientists, were soon to release "**a smoking-gun report which confirms that human activities are to blame for global warming**" (and thereby for climate change), and had therefore predicted "catastrophic disruptions by 2100," by April, the issued Report not only **confirmed** the above, but also repeated **the major contradiction** which the Time account had re-echoed. **This contradiction, however, has nothing to do in any way with the rigor, and precision of their natural scientific findings**, but rather with the contradiction referred to by Derrida's question in Epigraph 3—i.e., But who, we? That is, **their attribution of the non-natural factors driving global warming and climate change to, generic human activities, and/or to "anthropocentric forcings"; with what is, in effect, this mis-attribution then determining the nature of their policy recommendations to deal with the already ongoing reality of global warming and climate change, to be ones couched largely in economic terms**. That is, in the terms of our present mode of knowledge production, and its "perceptual categorization system" as elaborated by the disciplines of the Humanities and Social Sciences (or "human sciences") and which are reciprocally enacting of our present sociogenic genre of being human, as that of the West's Man in its second Liberal or bio-humanist reinvented form, as homo oeconomicus; as optimally "virtuous Breadwinner, taxpayer, consumer, and as systemically over-represented as if it, and its behavioral activities were isomorphic with the being of being human, and thereby with activities that would be definable as the human-as-a-species ones. Consequently, **the Report's authors because logically taking such an over-representation as an empirical fact**, given that, as highly trained natural scientists whose domains of inquiry are the physical and (purely) biological levels of reality, although their own natural-scientific order of cognition with respect to their appropriate non-human domains of inquiry, is an imperatively self-correcting and therefore, necessarily, a cognitively open/open-ended one, nevertheless, **because in order to be natural scientists, they are therefore necessarily, at the same time, middle class Western or westernized subjects, initiated** 15 as such, **by means of our present overall education system and its mode of knowledge production t**o be the optimal symbolically encoded embodiment of the West's Man, it its second reinvented bio-humanist homo oeconomicus, and therefore bourgeois self-conception, over-represented as if it were isomorphic with the being of being human, **they also fall into the trap** identified by Derrida in the case of his fellow French philosophers. The trap, that is, **of conflating their own existentially experienced (Western-bourgeois or ethno-class) referent "we," with the "we" of "the horizon of humanity." This then leading them to attribute the reality of behavioral activities that are genre-specific to the West's Man** in its second reinvented concept/self-conception as homo oeconomicus, ones that are therefore as such, as a historically originated ensemble of behavioral activitiesas being ostensibly human activities-in-general. **This, in spite of the fact that they do historicize the origin of the processes that were to lead to their recent natural scientific findings with respect to the reality of the non-naturally caused ongoing acceleration of global warming and climate change, identifying this process as having begun with the [West's] Industrial Revolution** from about 1750 onwards. That is, therefore, as a process that can be seen to have been correlatedly concomitant in Great Britain, both with the growing expansion of the largely bourgeois enterprise of factory manufacturing, as well with the first stages of the political and intellectual struggles the British bourgeoisie who were to spearhead the Industrial Revolution, to displace the then ruling group hegemony of the landed aristocracy cum gentry, and to do so, by inter alia, the autopoetic reinvention of the earlier homo politicus/virtuous citizen civic humanist concept of Man, which had served to legitimate the latter's traditionally landed, political, social and economic dominance, in new terms. This beginning with Adam Smith and the Scottish School of the Enlightenment in the generation before the American, French, and Haitian (slave) revolutions, as a reinvention tat was to be effected in now specifically bourgeois terms as homo oeconomicus/and virtuous Breadwinner. 116 That is as the now purely secular genre of being human, which although not to be fully (i.e., politically, intellectually, and economically) institutionalized until the mid-nineteenth century, onwards, when its optimal incarnation came to be actualized in the British and Western bourgeoisie as **the new ruling class, was, from then on, to generate its prototype specific ensemble of new behavioral activities, that were to impel both the Industrial Revolution, as well as the West's second wave of imperial expansion, this based on the colonized incorporation of a large majority of the world's peoples, all coercively homogenized to serve its own redemptive material telos, the telos initiating of global warming and climate change**. Consequently, if the Report's authors note that about 1950, a steady process of increasing acceleration of the processes of global warming and climate change, had begun to take place, this was not only to be due to the Soviet Revolution's (from 1917 onwards) forced march towards industrialization (if in its still homo oeconomicus conception, since a march spearheaded by the 116 See the already cited essay by J.G.A. Pocock "symbolic capital," education credentials owning and technically skilled Eastern European bourgeoisie)—as a state-directed form of capitalism, nor indeed by that of Mao's then China, but was to be also due to the fact that in the wake of the range of successful anti-colonial struggles for political independence, which had accelerated in the wake of the Second World War, because the new entrepreneurial and academic elites had already been initiated by the Western educational system in Western terms as homo oeconomicus, they too would see political independence as calling for industrialized development on the "collective bovarysme "117 model of the Western bourgeoisie. Therefore, **with the acceleration of global warming and climate change gaining even more momentum** as all began to industrialize on the model of homo oeconomicus, with the result that by the time of the Panel's issued April 2007 Report **the process was now being driven by a now planetarily homogenized/standardized transnational "system of material provisioning or mode of techno-industrial economic production** based on the accumulation of capital; as the means of production of ever-increasing economic growth, **defined as "development**"; with this calling for a single model of normative behavioral activities, all driven by the now globally (post-colonially and post-the-1989-collapse-of-the-Soviet Union), homogenized desire of "all men (and women) to," realize themselves/ourselves, in the terms of homo oeconomicus. **In the terms, therefore, of "its single (Western-bourgeois or ethno-class) understanding" of "man's humanity," over-represented as that of the human; with the well-being and common good of its referent "we"—that, not only of the transnational middle classes but even more optimally, of the corporate multinational business industries and their financial networks**, **both indispensable to the securing of the Western-bourgeois conception of the common good**, **within** the overall terms of the behavior-regulatory redemptive **material telos of ever-increasing economic growth**, put forward as the Girardot-type "cure" for the projected Malthusian-Ricardo transumed postulate of a "significant ill" as that, now, ostensibly, of mankind's threatened subordination to [the trope] of Natural Scarcity, this in the reoccupied place of Christianity of its postulate of that "ill" as that of enslavement to Original Sin."' **With the result that the very ensemble of behavioral activities indispensable, on the one hand, to the continued hegemony of the bourgeoisie as a Western and westernized transnational ruling class, is the same ensemble of behaviors that is directly causal of global worming and climate change, as they are, on the other, to the continued dynamic enactment and stable replication of the West's second reinvented concept of Man**; this latter in response to the latter's existential imperative of guarding against the entropic disintegration of its genre of being human and fictive nation-state mode of kind. Thereby against the possible bringing to an end, therefore, of the societal order, and autopoetic living Western and westernized macro world system in it bourgeois configuration, which is reciprocally the former's (i.e., its genre of being human, and fictive modes of kind's condition of realization, at a now global level. This, therefore, is the cognitive dilemma, one arising directly from the West's hitherto unresolvable aporia of the secular, that has been precisely captured by Sven Lutticken in a recent essay. Despite, he writes, "the consensus that global warming cannot be ascribed to normal fluctuations in the earth's temperature... **[the] social and political components of this process have been minimized; man-made nature is re-naturalized, the new (un)natural history presented as fate." And with this continuing to be so because** (within the terms, I shall add, of our present "single understanding of man's humanity" and the unresolvable aporia which it continues to enact), **"[t]he truly terrifying notion is not that [global warming and climate change] is irreversible, but that it actually might be reversible—at the cost of radically changing the economic and social order...**"119 **The changing, thereby, of the now globally hegemonic biologically absolute answer that we at present give to the question to who we are,** **and of whose** biohumanist homo oeconomicus **symbolic life/death** (i.e., naturally selected/dysselected) code's intentionality of dynamic enactment and stable replication, **our present "economic and social order" is itself the empirical actualization.**

Water war scenario planning creates a self-fulfilling prophecy and reactionary militarization---ensures violent reactions that turn the case and cause global wars---only the alt solves the root cause

Guslits 11 (Bayly Guslits Political Science Department University of Western Ontario “The War on Water: International Water Security” February 28, 2011http://centreforforeignpolicystudies.dal.ca/pdf/gradsymp11/Guslits.pdf)

The world is facing a water crisis, but there is still much that can be done to address the problems causing the emergency. First, "securitization" of the water crisis can become a self-fulfilling prophecy if it is not approached from a holistic viewpoint that takes into consideration ecological, human and state water security needs. If academics and policymakers continue to debate over whether the "water wars" scenario will ever come true, states may take this as a cue to securitize and militarize their water resources, and this will certainly lead to political and even violent conflict. However, if instead policymakers and government leadership use a holistic and diplomatic approach to address ecological and human water needs sustainably, international water security can be achieved. Whether this approach is branded a "post-security" or "environmental security" paradigm, the ultimate goal lies in changing policy and practice to address the root causes of water scarcity, and thus ensure water availability for environmental and anthropogenic purposes.

