## 2AC

### Terrorism

**Even if we don’t view them as an enemy- they view us as one**

**Harris ‘4** (Essayist for Policy Review, Lee, Civilization and its Enemies, http://www.freerepublic.com/focus/f-news/1260214/posts)

This is how mankind always thought of the enemy- as the one who, if you do not kill him first, will sooner or later kill you. And those who see the world this way see it very differently from those who do not. This is the major fact of our time. We are caught in dthe midst of a conflict between those for whom the category of the enemy is **essential to their way of organizing all human experience** and those who have banished even the idea of the enemy from both public discourse and even their innermost thoughts. But those who abhor thinking of the world through the category of the enemy must still be prepared to think about the category of the enemy. That is, even if you refuse to think of anyone else as an enemy, you must acknowledge that there are people who do in fact think this way. Yet even this minimal step is a step that many of our leading intellectuals refuse to take, despite the revelation that occurred on 9/11. they want to see 9/11 as a means to an end and not an end in itself. But 9/11 **was an end in itself**, and that is where we must begin. Why do they hate us? They hate us because we are their enemy…It is the enemy who defines us as his enemy, and in making this definition he changes us, and changes us whether we like it or not. We cannot be the same after we have been defined as an enemy as we were before. That is why those who uphold the values of the Enlightenment so often refuse to recognize that those who are trying to kill us are their enemy. They hope that by pretending that the enemy is simply misguided, or misunderstood, or politically immature, he will cease to be an enemy**. This is an illusion**. To see the enemy as someone who is merely an awkward negotiator of sadly lacking in savoir faire and diplomatic aplomb is perverse. It shows contempt for the depth and sincerity of his convictions, a terrible mistake to make when you are dealing with someone who wants you dead. We are the enemy of those who murdered us on 9/11. And **if you are an enemy, then you have an enemy.** When you recognize it, this fact must change everything about the way you see the world.

**First, extinction of the species is the most horrible impact imagineable, putting rights first is putting a part of society before the whole**

**Schell 1982**

(Jonathan, Professor at Wesleyan University, The Fate of the Earth, pages 136-137 uw//wej)

Implicit in everything that I have said so far about the nuclear predicament there has been a perplexity that I would now like to take up explicitly, for it leads, I believe, into the very heart of our response-or, rather, our lack of response-to the predicament. I have pointed out that our species is the most important of all the things that, as inhabitants of a common world, we inherit from the past generations, but it does not go far enough to point out this superior importance, as though in making our decision about ex- tinction we were being asked to choose between, say, liberty, on the one hand, and the survival of the species, on the other. For the species not only overarches but contains all the benefits of life in the common world, and to speak of sacrificing the species for the sake of one of these benefits involves one in the absurdity of wanting to de- stroy something in order to preserve one of its parts, as if one were to burn down a house in an attempt to redecorate the living room, or to kill someone to improve his character. ,but even to point out this absurdity fails to take the full measure of the peril of extinction, for mankind is not some invaluable object that lies outside us and that we must protect so that we can go on benefiting from it; rather, it is we ourselves, without whom everything there is loses its value. To say this is another way of saying that extinction is unique not because it destroys mankind as an object but because it destroys mankind as the source of all possible human subjects, and this, in turn, is another way of saying that extinction is a second death, for one's own individual death is the end not of any object in life but of the subject that experiences all objects. Death, how- ever, places the mind in a quandary. One of-the confounding char- acteristics of death-"tomorrow's zero," in Dostoevski's phrase-is that, precisely because it removes the person himself rather than something in his life, it seems to offer the mind nothing to take hold of. One even feels it inappropriate, in a way, to try to speak "about" death at all, as. though death were a thing situated some- where outside us and available for objective inspection, when the fact is that it is within us-is, indeed, an essential part of what we are. It would be more appropriate, perhaps, to say that death, as a fundamental element of our being, "thinks" in us and through us about whatever we think about, coloring our thoughts and moods with its presence throughout our lives.

### Solvency

#### Allowing Obama to use statutory justifications for indefinite detention causes an indefinite police state- short-circuits activism and causes unspeakable acts of torture and violence

Stephen Lendman (Research Associate of the Center for Research on Globalization) July 19, 2013 “US Courts Approve Indefinite Detention and Torture” http://www.mathaba.net/news/?x=633237

