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#### Drone policy is shrouded in secrecy – debate about targeted killing is impossible because of the lack of transparency – instead of assessing the information selectively leaked by the government, debate must center on the production of knowledge behind drone secrecy.

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.

Drone secrecy is the norm of the Obama administration – May’s information disclosure was calibrated to avoid public scrutiny.

Shah, ‘8/13 [Naureen Shah is an advocacy adviser at Amnesty International USA and author of several studies on the impact of US drone strikes; “Obama Has Not Delivered on May’s Promise of Transparency on Drones”; August 17, 2013; <http://www.alternet.org/civil-liberties/obama-has-not-delivered-mays-promise-transparency-drones?paging=off>]

The past two weeks have seen an escalation in drone strikes more dramatic than any since 2009. The media estimate that more than 37 people have died in a series of strikes in Yemen. The US government has refused to officially acknowledge the strikes surge or reports of potentially unlawful deaths – just as it did, for years, refuse to confirm reports of the more than 300 drone strikes in Pakistan. On drones, secrecy is business as usual – and it carries on. Earlier this summer, however, there was hope for a different way forward. In late May, the White House released more information about US drone strikes than it ever had before. Following a major address on national security by President Obama, the government pledged to keep sharing "as much information as possible". In fact, since May, the White House has not officially released any new information on drone strikes (though leaks still abound). While NSA surveillance has taken center-stage, the government's policy of secrecy and obfuscation on drones persists, too. Past critics of the drone program – ranging from Senator Rand Paul (Republican, Kentucky) to Senator Ron Wyden (Democrat, Oregon) – should take notice. It is time to renew and expand the demand for answers about who is being killed. Instead of acknowledging the new strikes and describing a coherent policy and legal approach, the government has again chosen to selectively disclose information that raises more questions than it answers. Thus, an unattributed leak to the New York Times on Monday served up a major policy change in the form of a morsel, with little elaboration, that a recent terrorist threat has "expanded the scope of people we could go after". So, the question of whom the United States believes it can kill in drone strikes remains, as it ever was, full of unknowns. A handful of bullet-points on the government's "policy standards" for using lethal force, which the White House released in May concurrently with the president's national security speech, initially appeared to provide some guidance. But it expressly does not apply in "extraordinary circumstances", and since the embassy closures of earlier this month could be interpreted as providing such justification, the memorandum may not be relevant to the latest spate of strikes in Yemen. The White House could clarify this issue; better yet, it could move beyond conveniently malleable policy standards and describe how the government applies existing international law. Instead, the White House has again chosen to operate secretly and under rules of its own creation, which may permit killing individuals under a concept of "imminence" (of threat) that departs radically from all conventional interpretations of the law. Even more damning is that, in the absence of any commitment to investigating credible allegations of unlawful deaths, the United States appears indifferent to the question of who is actually dying in drone strikes. President Obama admitted in May that four US citizens had been killed, three of whom – including 16-year-old Abdulrahman Aal-Awlaki – he admitted were not intended targets. But the president did not define the identities of the more than 4,000 other people killed, or specifically address reports that a significant number of the dead – in assessments varying between 400 and nearly 1,000, 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.

#### This secrecy provides the executive power to selectively target and exterminate – insulated bureaucracy of warfare distances war from the warmakers causing dehumanization and depoliticization.

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]

A “new – and very real – virtual era” has dawned for war making (Beard, 2009: p.410). What was once science fiction is now unremarkable, and humans are quickly being removed from the battlefield (Shachtman, 2009). As regulation and oversight capacity lags behind, this technology has enabled the executive branch to become wildly powerful, and this change is occurring without public debate on its implications. Senator Feinstein stated that, without the limiting factor of having to send troops into harm’s way, she is worried “what increased technology will make [the US] capable of doing” (Miller, 2011). There is a palpable fear that drones – sterile, precise, without cost of (our) lives – will make war via drone too easy, too convenient. Examining President Obama’s record on this is telling: hundreds of terror suspects have been killed, but only one person has been taken into custody overseas (Shane, 2012). Especially given the difficulties the administration has had in finding countries to take prisons from Guantanamo Bay, this records reveals the seeming likelihood that drones have begun to be used as a “default” and “a convenient substitute for capture,” thus potentially “encouraging unnecessary killing” (Shane, 2012). This substantial change has been made without public discussion. Killing has been increasingly bureaucratized, including through “Terror Tuesday” meetings, what insiders have named the weekly gatherings on whom to target, which include “baseball cards” – in fact, PowerPoint biographies, though calling them that does not add the element of whimsy and dehumanization to the process – of potential targets (Engelhardt, 2012). One of the most disturbing technological developments, reminiscent of the bureaucratization in Germany during World War II\ (Arendt, 1973), is a formula created by the Pentagon designed to calculate where to strike. Using “elaborate formulas” the military is aided in making “lethal calculations,” including taking into account the location of a target relative to a school, hospital, or mosque (Mayer, 2009). Of course, this technology serves not only to be precise, but also to remove human judgment, and thus, a level of moral responsibility for the attacks. Interestingly, these new technologies of control do not remain abroad, but instead interchange from the domestic to international arena, and reflect back again. In fact, the tactics and technologies that began with the domestic war on crime helped to shaped the war on terror (Simon, 2008: p.93). Many of these techniques rely upon biopolitical practices that dissociate “the individual” from “the human,” emerging “as a process of de-humanization and depoliticization” (Epstein, 2008: p.186). Despite efforts to the contrary – even embodied via one General mistakenly referring to war as a “game” (Der Derian, 2003: p.42) – some of the pilots sitting in control rooms in the US, controlling drones thousands of miles away, suffer combat stress (Singer, 2009); remote warfare, “for all its sterile trappings,” is still war (Mayer, 2009).

#### Government secrecy mystifies security practices by making elite decisions invisible, subjecting all to unknown risk – this devaluation of individual decisionmaking is unethical.

Gowder, ‘6 [Paul Gowder, PhD in Political Science, Stanford University; Symposium: Federal Secrecy Policy After September 11 and the Future Of The Information Society: Introductory Essay: Secrecy as Mystification of Power: Meaning and Ethics in the Security State Winter; 2005-2006; <http://moritzlaw.osu.edu/students/groups/is/files/2012/02/Gowder__Final__formatted_.pdf>]