Securitization of water causes militarization

- Du Plessis ‘2k (Anton du Plessis, 2k (“Charting the Course of the Water Discourse through the Fog of International Relations” in the book Water Wars: Enduring Myth of Impending Reality?, page. 23-25)

In considering the problematique endangering peace, stability and progress, the emphasis is of course on ‘water wars’, on the threat water-related contingencies pose to security, and on water insecurity. In the description of ‘water wars’, and as a manifestation of system dysfunction, the notion of interstate war based on necessity is commonly used as a point of departure (e.g. Chonguiça 2000; Meissner 2000; Turton 2000). However, all these contributions extend the notion well beyond interstate interaction. This is particularly true of Turton (2000), who presents an overview that also contains social-historical, structural and virtual conceptualisations, thus departing from the conventional wisdom, but without making a quantum leap. This conceptualisation of ‘war’ as a manifestation of water-induced conflict ties in with the notion of security, which also provides ample evidence of, and a sensitivity towards, the ‘new’ security paradigm which extends traditional state-centric and military security to common or human security (e.g. Chonguiça 2000; Meissner 2000; Turton 2000). A charge that these conceptualisations involve a militarisation of water would be unwarranted and unjustified. However, a securitisation of water takes place by implication, thus drawing in the military. The Homer-Dixon thesis is subscribed to in respect of the causal relationship between water scarcity and societal violence. What is advocated as a solution or management alternative is a combination of the enhancement of adaptive capacity-building (eventually requiring water complexes or regimes) and lateral expansion (Turton 2000). The centrality of the state as a unit-level still underpins these options. Turton (2000) does, however, depart significantly from a state-centric focus, inasmuch as society is elevated to a primary unit-level in respect of the development of second-order responses to water insecurity. However, this stretches the parameters of the prevailing paradigm, without tearing it or moving beyond it.

## 2NC – Agamben

## 2NC Agamben

### Alt

#### It is the process of stripping identies to engage in guerilla warfare against the state – it spills over, making transformational change possible- bottom-up anti-drone movements challenge US militarism

Zeeze, 13 -- JD, Occupy Washington DC organizer

[Kevin, and Margaret Flowers, It’s Our Economy co-director, "Building Mass Resistance against New World Order Economic Austerity," 5-24-13, www.globalresearch.ca/building-mass-resistance-against-new-world-order-economic-austerity/5336278, accessed 9-1-13, mss]

“We are in the midst of the pre-history of historic transformational change that will end the rule of money.” This was a week that exemplified the historic moment in which we live. We will look back at these times and see the seeds of a national revolt against concentrated wealth that puts profits ahead of people and the planet. Not only were there a wide array of resistance actions, but activists against the Guantanamo prison and drone strikes scored partial victories on which we much continue to build challenges to US empire and militarism. Mike Lux, who authored a history of the movements of the 1960s, wrote this week that when he researched his book he “was struck by the fact that so many big things happened so close together.” Comparing that moment to today he writes, “We are living in such a moment in history right now, that organizers and activists are sparking off each other and inspiring each other, that there is something building out there that will bring bigger change down the road.” That is how we felt as we watched and participated in this week’s unfolding. We began the week prepared to focus our attention on the amazing teacher, student and community actions that were occurring in defense of schools. In Philadelphia, there was a giant walk-out of schools last Friday as students demanded their schools remain open and be adequately funded. The photos of young people fighting for the basic necessity of education were an inspiration. That was followed by three days of protests in Chicago that were equally inspiring, students organized and communities came together to fight for education. Though corporate-mayor Rahm Emanuel’s carefully selected board voted to close 50 elementary schools and one high school (while the city funds the building of a new basketball stadium), the Chicago activists say they are not done. They are just getting started. It is that kind of persistence that wins transformation. These school battles are part of a national plan to replace community schools with corporatized charter schools. The battles of Chicago, Philadelphia and other cities are all of our battles. Then there were the college students, who inspired us with their bravery especially because they were not fighting for themselves but for the students who come after them. At Cooper Union, students are in their second week of occupying the school president’s office. As the sit-in grew to more than 100, they garnered increasing community support. The school is about to begin to charge tuition, ending the nearly two century mission of its founder for free higher education. The students protesting will get free tuition; they are protesting for the students who follow. While they are sitting in, they are painting the president’s offices black and will continue to do so until he resigns his $750,000 a year job. Thousands have signed a “no confidence” petition against the president and board chairman. We believe that a country that really believed in its youth and was building for its future would provide free post-high school education, college or vocational school, to young adults rather than leaving them crippled by massive debt. As the week went on, more Americans stood up and showed their power. On Monday, people who have lost their homes to foreclosure or are threatened with foreclosure, along with their allies, began an occupation of the Department of Justice. Some of them joined us first as guests on our radio show on We Act Radio. Afterwards, we went to Freedom Plaza where they rallied. The coalition was a great mix of people of different ages, races and regions who were angry, organized and prepared. They marched down Pennsylvania Ave. to the Department of Justice to demand that Attorney General Eric Holder prosecute the bankers who collapsed the economy and stole their homes. They blocked the doors at the Department of Justice and put up tents emblazoned with “Foreclose on Banks Not on People,” put up a home with “Bank Foreclosed” over it and blocked the streets with orange mesh saying “Foreclosure and Eviction Free Zone.” As evening came, they moved their tents onto DOJ property, brought in a big couch and prepared to stay the night – and some did. By the third day of protests, they moved to Covington and Burling, the corporate law firm that spawned Eric Holder and where the DOJ official in charge of prosecuting the banks, Lenny Breuer, who did not prosecute a single big bank now gets a $4 million annual salary. In Congress the DOJ could not justify their claim that prosecuting the big banks would hurt the economy. The Home Defenders League/Occupy Our Homes actions broke through in the media as you can see at the end of this photo essay. We particularly enjoyed the coverage in Forbes – someone claiming to be Jamie Dimon was arrested in DC – reporting on protesters who gave the name of banksters when they were arrested. The police responded aggressively, which often attracts media coverage, including the tasering non-violent protesters. And, we were pleased to see local groups, like Occupy Colorado, highlighting the efforts of their colleagues who came to DC. But, action in the nation’s capital did not end there. There was also a massive walkout of food service workers across the city. The strike began at the building named for the famed union-destroying president, the Ronald Reagan Building, and then moved on, with a particular focus on Obama – the largest employer of low-wage workers. Obama could end poverty federal wages with a stroke of the pen. Will he? DC is the sixth city to see low-wage workers striking, New York, Chicago, Detroit, St. Louis, and Milwaukee, came before the Capital. Communities have stood with the workers when employers threatened their jobs and people now need to do the same for the DC workers who are being threatened with job loss, please take action to support them. And, coming up is the Wal-Mart workers’ “Ride for Respect” to the annual shareholders meeting on June 7 which emulates the Freedom Riders. Actions are happening throughout the country. In Illinois, so far two people have been arrested at a sit-in in the capitol building to support a ban hydro-fracking. And, the reaction to the call for a fearless summer by front-line environmental groups has been very strong. They are working together to plan major actions throughout the summer escalating resistance against extreme energy extraction. Pressure is building in the environmental movement which now recognizes Obama is part of the problem, not part of the solution. Groups like 350.org that avoided protesting Obama, are now protesting his “grass roots” group, Organizing for America. And, more is coming. At the end of the week people who have been marching to Washington, DC from Philadelphia as part of “Operation Green Jobs” will arrive to protest at the corporate bully of the capital – the US Chamber of Commerce – uniting the masses in opposition to the corporate lobbyists. Their long walk to DC echoes a walk last week by people from Baltimore seeking jobs and justice. This Saturday will be the worldwide March Against Monsanto in 41 countries and nearly 300 cities. We published an article in Truthout that explains why we should all protest Monsanto on May 25. This is a great example of non-hierarchical organizing as this protest was called by young grass roots activists and supported by Occupy Monsanto. One of the things that let us know the popular revolt is more powerful than we realize is the reaction of the power structure. The Center for Media and Democracy issued a report this week that examined thousands of pages of documents which showed how the national security apparatus against terrorism combined with corporate America to attack the occupy movement. And, in Chicago one of the undercover police involved in the NATO 5 case, is still spying, now on students and teachers protesting school closures. If they did not fear the people, would the power structure be behaving this way? But, when you read reports about police acting in this undemocratic way, don’t forget that many of them do not like doing what they are ordered to do and that pulling them to join the popular revolt is part of our job. A mass movement needs people from the power structure to join it in order to achieve success. We highlight one this week, Officer Pedro Serrano of New York who took the great personal risk of taping his superiors as part of an effort to end the racist ‘stop and frisk’ program of the NYPD. And, it is great to see people planning ahead. We got notice this week from activists in Maine planning for an October Drone Walk. The anti-drone movement and Guantanamo protests have had very positive effects. This week, President Obama had to admit that he killed four Americans with drones, mostly by accident – even though the DoD claims drones are accurate. Also this week, activists filed a war crimes complaint against Obama, Brennan and other officials seeking their prosecution. And Thursday, Obama was forced to make a public speech at the National Defense University about both the drone program and Guantanamo Bay Prison. Medea Benjamin of CODEPINK, interrupted the speech several times such that the President had to acknowledge her and she asked powerful questions as she was escorted out by security. [See video and transcript.] As she was escorted from the room Obama acknowledged: “The voice of that women is worth paying attention to.” Guantanamo activists responded to the president saying “no more excuses” and vowed to keep the pressure on! So, just as author Mike Lux saw in the 60s, there is a lot going on, lots of issues coming to a head at the same time and people taking action to confront them. How do we get to the next phase of popular resistance? Long time writer on movements and transformational change, Sam Smith, the editor of Progressive Review wrote “The Great American Repair Manual in 1997,” we reprinted a portion of it this week: A Movement Manual. The essence: movements are “propelled by large numbers of highly autonomous small groups linked not by a bureaucracy or a master organization but by the mutuality of their thought, their faith and their determination.” He recommends: organize from the bottom up, create a subculture, create symbols, develop an agenda and make the movement’s values clear. He also recommends becoming what you want to be – become an existentialist – writing “existence precedes essence. We are what we do.” As far as building community power, we recommend this video from “The Democracy School” on how to use local governance to challenge corporate power.” Do not despair when the media says there is no popular resistance. We have been covering the actions of the movement with weekly reports since 2011 and even before the occupy movement began, we saw Americans beginning to stand up. We knew it was the right time for occupy and we now see it is the right time for a mass popular resistance. We will be announcing a new project in mid-June to help bring the movement to a new level. Sign up here to hear about it and how you can help. To create the transformative change we want to see, we need people to get involved. We agree with Mike Lux who writes: “just as it took several years for the seeds planted in those 18 months in the early ’60s to take root and begin to bring about the changes of the years to come in terms of civil rights, women’s rights, and the environment, it will take several years for the seeds being planted now to fully take root. But I believe more and more that it will happen.” The government responds with police force and ignores the demands of the people. Super majorities of Americans agree with the views of the popular resistance, even if they are not yet acting. This is a recipe for a mass eruption of movement activity. We are in the midst of the pre-history of historic transformational change: a transformation, which will end the power of money to ensure that the people and planet come before profits.