Fundamental freedoms are illusory. They're vanishing. They lie in history's dustbin. National Defense Authorization Act (NDAA) provisions let federal troops arrest and imprison US citizens and foreign nationals. They can do it at home or abroad. They can do it anywhere. They can be held indefinitely uncharged and untried. They can be tortured. They can be forced to admit crimes they didn't commit. They can be murdered on Obama's say. Police state lawlessness rules. It's the law of the land. Obama's a tinpot despot. He's judge, jury and executioner. Fundamental rights are gone. They don't apply. Anyone can be arrested, imprisoned, held indefinitely and tortured for doing the right thing. Protesting imperial lawlessness, social injustice, corporate crime, government corruption, or political Washington run of, by and for rich elites can be criminalized. So can free speech, assembly, religion, or anything challenging America's right to kill, destroy and pillage with impunity. fffffIt's official. Tyranny rules. America's unsafe to live in. There's no place to hide. Challenging diktat power's criminalized. Police state ruthlessness targets anyone trying. Military dungeons or secret FEMA concentration camps await victims. America's no democracy. It's not beautiful. It's a battleground. It's nightmarish for countless numbers affected. Law Professor Jonathan Turley called NDAA authority ruthlessness "that would have horrified the Framers." "Indefinitely detaining citizens is something (they) were intimately familiar with and expressly sought to bar in the Bill of Rights." Other legal experts agree. Habeas, due process, and other fundamental rights are too precious to lose. They're now quaint artifacts. They're gone. They lie in history's dustbin. Tyranny replaced them. America's no different from other totalitarian states. It's ruthless. It's militarized for control. It's concentrated money power running things. It's fascism writ large. It's wrapped in the American flag. It's scapegoating challengers. It's out-of-control militarism. It's national security justification to brutalize and oppress. It's controlling the message. It's convincing people fundamental rights are abolished for their own good. It's getting most people to believe it. It's stripping off America's mask. It's showing its true face. It's menacing, cruel and unjust. Federal court decisions explain. In 2012, Hedges et al v. Obama challenged NDAA provisions. Last September, Southern District of New York federal Judge Katherine B. Forrest blocked Obama's indefinite detention law. She's the exception, not the rule. She called it "facially unconstitutional: it impermissibly impinges on guaranteed First Amendment rights and lacks sufficient definitional structure and protections to meet the requirements of due process." She added that: "If, following issuance of this permanent injunctive relief, the government detains individuals under theories of ‘substantially or directly supporting’ associated forces, as set forth in” the National Defense Authorization Act, “and a contempt action is brought before this court, the government will bear a heavy burden indeed." At issue is section 1021 of the 2012 National Defense Authorization Act (NDAA). It states in part: "Congress affirms that the authority of the president to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (AUMF) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war." "Covered persons" are defined as: Anyone "who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces." Plaintiffs argued that broad, ambiguous language like "substantially supported," "associated forces" and "directly supported" leaves them and others vulnerable to lawless indefinite detention. Legally meeting someone rightly or wrongly called a terrorist, staying in their homes, inviting them to speak at conferences or in panel discussions, interviewing them, or socializing with them can be called dealing with the enemy. So can writing anti-imperial articles, exposing and/or discussing US crimes of war and against humanity, and participating in anti-war protests. Hedges et al won. Obama officials appealed. On Wednesday, the New York Second Circuit Court of Appeals overturned Judge Forrest's ruling. Three judges did so unanimously. They did it shamelessly. They called indefinite detention uncharged and untried OK. They said Hedges et al lacked standing. It's because federal law "says nothing at all about the president's authority to detain American citizens." False! NDAA covers everyone. US citizens are as vulnerable as foreign nationals. Appeals Court Judge Lewis Kaplan said non-citizens "failed to establish standing because they have not shown a sufficient threat that the government will detain them." Plaintiffs' lawyer Carl Mayer said "(w)e're reviewing what our options are, but I strongly suspect that we will appeal to the Supreme Court." The ruling came on the same day the District of Columbia Court of Appeals overturned a lower court ruling. At issue are oppressive Guantanamo prisoner genital area searches. District Court Judge Royce Lamberth ordered them stopped. Appeals Court judges overruled him. They authorized what's conducted to degrade, harass and humiliate. They're unrelated to security. Separately on July 16, Washington, DC District Court Judge Rosemary Collyer ruled against three Guantanamo hunger strikers. They sued to stop force-feeding. It's lawless. It's medically unethical. It's excruciatingly painful. It's torture as international law defines it. Collyer supports it. Her ruling ignored inviolable laws. She's contemptuously dismissive. She said: "There is nothing so shocking or inhumane in the treatment of petitioners - which they can avoid at will - to raise a constitutional concern that might otherwise necessitate review." "Although framed as a motion to stop feeding via nasograstric tube, Petitioners' real complaint is that the United States is not allowing them to commit suicide by starvation." According to the World Federation of Right to Die Societies: "All competent adults - regardless of their nationalities, professions, religious beliefs, and ethical and political views - who are suffering unbearably from incurable illnesses should have the possibility of various choices at the end of their life." "Death is unavoidable. We strongly believe that the manner and time of dying should be left to the decision of the individual, assuming such demands do not result in harm to society other than the sadness associated with death." Brutalizing indefinite Guantanamo detention constitutes an "incurable disease." It includes hopelessness and unbearable suffering. It prevents any chance for freedom. It denies all rights. Death's unavoidable. It'll come sooner, not later. Dying with dignity's excluded. Permitting it is fundamentally right. Not according to kangaroo federal court justice. Collyer's ruling replicated Judge Glady Kessler's July 10 decision. On the one hand, she called force-feeding "painful, humiliating and degrading." On the other, she abstained from ruling responsibly. She wrongfully claimed federal courts have no authority over Guantanamo. Obama alone has "authority to address the issue," she said. False! Kessler doesn't know the law. Maybe she does but spurned it. She ignored High Court rulings. In Rasul v. Bush (June 2004), the Supreme Court held that Guantanamo detainees may challenge their detention in civil court. In response, Congress enacted the 2005 Detainee Treatment Act. It subverted the ruling. In Hamdan v. Rumsfeld (June 2006), the High Court held that federal courts retain jurisdiction over habeas cases. It ruled against military commissions. It said they lack "the power to proceed because (their) structures and procedures violate both the Uniform Code of Military Justice and the four Geneva Conventions." In response, Congress passed the 2006 Military Commissions Act (MCA). In updated form, it's the law of the land. Supreme Court justices can challenge it. They can strike it down. They haven't done so. Perhaps a future court will. In Boumediene v. Bush (June 2008), it affirmed habeas rights for Guantanamo detainees. It let them petition for release from lawlessly imposed custody. Justice Anthony Kennedy wrote the majority opinion. He said America maintains complete jurisdiction over Guantanamo regardless of its offshore location. He opposed political branches "govern(ing) without legal restraint." He expressed concerns about usurping "power to switch the Constitution on or off at will." Doing so "lead(s) to a regime in which they, not this Court, say 'what the law is.' " "Even when the United States acts outside its borders, its powers are not 'absolute and unlimited' but are subject 'to such restrictions as are expressed in the Constitution.' " He called habeas "an indispensable mechanism for monitoring the separation of powers." "The test for determining (its) scope must not be subject to manipulation by those whose power it is designed to restrain." This bedrock right has no adequate substitute. It doesn't matter. Justice in America no longer exists. Diktat power replaced it. Perhaps NDAA enactment was when freedom in America died. Post-9/11, it's been on the chopping block for elimination altogether. Tyranny's the law of the land. It's institutionalized. Fundamental rights don't matter. Democracy's a four-letter word. Out-of-control power runs things. It's unaccountable. Nonbelievers aren't tolerated. The worst is yet to come.