In addition, each type of secrecy as currently applied is visible in the abstract: we know the government is keeping secrets, we simply do not know what those secrets are. This is suboptimal for the State; since such awareness carries a risk of investigation by angry citizens, the State would prefer the populace to be completely unaware that secrets are being kept. Since the public tends to discover the secrets, sooner or later, anyway, the State has openly established the legal authority for its secrecy. Consequently, the people are placed into apprehension of their own interests being affected by government secrecy.44 Knowing the government is keeping secrets, one is subjected to uncertainty as to whether those secrets are about, or connected with, oneself. Similarly, knowing specific examples of secret-keeping raises the suspicion that there are additional examples of secret-keeping that are not known. The essential feature of risk-secrecy is that, from the perspective of the object of secrecy, it converts what was once a calculable risk into an incalculable uncertainty. Before the imposition of risk-secrecy, each citizen was free to make an individual and autonomous decision about the risks she was willing to take in exchange for whatever benefits. She might, for example, choose to move to a neighborhood with a dangerous nuclear plant in exchange for a higher-paying job. In the risk-secrecy regime, not only is that choice forced upon her, but it is done invisibly, so that the possible presence of secret risk is presented as pure facticity, impossible to cognitively incorporate or take a position in regard to. In my existential-Kantian terms, we no longer have the freedom to make meaningful and responsible choices regarding that portion of our lives. We cannot connect our decisions (like where to live) to the factors (like environmental risk) that would, were we free, enter into that decision, nor can we take a cognitive position on those factors. In Beauvoir’s terms, risk-secrecy is a mystification: the choices of the state actors and the consequences of her own choices are concealed from the object of secrecy. They are instead made to appear as uncontrollable acts of nature whose injurious potential presents as random. Because the fact of the secrecy is known, we are all aware that we might be subject to an unknown risk. As a consequence, we subjectively must experience the world as less within our control and thus, less meaningful.45 The keeper of the secrets appropriates the right and burden of self-definition for his charges, and thus reduces them to a state of protected obedience similar to that of a parent and a child, or a pre-feminist woman under the stifling protection of a patriarchal husband. This is unlike ordinary state protection (e.g. police work) where the protected person still has some role in her own safety. Consequently, that secret-keeper takes upon himself her anguish of choice:46 he must decide who is to risk destruction without any input from the actual victim of the risk. He thereby objectifies those for whom he decides. By making the decision for them, according to his values, the secret-keeper turns the objects of secrecy from ends in themselves– autonomous subjects with their own meaning to be respected in their own right – into means – objects of his suspicion and protection priorities. This is the behavior of the person Beauvoir describes as the “serious man” (and characterizes as “mak[ing] himself a tyrant”)47 – the installation of an abstract ideal (of “security”) above the freedom of the people supposedly to be served by the ideal, and thereby above his own freedom as well, since his freedom depends on their freedom to have intersubjective meaning. Kantians too would object to this secret paternalism. As Korsgaard explains in the context of a lie, the object of such a non-consensual transaction can not “‘contain in himself’ the end”48 of the action, not even if she would consent if she knew about it, because she is denied the opportunity to “choose, freely, to contribute to its realization.49” Since she can not rationally or autonomously choose the end of the secret act, her involvement is as a “mere means.”50 Should the feared risk come into being, the people injured experience a loss of meaning in the understanding sense: what appeared before as the possibility of a random, uncontrollable harm now appears as the fact of a random, incomprehensible harm. Risk-secrecy is converted into reason-secrecy because she is not permitted to know why what has happened to her occurred. She is not permitted to see the reasons and the choices and the autonomous actors behind the maybe-seen catalyst security lapse and understand that act as an act of the subjects who are (supposedly) accountable to her, rather than as a fact. She is not permitted to take a position in relation to the other people whose actions she experienced as injury.51 This, mutatis mutandis to the risk before it came into being, is an unethical mystification, and our victim will experience it as a loss of meaning. Much the same holds for reason-secrecy. When the State carries out its will on a person on the basis of a secret standard, that person has the experience of an arbitrary imposition of power. The experience of being put on a no-fly list must be seen as akin to the experience of being hit by a meteorite: an utterly meaningless and unpredictable event, impossible to ground in familiar reality.52 Reason-secrecy necessarily depends on invasions of privacy and undermining of the control that the object of such secrecy has over her own identity. In order for people to become fields for the exercise of power, the State must first collect data about them.53 If the State is to exercise its power, on the basis of that data, pursuant to secret reasoning, it must collect (or transfer and misuse) the data secretly (unless the reasons are some grossly visible characteristic of the object of secrecy, like race). Otherwise, the objects of secrecy might be able to learn the sort of data that the State is examining and infer the secret reasons. Even worse for the secret state, the individual objects of secrecy might learn of and evade the examination. Consequently, the disciplinary power of the security state comes from the conjunction of the power of the officials to watch everyone and the lack of power in the watched class to reciprocally watch the officials.54 This permits the application of power universally on each citizen under the panoptic eye, since no citizen can know whether she is being watched at any moment. Reason-secrecy achieves this effect by secretly examining data about the public, which then is used to exercise power on individuals selected by this secret examination. The security state thus exercises power over us all by placing us in anticipation of power being exercised on us.55 Because of that structural feature of reason-secrecy, it implies all the ethical difficulties inherent in risk-secrecy. The panoptic nature of the relationship between the holder of secret reasons and a citizen who is the object of secrecy implies that each person presenting herself for inspection under secret reasons (i.e. at an airport) has no way of knowing whether or not harm will be inflicted on her (i.e. a denial of flight) by the State. Thus, whether or not she is actually harmed, the citizen is not able to ground the possibility of harm in any choice or characteristic of herself. From the point of view of the experience of the person presenting herself for inspection, the State is placed in exactly the same position as the terrorist: each may strike at any moment and do injury to our beleaguered citizen without any rhyme, reason, or predictability. Act-secrecy also necessarily implicates the ethical objections to reason-secrecy (and thereby to risk-secrecy), because the concealment of an act implies a concealment of the reasons for the act. (The State can not announce “we will search the homes of anyone who does X” without disclosing the searches to its targets.) Moreover, in the case of unexplained, arbitrary, and random risks (whether imposed by third parties or the government as in risk and reason secretly respectively), the citizen has at least a minimal opportunity to ascribe meaning to the random nature of the act and initiate some project. For example, the citizen might gain a sense of control by participating in political action to demand disclosure of the secret reasons or punishment for risk-negligent officials. The same can not be said for act-secrecy. Because act-secrecy conceals not only the reasons for the act, but the very act itself, it deprives the victim of such an act of any way of taking a position with regard to that concealed act. Each citizen is placed in apprehension of utterly random exercises of power that she will never have the opportunity to resist or understand. The function of these forms of secrecy is thus to reduce the decisions of individual people to nothingness. The decisions of government agents become invisible and appear as mere manifestations of nature. The decisions of third parties become random and unavoidable chance. The decisions even of the object of secrecy are disconnected from their consequences.56 If the ability to understand and choose to act in the world is the fundamental characteristic of humanity, an act upon another that renders the choices both parties have made invisible, so that the situation seems a meaningless “brute fact” rather a changeable choice, must be seen as dehumanizing and consequently, unethical.57

#### Drones have become the technological symbol of disorder – debate about targeted killing must avoid impossible questions of “drones good or bad” that echo the polarization of status quo political discourse – facts alone will never be enough – instead, we must learn from the complexities surrounding drones and apply them to the concerns of so many about personal security.

Rothenberg, ‘13 [Daniel Rothenberg is a professor of practice at the School of Politics and Global Studies, ASU and the Lincoln fellow for Ethics and International Human Rights Law. He is editing a book with Peter Bergen on drones to be published later this year. “What the Drone Debate Is Really About”; May 6, 2013; <http://www.slate.com/articles/technology/future_tense/2013/05/drones_in_the_united_states_what_the_debate_is_really_about.html>]

The term drone draws attention, elicits passions, and sparks heated discussions. Often the debate about drones flattens the complexity of real policy issues as the questions asked demand impossible answers, “Are drones good or bad?” or “Are you for or against drones?” Not surprisingly, this approach heightens the tensions attached to debate about drones, turning conversations into arguments and echoing the polarization that characterizes so much of contemporary political discourse. The intensity of interest in drones arose some years after they became a key element of U.S. military operations abroad. Interestingly, after more than a decade at war, drones remain the only military system within an extraordinarily advanced arsenal to have captivated popular attention. And they have done so at a time when the public has grown weary of war and the deep confusions surrounding the objectives, value, and purpose of these conflicts. For many within the military, the intensity of the debate about drones in combat has been perplexing. As they often point out, drones are simply one of a number of military platforms upon which information-gathering technology or weapons are deployed. For tactical purposes, it may make little difference whether a Hellfire missile is launched from a fighter jet or a drone. And, as military experts and knowledgeable observers emphasize, drones do not operate independently—rather, they are part of a complex, multilayered system in which particular technologies, drones and others, are useful only as integrated within a larger strategic vision. That said, much of the discussion of drones focuses not on their use by the military within defined war zones, where domestic and international law applies, but rather to their use by the CIA and other organizations in places where the legality of their deployment is under question, where data are minimal and where secrecy prevails. In this way, covert drone strikes are the latest in a series of interrelated issues—including torture, black sites, and extraordinary rendition—that reflect directly on the meaning, impact, and ethics of U.S. strategy (once called the global war on terror). Yet, even as drones are linked to existing questions of the appropriateness, legitimacy, and potential illegality of U.S. action, they are the only element of this critique linked to advanced technology, with its complex evocation of promise and danger. Drones have become the iconic public image of the U.S. government’s international projection of military force, during a complex and uncertain time when support is waning and there is great confusion as to the purpose of these ongoing conflicts. More recently, public debate on drones has turned to their current and potential use within our country. And, in this context as well, drones have produced tense discussions about multiple issues including protecting privacy, respecting core constitutional rights, and enabling potential abuses of state power. In response, there are demands for increased regulation as well as concerns that new rules will have a profoundly negative effect on our society. Many worry that the use of drones in our country will usher in a new era of intrusive state surveillance and may even be used as a means of attacking and killing American citizens here at home. For those who currently use drones or advocate for their expanded deployment—whether for military or civilian applications—these debates are deeply frustrating. They point out that drones are simply machines, neither good nor bad, not the sort of issue for which one should seek either support or rejection. They point to drones’ capacity to safely, effectively and inexpensively fight fires, monitor weather patterns, spray crops, and provide ongoing real-time information on hundreds of issues. This is why there is an ongoing effort to shift the language of the debate by replacing the popular term drone with one of a number of arguably more accurate—and less politically loaded—alternatives including unmanned aerial vehicle (UAV), remotely piloted vehicle (RPV), or remotely piloted aircraft (RPA). Still, drone remains the default term and will be for the foreseeable future. In fact, the lure and power of the word drone provides insight into the true nature and intensity of the debate. Drones have come to us from foreign battlefields and migrated to the domestic policy environment. While drones may be simple and varied machines, the ones we know best bear names that suggest both danger and brutality, the Predator (MQ-1) and the Reaper (MQ-9). Drones embody the glory of American technological superiority and innovation (at least for now) and appear to many as an ideal tool for facing a difficult, distant, and elusive enemy. Yet, woven into their usefulness abroad is a sense that they are the first expressions of a new reality defined by multiple related technologies whose transformative capacities are as dangerous here as they have been proved to be abroad. Drones captivate us. Their sleekly disturbing look, an odd combination of the fragile and the deadly, produces both fascination and fear. The word drone highlights these qualities, depicting a machine that is solitary, potentially autonomous, ever present, and quietly menacing. The truth is that those who suggest that public debate needs to focus clearly on what drones really are and really do, are missing the point. Facts alone will not resolve the heated discussions. Rather the idea of drones and the resulting questions, complex and varied as they are, are enmeshed in powerful narratives of fear and mistrust as drones have become a central element of the contemporary American political imagination. The drone debate is not only about targeted killings abroad or potential invasions of privacy at home; it is about how this emerging technology has come to symbolize the disorder, threat, uncertainty, and fear of our rapidly changing world. The challenge we face as a society is not simply how to regulate drones (which is clearly necessary) but rather how to learn from the passions they inspire such that we connect serious policy debate on emerging technologies with a respect and acknowledgement for the very real fears of so many.

Regulating disorder through state mechanisms of security justifies racist violence – this is the precondition to all violent and immoral actions.