#### The alternative is the only effective means of breaking down militarism – even the military acknowledges that it cannot continue its violence without public support.

Taylor, 9 (Diana, Professor of Performance Studies and Spanish @ NYU, “Afterword: War Play,” PMLA, October, p. 1886-1895)

And war seeps back into aesthetic frameworks.¶ Avant-garde¶ is originally a military¶ term, meaning the advanced guard of an¶ army. Rendition referred to surrender before¶ it meant performance. Now rendition¶ is synonymous with dark sites and criminal¶ warfare. The blurring of boundaries between¶ militarism and play, and between scenarios¶ and the real, allows the performance of¶ power to reach very different audiences. The¶ media ensure that militarism reaches their¶ own theater of operations—public opinion.¶ Counterinsurgency, the 2006 field manual¶ (FM3-24) put out by the United States Army and Marine Corps, makes it clear in the first¶ paragraph of the introduction: enemies of the United States cannot confront its military with conventional weapons; the military is too powerful. So “they try to exhaust U.S. national will, aiming to win by undermining and outlasting public support. Defeating such¶ enemies presents a huge challenge” (ix). The “decisive battle,” as one commentator put it,¶ “may take place, not in the streets of Baghdad, but in the living rooms of America.”11 We, the imagined audience, are the target; our resolve is the weak link.12

### Drones – A2 Perm do both

#### 4.) Masking disad – entrenches imperial power structures of domination.

Douglas-Bowers, 13 -- Hampton Institute Politics and Government Department Chair

[Devon, "Beyond Drones: Combating the System of Militarism and Imperialism," Foreign Policy Journal, 8-7-13, www.foreignpolicyjournal.com/2013/08/07/beyond-drones-combating-the-system-of-militarism-and-imperialism/, accessed 8-30-13, mss]

On September 11th, I will be attending an anti-drone demonstration in Union Square, NYC. This will be my first protest and I am quite excited. Obviously, the main goal of this demonstration is to protest against the use of drones around the world which kill innocents under the guise of attacking terrorists. While I welcome this protest, we must realize that this demonstration is not enough; that focusing on drones is not enough. We must battle the ‘War On Terror’ overall, as drones are only a small part of that. The global drone attacks started under Bush and have continued and massively expanded under Obama, with Obama going so far as to assassinate four US citizens (officially speaking). Yet, while this is extremely problematic, it is a symptom of America’s global militarism. Contrary to popular thinking, this global militarism didn’t start in the Bush era, but rather in the time of FDR, with World War II, and has continued and intensified since then. The US has, overtly, either already been involved in or started new wars/conflicts every single decade since the 1940s. This has created destruction all over the world, not just physically in terms of destroyed infrastructure, but mentally[1], historically[2], economically[3], and socially[4]. However, the problems go beyond just the military sphere. It has leaked into American society, and specifically into the social realm and how the American people relate to our government. Socially, this militarism has gone and allowed Islamophobia and anti-Arab racism to flourish in American society. It can be seen in everything, from attacks on mosques[5] to anti-Muslim ads[6]. This hatred and racism has heavily infected every part of our society to the point where it is seen as “OK” for TV pundits to spew anti-Muslim hatred. Americans’ relationship with their government has greatly changed ever since the ‘War on Terror’ was launched. While the government had previously spied on American citizens[7] (and even assassinated some[8]), it was mainly on those whom the government deemed a threat to the status quo. Now, the situation has become much more drastic, with the government spying on all US citizens[9], and has given itself the legal authority to not only indefinitely detain them without trial[10], but also to assassinate them (Assassination on US soil is still possible, given the fact that there are problems with Attorney General Holder’s letter to Rand Paul.[11]). At every level, the very people who are supposed to represent Americans have been complicit in allowing Americans to be spied upon and their civil liberties to be destroyed.[12] There has been such a breakdown in the rule of law that there are even secret interpretations of law[13] that the American people can be subjected to, but not know of. This growing authoritarianism must be confronted as well. Economically, corporations have profited quite handsomely[14] from the continuous wars of aggression around the world, as well as from the business of spying on Americans[15]. They are only able to do this because there is an economic incentive to create weapons of war and espionage, and to use those to great effect. In order to fight against militarism more broadly, such companies should be targeted for boycotts, and information campaigns should reveal to the public exactly who these companies are and how they are profiting off exploiting their customers’ information. There is a psychological battle to be held as well. The American people have become accustomed to their country being in a perpetual state of war. In many ways, some have become complacent at best, and, at worst, will actually support the ‘humanitarian interventions’ launched by the Obama administration. Just like with the drone debate, we should also work to have people realize that, while the names and terminology may have changed, the death and destruction have remained the same. This is especially important for those on the left, as there are many liberals whose hypocrisy has been revealed by condemning Bush’s wars of aggression, but support interfering in the affairs of sovereign nations now that Obama is at the helm. We must combat these hypocritical and uninvolved minds, lest we allow these problems to perpetuate. We must combat what Martin Luther King Jr. called “the giant triplets of racism, militarism, and economic exploitation” if we are to mount a truly successful attack on the drone war. The drone wars are a byproduct of the ‘War on Terror’ and its associated effects at home and abroad. If we do not look at this interconnected system, we will, in a way, be wasting our time as we will only be cutting off a branch of a tree rather than getting to the roots. We must go beyond drones.