#### Judicial Review is key to preventing torture

Amnesty 5 (Amnesty International USA, Guantanamo, and Beyond: The Continuing Pursuit of Unchecked Executive Power, May 13, 2005, http://web.amnesty.org/library/Index/ENGAMR510632005)

Judicial review of the lawfulness of detentions is a fundamental safeguard against arbitrary detention, torture and ill-treatment, and "disappearance". Unsurprisingly, then, with the US courts having been kept out of reviewing the cases for more than three years, there is evidence that all these categories of abuse have occurred at the hands of US authorities in the "war on terror". Indeed, Amnesty International believes that abuses have been the result of official policies and policy failures and linked to the executive decision to leave detainees unprotected by not only the courts, but also by the prohibition on torture and other cruel, inhuman or degrading treatment as defined under international humanitarian and human rights treaties binding on the USA. The US administration still does not believe itself legally bound by the Geneva Conventions in relation to the detainees in Guantánamo, Afghanistan and in secret locations, by customary international law, or by the human rights treaty prohibition on the use of cruel, inhuman or degrading treatment in the case of foreign detainees in US custody held outside of US sovereign territory. Nor has it expressly abandoned the notion that the President may in times of war ignore all the USA’s international legal obligations and order torture, or that torturers may be exempted from criminal liability by entering a plea of "necessity" or "self-defence" (see below).

#### Torture is a deontological evil that must be rejected

Gross 4 (Oren Gross, Professor, Law, University of Minnesota, MINNESOTA LAW REVIEW, June 2004, p. 1492-1493.)

Absolutists - those who believe that an unconditional ban on torture ought to apply without exception regardless of circumstances - often base their position on deontological grounds. For adherents of the absolutist view of morality, torture is intrinsically wrong. It violates the physical and mental integrity of the person subjected to it, negates her autonomy, and deprives her of human dignity. It reduces her to a mere object, a body from which information is to be extracted; it coerces her to act in a manner that may be contrary to her most fundamental beliefs, values, and interests, depriving her of any choice and controlling her voice. Torture is also wrong because of its depraving and corrupting effects on individual torturers and society at large. Moreover, torture is an evil that can never be justified or excused. Under no circumstances should the resort to torture be morally acceptable or legally permissible. It is a reprehensible action whose wrongfulness may never be assuaged or rectified morally even if the consequences of taking such action in any particular case are deemed to be, on the whole, good. Indeed, one may argue that the inherent wrongfulness of torture and possible good consequences are incommensurable, i.e., they cannot be measured by any common currency and therefore cannot be compared, or balanced, one against the other. The conclusion drawn from such a claim is that "the wrong of torture can be taken as a trump or side constraint on welfare maximization in all possible cases."

### Role of the Ballot

#### The devils are in the details ---incrementalism understanding details about policy is critical for us to better debate about the implications of unaccountable profiling and introduction of violence --- it can help us create a community of acknowledgement which is key

Hughes 2012 (Evin, Georgia Southern Univ. [Float Like a Plane, Sting Like a Bomb: The Ethics of US Drone Attacks](http://nmcenter.org/attachments/awards_pieces/19/The_Ethics_of_US_Drone_Attacks.docx) [www.ncte.org/library/NCTEFiles/About/Awards/.../Hughes\_Evin.pdf](http://www.ncte.org/library/NCTEFiles/About/Awards/.../Hughes_Evin.pdf). edited for gendered/able-ist language)

What Ali was able to do through his nonviolent rhetoric that is still relevant to this day was successfully make millions of people “bear witness” to the violence and irrationality of war. For example, say you are watching the news with a roommate and the news anchor, within her nicely lit and air conditioned studio, talks in a monotone about the deaths of civilians in a Pakistani market by a drone strike, and your roommate immediately changes the channel, not giving the terrible story another thought. Your roommate doesn’t understand the gravity of that devastation any more than the news anchor does; neither understands the significant socio-economical problems that the drone strike has caused in that area. How about the [person] sitting behind the joystick, the Nintendo-war-controller, pressing the buttons to release the Hellfire missiles like Mario firing at Bowser? Though the drone operator of all people probably knows the extent of the devastation [they are] causing, [they refuse] to think about it, [they hide] the truth from [them]selves. The drone “pilot,” the unenthusiastic anchor, your roommate—they are all complicit. Shoshana Felman, influential in raising issues connected with Holocaust testimony and what is called the “crisis of witnessing,” says that those that misunderstand or hide what they see are unable to take that information and “translate…[it]…spontaneously and simultaneously into meaning” (Felman 212). Famous psychologists Sigmund Freud and Jacques Lacan described this as disavowal—a defense mechanism in which a person refuses to recognize the reality of a traumatic perceptionfff (Evans 44). Through speeches recited on college campuses, Ali urged thousands of students to bear witness to the problems of integration and segregation, hate, and the Vietnam War. In one such speech, he links the violence in Vietnam caused by the war to the violence in the states; he stated that he would rather fight what was going on in a legal way. Not by war in a foreign country, but by nonviolent resistance right here in the United States. “Whatever the punishment, whatever the persecution is for standing up for my beliefs, even if it means facing machine-gun fire that day, I’ll face it…” (Hauser 187). Through 6 this speech, Ali led as example to all those students in the crowd, to all those seeing and not choosing to accept reality, to all those in disavowal. What Felman proposes is a community of [acknowledgement] ~~seeing~~: a space into which “we can bring into consciousness what is unconscious in us”—like the college auditoriums and classrooms where Ali conducted his speeches—to analyze and make sense of events as a community (Amy 67). It is the very nature of the violence of the “war on terror” that does not allow a community of [acknowledgement] ~~seeing~~. The media-attack on these countries by ingratiating news anchors take the American people and place them onto a platform where they are unable to reach a community of seeing, unable to argue the ethics of this war. We are divided, separated from the truth. Democratic representatives John Conyers, Dennis Kuncinich and many more, were calling for a truth as a community of officials when they wrote letters to the president demanding for him to publicly release the criteria on which be would elect people to be attacked by drones on his infamous kill list (Heuvel)—there has been no more coverage of the letters in the media. Unless we become conscious as a community of the truth of the violence we are creating, unless we bear witness and develop a community of acknowledgment ~~seeing~~, we are doomed to be “locked into violences we cannot escape” (Amy 69).