Bell, ‘5 (Colleen, Biopolitical Strategies of Security: Considerations on Canada’s New National Security Policy, http://www.yorku.ca/yciss/publications/documents/WP34-Bell.pdf)

As an instrument of governance, security operates quite separately from discipline and law. As Agamben writes, “While disciplinary power isolates and closes off territories, measures of security lead to an opening and to globalization…security intervenes in ongoing processes to direct them;” while it is the goal of discipline to bring about order, “security wants to regulate disorder.” These attempts to regulate disorder 110 through mechanisms of security allow for security to become the sole criteria for the legitimation of state activity. This neutralization of politics to security, which very much coalesces around ‘risk,’ he notes, also contains its own essential risk. “A state which has security as its sole task and source of legitimacy is a fragile organism,” he writes, “it can always be provoked by terrorism to become itself terroristic.”111 Baudrillard similarly contends that as terrorism and the repression of terrorism hold the same unpredicitablity, it is difficult to distinguish between them. The regulations enforced by security measures, 112 he argues, are an internalization of defeat in a state of absolute disorder. With the culmination of war as 113 an activity only among states or aspiring states, “it becomes clear that security finds its end in globalization, argues Agamben, because “it implies the idea of a new planetary order which is in truth the worst of all disorders.” This disorder is liberal globalization manifested in its opposite form, writes Baudrillard, “a police-state globalization, a total control, a terror based on ‘law and order’ measures.” The compatibility 115 of security and terrorism ends in a legitimation of the actions of each other, forming “a single deadly system.” 116 This relationship between security and terror signifies deeper qualities about biopower and the connection it posits between life and death. According to Foucault, biopower is centred on life essentially to the exclusion of death such that death becomes taboo, privatized, and is pushed outside of the power relationship. The right to end life is diminished through biopower’s interventions that make live and 117 improve life “by eliminating accidents, the random element, and the deficiencies” such that “death becomes, insofar as it is the end of life, the term, the limit, or the end of power too.” Yet, a certain formulation of 118 the power to kill still remains operative within this technology. According to Foucault, biopolitics motivates racism to intervene as the precondition for the right to kill. Racism, he writes, is “the break between what must live and what must die” by “fragmenting the field of the biological that power controls…to subdivide the species it controls, into the subspecies known, precisely, as races.” It functions by establishing a biopolitical relation of war organized around the maxim that “In order to live, you must destroy your enemies.” With the aim of improving life, racism establishes a biological rather than a warlike relationship 120 between one’s life and the death of another. Killing thus becomes acceptable in the biopower system, not for political victory, but only if it eliminates threats to the biological health of a race or species. Rather than 121 political adversaries, the enemies that are to be done away with are posited in evolutionary terms as internal or external ‘threats’ to the population. “Once the State functions in the biopower mode, racism alone can justify the murderous function of the State,” says Foucault, because racism “is bound up with the workings of a State that is obliged to use race, the elimination of races and the purification of the race, to exercise its sovereign power.” Such a state of affairs is unlikely to come as much of a surprise to critical security and 122 surveillance scholars who have long claimed that the issue of ethnicity has been pivotal to grasping the Canadian security regime since its inception. 123 The hinging of social and political rights on the biological existence of a population, in contrast to the association of rights with the capacities and obligations of individuals, raises yet more problems. As security derives power from constant reference to a state of exception, it also simultaneously depoliticizes society and ultimately, renders security mechanisms and democracy irreconcilable. This effect means that political negotiations are neutralized and sites for instigating challenges to existing political arrangements, such as the need for a ‘war against terrorism,’ or the need for risk factors to stand as the organizing principle of a society, become imperceptible. Because threats and risks are constituted in biological terms, the ultimate goal of a society as Baudrillard puts it, is “zero death,” unseating the role of politics, political life, and ethical interrogations as meaningful criteria for decision-making. As Walker has observed, the possibility of uttering security has become unresolvably linked to “our ability speak about and be many things other than secure, and not least of our ability to be citizens, democrats, or even humans.”

#### Securitized otherization causes cycles of systemic violence that make genocide and extinction inevitable.

Ahmed, ‘11 [2011, Dr. Nafeez Mosaddeq Ahmed is Executive Director of the Institute for Policy Research and Development [IPRD], an independent think tank focused on the study of violent conflict, he has taught at the Department of International Relations, University of Sussex "The international relations of crisis and the crisis of international relations: from the securitisation of scarcity to the militarisation of society" Global Change, Peace %26 Security Volume 23, Issue 3, Taylor Francis]

Hence, they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale – in the very process of seeking security.85 In Cox’s words, because positivist IR theory ‘does not question the present order [it instead] has the effect of legitimising and reifying it’. 86 Orthodox IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason – thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence. Indeed, the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises.87 By the same token, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military–political power rather than any attempt to transform root structural causes.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nulliﬁed under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to ‘securitise’them– and this, ironically, fuels the proliferation of violent conﬂict and militarisation responsible for magniﬁed global insecurity. ‘Securitisation’ refers to a ‘speech act’ – an act of labelling – whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law. It thus legitimises resort to special extra-legal powers. By labelling issues a matter of ‘security’, therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival itself. Far from representing a mere aberration from democratic state practice, this discloses a deeper ‘dual’ structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military– police measures in purported response to an existential danger.89 The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating ‘new security challenges’, and are thus entirely disproportionate.90 All that remains to examine is on the ‘surface’ of the international system [geopolitical competition, the balance of power, international regimes, globalisation and so on], phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms. Indeed, orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to ‘new security challenges’ such as ‘low-intensity’ intra-state conﬂicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafﬁcking; proliferation of weapons of mass destruction; and international terrorism.91 Although the majority of such ‘new security challenges’ are non-military in origin – whether their referents are states or individuals – the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power.92 In other words, the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military–political capacities to maintain existing power structures, to keep the lid on.93 Global crises are thus viewed as amplifying factors that could mobilise the popular will in ways that challenge existing political and economic structures, which it is presumed [given that state power itself is constituted by these structures] deserve protection. This justiﬁes the state’s adoption of extra-legal measures outside the normal sphere of democratic politics. In the context of global crisis impacts, this counter-democratic trend-line can result in a growing propensity to problematise potentially recalcitrant populations – rationalising violence toward them as a control mechanism. 3.2 From theory to policy Consequently, for the most part, the policy implications of orthodox IR approaches involve a redundant conceptualisation of global systemic crises purely as potential ‘threat-multipliers’ of traditional security issues such as ‘political instability around the world, the collapse of governments and the creation of terrorist safe havens’. Climate change will serve to amplify the threat of international terrorism, particularly in regions with large populations and scarce resources.94 The US Army, for instance, depicts climate change as a ‘stress-multiplier’ that will ‘exacerbate tensions’ and ‘complicate American foreign policy’; while the EU perceives it as a ‘threat-multiplier which exacerbates existing trends, tensions and instability’. 95 In practice, this generates an excessive preoccupation not with the causes of global crisis acceleration and how to ameliorate them through structural transformation, but with their purportedly inevitable impacts, and how to prepare for them by controlling problematic populations. Paradoxically, this ‘securitisation’ of global crises does not render us safer. Instead, by necessitating more violence, while inhibiting preventive action, it guarantees greater insecurity. Thus, a recent US Department of Defense report explores the future of international conﬂict up to 2050. It warns of ‘resource competition induced by growing populations and expanding economies’, particularly due to a projected ‘youth bulge’ in the South, which ‘will consume ever increasing amounts of food, water and energy’. This will prompt a ‘return to traditional security threats posed by emerging near-peers as we compete globally for depleting natural resources and overseas markets’. Finally, climate change will ‘compound’ these stressors by generating humanitarian crises, population migrations and other complex emergencies.96 A similar study by the US Joint Forces Command draws attention to the danger of global energy depletion through to 2030. Warning of ‘the dangerous vulnerabilities the growing energy crisis presents’, the report concludes that ‘The implications for future conﬂict are ominous.’ 97 Once again, the subject turns to demographics: ‘In total, the world will add approximately 60 million people each year and reach a total of 8 billion by the 2030s’, 95 per cent accruing to developing countries, while populations in developed countries slow or decline. ‘Regions such as the Middle East and Sub-Saharan Africa, where the youth bulge will reach over 50% of the population, will possess fewer inhibitions about engaging in conﬂict.’ 98 The assumption is that regions which happen to be both energy-rich and Muslim-majority will also be sites of violent conﬂict due to their rapidly growing populations. A British Ministry of Defence report concurs with this assessment, highlighting an inevitable ‘youth bulge’ by 2035, with some 87 per cent of all people under the age of 25 inhabiting developing countries. In particular, the Middle East population will increase by 132 per cent and sub-Saharan Africa by 81 per cent. Growing resentment due to ‘endemic unemployment’ will be channelled through ‘political militancy, including radical political Islam whose concept of Umma, the global Islamic community, and resistance to capitalism may lie uneasily in an international system based on nation-states and global market forces’. More strangely, predicting an intensifying global divide between a super-rich elite, the middle classes and an urban under-class, the report warns: ‘The world’s middle classes might unite, using access to knowledge, resources and skills to shape transnational processes in their own class interest.’ 99 3.3 Exclusionary logics of global crisis securitisation? Thus, the securitisation of global crisis leads not only to the problematisation of particular religious and ethnic groups in foreign regions of geopolitical interest, but potentially extends this problematisation to any social group which might challenge prevailing global political economic structures across racial, national and class lines. The previous examples illustrate how securitisation paradoxically generates insecurity by reifying a process of militarisation against social groups that are constructed as external to the prevailing geopolitical and economic order. In other words, the internal reductionism, fragmentation and compartmentalisation that plagues orthodox theory and policy reproduces precisely these characteristics by externalising global crises from one another, externalising states from one another, externalising the inter-state system from its biophysical environment, and externalising new social groups as dangerous ‘outsiders’. Hence, a simple discursive analysis of state militarisation and the construction of new ‘outsider’ identities is insufﬁcient to understand the causal dynamics driving the process of ‘Otherisation’. As Doug Stokes points out, the Western state preoccupation with the ongoing military struggle against international terrorism reveals an underlying ‘discursive complex’, where representations about terrorism and non-Western populations are premised on ‘the construction of stark boundaries’ that ‘operate to exclude and include’. Yet these exclusionary discourses are ‘intimately bound up with political and economic processes’, such as strategic interests in proliferating military bases in the Middle East, economic interests in control of oil, and the wider political goal of ‘maintaining American hegemony’ by dominating a resource-rich region critical for global capitalism.100 But even this does not go far enough, for arguably the construction of certain hegemonic discourses is mutually constituted by these geopolitical, strategic and economic interests – exclusionary discourses are politically constituted. New conceptual developments in genocide studies throw further light on this in terms of the concrete socio-political dynamics of securitisation processes. It is now widely recognised, for instance, that the distinguishing criterion of genocide is not the pre-existence of primordial groups, one of which destroys the other on the basis of a preeminence in bureaucratic military–political power. Rather, genocide is the intentional attempt to destroy a particular social group that has been socially constructed as different. 101 As Hinton observes, genocides precisely constitute a process of‘othering’in which an imagined community becomes reshaped so that previously ‘included’ groups become ‘ideologically recast’ and dehumanised as threatening and dangerous outsiders, be it along ethnic, religious, political or economic lines – eventually legitimising their annihilation.102 In other words, genocidal violence is inherently rooted in a prior and ongoing ideological process, whereby exclusionary group categories are innovated, constructed and ‘Otherised’ in accordance with a speciﬁc socio-political programme. The very process of identifying and classifying particular groups as outside the boundaries of an imagined community of ‘inclusion’, justifying exculpatory violence toward them, is itself a political act without which genocide would be impossible.103 This recalls Lemkin’s recognition that the intention to destroy a group is integrally connected with a wider socio-political project – or colonial project – designed to perpetuate the political, economic, cultural and ideological relations of the perpetrators in the place of that of the victims, by interrupting or eradicating their means of social reproduction. Only by interrogating the dynamic and origins of this programme to uncover the social relations from which that programme derives can the emergence of genocidal intent become explicable.104