#### 6.) Authority disad – need to question the basis of political power to effectively restrict.

Beier, 11 – McMaster University political science professor

[J. Marshall, "Dangerous Terrain: Re-Reading the Landmines Ban through the Social Worlds of the RMA," Contemporary Security Policy, 32:1, April 2011, 159-175, accessed 9-12-13, mss]

Although turned to a more progressive purpose, the rhetorical /discursive strategies of the landmine ban effect and work through a similar disturbance of sites of responsibility. The success of the mine ban movement owes in no small measure to the marking of antipersonnel landmines as 'bad' weapons - a move that has enabled even states that have widely used mines to join in denouncing them as a humanitarian scourge without simultaneously repudiating recourse to militarized violence more generally. At the campaign level and with the specific practical objective of securing the broadest possible ban on landmines, this was a very well conceived approach. Indeed, had this strategy not been adopted, it is unlikely that the movement would have swayed many - if any - states to the cause. But practically expedient though it may have been, it is also contingent on putting responsibility out of sight. Like errant cruise missiles. landmines intend nothing. What makes them bad, then, speaks not of disposition, but rather a technological limitation resulting in an objective property of indiscriminacy. While this might at first seem suggestive of the need for a technological solution. recall that, in deference to the goal of a com- plete prohibition, the mine ban movement quite rightly worked to foreclose the possi- bility of recourse to "˜smart mines`. Though this might appear to mark it decidedly apart from the war-enabling technologies of the RMA and their part in refashioning the bases of legitimacy in contemporary warfare, the mystification of responsibility so crucial to the ban reveals some disturbing points of intersection. On first gloss, the approach of the mine ban movement seems quite clearly to disavow any recourse to "˜better` technology as a fix for landmine indiscriminacy. The importance of this cannot be overstated since, as has been the case with the RMA, distinguishing between "˜good` and "˜bad` weapons raises the spectre of a like distinction in terms of the conduct of those who use them - a distinction not always well sustained by the actual consequences of their use. In refusing to concede that some mines might be less pernicious than others, therefore, the move- ment simultaneously refused all bases of legitimacy in mine use that might otherwise have been claimed by the technologically advantaged and denied to those less so. But things become rather more problematic when considered from without the narrow context of the landmines issue. While the rhetorical casting of mines as bad proved a remarkably effective strategy in pursuit of a ban, it only makes sense if it in fact is imagined that there are somewhere 'good' weapons. Since it is not killing per se but killing with landmines that is rendered indefensible, the use of other presumably more discriminating weapons is lent a certain legitimacy it might not otherwise have enjoyed. And this is revealing of the important sense in which the core claims of the mine ban contribute to the reproduction of essential ideational bases of the 'new American way of war'. Inviting none of the cynicism about motives that might have attached to a wholly state-led initiative, the central involvement of civil society actors in the mine ban movement - well known and respected peace and human rights advocacy groups among them - both naturalizes and valorizes a much larger constellation of claims to meaningful discriminacy, whether overt or subsumed. Pressing for a ban on landmines thus involved the complete disaggregation of this one issue not only from peace activism in general, but from the more particular realm of disarmament advocacy as well, parcelling it off in such a way as to suggest that there are more effective ways to do the sorts of things landmines are intended to do

#### 7.) Only confronting issues of sovereignty allows us to break free of the circular political practies that entrench militarism

Wadiwel 02 (Dinesh Joesph, completing a doctorate at the University of Western Sydney, 2K2, “Cows and Sovereignty: Biopower and Animal Life” Borderlands E-Journal Vol. 1 # 2 <http://www.borderlandsejournal.adelaide.edu.au/vol1no2_2002/wadiwel_cows.html>)

Such a political program has far reaching consequences, both for Western sovereignty, and the way that the business of politics is conducted. The living population of the earth has inherited a vision of sovereign power, which has spread cancerously into even the most seemingly inaccessible aspects of everyday life. This vision commands all, claims legitimacy for all, and determines the conduct of living for all within its domain. Politics ‘as we know it’ is caught inextricably in the web of sovereign power, in such a way that it seems that modern political debate cannot help but circulate around the same, routine issues: "What is the appropriate legislative response?"; "Is it within the State’s powers to intervene in this particular conflict?"; "How can we ensure the citizen’s rights are maintained in the face of the state?". To challenge such an encompassing and peremptory political discourse — where every question implies the sovereign absolutely, and every decision made refers to life itself — would require the most intensive rethinking of the way in which territory, governance and economy are imagined. In this sense, whilst Agamben’s analysis of bare life, and Foucault’s theory of bio-power, provide a means by which to assess the condition of non-human life with respect to sovereign power, the political project must reach beyond these terms, and embrace an intertwining of the human and the non-human: an intersection which may be found in the animal life shared by both entities.

### Fasching

#### This debate is about competing methodologies. The 1AC chooses to footnote their own agency and call on the USFG to take action. This is the same logic that caused fascism to rise to power and it is the same logic that maintains militarism. Their presentation and political practice is one that forecloses any larger discussion of ethics and political agency that will recreate totalitarian violence.

Fasching and DeChant 2001

(Darrell and Dell, Prof. of Religious Studies @ University of South Florida, Prof. of Religious Studies @ USF, Comparative Religious Ethics: A Narrative Approach, Pg.  42-43)