#### Taking solely individual approaches fails to change macro-level societal trends that replicates the impacts

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of *habitus*. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the *habitus* can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A *habitus* (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the *habitus* can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the *habitus* and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the *habitus*. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

### Permutation

#### PERM is key – only an institutional focus can uncover power relations necessary to mediate the experiences of the oppressed

Welcome 2004 – completing his PhD at the sociology department of the City University of New York's Graduate Center (H. Alexander, "White Is Right": The Utilization of an Improper Ontological Perspective in Analyses of Black Experiences, Journal of African American Studies, Summer-Fall 2004, Vol. 8, No. 1 & 2, pp. 59-73)

In Reproduction in Education, Society and Culture (1970), Pierre Bourdieu and Jean-Claude Passeron provide a definition of symbolic violence, stating that it represents "every power which manages to impose meanings and to impose them as legitimate by concealing the power relations which are the basis of its force, [adding] its own specifically symbolic force to those power relations" (p. 5). This conceptualization provides both an explicit reason for the rejection of whiteness as an ontological frame of analysis for the experiences of blacks and a suggestion as to the circumstances under which the analysis of black experiences should take place. Using the concept of symbolic violence to evaluate Merton's notions of cultural goals and institutional means, one finds that the two latter concepts reflect the workings and concentration of power rather than those "purposes and interests, held out as legitimate objectives for all or for diversely located members of society" (1949, p. 186) and "[the] regulations, rooted inthe mores or institutions, of allowable proceduresfor moving toward these objectives" (1949, p. 167). This indicates that an explication of the dynamics and residence of power should precede any investigation of the experiences and meaning making specific to a group. The failure to do so will produce a situation where arbitrary values and prescriptions for action are utilized and depicted as legitimate. CONCLUSION The works of Johnson (1934), Lewis (1963), and Fordham and Ogbu (1986) have all had a huge influence on the study of black experiences. However, their use of whiteness as an ontological frame of analysis severely hinders the study of black experiences, just as whiteness as an ontology can have detrimental effects in the study of the experiences of Latinos, Asians, and other ethnic groups. The movements to establish Black Studies, Latino Studies, and Asian Studies programs reflect an attempt to deal with this bias; however, when one looks at the majority of the sociological scholarship, one finds that this ontology is still employed. This problem, if left unchecked, will continue to plague the black community.

### Link Debate

#### the affs introduction of detention to the public consciousness creates effective political movements for change

Cole 12 (David Cole is a Professor of Law, Georgetown University Law Center, “Legal Affairs: Dreyfus, Guantanamo, and the Foundation of the Rule of Law, 29 Touro L. Rev. 43)

Moreover, while district courts exercising habeas corpus jurisdiction initially ruled in favor of the detainees in the large majority of cases they heard, the United States Court of Appeals for the D.C. Circuit has consistently sided with the government on its appeals, and has eased the government's burden to demonstrate that a detainee is lawfully held. n69 The Supreme Court has repeatedly denied petitions for certiorari from these D.C. Circuit decisions. n70 Meanwhile, the Supreme Court's other post-9/11 national security decisions have all been decided in the government's favor. n71 [\*54] The Court rejected two lawsuits seeking damages against Attorney General John Ashcroft for alleged unconstitutional detentions in the roundups that occurred in the wake of 9/11. n72 And the Court rejected a First Amendment challenge to the criminalization of pure speech advocating peace and human rights under the "material support" statute. n73 The Court's record on protecting human rights, in short, while better than in previous crises, is mixed. Moreover, most of the Bush administration's curtailments of its aggressive initiatives enumerated above were not ordered by a court. No court ordered the abandonment of the first torture memo, an end to extraordinary rendition, the suspension of the NSA warrantless wiretapping program, the release of the secret torture memos, or the closure of the CIA's black sites. n74 Approximately 600 men have been released from Guantanamo, but the vast majority was released without a court order, and none have been released under a non-appealable court order. While several district courts have ordered the release of Guantanamo detainees, every time the administration has appealed to the District of Columbia Circuit ("D.C. Circuit"), it has prevailed. n75 No court ordered the administration to abandon the Article II Commander-in-Chief theory of uncheckable executive power. Additionally, as noted above, when the D.C. Circuit ruled that international law did not play any role in constraining the president's detention authority, President Obama in effect objected that the court had granted him too much unchecked authority, and insisted that his actions were bound by international law. What, then, caused the United States, specifically the executive branch, to change course? In my view, they were much the same sorts of forces that worked to vindicate Alfred Dreyfus: not the formal separation of powers, but informal nongovernmental resistance in the name of upholding the rule of law. As in the Dreyfus affair, this resistance took the form of individuals, acting on their own and [\*55] in association with others, speaking out, issuing critical reports, organizing protests, filing lawsuits, and generally challenging perceived abuses of power. n76 As in the Dreyfus affair, the media played a critical role, by disclosing secret rights abuses and writing countless editorials espousing the importance of adhering to the rule of law and the Constitution. Were it not for leaks reported in the media, we would not know about the torture at Abu Ghraib, the torture memo, the NSA warrantless wiretapping program, secret CIA prisons, and extraordinary renditions to torture. In addition, international voices played a major role. Guantanamo, after all, held nationals from forty-two countries, and some of those countries objected strongly to the way their countrymen were treated there. A former United Kingdom Law Lord, Lord Steyn, dubbed Guantanamo a "legal black hole," and 175 members of the Houses of Parliament filed an amicus brief on the Guantanamo detainees' behalf in the Supreme Court. n77 Together, these informal forces are responsible, as much as the formal separation of powers, for reining in the United States' "war on terror" in important ways. What lessons, then, can we draw from the Dreyfus affair and the first post-9/11 decade? The first is that the rule of law and individual rights are all too vulnerable to fear and demagoguery in times of crisis. Designed to constrain short-sighted decision making by insisting on adherence to basic principles of fairness, constitutional rights often seem inconvenient obstacles in a crisis. For Dreyfus and many Arabs and Muslims after 9/11, the law was initially unable to offer much, if any, protection. But both affairs also suggest that the rule of law is more resilient than many cynics might think. Alfred Dreyfus was eventually exonerated. The rule of law recovered in significant measure from its hasty dismissal in the aftermath of the 9/11 terrorist attacks. However, in both instances, the tide turned only because individuals, associations, and nongovernmental organizations [\*56] mobilized behind the cause of justice for the vulnerable. When it comes to the reality of rights protections, much depends on the mobilization of the polity. But as the other "affair" under examination in this conference - the lynching of American Jewish businessman Leo Frank - chillingly demonstrates, popular mobilization can go either way. n78 When, in 1915, Georgia's governor commuted Frank's death sentence for murder to life without imprisonment, based on substantial concerns with the fairness of the trial and the accuracy of the verdict, a mob gathered, abducted Frank from his cell, and lynched him. n79 Popular mobilization does not always take the side of human rights, and it can easily overwhelm legal bulwarks through brute force and terror. Precisely because they help to establish and reinforce a culture of respect for equality and the rule of law, the assessments and reassessments of the "Dreyfus affair" that continue to this day in France are critically important for sustaining contemporary commitments to the rule of law. The fact that the case has become an "affair," a narrative widely known, exhaustively studied, and frequently invoked is crucial, for the history of the "affair" reminds us of what can go wrong when we depart from principles of fairness and justiceffff. Whether the story of the United States' response to 9/11 will similarly become an "affair" from which the United States and others draw lessons about resisting the temptation to sacrifice our fundamental commitments on the backs of the most vulnerable, remains to be seen. As was the case with Dreyfus for many years, the particular lessons to be drawn from the post-9/11 era are a matter of deep contestation. President Bush, Vice-President Cheney, and their supporters have sought to portray their actions as tough, but necessary and reasonable, decisions to recalibrate security and liberty. n80 Others, myself included, have insisted that the principal lesson [\*57] of the first post-9/11 decade is that sacrifices in the rule of law are all too easy to make, generally unnecessary, and come at a great cost to the legitimacy and long-term success of a democracy's struggle against terrorism. The fact that Guantanamo has become one of the world's leading symbols for "lawlessness" suggests that the latter narrative has taken hold, at least in the rest of the world. The struggle over its meaning within the United States, however, continues. n81 At stake is nothing less than the nature of our constitutional culture. Whether, after the next attack, we repeat our mistakes or respond in a more resilient and rights-respecting manner depends ultimately on the lessons we learn as a nation from our recent past. Those who are committed to the protection of civil liberties and the rule of law must continue to work to ensure that the "Guantanamo affair" takes on the character of the "Dreyfus affair" in popular consciousness. At the end of the day, the strength of our legal protections turns on our culture's engaged commitment to the values of the Constitution, the rule of law, and human rights.