#### The question of “who decides” cannot be foreclosed by asserting deference to elite knowledge – this topic is not a question of law but political culture – there is nothing inherently special about the knowledge of government experts – sustained debate that empowers the role of us as actors within politics is a prerequisite to restrictions on executive authority.

Rana, ’11 [Aziz Rana received his A.B. summa cum laude from Harvard College and his J.D. from Yale Law School. He also earned a Ph.D. in political science at Harvard, where his dissertation was awarded the university's Charles Sumner Prize. He was an Oscar M. Ruebhausen Fellow in Law at Yale; “Who Decides on Security?”; 8/11/11; Cornell Law Library; <http://scholarship.law.cornell.edu/clsops_papers/87/>]

Despite such democratic concerns, a large part of what makes today’s dominant security concept so compelling are two purportedly objective sociological claims about the nature of modern threat. As these claims undergird the current security concept, by way of a conclusion I would like to assess them more directly and, in the process, indicate what they suggest about the prospects for any future reform. The first claim is that global interdependence means that the U.S. faces near continuous threats from abroad. Just as Pearl Harbor presented a physical attack on the homeland justifying a revised framework, the American position in the world since has been one of permanent insecurity in the face of new, equally objective dangers. Although today these threats no longer come from menacing totalitarian regimes like Nazi Germany or the Soviet Union, they nonetheless create of world of chaos and instability in which American domestic peace is imperiled by decentralized terrorists and aggressive rogue states. Second, and relatedly, the objective complexity of modern threats makes it impossible for ordinary citizens to comprehend fully the causes and likely consequences of existing dangers. Thus, the best response is the further entrenchment of Herring’s national security state, with the U.S. permanently mobilized militarily to gather intelligence and to combat enemies wherever they strike – at home or abroad. Accordingly, modern legal and political institutions that privilege executive authority and insulated decisionmaking are simply the necessary consequence of these externally generated crises. Regardless of these trade-offs, the security benefits of an empowered presidency (one armed with countless secret and public agencies as well as with a truly global military footprint)188 greatly outweigh the costs. Yet, although these sociological views have become commonplace, the conclusions that Americans should draw about security requirements are not nearly as clear cut as the conventional wisdom assumes. In particular, a closer examination of contemporary arguments about endemic danger suggests that such claims are not objective empirical judgments but rather are socially complex and politically infused interpretations. Indeed, the openness of existing circumstances to multiple interpretations of threat implies that the presumptive need for secrecy and centralization is not self-evident. And as underscored by high profile failures in expert assessment, claims to security expertise are themselves riddled with ideological presuppositions and subjective biases. All this indicates that the gulf between elite knowledge and lay incomprehension in matters of security may be far less extensive than is ordinarily thought. It also means that the question of who decides – and with it the issue of how democratic or insular our institutions should be – remains open as well. Clearly technological changes, from airpower to biological and chemical weapons, have shifted the nature of America’s position in the world and its potential vulnerability. As has been widely remarked for nearly a century, the oceans alone cannot guarantee our permanent safety. Yet, in truth they never fully ensured domestic tranquility. The nineteenth century was one of near continuous violence, especially with indigenous communities fighting to protect their territory from expansionist settlers. But even if technological shifts make doomsday scenarios more chilling than those faced by Hamilton, Jefferson, or Taney, the mere existence of these scenarios tells us little about their likelihood or how best to address them. Indeed, these latter security judgments are inevitably permeated with subjective political assessments, assessments that carry with them preexisting ideological points of view – such as regarding how much risk constitutional societies should accept or how interventionist states should be in foreign policy. In fact, from its emergence in the 1930s and 1940s, supporters of the modern security concept have – at times unwittingly – reaffirmed the political rather than purely objective nature of interpreting external threats. In particular, commentators have repeatedly noted the link between the idea of insecurity and America’s post-World War II position of global primacy, one which today has only expanded following the Cold War. In 1961, none other than Senator James William Fulbright declared, in terms reminiscent of Herring and Frankfurter, that security imperatives meant that “our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century,” was no longer “adequate” for the “20th- century nation.” For Fulbright, the driving impetus behind the need to jettison antiquated constitutional practices was the importance of sustaining the country’s “preeminen[ce] in political and military power.” Fulbright held that greater executive action and war-making capacities were essential precisely because the United States found itself “burdened with all the enormous responsibilities that accompany such power.”192 According to Fulbright, the United States had both a right and a duty to suppress those forms of chaos and disorder that existed at the edges of American authority. Thus, rather than being purely objective, the American condition of permanent danger was itself deeply tied to political calculations about the importance of global primacy. What generated the condition of continual crisis was not only technological change, but also the belief that the United States’ own ‘national security’ rested on the successful projection of power into the internal affairs of foreign states. The key point is that regardless of whether one agrees with such an underlying project, the value of this project is ultimately an open political question. This suggests that whether distant crises should be viewed as generating insecurity at home is similarly as much an interpretative judgment as an empirically verifiable conclusion. To appreciate the open nature of security determinations, one need only look at the presentation of terrorism as a principal and overriding danger facing the country. According to the State Department’s Annual Country Reports on Terrorism, in 2009 “[t]here were just 25 U.S. noncombatant fatalities from terrorism worldwide” (sixteen abroad and nine at home).194 While the fear of a terrorist attack is a legitimate concern, these numbers – which have been consistent in recent years – place the gravity of the threat in perspective. Rather than a condition of endemic danger – requiring everincreasing secrecy and centralization – such facts are perfectly consistent with a reading that Americans do not face an existential crisis (one presumably comparable to Pearl Harbor) and actually enjoy relative security. Indeed, the disconnect between numbers and resources expended, especially in a time of profound economic insecurity, highlights the political choice of policymakers and citizens to persist in interpreting foreign events through a World War II and early Cold War lens of permanent threat. In fact, the continuous alteration of basic constitutional values to fit ‘national security’ aims highlights just how entrenched Herring’s old vision of security as pre-political and foundational has become, regardless of whether other interpretations of the present moment may be equally compelling. It also underscores a telling and often ignored point about the nature of modern security expertise, particularly as reproduced by the United States’ massive intelligence infrastructure. To the extent that political assumptions – like the centrality of global primacy or the view that instability abroad necessarily implicates security at home – shape the interpretative approach of executive officials, what passes as objective security expertise is itself intertwined with contested claims about how to view external actors and their motivations. This means that while modern conditions may well be complex, the conclusions of the presumed experts may not be systematically less liable to subjective bias than judgments made by ordinary citizens based on publicly available information. It further underscores that the question of who decides cannot be foreclosed in advance by simply asserting deference to elite knowledge. If anything, one can argue that the presumptive gulf between elite awareness and suspect mass opinion has generated its own very dramatic political and legal pathologies. In recent years, the country has witnessed a variety of security crises built on the basic failure of ‘expertise.’ 195 At present, part of what obscures this fact is the very culture of secret information sustained by the modern security concept. Today, it is commonplace for government officials to leak security material about terrorism or external threat to newspapers as a method of shaping the public debate. These ‘open’ secrets allow greater public access to elite information and embody a central and routine instrument for incorporating mass voice into state decision-making. But this mode of popular involvement comes at a key cost. Secret information is generally treated as worthy of a higher status than information already present in the public realm – the shared collective information through which ordinary citizens reach conclusions about emergency and defense. Yet, oftentimes, as with the lead up to the Iraq War in 2003, although the actual content of this secret information is flawed, its status as secret masks these problems and allows policymakers to cloak their positions in added authority. This reality highlights the importance of approaching security information with far greater collective skepticism; it also means that security judgments may be more ‘Hobbesian’ – marked fundamentally by epistemological uncertainty as opposed to verifiable fact – than policymakers admit. If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the r elationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars – emphasizing new statutory frameworks or greater judicial assertiveness – is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants – danger too complex for the average citizen to comprehend independently – it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

#### Vote aff to lift the veil of secrecy to politicize drone policy – there is no wizard behind the curtain – the structural powers of those with the authority to make war should be the focus of a discussion of war powers authority.