Interpreting our own historical situation is a risky business, for we are still too close to the events. We do not have the distance needed to put everything into proper perspective. Nevertheless, without such an interpretation it is impossible to identify the ethical challenges that face us, so we must risk it. In this chapter we argue that two major trends unfolded in the twentieth century that are of significance for thinking about ethics: (1) the phenomenon of mass killing encouraged by sacred narratives that authorize "killing in order to heal," as symbolized by Auschwitz and Hiroshima, and (2) a cross-cultural and interreligious ethic of non-violent resistance or civil disobedience symbolized by figures like Gandhi and King – one that functions as an ethic of audacity on behalf of the stranger. The second, we suggest, offers an ethic of the holy in response to the sacred morality of the first. The modern period, which began with a utopian hope that science and technology would create an age of peace, prosperity, and progress,*ended in an apocalyptic nightmare of mass death, symbolized by Auschwitz and Hiroshima,* leaving us with the task of creating a post/modern ethic that can transcend the techno-bureaucratic tribalism that expressed itself in two world wars. Technobureaucratic tribalism occurs when sacred narratives are combined with the technical capacity to produce mass death. While we do not pretend to offer an exhaustive explanation of the modern propensity for mass death, we do suggest two key elements: (1) the use of sacred narratives that define killing as a form of healing, and (2) the*undermining of ethical consciousness* by techno-bureaucratic organization through a *psychological process of doubling (separating one's personal and professional identities*),which enables individuals to *deny* that *they are responsible for* some of *their actions*. Through sacred stories, the stranger is defined as less than human and therefore beyond the pale of ethical obligation, as well as a threat to sacred order. At the same time, bureaucracies encourage one to engage in *a total surrender of self in unquestioning obedience to higher* (sacred) *authority*(whether God, religious leaders, or political leaders), so that when one acts as a professional self on behalf of an institution (the state, the military, the church, etc.) one can say, *"It is not I that acts: a higher authority is acting through me, so I am not personally responsible."* Yet, despite the seemingly overwhelming dominance of techno- bureaucratic tribalism and mass killing in the twentieth century, a modest but important counter-trend also emerged – a cross-cultural and interreligious ethic of audacity on behalf of the stranger, linked to such names as Tolstoy, Gandhi, and King. The purpose of this chapter is to grasp the ethical challenge of modernity as symbolized by Auschwitz and Hiroshima. The purpose of the remainder of this book is to examine the potential of the ethical response to that challenge offered by the tradition of non-violent civil disobedience, symbolized by Gandhi and King, for a cross-cultural and interreligious post/modern ethic of human dignity, human rights, and human liberation

### A2 legalismgood

#### Second, the affirmatives faith in the legal system is misplaced. They posit a static form of legality that violently aims to order and control socio-economicly identified populations without accepting inherent difference.

Gordon 87, Robert Gordon, Professor of Law at Stanford, “Unfreezing Legal Reality: Critical Approaches to Law,” Florida State University Law Review, Vol 15 No 3. 1987, lexis

Now a central tenet of CLS work has been that the ordinary discourses of law -- debates over legislation, legal arguments, administrative and court decisions, lawyers' discussions with clients, legal commentary and scholarship, etc. -- all contribute to cementing this feeling, at once despairing and complacent, that things must be the way they are and that major changes could only make them worse. Legal discourse accomplishes this in many ways. First by endlessly repeating the claim that law and the other policy sciences have perfected a set of rational techniques and institutions that have come about as close as we are ever likely to get to solving the problem of domination in civil society. Put another way, legal discourse paints an idealized fantasy of order according to which legal rules and procedures have so structured relations among people that such relations may primarily be understood as instituted by their consent, their free and rational choices. Such coercion as apparently remains may be explained as the result of necessity -- either natural necessities (such as scarcity or the limited human capacity for altruism) or social necessities. For example, in a number of the prevailing discourses, the ordinary hierarchies of workplace domination and subordination are explained: (1) by reference to the contractual agreement of the parties and to their relative preferences for responsibility versus leisure, or risk taking versus security; (2) by the natural distribution of differential talents and skills (Larry Bird earns more as a basketball player because he is better); and (3) by the demands of efficiency in production, which are said to require extensive hierarchy for the purposes of supervision and monitoring, centralization of investment decisions, and so forth. There are always some residues of clearly unhappy [\*199] conditions -- undeserved deprivation, exploitation, suffering -- that cannot be explained in any of these ways. The discourses of law are perhaps most resourceful in dealing with these residues, treating them as, on the whole, readily reformable within the prevailing political options for adjusting the structures of ordinary practices -- one need merely fine tune the scheme of regulation, or deregulation, to correct them. But the prevailing discourse has its cynical and worldly side, and its tragic moments, to offset the general mood of complacency. In this mood it resignedly acknowledges that beyond the necessary minimum and the reformable residues of coercion and misery there is an irreducible, intractable remainder -- due to inherent limits on our capacity for achieving social knowledge, or for changing society through deliberate intervention, or for taking collective action against evil without suffering the greater evil of despotic power. These discourses of legal and technical rationality, of rights, consent, necessity, efficiency, and tragic limitation, are of course discourses of power -- not only for the obvious reasons that law's commands are backed by force and its operations can inflict enormous pain, but because to have access to these discourses, to be able to use them or pay others to use them on your behalf, is a large part of what it means to possess power. Further, they are discourses that -- although often partially constructed, or extracted as concessions, through the pressure of relatively less powerful groups struggling from below -- in habitual practice tend to express the interests and the perspectives of the powerful people who use them. The discourses have some of the power they do because some of their claims sound very plausible, though many do not. The claim, for example, that workers in health-destroying factories voluntarily "choose," in any practical sense of the term, the risks of the workplace in return for a wage premium, is probably not believed by anyone save those few expensively trained out of the capacity to recognize what is going on around them. In addition, both the plausible and implausible claims are backed up in the cases of law and of economics and the policy sciences by a quite formidable-seeming technocratic apparatus of rational justification -- suggesting that the miscellany of social practices we happen to have been born into in this historical moment is much more than a contingent miscellany. It has an order, even if sometimes an invisible one; it makes sense. The array of legal norms, institutions, procedures, and doctrines in force, can be rationally derived from the principles of regard for individual autonomy, utilitarian [\*200] efficiency or wealth creation, the functional needs of social order or economic prosperity, or the moral consensus and historical traditions of the community. There are several general points CLS people have wanted to assert against these discourses of power. First, the discourses have helped to structure our ordinary perceptions of reality so as to systematically exclude or repress alternative visions of social life, both as it is and as it might be. One of the aims of CLS methods is to try to dredge up and give content to these suppressed alternative visions. Second, the discourses fail even on their own terms to sustain the case for their relentlessly apologetic conclusions. Carefully understood, they could all just as well be invoked to support a politics of social transformation instead. n3 Generally speaking, the CLS claims under this heading are that the rationalizing criteria appealed to (of autonomy, functional utility, efficiency, history, etc.) are far too indeterminate to justify any conclusions about the inevitability or desirability of particular current practices; such claims, when unpacked, again and again turn out to rest on some illegitimate rhetorical move or dubious intermediate premise or empirical assumption. Further, the categories, abstractions, conventional rhetorics, reasoning modes and empirical statements of our ordinary discourses in any case so often misdescribe social experience as not to present any defensible pictures of the practices that they attempt to justify. Not to say of course that there could be such a thing as a single correct way of truthfully rendering social life as people live it, or that CLS writers could claim to have discovered it. But the commonplace legal discourses often produce such seriously distorted representations of social life that their categories regularly filter out complexity, variety, irrationality, unpredictability, disorder, cruelty, coercion, violence, suffering, solidarity and self-sacrifice. n4 [\*201] Summing up: The purpose of CLS as an intellectual enterprise is to try to thaw out, or at least to hammer some tiny dents on, the frozen mind sets induced by habitual exposure to legal practices -- by trying to show how normal legal discourses contribute to freezing, and to demonstrate how problematic these discourses are.

#### Third, Covert loopholes make the plan ineffective

Lohmann 13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

### 2NC – Framework

#### 3. Fiat is not real – the k is an academic discussion of the underpinnings of the affirmative – by definition comes before the outcomes of the aff because winning that their epistomolgy is wrong means the aff should have never happened – this is specifically true of war powers debates

Pugliese, 13 -- Macquarie University Cultural Studies professor

[Joseph, Macquarie University MMCCS (Media, Music, Communication and Cultural Studies) research director, State Violence and the Execution of Law: Biopolitcal Caesurae of Torture, Black Sites, Drones, 3-15-13, ebook accessed via EBL on 8-30-13, mss]