#### This can only occur by engaging the law

Cole 2011 - Professor, Georgetown University Law Center (Winter, David, “WHERE LIBERTY LIES: CIVIL SOCIETY AND INDIVIDUAL RIGHTS AFTER 9/11,” 57 Wayne L. Rev. 1203, Lexis)

Unlike the majoritarian electoral politics Posner and Vermeule imagine, the work of civil society cannot be segregated neatly from the law. On the contrary, it will often coalesce around a distinctly legal challenge, objecting to departures from specific legal norms, often but not always heard in a court case, as with civil society's challenge to the treatment of detainees at Guantanamo. Congress's actions on that subject make clear that had Guantánamo been left to the majoritarian political process, there would have been few if any advances. The litigation generated and concentrated pressure on claims for a restoration of the values of legality, and, as discussed above, that pressure then played a critical role in the litigation's outcome, which in turn contributed to a broader impetus for reform.

#### Solely acting outside the realm of the law fails to provide a solution- institutions are key

Jenks and Talbot-Jensen 11 (INDEFINITE DETENTION UNDER THE LAWS OF WAR Chris Jenks\* & Eric Talbot Jensen\*\* Lieutenant Colonel, U.S. Army Judge Advocate General's Corps. Presently serving as the Chief of the International Law Branch, Office of The Judge Advocate General, Washington D.C. The views expressed in this Article are those of the author and not The Judge Advocate General's Corps, the U.S. Army, or the Department of Defense. \*\* Visiting Assistant Professor, Fordham Law School. The authors wish to thank Sue Ann Johnson for her exceptional research and editing skills, and the organizers and attendees at both the 3rd Annual National Security Law Jtinior Faculty Workshop at the University of Texas School of Law, where we first discussed the ideas for this article, and the Stanford Law and Policy Review National Defense Symposium, where we first presented the finished product. STANFORD LAW & POLICY REVIEW [Vol. 22:1] Page Lexis)

Those who would deconstruct the law of war as applied to detention stemming from armed conflict with non state actors may achieve victory, but in an academic, and, practically speaking, pyrrhic sense. Arguing that the Geneva Conventions for Prisoners and Civilians do not, on their face, apply to members of al-Qaeda or the Taliban may be correct, and in more than one way. But in so arguing, the deconstructionist approach removes a large portion of intemationally recognized and accepted provisions for regulating detention associated with armed conflict—^the Geneva Conventions—^while leaving the underlying question of how to govern detention unanswered. At some point, even the deconstmctionist must shift to positivism and propose an altemative, an altemative we submit would inevitably resemble that which is already extant in the law of war. Moreover, while there has been discussion about the strained application of the Geneva Conventions and Additional Protocols to states combating transnational terrorism, attempts at a new convention have gained little traction. Our approach is more an attempt at pragmatism than radicalism—there are individuals currently detained, purportedly indefinitely and under the law of war. Yet despite years of such detention, two administrations have provided little if any information on what exactly such detention means, how and by what it is govemed, and if and how it ends. Conflating aspects of intemationally recognized law of war conventions allows for a transparent process that could be promulgated now. Whether for the up to fifty or so individuals currently detained at Guantanamo or for those who may be detained in the future, we posit that the law of war provides a legitimate model for indefinite detention. And, as the Walsh Report recognized,^' the longer detainees are held, the more concern for their individual situations must be given. We therefore analyze the complete protections provided by the law of war and advocate that all of them, over time and to varying degrees, be applied to the detainees in Guantanamo. In this way, detention under the laws of war can provide a humane system of indefinite detention that strikes the right balance between the security of the nation and the rights of individuals

### Alt Debate

#### Rejection of the state accomplishes NOTHING – they need a pragmatic reimagination of politics to prevent failure of their movement

Pasha ’96 [July-Sept. 1996, Mustapha Kamal, Professor and Chair of the Department of Politics and International Relations at the University of Aberdeen, “Security as Hegemony”, Alternatives: Global, Local, Political, Vol. 21, No. 3, pp. 283-302, JSTOR]