Cole, ‘12 [David Cole teaches constitutional law, national security, and criminal justice at Georgetown University Law Center. He is also a volunteer attorney for the Center for Constitutional Rights, the legal affairs correspondent for The Nation, a regular contributor to the New York Review of Books, and a commentator on National Public Radio’s All Things Considered. He has been published widely in law journals and the popular press, including the Yale Law Journal, California Law Review, Stanford Law Review, New York Times, Washington Post, Wall Street Journal, and Los Angeles Times. He has litigated constitutional cases in the Supreme Court; “Confronting the Wizard of Oz: National Security, Expertise, and Secrecy”; Connecticut Law Review, VOLUME 44, JULY 2012, NUMBER 5; http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2093&context=facpub]

Thus, deference to experts need not preclude independent or democratically accountable decision-making. The larger problem may be one that Rana notes but does not sufficiently emphasize—an inordinate reliance on classified information and covert operations.15 Secrecy is in many ways the ultimate enemy of democracy in the national security realm.16 As Judge Damon Keith has written, “democracy dies behind closed doors.”17 The experts in the intelligence community have the power to hide their decisions from external review and checks by classifying the information they consider or the actions they take.18 Even if they do so in good faith, the inevitable result is that their actions are increasingly insulated from scrutiny by others and immune from democratic checks. Virtually everyone who has had access to classified information concedes that the system leads to massive over-classification.19 Our overreliance on secrecy may well be more central to the problem of inordinate deference than assumptions about the nature of knowledge regarding security. And in any event, the problems are mutually reinforcing. The inaccessibility of the information the experts rely upon compels us to defer to them because we lack sufficient grounds to question them. And that, in turn, may well make the experts more protective of their information and more likely to classify their actions, decisions, and considerations. If this analysis is correct, then we must overcome not only the epistemological problem that Rana cites, but the problem of overreliance on secrecy as well. Experts can inform rather than supplant democratic decision-making only if we treat national security questions as appropriate for public deliberation, and if there is sufficient transparency to permit the decisions to be adequately informed. Rana stakes his claim for change on democratic legitimacy. Leaving such important decisions to unelected “experts” cannot be squared with the democratic foundations upon which our society rests, he argues.20 But there are at least two additional reasons, beyond democratic legitimacy, for resisting wholesale deference to the national security experts. First, many of the decisions that must be made in the security field involve more than questions of security. Surveillance issues, for example, almost inevitably involve a weighing of privacy interests against security concerns. Interrogation practices require us to balance the need for intelligence against interests in respecting human dignity and autonomy. Detention questions inevitably require a balancing of liberty and security. National security experts may well have expertise with respect to the security side of the equation on such questions, but there is no reason to think that they are experts in privacy, liberty, or human dignity. Indeed, precisely because of their specialized focus on security, they are ill-suited to weigh other concerns against security concerns. As Justice David Souter wrote in Hamdi v. Rumsfeld:21 In a government of separated powers, deciding finally on what is a reasonable degree of guaranteed liberty whether in peace or war (or some condition in between) is not well entrusted to the Executive Branch of Government, whose particular responsibility is to maintain security. For reasons of inescapable human nature, the branch of the Government asked to counter a serious threat is not the branch on which to rest the Nation’s entire reliance in striking the balance between the will to win and the cost in liberty on the way to victory; the responsibility for security will naturally amplify the claim that security legitimately raises. A reasonable balance is more likely to be reached on the judgment of a different branch . . . .22 How one strikes the balance between liberty and security is a decision that may be informed by experts, but is ultimately a normative question about the kind of society we want to live in—and that is quintessentially not a decision for experts, but for the people. Second, even if we bracketed the oft-competing rights concerns, and all we cared about was effective security, deference to experts operating with secret information behind closed doors might well be counterproductive. Experts are in no way immune from groupthink and other decisional biases, and the smaller the circle of actors with the requisite knowledge to act, the less likely it is that such errors will be corrected.23 Moreover, as the 9/11 Commission found, barriers to the sharing of information can greatly undermine the soundness of security strategies.24 Stovepiping is an inevitable consequence of specialization and classification (because only those with a clearance and a “need to know” can then gain access to the information), and makes it less likely that even the experts themselves will have access to all the information relevant to their decisions.25 Thus, greater transparency may be a benefit not merely from the vantage point of democratic legitimacy, as Rana illustrates, but also from the normative perspective of striking an appropriate balance, and from the pragmatic standpoint of improving security. Rana calls our attention to some of the deep philosophical undercurrents that have come to define modern attitudes toward national security. The issues are too important to be left to experts, but until we challenge our assumptions about the propriety of doing so, he argues, no formal legal solution will succeed. I am sympathetic to Rana’s concerns, and seek to support his argument with the three principal points made here. First, it is critical to consider the particular role that secrecy, itself controlled by experts, plays in constructing and perpetuating “expertise,” and in shielding the experts from democratic assessment. Second, when it comes to weighing security against other values, such as privacy, liberty, and human dignity, the experts deserve skepticism, not deference. And third, security decisions themselves are often undermined by the barriers that secrecy and specialization raise. Like the Wizard of Oz, national security experts operate behind a large screen, and that screen bars us from realizing, as Rana insists, that we are all capable of making the necessarily normative judgments about security and liberty that implicate not only the survival of our polity, but its survival in the form we choose.

# 2AC

## Whatever Being K

#### Their ethical “view from nowhere” universalizes the experience of the privileged philosopher – the erasure of identity from their subject position reifies racism and impedes alt solvency.

Yancy ‘5 [George, Associate Professor of Philosophy at Duquesne University, “Whiteness and the Return of the Black Body,” The Journal of Speculative Philosophy, 19(4), p. 215-216]

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write from a place of lived embodied experience, a site of exposure. In philosophy, the only thing that we are taught to "expose" is a weak argument, a fallacy, or someone's "inferior" reasoning power. The embodied self is bracketed and deemed irrelevant to theory, superfluous and cumbersome in one's search for truth. It is best, or so we are told, to reason from nowhere. Hence, the white philosopher/author presumes to speak for all of "us" without the slightest mention of his or her "raced" identity. Self-consciously writing as a white male philosopher, Crispin Sartwell observes: Left to my own devices, I disappear as an author. That is the "whiteness" of my authorship. This whiteness of authorship is, for us, a form of authority; to speak (apparently) from nowhere, for everyone, is empowering, though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: it yields the pleasure of self-forgetting or [End Page 215] apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials.

#### The critique reifies racial divisions – we cannot wish away difference.

Randall, ‘8 [January 10th, 2008, Vernillia- professor of Law @ the University of Dayton web editor of RACE, RACISM AND THE LAW; Racism v. Colorism: A Wrong Headed Debate; ; http://academic.udayton.edu/race/01race/racism03.htm]

Recently, I have been asked to stop using the term race and racism. The rationale is that there is only one human race and the use of the term race and racism perpetuates the problem. It was suggested that we would make significant movement in eliminating the problems of prejudice and discrimination if used the terms color and colorism instead. I reject the proposition. The use of term race and racism does not perpetuate prejudice and discrimination because the concept racism is not embodied in the words race. The impact of white privilege will continue to exist - whether you call it colorism or racism. Of course, there is only one human race. Let me make myself clear. THERE IS ONLY ONE HUMAN RACE. But saying that is about as meaningful as saying there is only one world. Countries are geopolitical, social construction that have meaning and consequences even if there is no geographic reality that make countries. Similarly, the social construction of race exist even if there is no biological reality. The problem of racism is focused on one group (whites) thinking that their privilege and power is inherent in their race/color. The feeling of superiority continues without regard to how you label it. less discrimination, prejudice against persons of different race/color. A look at human history shows that intolerance and hate is as fundamental to human nature as is love and that no matter how you label it people will categorize "THE OTHER" as different and inferior whether it is race, or religion, or sexual orientation or national origin or color or something that we haven't thought of yet. The reason "race" or "colorism" endures is because the basis "skin color" is something that cannot be "hidden". "THE OTHER" cannot assimilate. Case in point, the Europeans don't have"races" as we define them. They don't collect data about "race". When I was lobbying at the World Conference Against Racism to have data collected about discrimination in health care based on "race",the response was - "that it was impossible to collect such data because there was only one human race". Nevertheless, I met African Descendants from all over Europe who told story after story of discrimination against them "as a group". I met European health care providers who talked about the discrimination in health care. Of course, categorizing those that are different into the "THE OTHER" category and then maintaining a belief of superiority over the "THE OTHER" is fundamental to human nature. It is a fundamental survival instinct. It is a way of maintaining privilege and power. We do it in so many ways on a daily basis with very few exceptions - race/color is just one. The fundamental problem is how to change the basic human nature to discriminate against those that are different. I respect attempts to impact racism by any means and I encourage everyone to take up the fight in whatever way they think is appropriate. However, I refused to be drawn into the "One human race" approach. My concern with the "one human race" response, is that it allows people to think that if they reject the concept of race, they have rejected the concept of white privilege and power, rejected racism (or colorism if you will) merely because they expouse a belief in "one human race". In my opinion, institutional racism will continue undaunted. Some people (in my opinion many) will be happy to adopt the new language without making any significant (or any) change in their fundamental belief system. While maintaining that they can't be racist or colorist because they believe in only one human race. Look at Brazil. Changing terminology - from race to color - from racism to colorism; will have negligible, if any, impact on white privilege and power; negligible, if any, impact on discrimination and prejudice. I really cannot see, how talking about blacks, browns, reds, whites, and yellows and talking about colorism will cause people to categorize less, stereotype less, discriminate less. I can not see how talking about colorism will lessen white privilege and power. The fundamental construct - "you are different (color), my people are better remains". Thats why I will not engage my efforts in attempting to change terminology and will continue to use the words race and racism.