A constitutively incomplete scholarship: redactions, foreclosures, fragments

The work that unfolds in the chapters that follow is inscribed by a constitutively incomplete scholarship. This incompleteness is not due to the standard limitations imposed by time, word length and the other practical exigencies that impact on the process of scholarly research. Rather, this incompleteness is constitutive in quite another way. It is an incompleteness determined by the power of the state to impose fundamental omissions of information through the redaction of key documents, through the legal silencing of its agents and through the literal obliteration of evidence. These are all techniques of foreclosure that establish the impossibility of disclosure. In rhetorical terms, the redactions that score the legal texts that I examine operate as aposiopetic ﬁgures; ﬁgures that, in keeping with Greek etymology of the term, demand the keeping of silence. In their liquidation of linguistic meaning, they establish voids of signiﬁcation. Through the process of institutionalized censorship, they order into silence the voices of those subjects who might proceed to name the violence they perpetrated, while also nullifying the voices of the tortured. As rectilinear bars of blackness, the redactions that score the state’s declassiﬁed texts occlude the victims of state violence even as they neatly geometrize the disorder of torn flesh and violated bodies. The slabs of redaction encrypt the disappeared victims of torture in their textual black coffins. As such, they graphically exemplify the obliterative violence of law. These aposiopetic tracts are the textual and symbolic equivalent of the physical violence that is exercised by the state in order to silence its captives. Perhaps the most graphic incarnation of this transpired at Guantanamo, where a detainee, after an interrogation session, ‘began to yell (in Arabic): “Resist, Resist with all your might.”’102 The Interrogation Control Element Chief for Joint Task Force 170# GTMO ordered the detainee to be silenced with duct tape. In their Summarized Witness Statement, an unnamed agent recounts what they witnessed: "˜When I arrived at the interrogation room. I observed six or seven soldiers (or persons I believed were soldiers) laughing and pointing at something inside the room. When I looked inside I noticed a detainee with his entire head covered in duct tape . . . When I asked how he planned to take the tape off without hurting the detainee (the detainee had a beard and longer hair) [redacted] just laughed" The reduction of the detainee to a figure of bondage - short-shackled to the floor and manacled - is not adequate in confirming his status as captive. His face and voice, evidence of his human status, must be physically redacted. The taping of his entire head transmutes him into a faceless papier-machê mannequin. Even the most minimal sign of resistance, such as the exercise of the voice, IIILISI be subju- gated. The corporal economies of torture oscillate between the exercise of violence in order to extort confessions from broken bodies finally rendered docile and the exercise of violence to silence those insurgent bodies that refuse the order to be silent. The duct taping of the head of the detainee emblematizes the deployment of two violent modalities of torture: instrumental and gratuitous. Instrumental violence is produced by the direct application of tools and technologies - such as cables, pliers. electrodes and so on ~ onto the body of the victim in order to inflict pain. In this case the duct taping of the detainee's entire head directly produces a terrifying sense of asphyxiation. Gratuitous violence is a type of supplementary violence that results indirectly, after the fact of the application of instrumental violence. In this instance, the instrumentalized application of duct tape was principally driven by the desire to silence and subjugate the detainee. The ripping off of the duct tape and the tearing of his hair and beard will generate a violence that is wanton, augmenting the pain of having one's facial apertures sealed up. The end result is to confirm the detainee's status as subjugated object of violence. The US government’s power to withhold or destroy information runs the full gamut of censorial practices -- from the ludicrous to the indefensible. The CIA, for example, has exercised an impressive commitment to linguistic probity by insisting on the redaction of such disturbing terms as ‘rot,’ ‘shithole’ and ‘urinal’ from the testimony of one its former interrogators.104 It has also overseen the wholesale destruction of 92 videos that document the torture practices inflicted on their victims; torture practices that allegedly ‘went even beyond those approved by the expansive Yoo and Bybee Torture Memos.’105 These censorial practices have fundamentally determined the very material conditions of possibility of my research. They have produced a complex textual field inscribed by gaps, silences and the contingent fragments of knowledge that have managed to enter the public domain despite the censorial power of the state. And I refer here to the extraordinary work of individuals - such as Bradley Manning, who is himself now a victim of the state`s punitive regime of cruel and degrading punishment - or organizations, such as WikiLeaks, that have defied the censorial power of the state in order to make public texts that document the full extent of the state's violent practices and that compel its witnesses to call it to account. The work of these whistle- blowers and activists evidences the fact that the state is not an impervious monolith of repressive power but that, on the contrary, much as it strives to be unilateral in its actions and monologic in its enunciations, the state cannot completely master its heterogeneous agents or silence its heteroglossic voices. In the chapters that follow, I draw heavily on the texts that document the operations of the state in executing and exceeding its laws. I also, however, take the time to reflect critically on the materiality of the absences that mark my field of study by focusing specifically on the redactions that score a number of the key state documents to which I refer. These redactions, as I argue in Chapter 5, visibly signify both the sovereign power of the state and its insecurity. I read these redactions as techniques designed to manage, control and, where necessary, to obliterate knowledge altogether. In effect, these redactions function to constitute the opposite of epistemology: they generate official systems of unknowing, anti-epistemologies that consign the reading subject to ignorance and unknowledge. Faced with these lacunae, I attempt to unsettle the anti-epistemological practices of redaction by reading the very processes of redaction as symbolic instantiations of state violence: they reproduce, textually, their own figural black sites that effectively occlude the names of the agents responsible for the torture practices, even as they also become the black holes to which are dispatched the victims of such practices. Against the grain, then, I read these black sites of redaction as the textual and symbolic equivalent to the material black site prisons run by the state. The anti-epistemological violence of these sites of redaction works in tandem with the ontological violence that the state visits upon its embodied subjects.

#### 4. HOLD THEM ACCOUNTABLE TO THE 1AC – discourse constructs what we determine to be true and establishes hierarches within socio-politcal spaces – any risk of a link DEMANDS a neg ballot. The alternative enables us to contest knowledge claims and deconstruct political strategies that enforce power hierarchies that structure oppression.

Patricia Hill Collins 90 (Patricia Hill, Distinguished University Professor of Sociology at the University of Maryland, College Park, Former head of the Department of African American Studies at the University of Cincinnati, and the past President of the American Sociological Association Council, Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment, p. 62-65)