An attack on the postcolonial state as the author of violence and its drive to produce a modern citizenry may seem cathartic, without producing the semblance of an alternative vision of a new political community or fresh forms of life among existing political communities. Central to this critique is an assault on the state and other modern institutions said to disrupt some putatively natural flow of history. Tradition, on this logic, is uprooted to make room for grafted social forms; modernity gives birth to an intolerant and insolent Leviathan, a repository of violence and instrumental rationality's finest speci- men. Civil society - a realm of humaneness, vitality, creativity, and harmony - is superseded, then torn asunder through the tyranny of state-building. The attack on the institution of the state appears to substitute teleology for ontology. In the Third World context, especially, the rise of the modern state has been coterminous with the negation of past histories, cultures, identities, and above all with violence. The stubborn quest to construct the state as the fount of modernity has subverted extant communities and alternative forms of social organization. The more durable consequence of this project is in the realm of the political imaginary: the constrictions it has afforded; the denials of alternative futures. The postcolonial state, however, has also grown to become more heterodox - to become more than simply modernity's reckless agent against hapless nativism. The state is also seen as an expression of greater capacities against want, hunger, and injustice; as an escape from the arbitrariness of communities established on narrower rules of inclusion/exclusion; as identity removed somewhat from capri- cious attachments. No doubt, the modern state has undermined tra- ditional values of tolerance and pluralism, subjecting indigenous so- ciety to Western-centered rationality. But tradition can also conceal particularism and oppression of another kind. Even the most elastic interpretation of universality cannot find virtue in attachments re- furbished by hatred, exclusivity, or religious bigotry. A negation of the state is no guarantee that a bridge to universality can be built.fffff Perhaps the task is to rethink modernity, not to seek refuge in a blind celebration of tradition. Outside, the state continues to inflict a self-producing "security dilemma"; inside, it has stunted the emergence of more humane forms of political expres- sion. But there are always sites of resistance that can be recovered and sustained. A rejection of the state as a superfluous leftover of modernity that continues to straitjacket the South Asian imagination must be linked to the project of creating an ethical and humane order based on a restructuring of the state system that privileges the mighty and the rich over the weak and the poor.74 Recognizing the constrictions of the modern Third World state, a reconstruction of state-society re- lations inside the state appears to be a more fruitful avenue than wishing the state away, only to be swallowed by Western-centered globalization and its powerful institutions.A recognition of the patent failure of other institutions either to deliver the social good or to procure more just distributional rewards in the global political economy may provide a sobering reassessment of the role of the state. An appreciation of the scale of human tragedy accompanying the collapse of the state in many local contexts may also provide im- portant points of entry into rethinking the one-sided onslaught on the state. Nowhere are these costs borne more heavily than in the postcolonial, so-called Third World, where time-space compression has rendered societal processes more savage and less capable of ad- justing to rhythms dictated by globalization

### Cap

#### Transition wars are the impact to wight- attempts to shift away from cap make them inevitable

J.R. Nyquist 5is a regular geopolitical columnist for Financial Sense Online, 2/4, “The Political Consequences of a Financial Crash,” http://www.financialsense.com/contributors/jr-nyquist/the-political-consequences-of-a-financial-crash

At a time of economic crisis, the appeal of Nazi economic ideas must prove irresistible. It stands to reason, therefore, that a future financial crash will benefit political extremists whose ideas coincide with those listed above. Please note: there is no appreciable difference between the six dogmas listed above and the rhetoric of the Democrats in Congress. Should the United States experience a severe economic contraction during the second term of President Bush, the American people will likely support politicians who advocate further restrictions and controls on our market economy - guaranteeing its strangulation and the steady pauperization of the country. In Congress today, Sen. Edward Kennedy supports nearly all the economic dogmas listed above. It is easy to see, therefore, that the coming economic contraction, due in part to a policy of massive credit expansion, will have serious political consequences for the Republican Party (to the benefit of the Democrats). Furthermore, an economic contraction will encourage the formation of anti-capitalist majorities and a turning away from the free market system. The danger here is not merely economic. The political left openly favors the collapse of America's strategic position abroad. The withdrawal of the United States from the Middle East, the Far East and Europe would catastrophically impact an international system that presently allows 6 billion people to live on the earth's surface in relative peace. Should anti-capitalist dogmas overwhelm the global market and trading system that evolved under American leadership, the planet's economy would contract and untold millions would die of starvation. Nationalistic totalitarianism, fueled by a politics of blame, would once again bring war to Asia and Europe. But this time the war would be waged with mass destruction weapons and the United States would be blamed because it is the center of global capitalism. Furthermore, if the anti-capitalist party gains power in Washington, we can expect to see policies of appeasement and unilateral disarmament enacted. American appeasement and disarmament, in this context, would be an admission of guilt before the court of world opinion. Russia and China, above all, would exploit this admission to justify aggressive wars, invasions and mass destruction attacks. A future financial crash, therefore, must be prevented at all costs. But we cannot do this. As one observer recently lamented, "We drank the poison and now we must die."

#### No prior questions – our justification for the 1AC is true

Owen ‘2 – reader of political theory

(David Owen, Reader of Political Theory at the Univ. of Southampton, Millennium Vol 31 No 3 2002 p. 655-7)

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation **of ontology** and epistemologypromotes theory-construction from philosophical first principles, it cultivates **a** theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general **explanations** for classes of phenomena **is a question** for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.

#### Extinction first – always VTL

Bernstein ‘2

(Richard J., Vera List Prof. Phil. – New School for Social Research, “Radical Evil: A Philosophical Interrogation”, p. 188-192)