#### Defining ethics in relation to suffering is the only way to avoid reproducing it – if we can’t demand universal principles of human rights then people are free to justify their value of life through torture, violence, or anything else

Paul C. Santilli, Professor of Philosophy @ Siena College, 5/22/2003 (“Radical Evil, Subjection, and Alain Badiou’s Ethic of the Truth Event” – World Congress of the International Society for Universal Dialogue”) http://www.isud.org/papers/pdfs/Santilli.pdf

What, then, is the ground of moral duty with respect to suffering? The response to horrible suffering should not be empathetic feeling but a rational decision to do one’s duty. Kant is right about this. For Kant that decision springs spontaneously from the subject’s pure practical reason. But unless there is recognition of the horror in the first place, unless one recognizes a call to action in the phenomenon of evil perceived, then the formal procedures for deliberation would not even be set in motion. One needs an imperative from the other, some signal that says, “This is worth your attention. This is cruel. This is worth the exercise of practical reason.” There is a non-spontaneous, passive moment in the exercise of moral reason binding it to suffering or the collapse of happiness and joy in human beings. Although we cannot know what is going on with the person in and for itself, we have to recognize the signs of the void in the tears, the broken bodies, the cries, and all the other symptoms of that void. Kant rejects the pathology of suffering as a condition for moral judgment because, being pathological, it will be dependent on feelings and sensibilities and, therefore, disqualified for universal and autonomous judgments. Only a moral law, purified of all content and material substance, withdrawn from the circuit of natural bodies, desires, and contingencies, could have the force of a standard to which all rational beings are subjected. Nevertheless, even Kant recognizes that to apply the moral law practically one needs to think of it typologically or imagine it as regulating nature and natural bodies.17 The subject in other words has to be reinscribed into the world of suffering and into a circuit of exchanges from which the moral law was abstracted. If the logical intent of the categorical imperative is that I substitute myself as a rational being for any other rational being, then it equally requires a more concrete exchange of bodies in which, for example, a moral prohibition of torture must recognize torture as an offense against the person. How would reason know, for example, that it would be madness to torture someone in order to assist his or her well being, if there was not from the beginning an understanding of the universal condition of the human being’s natural needs and vulnerabilities. The susceptibility of the subject18 or its subjected, passive nature is then an ineradicable condition of moral understanding, even one that seeks to suspend particular, lawless contingencies in favor of pure reason. Built into the very articulation of pure practical reason is an imperative that one ought a priori to care for the needs of others like oneself, is a circuit of fleshly need and dependence. I would not know my duties to angels. This Kant recognizes when he says, “Man is a being of needs, so far as he belongs to the world of sense…his reason certainly has an inescapable responsibility from the side of his sensuous nature to attend to his interests and form practical maxims with a view to the happiness of this and, where possible, of a future life.”19 Suffering calls for a response; it is a stimulus to judgment and action. ////Without it, the operation of universalizing reason would not kick in. This condition of suffering I call subjection to indicate its position in the concept of a subject. It is the other side of pure spontaneity with which the dignity of man has been identified, by Kant, by Badiou, and so many others. This praise of spontaneous freedom in modern moral philosophy has obscured the truth about our passivity and our vulnerability. After all, if it is in ethics that we achieve some of our dignity, then let us recall that without our vulnerability there would be no ethics. The dignity of angelic figures, no matter how good and free they are, could not be ours.

## FW

#### Resolved is to reduce to mental analysis.

Random House Unabridged Dictionary 2006 (<http://dictionary.reference.com/browse/resolved>)

Resolve: 1.To come to a definite or earnest decision about; determine (to do something): I have resolved that I shall live to the full. 2. to separate into constituent or elementary parts; break up; cause or disintegrate (usually fol. by into). 3.to reduce or convert by, or as by, breaking up or disintegration (usually fol. by to or into). 4.to convert or transform by any process (often used reflexively). 5.to reduce by mental analysis (often fol. by into).

#### The context of the resolution is determined before the colon.

Peck 96 (U of Ottawa; <http://www.uottawa.ca/academic/arts/writcent/hypergrammar/colon.html>)

The colon focuses the reader’s attention on what to follow, and as a result, you should use it to introduce an idea that somehow completes the introductory idea.

#### Government is the people -- it’s in the context of resolved.

Abraham Lincoln 1864, Gettysberg Address

It is rather for us, the living, we here be dedicated to the great task remaining before us —that, from these honored dead we take increased devotion to that cause for which they here, gave the last full measure of devotion—that we here highly resolve these dead shall not have died in vain; that the nation, shall have a new birth of freedom, and that government of the people by the people for the people, shall not perish from the earth.

#### “Should” means desirable and not a mandate

AC 99 (Atlas Collaboration, “Use of Shall, Should, May Can,” http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html)

shall 'shall' describes something that is mandatory. If a requirement uses 'shall', then that requirement \_will\_ be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong. should 'should' is weaker. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means).

#### Any move to methodologically bracket out our discussion cannot be viewed as value neutral, it is the worst form of conservatism favoring the established order at the expense of the oppressed.

Meszaros, ‘89 (Istvan, likes Marx not Adam Smith. The Power of Ideology, p 232-234)

Nowhere is the myth of ideological neutrality – the self-proclaimed Wertfreiheit or value neutrality of so-called ‘rigorous social science’ – stronger than in the field of methodology. Indeed, we are often presented with the claim that the adoption of the advocated methodological framework would automatically exempt one from all controversy about values, since they are adequate method itself, thereby saving one from unnecessary complications and securing the desired objectivity and uncontestable outcome. Claims and procedures of this kind are, of course, extremely problematical. For they circularly assume that their enthusiasm for the virtues of ‘methodological neutrality’ is bound to yield ‘value neutral’ solutions with regard to highly contested issues, without first examining the all-important question as to the conditions of possibility – or otherwise – of the postulated systematic neutrality at the plans of methodology itself. The unchallengeable validity of the recommended procedure is supposed to be self-evident on account of its purely methodological character. In reality, of course, this approach to methodology is heavily loaded with a conservative ideological substance. Since, however, the plane of methodology (and ‘meta-theory’) is said to be in principle separated from that of the substantive issues, the methodological circle can be conveniently closed. Whereupon the mere insistence on the purely methodological character of the criteria laid down is supposed to establish the claim according to which the approach in question is neutral because everybody can adopt it as the common frame of reference of ‘rational discourse’. Yet, curiously enough, the proposed methodological tenets are so defined that vast areas of vital social concern are a priori excluded from their rational discourse ‘metaphysical’, ‘ideological’, etc. The effect of circumscribing in this way the scope of the one and only admissible approach is that it automatically disqualifies in the name of methodology itself, all those who do not fit into the stipulated framework of discourse. As a result, the propounders of the ‘right method’ are spared the difficulties that go with acknowledging the real divisions and incompatibilities as they necessarily arise from the contending social interests at the roots of alternative approaches and the rival sets of values associated with them. This is where we can see more clearly the social orientation implicit in the whole procedure. For – far from offering an adequate scope for critical enquiry – the advocated general adoption of the allegedly neutral methodological framework is equivalent, in fact, to consenting not even to raise the issues that really matter. Instead, the stipulated ‘common’ methodological procedure succeeds in transforming the enterprise of ‘rational discourse’ into the dubious practice of producing methodology for the sake of methodology: a tendency more pronounced in the twentieth century than ever before. This practice consists in sharpening the recommended methodological knife until nothing but the bare handle is left, at which point the new knife is adopted for the same purpose. For the ideal methodological knife is not meant for cutting, only for sharpening, thereby interposing itself between the critical intent and the real objects of criticism which it can obliterate for as long as the pseudo-critical activity of knife-sharpening for tits own sake continues to be pursued. And that happens to be precisely its inherent ideological purpose. Naturally, to speak of a ‘common’ methodological framework in which one can resolve the problems of a society torn by irreconcilable social interests and pursuing antagonistic confrontations is delusory, at best, notwithstanding all talk about ‘ideal communication communities’. But to define the methodological tenets of all rational discourse by way of transubstantiating into ‘ideal types’ (or by putting into methodological ‘brackets’) the discussion of contending social values reveals the ideological colour as well as the extreme fallaciousness of the claimed rationality. For such treatment of the major areas of conflict, under a great variety of forms – from the Viennese version of ‘logical positivism’ to Wittgenstein’s famous ladder that must be ‘thrown away’ at the point of confronting the question of values, and from the advocacy of the Popperian principle of ‘little by little’ in the ‘emotivist’ theory of value – inevitably always favours the established order. And it does so by declaring the fundamental structural parameters of the given society ‘out of bounds’ to the potential contestants, in the authority of the ideally ‘common’ methodology. However, even on a cursory inspection of the issues at stake it out to be fairly obvious that to consent not to question the fundamental structural framework of the established order is radically different according to whether one does so as the beneficiary of the order or from the standpoint of those who find themselves at the receiving end, exploited and oppressed by the overall determinations (and not just by some limited and more or less easily corrigible detail) of that order. Consequently, to establish the ‘common’ identity of the two, opposed sides of a structurally safeguarded hierarchical order – by means of the reduction of the people belong to the contending social forces into fictitious ‘rational interlocutors’, extracted from their divided real world and transplanted into a beneficially shared universe of ideal discourse – would be nothing sort of methodological miracle. Contrary to the wishful thinking hypostatized as a timeless and socially unspecified rational community, the elementary condition of a truly rational discourse would be to acknowledge the legitimacy of contesting the given order of society in substantive terms. This would imply the articulation of the relevant problems not on the plane of self-referential articulation of the relevant problems not on the plane of self-referential theory and methodology, but as inherently practical issues whose conditions of solution point towards the necessity of radical structural changes. In other words, it would require the explicit rejection of all fiction of methodological and meta-theoretical neutrality. But, of course, this would be far too much to expect precisely because the society in which we live is a deeply divided society. This is why through the dichotomies of ‘fact and value’, ‘theory and practice’, ‘formal and substantive rationality’, etc. The conflict-transcending methodological miracle is constantly stipulated as the necessary regulative framework of the ruling ideology. What makes this approach particularly difficult to challenge is that its value-commitments are mediated by methodological precepts to such a degree that it is virtually impossible to bring them into the focus of discussion without openly contesting the framework as a whole. For the conservative sets of values at the roots of such orientation remain several steps removed from the ostensible subject of dispute as defined in logico/methodological, formal/structural, and semantic/analytical terms. And who would suspect of ideological bias the impeccable – methodologically sanctioned – credentials of ‘procedural rules’, ‘models and ‘paradigms’? Once, though, such rules and paradigms are adopted as the common frame of reference of what may or may not be allowed to considered the legitimate subject of debate, everything that enters into the accepted parameters is necessarily constrained not only by the scope of the overall framework, but simultaneously also by the inexplicit ideological assumptions upon the basis of which the methodological principles themselves were in the first place constitution. This why the allegedly ‘non-ideological’ ideologies which so successfully conceal and exercise their apologetic function in the guise of neutral methodology are doubly mystifying. Twentieth-century currents of thought are dominated by approaches that lend to articulate the social interests and values of the ruling order through complicated – at times completely bewildering – mediations, on the methodological plane. Thus, more than ever before, the task of ideological demystification is inseparable from the investigation of the complex dialectical relationship between methods and values which no social theory or philosophy can escape.