A second component of the ethic of caring concerns the appropriateness of emotions in dialogues. Emotion indicates that a speaker believes in the validity of an argument. Consider Ntozake Shange’s description of one of the goals of her work: "Our [Western] society allows people to be absolutely neurotic and totally out of touch with their feelings and everyone else’s feelings, and yet be very respectable. This, to me, is a travesty I’m trying to change the idea of seeing emotions and intellect as distinct faculties." The Black women’s blues tradition’s history of personal expressiveness heals this either/or dichotomous rift separating emotion and intellect. For example, in her rendition of "Strange Fruit," Billie Holiday’s lyrics blend seamlessly with the emotion of her delivery to render a trenchant social commentary on southern lynching. Without emotion, Aretha Franklin’s cry for "respect" would be virtually meaningless. A third component of the ethic of caring involves developing the capacity for empathy. Harriet Jones, a 16-year-old Black woman, explains to her interviewer why she chose to open up to him: "Some things in my life are so hard for me to bear, and it makes me feel better to know that you feel sorry about those things and would change them if you could." Without her belief in his empathy, she found it difficult to talk. Black women writers often explore the growth of empathy as part of an ethic of caring. For example, the growing respect that the Black slave woman Dessa and the white woman Rufel gain for one another in Sherley Anne William’s Dessa Rose stems from their increased understanding of each other’s positions. After watching Rufel fight off the advances of a white man, Dessa lay awake thinking: "The white woman was subject to the same ravishment as me; this the thought that kept me awake. I hadn’t knowed white mens could use a white woman like that, just take her by force same as they could with us." As a result of her newfound empathy, Dessa observed, "it was like we had a secret between us." These components of the ethic of caring: the value placed on individual expressiveness, the appropriateness of emotions, and the capacity for empathy-pervade African-American culture. One of the best examples of the interactive nature of the importance of dialogue and the ethic of caring in assessing knowledge claims occurs in the use of the call-and-response discourse mode in traditional Black church services. In such services both the minister and the congregation routinely use voice rhythm and vocal inflection to convey meaning. The sound of what is being said is just as important as the words themselves in what is, in a sense, a dialogue of reason and emotion. As a result it is nearly impossible to filter out the strictly linguistic-cognitive abstract meaning from the sociocultural psychoemotive meaning. While the ideas presented by a speaker must have validity (i.e., agree with the general body of knowledge shared by the Black congregation), the group also appraises the way knowledge claims are presented. There is growing evidence that the ethic of caring may be part of women’s experience as well. Certain dimensions of women’s ways of knowing bear striking resemblance to Afrocentric expressions of the ethic of caring. Belenky et al. point out that two contrasting epistemological orientations characterize knowing: one an epistemology of separation based on impersonal procedures for establishing truth and the other, an epistemology of connection in which truth emerges through care. While these ways of knowing are not gender specific, disproportionate numbers of women rely on connected knowing. The emphasis placed on expressiveness and emotion in African-American communities bears marked resemblance to feminist perspectives on the importance of personality in connected knowing. Separate knowers try to subtract the personality of an individual from his or her ideas because they see personality as biasing those ideas. In contrast, connected knowers see personality as adding to an individual’s ideas and feel that the personality of each group member enriches a group’s understanding. The significance of individual uniqueness, personal expressiveness, and empathy in African-American communities thus resembles the importance that some feminist analyses place on women’s "inner voice." The convergence of Afrocentric and feminist values in the ethic of caring seems particularly acute. White women may have access to a women’s tradition valuing emotion and expressiveness, but few Eurocentric institutions except the family validate this way of knowing. In contrast, Black women have long had the support of the Black church, an institution with deep roots in the African past and a philosophy that accepts and encourages expressiveness and an ethic of caring. Black men share in this Afrocentric tradition. But they must resolve the contradictions that confront them in searching for Afrocentric models of masculinity in the face of abstract, unemotional notions of masculinity imposed on them. The differences among race/gender groups thus hinge on differences in their access to institutional supports valuing one type of knowing over another. Although Black women may be denigrated within white-male-controlled academic institutions, other institutions, such as Black families and churches, which encourage the expression of Black female power, seem to do so, in part, by way of their support for an Afrocentric feminist epistemology. The Ethic of Personal Accountability An ethic of personal accountability is the final dimension of an alternative epistemology. Not only must individuals develop their knowledge claims through dialogue and present them in a style proving their concern for their ideas, but people are expected to be accountable for their knowledge claims. Zilpha Elaw’s description of slavery reflects this notion that every idea has an owner and that the owner’s identity matters: "Oh, the abominations of slavery! ... Every case of slavery, however lenient its infliction and mitigated its atrocities, indicates an oppressor, the oppressed, and oppression." For Elaw abstract definitions of slavery mesh with the concrete identities of its perpetrators and its victims. African-Americans consider it essential for individuals to have personal positions on issues and assume full responsibility for arguing their validity. Assessments of an individual’s knowledge claims simultaneously evaluate an individual’s character, values, and ethics. African-Americans reject the Eurocentric, masculinist belief that probing into an individual’s personal viewpoint is outside the boundaries of discussion. Rather, all views expressed and actions taken are thought to derive from a central set of core beliefs that cannot be other than personal. "Does Aretha really believe that Black women should get ‘respect, or is she just mouthing the words?" is a valid question in an Afrocentric feminist epistemology. Knowledge claims made by individuals respected for their moral and ethical connections to their ideas will carry more weight than those offered by less respected figures. An example drawn from an undergraduate course composed entirely of Black women which I taught might help to clarify the uniqueness of this portion of the knowledge validation process. During one class discussion I asked the students to evaluate a prominent Black male scholar’s analysis of Black feminism. Instead of severing the scholar from his context in order to dissect the rationality of his thesis, my students demanded facts about the author’s personal biography. They were especially interested in concrete details of his life, such as his relationships with Black women, his marital status, and his social class background. By requesting data on dimensions of his personal life routinely excluded in positivist approaches to knowledge validation, they invoked concrete experience as a criterion of meaning. They used this information to assess whether he really cared about his topic and drew on this ethic of caring in advancing their knowledge claims about his work. Furthermore, they refused to evaluate the rationality of his written ideas without some indication of his personal credibility as an ethical human being. The entire exchange could only have occurred as a dialogue among members of a class that had established a solid enough community to employ an alternative epistemology in assessing knowledge claims. The ethic of personal accountability is clearly an Afrocentric value, but is it feminist as well? While limited by its attention to middle-class, white women, Carol Gilligan’s work suggests that there is a female model for moral development whereby women are more inclined to link morality to responsibility, relationships, and the ability to maintain social ties. If this is the case, then African-American women again experience a convergence of values from Afrocentric and female institutions. The use of an Afrocentric feminist epistemology in traditional Black church services illustrates the interactive nature of all four dimensions and also serves as a metaphor for the distinguishing features of an Afrocentric feminist way of knowing. The services represent more than dialogues between the rationality used in examining bible texts and stories and the emotion inherent in the use of reason for this purpose. The rationale for such dialogues involves the task of examining concrete experiences for the presence of an ethic of caring. Neither emotion nor ethics is subordinated to reason. Instead, emotion, ethics, and reason are used as interconnected, essential components in assessing knowledge claims. In an Afrocentric feminist epistemology, values lie at the heart of the knowledge validation process such that inquiry always has an ethical aim. Alternative knowledge claims in and of themselves are rarely threatening to conventional knowledge. Such claims are routinely ignored, discredited, or simply absorbed and marginalized in existing paradigms, Much more threatening is the challenge that alternative epistemologies offer to he basic process used by the powerful to legitimate their knowledge claims. If the epistemology used to validate knowledge comes into question, then all prior knowledge claims validated under the dominant model become suspect. An alternative epistemology challenges all certified knowledge and opens up the question of whether what has been taken to be true can stand the test of alternative ways of validating truth. The existence of a self-defined Black women’s standpoint using an Afrocentric feminist epistemology calls into question the content of what currently passes as truth and simultaneously challenges the process of arriving at the truth.

## 1NR – Case

### Deterrence

#### Disqualify their evidence that relies on selectively leaked information – that’s our Toth and Shah evidence – status quo drone scholarship prevents true knowledge of the government’s programs and motives – their evidence presents scraps of information that the government only WANTS you to know that doesn’t represent how policy is actually constructed.

Gut check – they have NO EVDIECNE saying what the drone program is or how the judiciary has access to the information necessary for their restriction to be effective -

Focusing on knowledge production is a prerequisite –

Means circumvention is inevitable – …

Functions links to permutation

Finishing the shah evidence

according to the Bureau of Investigative Journalism – were civilians. When the president acknowledges four deaths of US citizens, but not 4,000 deaths of non-Americans, he signals to the world a callous and discriminatory disregard for human life. Perhaps only a fraction of these 4,000 deaths were unlawful. But acknowledging and investigating these deaths is a matter of dignity and justice – for the survivors of strikes, their communities and their countrymen. When deaths are found to be unlawful, victims' families and survivors have a right to reparation. Refusing to investigate deaths is a matter of disrespect both for international law and for the public's right to know the full truth. Many critics, before President Obama's May address, feared that foreign governments would follow the US to lead and conduct secret drone strikes without regard for international law. They should still be concerned about the precedent the US government is setting: refusing to investigate or be held accountable for wrongful deaths. The risk now is not just that the late May reforms on drone strikes were half-measures, but that they were calibrated to merely reassure the public, defuse criticism, and avert longer, harder scrutiny of whether the government's actions are lawful and right. A token dose of transparency may remove the sting of government secrecy, but it does not cure the disease.