There is a basic value inherent in **organic** being, a basic affirmation, "The Yes' of Life" (IR 81). 15 "The self-affirmation of being becomes emphatic in the opposition of life to death. Life is the explicit confrontation of being with not-being. . . . The 'yes' of all striving is here sharpened by the active `no' to not-being" (IR 81-2). Furthermore — and this is the crucial point for Jonas — this affirmation of life that is in all organic being has a binding obligatory force upon human beings. This blindly self-enacting "yes" gains obligating force in the seeing freedom of man, who as the supreme outcome of nature's purposive labor is no longer its automatic executor but, with the power obtained from knowledge, can become its destroyer as well. He must adopt the "yes" into his will and impose the "no" to not-being on his power. But precisely this transition from willing to obligation is the critical point of moral theory at which attempts at laying a foundation for it come so easily to grief. Why does now, in man, that become a duty which hitherto "being" itself took care of through all individual willings? (IR 82). We discover here the transition from is to "ought" — from the self-affirmation of life to the binding obligation of human beings to preserve life not only for the present but also for the future. But why do we need a new ethics? The subtitle of The Imperative of Responsibility — In Search of an Ethics for the Technological Age — indicates why we need a new ethics. Modern technology has transformed the nature and consequences of human action so radically that the underlying premises of traditional ethics are no longer valid. For the first time in history human beings possess the knowledge and the power to destroy life on this planet, including human life. Not only is there the new possibility of total nuclear disaster; there are the even more invidious and threatening possibilities that result from the unconstrained use of technologies that can destroy the environment required for life. The major transformation brought about by modern technology is that the consequences of our actions frequently exceed by far anything we can envision. Jonas was one of the first philosophers to warn us about the unprecedented ethical and political problems that arise with the rapid development of biotechnology. He claimed that this was happening at a time when there was an "ethical vacuum," when there did not seem to be any effective ethical principles to limit ot guide our ethical decisions. In the name of scientific and technological "progress," there is a relentless pressure to adopt a stance where virtually anything is permissible, includ-ing transforming the genetic structure of human beings, as long as it is "freely chosen." We need, Jonas argued, a new categorical imperative that might be formulated as follows: "Act so that the effects of your action are compatible with the permanence of genuine human life"; or expressed negatively: "Act so that the effects of your action are not destructive of the future possibility of such a life"; or simply: "Do not compromise **the conditions for** an indefinite continuation of humanity on earth**"; or again turned positive:** "In your present choices, include the future wholeness of Man among the objects of your will."

#### 10. Capitalism is sustainable---self-correcting

Leo Seabra 12has a background in Communication and Broadcasting and a broad experience which includes activities in Marketing, Advertising, Sales and Public Relations, writes about technology, digital media, sports, travels, food and sustainability, 2/27, “Capitalism can drive Sustainability and also innovation,” http://seabraaffairs.wordpress.com/2012/02/27/capitalism-can-drive-sustainability-and-also-innovation/

There are those who say that if the world does not change their habits, even the end of economic growth, and assuming alternative ways of living, will be a catastrophe. “Our lifestyles are unsustainable. Our expectations of consumption are predatory.Either we change this, or will be chaos”. Others say that the pursuit of unbridled economic growth and the inclusion of more people in consumption is killing the Earth. We have to create alternative because economic growth is pointing to the global collapse. “What will happen when billions of Chinese decide to adopt the lifestyle of Americans?” I’ll disagree if you don’t mind… **They might be** wrong. **Completely wrong** .. Even very intelligent people wrongly interpret the implications of what they observe when they lose the perspective of time. In the vast scale of time (today, decades, not centuries) it is the opposite of what expected, because they start from a false assumption: the future is the extrapolation of this. But not necessarily be. How do I know? Looking at history. What story? The history of innovation, this thing generates increases in productivity, wealth, quality of life in an unimaginable level. It is innovation that will defeat pessimism as it always did. It was innovation that made life today is incomparably better than at any other time in human history. And will further improve. Einstein, who was not a stupid person, believed that capitalism would generate crisis, instability, and growing impoverishment. He said: “The economic anarchy of capitalist society as it exists today is, in my opinion, the true source of evil.” The only way to eliminate this evil, he thought, was to establish socialism, with the means of production are owned by the company. A centrally controlled economy would adjust the production of goods and services the needs of people, and would distribute the work that needed to be done among those in a position to do so. This would guarantee a livelihood to every man, women and children. Each according to his possibilities. To each according to their needs. And guess what? What happened was the opposite of what Einstein predicted. Who tried the model he suggested, impoverished, screwed up. Peter Drucker says that almost of all thinking people of the late nineteenth century thought that Marx was right: there would be increased exploitation of workers by employers. They would become poorer, until one day, the thing would explode. Capitalist society was considered inherently unsustainable. It is more or less the same chat today. **Bullshit. Capitalism, with all appropriate regulations, self-corrects**. **It is an adaptive system that learns and changes by design. The design is just for the system to learn and change.** There was the opposite of what Einstein predicted, and held the opposite of what many predict, but the logic that “unlike” only becomes evident over time. It wasn’t obvious that the workers are those whom would profit from the productivity gains that the management science has begun to generate by organizing innovations like the railroad, the telegraph, the telephone .. to increase the scale of production and cheapen things. The living conditions of workers today are infinitely better than they were in 1900. They got richer, not poorer .. You do not need to work harder to produce more (as everyone thought), you can work less and produce more through a mechanism that is only now becoming apparent, and that brilliant people like Caetano Veloso still ignores. The output is pursuing growth through innovation, growth is not giving up. More of the same will become unsustainable to the planet, but most of it is not what will happen, will happen more different, than we do not know what is right. More innovative. Experts, such as Lester Brown, insist on statements like this: if the Chinese also want to have three cars for every four inhabitants, as in the U.S. today, there will be 1.1 billion cars there in 2030, and there is no way to build roads unless ends with the whole area used for agriculture. You will need 98 million barrels of oil per day, but the world only produces about 90 million today, and probably never produce much more. The mistake is to extrapolate today’s solutions for the future. We can continue livinghere for 20 years by exploiting the same resources that we explore today? Of course not. But the other question is: how can we encourage the stream of innovations that will enable the Chinese, Indians, Brazilians, Africans .. to live so as prosperous asAmericans live today? Hey, wake up … what can not stop the engine of innovation is that the free marketengenders. This system is self correcting, that is its beauty. We do not need to donothing but ensure the conditions for it to work without distortion. The rest he doeshimself. It regulates itself.

#### 11. Cap key to freedom

Allan H. **Meltzer 11** is a professor of Political Economy at Carnegie Mellon, “Why Capitalism?” 1/1 http://repository.cmu.edu/cgi/viewcontent.cgi?article=1581&context=tepper&sei-redir=1

Capitalism survives and spreads because it recognizes Kant’s principle. People differ. Some give bibles but some sell pornography. Unlike its alternatives, capitalism does not take a utopian view of economic organization. It does not replace man’s choices with someone’s idea of perfection. **It permits choices that bring change and that allows for rejection of changes after experiencing outcomes.** It recognizes that all changes are not improvements and are not welcomed by everyone. Differences are accommodated often easily. Socialism and other utopian systems are more rigid. They represent someone’s belief in the aims that “good people” should embrace. Movies are too violent. They must change. Television is too banal. It must improve. But **the change is always from individual choice to an imposed choice**. Freedom allows people choices that violate someone’s idea of social norms, so **socialism restricts choice** to those that officials permit. Capitalism accepts that some dislike the outcomes resulting from choice in a market economy. It does not seek utopia because it 2recognizes that individual tastes and desires differ. A good society permits markets to accommodate differences. Freedom to choose brings more satisfaction to people in many areas including nonmarket choices. Nothing assures that these choices meet everyone’s idea of good, wholesome or moral. They do not. Choice in a capitalist system satisfies many; it meets the profits test. The market responds to demand.