#### False objectivity is the worst form of subjectivity – their framework propagates dominating power structures behind research and policymaking.

Shaw ‘4 [Jan. - Feb, 2004, Katharine, Associate Professor of Urban Studies at Ohio State Using Feminist Critical Policy Analysis in the Realm of Higher Education: The Case of Welfare Reform as Gendered Educational Policy Source: The Journal of Higher Education, Vol. 75, No. 1, Special Issue: Questions of Research and Methodology, pp. 56-79]

The methods and theoretical frameworks that dominate current policy analysis have been developed and implemented by those in power who, particularly in the world of policy formation and analysis, are overwhelmingly white, male, and well educated. Thus, traditional policy research has, according to Marshall, reflected the assumptions, worldview, and values of this group. As is the case with much mainstream research in the social sciences, traditional policy analysis can be characterized by the following elements. Among the most important are a belief in a single concept of truth (truth with a capital "T"); the assumption that objectivity on the part of the researcher is both achievable and desirable; the assumption that all research subjects share the same relationship to their social environment, thereby rendering such particularities as gender, race, social class, and sexuality unimportant; and the practice of evaluating women on the basis of male norms (Bensimon & Marshall, 1997, p. 7-8). Since this positivist paradigm is so widely accepted in the policy world, it allows policy analysts to assume a dispassionate, objective stance and at the same time encourages the broader policy community to perceive the research enterprise in this way. Thus, traditional policy analysis willfully ignores the inherently political nature of all research, and policy research in particular. As Marshall states, "Traditional policy analysis is grounded in a narrow, falsely objective, overly instrumental view of rationality that masks its latent biases and allows policy elites and technocrats to present analyses and plans as neutral and objective when they are actually tied to prevailing relations of power" (1997a, p. 3).

#### Southern literary societies prove that switch side debate reinforces dominant power structures.

Westbrook, ‘2 [B. Evelyn Westbrook- PhD Rhetoric University of Texas Debating Both Sides: What Nineteenth-Century College Literary Societies Can Teach Us about Critical Pedagogies, Rhetoric Review, 21:4, 339-356 Taylor Francis]

If societies like the Athenian and Clariosophic did, in fact, train students for public office, how did they influence students to think about the issues they debated? Did students regard debates as contests to be won, diversions from otherwise banal studies, or sincere inquiries into issues of public consequences? Asking these questions of South Carolina College’s Clariosophic Society, which like most other antebellum societies was at its peak before the Civil War, gives us the chance to see members debate particularly passionate political issues at a critical moment in American history (Harding 179). Furthermore, these questions are worth asking of nineteenth-century literary societies like South Carolina’s Clariosophic Society not only because they can provide us with a more complete picture of nineteenth-century rhetorical education but also because they allow us through historical analogy to look critically at today’s writing pedagogies that similarly foreground agonistic debate. The Radical Potential of the Clariosophic Society As war clouds gathered before the Civil War, literary societies all over the United States, but especially in the stronghold of the Confederate South, grappled with serious public questions. South Carolina College’s Clariosophic Society was no exception. Like other southern societies (and like most of their northern and western counterparts), members of the Clariosophic Society vigorously debated contemporary social and political questions, including slavery and secession (Harding 193). In fact, Clariosophics debated so many political questions that one member, Maxcy Gregg, complained in his 1835 valedictory speech of the society’s preoccupation with “politics of the day.” Indeed, of the 135 questions debated between 1842 and 1847, 53 dealt explicitly with contemporary local, national, or international politics.5 Because societies were forums wherein students debated issues of the day, it is tempting to characterize them as instruments of change in a reform era. Indeed, some scholars have (Frederick Rudolph; Richard Hofstadter). However, Rita Saslaw reminds us that college literary societies were extensions of conservatie and elite institutions of higher education and therefore assumed the role of preserving the values of society for future generations. Furthermore, except at progressive schools like Oberlin, antebellum literary societies were open only to the most privileged white males. And even at Oberlin, Saslaw argues, societies “did not fill the role of a forum for social activism” but “merely succeeded in providing a protected arena for the discussion of political, philosophical, religious, and historical topics” (200, 201). If debating divisive political and social issues in the composition classroom fosters social critique, as some contend, then we might expect members of the Clariosophic Society to occasionally challenge conventional wisdom and hegemonic ideologies. Because Clariosophics’ votes indicated “their own private feelings as to the question discussed,” society minutes, which record the decisions reached on questions debated, can serve as a barometer of student opinion (Hollis 235). Thomas Harding explains that “as most questions [for debate] were settled by popular vote and the votes recorded, the decisions furnish a first-hand account of what Southern college boys were thinking about in the years that witnessed the disruption of the Union” (193). Furthermore, Harding observes that in the decades immediately preceding the Civil War, “the decisions of the Southern college societies were generally in line with the prevailing attitude toward slavery in the South” (Harding 194).6 Clariosophics’ votes on questions debated between 1842 and 1847 suggest, indeed, that even though societies encouraged discussions of contemporary questions, members consistently reaffirmed dominant Carolinian ideologies and political sentiments rather than critiquing them.7 As historians like Robert Forbes have noted, South Carolinians were “the Americans most dedicated to preserving [slavery]” (81), and South Carolina was what historian Manisha Sinha calls “the secessionist state par excellence” (187). It’s no surprise, then, that in their debates Clariosophic members doggedly upheld Confederate positions regarding slavery and secession: • Is the spirit of liberty higher in countries where there are slaves or where there are none? (debated March 12, 1842, and decided affirmatively8) • Situated as we are should our slaves be debased the means of knowledge? (debated January 7, 1843, and decided affirmatively) • Has a state the right to secede from the Union? (argued on October 31, 1846, and decided affirmatively) • Is it likely that slavery will be eventually abolished? (argued on February 19, v1848, and decided negatively) The Clariosophics’ proslavery and secessionist positions reflect how deeply embedded racial slavery was in Carolinian ideology and politics: In their disapproval of providing slaves “the means of knowledge,” Clariosophics sided with Carolina’s planter politicians, who, fearing insurrection, were reluctant to permit Methodist ministers or missionaries to instruct or preach to their slaves (Ambrose 56). Furthermore, the society’s affirmative decision on the question, “Is the spirit of liberty higher in countries where there are slaves or where there are none?” reflects a characteristic Confederate defense of slavery: Historian Robert Forbes claims that Southern supporters of slavery often stigmatized challenges to slavery as threats to liberty, especially the right to property (81). The liberties and rights of white, propertied men were not surprisingly upheld by members of the Clariosophic Society who debated such questions as: • Is it not an infringement upon the inalienable rights of man for government to prohibit expatriation? (argued on February 7, 1846, and decided affirmatively) • Is our right to property natural or the gift of Government? (argued March 20, 1847, and decided affirmatively) • Is the right of making wills a natural right? (argued March 27, 1847, and decided affirmatively) • Is the free agency of man compatible with the necessary order of things? (argued on November 7, 1846, and decided affirmatively) Clariosophics routinely defend the white man’s “inalienable” rights to property and citizenship. Although championing freedoms and securing individuals’ rights may seem inconsistent with proslavery positions, these sentiments also acted, as Forbes explains, as “safeguards to slavery” (70): Man’s “natural right” to property implied that slavery was the white man’s natural right. Despite Clariosophics’ staunch defense of the white man’s right to property, Clariosophics paradoxically denied a father the right to will his estate to his daughter: On the question “Ought a man to have the right of entailing all his property on his daughter?” (argued on February 5, 1842), Clariosophics decided negatively. In fact, between 1842 and 1847, members upheld sexist ideologies in all four questions (including the one listed above) that considered women’s rights and liberties: • Have the sexes naturally equal minds? (debated on May 2, 1846, and decided negatively) • Do the duties of women in Society demand for her a college Education? (argued April 3, 1847, and decided negatively) • Is the female mind naturally inferior to that of man? (considered on December 4, 1847, and decided affirmatively) Time and again, society members denied women’s rights to property and education and defended a patriarchal social order. Furthermore, despite growing awareness of the masterful female orators of the day—like South Carolina’s own Grimké sisters—Clariosophics insisted on women’s intellectual inferiority. Racism and sexism in South Carolina were, Sinha posits, two sides of the same coin: “Just as belief in race and class inequality complemented each other in Carolinian proslavery discourse, the justification of racial slavery led slavery ideologues to champion gender inequality” (90). Sinha contends, in fact, that racial, gender, and class inequality formed the ideological foundation of antebellum South Carolina’s peculiarly antidemocratic political structure. Their vindication of slavery, argues Sinha, caused Carolinian planter politicians to question the democratic ideals of universal liberty and equality, a challenge to the Declaration of Independence and to natural-rights theory that Sinha calls “counterrevolutionary.” For instance, proslavery theorists like Alfred Huger, David Gavin, and Albert Taylor Bledsoe blamed democracy and “the cult of egalitarianism” for slaveholders’ troubles (Sinha 225). And some Carolina planter politicians like James Henry Hammond went so far as to describe South Carolina’s government as an aristocracy (Sinha 226). The antidemocratic, counterrevolutionary rhetoric that Sinha documents is also reflected in many of the Clariosophics’ decisions: • Had the National Convention of France the right to depose Louis XVI? (debated on January 1, 1843, and decided negatively) • Ought the terms of Judgeship to be limited to a certainage? (argued on January 8, 1843, and decided negatively) • Was Cromwell an honest politician? (argued on November 22, 1845, and decided negatively) • Was the execution of Charles I justifiable? (argued January 17, 1846, and decided negatively) • Is an elective or hereditary monarchy better calculated to advance national prosperity? (argued on March 21, 1846, and decided negatively) • Was Brutus justified in assassinating Caesar? (argued on May 15, 1846, and decided negatively) • Is the primogeniture system a beneficial one to a nation? (argued on May 23, 1846, and decided negatively) • Should the Governor of our State be elected by the Legislature or the people? (argued on May 30, 1846, and decided affirmatively) • Should our Congressmen be governed by their own sentiments or by those of their constituents? (argued on November 2, 1846, and decided affirmatively) • Are the people more easily corrupted than the Legislature? (argued on January 9, 1847, and decided negatively) • Was the administration of Cromwell beneficial to liberty? (argued on January 15, 1847, and decided negatively) Debating Both Sides 347 Downloaded by Clariosophics favored laws that would extend public figures’ terms in office. They also preferred rule by an elite rather than by the people, even though they felt that the public was less vulnerable to corruption. And although they voted against the primogeniture system, members preferred a hereditary monarchy to elected representatives. What’s more, they defended monarchs like Louis XVI and Charles I and emperors like Julius Caesar while criticizing Brutus and Cromwell. In short, then, even though society debates provided a forum for airing divisive political and social issues, members of the Clariosophic Society consistently voted to uphold Carolinian proslavery, antidemocratic, and separatist positions. Furthermore, though these debates were politically charged, they may have been regarded as purely academic exercises that were ultimately irrelevant in political spheres. Indeed, this is what Charleston planter Hugh Legare implied when he dismissed the question of whether to justify or condemn slavery on principles of natural law, calling it “a very good thesis for young casuists to discuss in the college moot-club,” but one that he and his fellow politicians would not undertake “for we have no taste for abstractions” (qtd. in Forbes 93). Another reason that societies may have failed to operate as forums for cultural and political critique is their emphasis on competition over inquiry. As Clariosophic Maxcy Gregg put it, students may have been “arguing for victory, instead of inquiring for truth.” Without much at stake in questioning the status quo, members could dramatize radical ideas while keeping a safe distance from the subversive politics they advocated. And after it all, they could slide back into their comfortable positions and even pat themselves on the back for having argued “the other side.” In today’s universities, where “diversity” is the watchword, few students could get away with the kind of blatant sexism and racism that the Clariosophics flaunted. Nevertheless, students today can still assume subversive positions for the sake of a grade, earn their mark, and then retreat to their former ideologies, feeling liberalized by the process. In fact, in “Community Service and Critical Teaching,” Bruce Herzberg shares his colleague’s experience of overhearing students admit to feigning exactly this kind of enlightenment in order to earn an “easy A” in a service-learning course (309). The critical question, then, is how to convince students—especially privileged ones—that more than their grades are at stake in classroom exercises that ask them to put their ideas and ideologies on the line.