### I-law

#### Turns restrictions and causes military interventionism

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A militarized response is best understood not as a move from normal to exceptional, or from humanitarian to securitized, but rather as an intensification of humanitarian securitization. Such an interpretation is supported by the fact that political elites often violate or suspend other ‘rules’ in response to the intensification of humanitarian securitization. For instance, states may relax immigration rules to facilitate faster immigration for communities in danger, as was the case in the USA, Canada, the UK and Australia during the 1979 Indo-Chinese refugee crisis (Adelman, 1982; Viviani, 1996) and more recently in the responses by Canada and the USA to the 2010 Haitian earthquake (Government of Canada, 2010; Gagnon, 2010; USCIS, 2010). States have also set aside normal rules pertaining to the repayment of debt in some cases, as with some of the states devastated by Hurricane Mitch in 1998 and the 2004 tsunami (Pielke et al., 2003; Athukorala and Resosudarmo, 2005; Sondorp and Bornemisza, 2005).¶ Further demonstrating humanitarianism’s status as a securitizing discourse, political actors place the implementation of these emergency measures (rapid military response, suspending immigration rules) above politics by not debating their implementation or using them to score political points. (Buzan et al., 1998: 23). In cases of successful human securitization, such as the 2004 tsunami and the 2010 Haitian earthquake, political elites have been united in their support for particular emergency measures. In the Canadian case, the only form of political debate surrounding the use of the country’s Disaster Assistance Response Team (DART) and the issue of suspending immigration rules arose not over whether such measures were appropriate or necessary, but why they were not deployed more quickly or more extensively (see O’Connor, 2005; Clark, 2010).¶ At the furthest end of the ‘exceptionality’ spectrum is armed humanitarian intervention (herein referred to simply as humanitarian intervention, in keeping with the literature). Wheeler defines humanitarian intervention as ‘the use of force to prevent the abuse of human rights’ (Wheeler, 2000: 1–2; emphasis added); Finnemore defines it as ‘the deployment of military force across borders for the purpose of protecting foreign nationals from manmade violence’ (Finnemore, 2004: 53; emphasis added); and Jennifer Welsh defines it as ‘coercive interference in the internal affairs of a state, involving the use of armed force, with the purposes of addressing massive human rights violations or preventing widespread human suffering’ (Welsh, 2004: 3; emphasis added). These authors stress both the humanitarian reason for intervention (protection of human life, rights or dignity) and the exceptionality of the response as a violation of established principles of sovereignty, non-intervention and the non-use of force (Finnemore, 2004).

Progressive rational reforms in international law serve to whitewash colonialist, genocidal, and destructive tendencies- Operating within the system guarantees other political forces will hijack the plan's intent

Kenney 2k, David Kennedy Professor of Law at Harvard, 2000 [32 N.Y.U. J. Int'I L. & Pol. 335, RENEWAL REPEATS: THINKING AGAINST THE BOX , Winter]

It is probably only natural that the discipline's understanding of its own broad project is extremely positive - humanitarian, forward-looking, rationalist, universal, and progressive. The field is political in the sense that it tries to replace politics - bad, old-fashioned, violent, nationalist, particularist, rent-seeking politics - with law or with a broader, softer, more rational management "regime." Sometimes, of course, even this sort of project might look political in a more sectarian sense. Most international lawyers in the United States would readily admit that international law is associated with human rights, with the center-left of the broader political [\*402] spectrum, just as international lawyers in many countries would accept that international law is linked to the very best, most enlightened elements in their own political establishments. Nevertheless, two quite different ideas about disciplinary politics are absent in this story. There is little room to reflect on the ways in which the discipline might also have a dark side - that its relationship to war, pestilence, colonialism, racism, genocide, pollution, poverty, or authoritarianism might not simply be a matter of being "used" by others for dire purposes, but that the discipline's own activity might in some way make such things more probable and more defensible. The effects of blind spots and biases in the discipline's background problem set on the range of political projects which people in the intelligentsia think possible or desirable is hard to see in this conventional story. And there is also little room for acknowledgment that the discipline might be, in different times and places, captured by one or another specific political project, not simply "used" by political forces, but also subject to an internal politics of struggle among ideas, individuals, groups, and political agendas. Particular terms in the lexicon might become part of a political project, and this capture of the vocabulary by political projects could influence the distribution of ideas in the field far more decisively than the evolutionary coming to common sense of useful ideas.

Alt solves the root cause – status quo environmental movements fail because of white privelege.

Mandell ‘8 [4/1/08, Bekah Mandell is an A.B. from Vassar College; J.D., Boston College Law School; Director of the Champlain Valley Office of Economic Opportunity Fair Housing Project; Father Robert Drinan Family Fund Public Interest Fellow. “Racial Reification and Global Warming: A Truly Inconvenient Truth,” http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1046&context=twlj]

 [\*297]  Fear of eroding the hierarchies that define race explains why politicians and other elites have consistently championed ineffectual "market-based approaches" to global warming. n36 By focusing public and private energy on relatively insignificant individual behavior changes, the Bush administration and other privileged elites are able to maintain the racial hierarchy that consolidates their economic and social power. n37 Politicians know that "[w]ithout white-over-black the state withers away." [n38](http://www.lexisnexis.com.proxy.binghamton.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1300963062371&returnToKey=20_T11559734102&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.307872.8645909542#n38) Therefore, they have a profound incentive to maintain the racial hierarchy. Unsurprisingly, "because th[ese elites] accrue social and economic benefits by maintaining the status quo, they inevitably do." n39 This white consensus to maintain the spatial and mobility hierarchies that reify race is possible because, "[w]hite privilege thrives in highly racialized societies that espouse racial equality, but in which whites will not tolerate being either inconvenienced in order to achieve racial equality . . . or being denied the full benefits of their whiteness . . . ." **n40** With so much white privilege to lose, it becomes clear why even most passionate environmental advocates are far more willing to call for, and make, small non-structural changes in their behavior to ameliorate  [\*298]  global warming, but are unwilling to embrace significant or meaningful actions to address the crisis. n41 Even as global warming is starting to become the subject of increasing media coverage and as more environmental groups call for action to halt the crisis, most activism is limited to changes that maintain the existing spatial, social, economic and legal framework that defines American society. [n42](http://www.lexisnexis.com.proxy.binghamton.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1300963062371&returnToKey=20_T11559734102&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.307872.8645909542#n42) Despite knowing for decades that we have been living unsustainable lifestyles, and "hav[ing] had some intuition that it was a binge and the earth couldn't support it, . . . aside from the easy things (biodegradable detergent, slightly smaller cars) we didn't do much. We didn't turn our lives around to prevent it." n43 Greenhouse emissions reduction challenges have cropped up on websites across the country, encouraging Americans to change their light bulbs, inflate their tires to the proper tire pressure to ensure optimal gas mileage, switch to hybrid cars, run dishwashers only when full, telecommute, or buy more efficient washers and dryers. n44 However, popular emissions challenge web sites are not suggesting that Americans give up their cars, move into smaller homes in more densely populated urban neighborhoods near public transportation, or take other substantive actions to mitigate the global climate crisis. n45 Even Al Gore,  [\*299]  the most famous voice in the climate change movement, reminds his fellow Americans that "[l]ittle things matter . . . buy a hybrid if you can, buy a flex-fuel car if you can. Get a higher mileage car that's comfortable for your needs." [n46](http://www.lexisnexis.com.proxy.binghamton.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1300963062371&returnToKey=20_T11559734102&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.307872.8645909542#n46) "[M]any yuppie progressive 'greens' are the  [\*300]  ones who drove their SUVs to environmental rallies and, even worse, made their homes at the far exurban fringe, requiring massive car dependence in their daily lives," taking residential segregation and racial and spacial hierarchies to previously unimagined dimensions. n47 This focus on maintaining one's privileged lifestyle while making minimal changes reflects the power of the underlying structural impediments blocking a comprehensive response to global climate change in the United States. n48 It is not just political inaction that prevents a meaningful response. Millions of Americans do not demand a change in environmental policy because, just as with political elites, it is against the interests of those enjoying white privilege to take genuine steps to combat climate change. n49 Real climate action would ultimately require relinquishing the spatial, social, and economic markers that have created and protected whiteness and the privilege it confers. [n50](http://www.lexisnexis.com.proxy.binghamton.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1300963062371&returnToKey=20_T11559734102&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.307872.8645909542#n50) Although "we too often fail to appreciate how important race remains as a system for amassing and defending wealth and privilege," the painfully slow reaction of the American public to the growing dangers of global warming highlights just how important racial privilege remains and how reluctant its beneficiaries are to give it up. n51 Elite reformists make meaningful change even more remote as they push for behaviors to tweak, but not to change the existing social, economic, and legal hierarchy in the face of  [\*301]  "problems, [like global warming] that arise to threaten the predominance of the traditionalist, capitalist ruling class." n52