Legal debates about targeted killing are impossible – the justification for their secrecy is secret –debating about the logic of secrecy is the key starting point.

McMahon, ’13 [J. McMahon; UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK; “AMERICAN CIVIL LIBERTIES UNION and THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION, Plaintiffs, -against- U.S. DEPARTMENT OF JUSTICE, including its component the Office of Legal Counsel, U.S. DEPARTMENT OF DEFENSE, including its Component U.S. Special Operations Command, and CENTRAL INTELLIGENCE AGENCY”; filed 1/3/13 ;http://s3.documentcloud.org/documents/550558/updated-drone-decision.pdf]

Plaintiffs in these consolidated actions have filed Freedom of Information Act ("FOIA") requests with the federal Government in order to obtain disclosure of information relating to a particular tactic that is admittedly being employed in the so-called "War on Terror" – the targeted killing of persons deemed to have tics to terrorism, some of whom may be American citizens. Most of what is sought in the facially overbroad request filed by the American Civil Liberties Union ("ACLU") was properly withheld pursuant to one or more properly-invoked exemptions that Congress wrote into the FOIA statute to guard against the disclosure of highly confidential and operational information - if, indeed, the Government has acknowledged that any such documents exist. Thornier issues are raised by two much narrower requests, filed by reporters from The New York Times. Broadly speaking, they seek disclosure of the precise legal justification for the Administration's conclusion that it is lawful for employees or contractors of the United States Government to target for killing persons, including specifically United States citizens, who are suspected of ties to Al-Qaeda or other terrorist groups. Documents responsive to these requests would also be responsive to portions of the ACLU's request. The FOIA requests here in issue implicate serious issues about the limits on the power of the Executive Branch under the Constitution and laws of the United States, and about whether we are indeed a nation of laws, not of men. The Administration has engaged in public discussion of the legality of targeted killing, even of citizens, but in cryptic and imprecise ways, generally without citing to any statute or court decision that justifies its conclusions. More fulsome disclosure of the legal reasoning on which the Administration relies to justify the targeted killing of individuals, including United States citizens, far from any recognizable "hot"' field of battle, would allow for intelligent discussion and assessment of a tactic that (like torture before it) remains hotly debated. It might also help the public understand the scope of the ill-defined yet vast and seemingly ever-growing exercise in which we have been engaged for well over a decade, at great cost in lives, treasure, and (at least in the minds of some) personal liberty. However, this Court is constrained by law, and under the law, I can only conclude that the Government has not violated FOIA by refusing to turn over the documents sought in the FOIA requests, and so cannot be compelled by this court of law to explain in detail the reasons why its actions do not violate the Constitution and laws of the United States. The Alice-in- Wonderland nature of this pronouncement is not lost on me; but after careful and extensive consideration, I find myself stuck in a paradoxical situation in which I cannot solve a problem because of contradictory constralints and rules - a veritable Catch-22. I can find no way around the thicket of laws and precedents that effectively allow the Executive Branch of our Government to proclaim as perfectly lawful certain actions that seem on their face incompatible with our Constitution and laws, while keeping the reasons for their conclusion a secret. But under the law as I understand it to have developed, the Government's motion for summary judgment must be granted, and the cross-motions by the ACLU and the Times denied, except in one limited respect. Final rulings on that discrete issue must abide further information from the Government.

# 1AR

#### The playing field is already tilted – demands for fairness celebrate institutionalized inequality.

Fish, ’93 (Stanley Fish, writer for the Atlantic professor of humanities and law at Florida International University, in Miami, and dean emeritus of the College of Liberal Arts and Sciences at the University of Illinois at Chicago. He has also taught at the University of California at Berkeley, Johns Hopkins and Duke University. He is the author of 11 books, most recently “Save the World On Your Own Time,” on higher education. “The Fugitive in Flight,” a study of the 1960s TV drama, will be published in 2010., The Atlantic, Reverse Racism, or How the Pot Got to Call the Kettle Black, <http://www.theatlantic.com/magazine/archive/1993/11/reverse-racism-or-how-the-pot-got-to-call-the-kettle-black/4638/?single_page=true>)

The same insincerity and hollowness of promise infect another formula that is popular with the anti-affirmative-action crowd: the formula of the level playing field. Here the argument usually takes the form of saying "It is undemocratic to give one class of citizens advantages at the expense of other citizens; the truly democratic way is to have a level playing field to which everyone has access and where everyone has a fair and equal chance to succeed on the basis of his or her merit." Fine words--but they conceal the facts of the situation as it has been given to us by history: the playing field is already tilted in favor of those by whom and for whom it was constructed in the first place. If mastery of the requirements for entry depends upon immersion in the cultural experiences of the mainstream majority, if the skills that make for success are nurtured by institutions and cultural practices from which the disadvantaged minority has been systematically excluded, if the language and ways of comporting oneself that identify a player as "one of us" are alien to the lives minorities are forced to live, then words like "fair" and "equal" are cruel jokes, for what they promote and celebrate is an institutionalized unfairness and a perpetuated inequality. The playing field is already tilted, and the resistance to altering it by the mechanisms of affirmative action is in fact a determination to make sure that the present imbalances persist as long as possible.