#### 12. Cap solves war

Doug Bandow 5senior fellow at the Cato Institute, special assistant to President Reagan, 11/10, “Spreading Capitalism Is Good for Peace” <http://www.cato.org/publications/commentary/spreading-capitalism-is-good-peace>

In a world that seems constantly aflame, one naturally asks: What causes peace? Many people, including U.S. President George W. Bush, hope that spreading democracy will discourage war. But **new research suggests that expanding free markets is a far more important factor**, leading to what Columbia University's Erik Gartzke calls a "capitalist peace." It's a reason for even the left to support free markets. The capitalist peace theory isn't new: Montesquieu and Adam Smith believed in it. Many of Britain's classical liberals, such as Richard Cobden, pushed free markets while opposing imperialism. But World War I demonstrated that increased trade was not enough. The prospect of economic ruin did not prevent rampant nationalism, ethnic hatred, and security fears from trumping the power of markets. An even greater conflict followed a generation later. Thankfully, World War II left war essentially unthinkable among leading industrialized - and democratic - states. Support grew for the argument, going back to Immanual Kant, that **republics are less warlike than other systems**. Today's corollary is that creating democracies out of dictatorships will reduce conflict. This contention animated some support outside as well as inside the United States for the invasion of Iraq. But Gartzke argues that "the 'democratic peace' is a mirage created by the overlap between economic and political freedom." That is, **democracies typically have freer economies than do authoritarian states.** Thus, while "democracy is desirable for many reasons," he notes in a chapter in the latest volume of Economic Freedom in the World, created by the Fraser Institute, "**representative governments are unlikely to contribute directly to international peace." Capitalism is by far the more important factor**. The shift from statist mercantilism to high-tech capitalism has transformed the economics behind war. **Markets generate economic opportunities that make war less desirable. Territorial aggrandizement no longer provides the best path to riches. Free-flowing capital markets and other aspects of globalization simultaneously draw nations together and raise the economic price of military conflict**. Moreover, sanctions, which interfere with economic prosperity, provides a coercive step short of war to achieve foreign policy ends. Positive economic trends are not enough to prevent war, but then, neither is democracy. It long has been obvious that democracies are willing to fight, just usually not each other. Contends Gartzke, "liberal political systems, in and of themselves, have no impact on whether states fight." In particular, poorer democracies perform like non-democracies. He explains: "Democracy does not have a measurable impact, while **nations with very low levels of economic freedom are 14 times more prone to conflict than those with very high levels**." Gartzke considers other variables, including alliance memberships, nuclear deterrence, and regional differences. Although the causes of conflict vary, the relationship between economic liberty and peace remains. His conclusion hasn't gone unchallenged. Author R.J. Rummel, an avid proponent of the democratic peace theory, challenges Gartzke's methodology and worries that it "may well lead intelligent and policy-wise analysts and commentators to draw the wrong conclusions about the importance of democratization." Gartzke responds in detail, noting that he relied on the same data as most democratic peace theorists. If it is true that democratic states don't go to war, then it also is true that "states with advanced free market economies never go to war with each other, either." The point is not that democracy is valueless. Free political systems naturally entail free elections and are more likely to protect other forms of liberty - civil and economic, for instance. However, democracy alone doesn't yield peace. To believe is does is dangerous: There's no panacea for creating a conflict-free world. That doesn't mean that nothing can be done. But promoting open international markets - that is, spreading capitalism - **is the best means to encourage peace as well as prosperity.** Notes Gartzke: "Warfare among developing nations will remain unaffected by the capitalist peace as long as the economies of many developing countries remain fettered by governmental control." Freeing those economies is critical. It's a particularly important lesson for the anti-capitalist left. For the most part, the enemies of economic liberty also most stridently denounce war, often in near-pacifist terms. Yet they oppose the very economic policies most likely to encourage peace. If market critics don't realize the obvious economic and philosophical value of markets - prosperity and freedom - they should appreciate the unintended peace dividend. Trade encourages prosperity and stability; technological innovation reduces the financial value of conquest; globalization creates economic interdependence, increasing the cost of war. Nothing is certain in life, and people are motivated by far more than economics. But it turns out that peace is good business. And **capitalism is good for peace**

## 1AR

#### The perm applies the lessons of the past to the problems of the present

Axtell 93 James Axtell, Kenan Professor of Humanities at the College of William and Mary, chaired the American Historical Association's Columbus Quincentenary Committee, Historian, Autumn, Vol. 56, Issue 1 1993

We judge the past for at least three important reasons. The first is to appraise action, an intrinsic part of historical thinking. Not to make such judgments is to abandon the past to itself, rendering it unintelligible and untranslatable to the present. The second reason is to do justice to it, although making judgment is not the same as passing sentence. As historians, we are too involved in both the prosecution and the defense since the words and reputations of the dead on all sides are in our hands. History's goal is not to punish or rehabilitate historical malefactors, who are morally incorrigible in any event, but to set the record straight for future appeals to precedent. The third reason for judging the past is to advance our own moral education, to learn from and, in effect, to be judged by the past. Since we think and speak historically for our own generation, we can have judgmental effect only on ourselves. Consequently, history becomes, in Lord Bolingbroke's famous phrase, "philosophy teaching by example," a "preceptor of prudence, not of principles." After bearing witness to the past with all the disinterestedness and human empathy we can muster, we should let ourselves be judged by the past as much as, or more than, we judge it The past is filled with the lives and struggles of countless "others," from whom we may learn to extend the possibilities of our own limited humanity. As we learn about what it is like to be other than ourselves, we are better able to do justice to the past.[14]¶ The relationship between the past and the present is always troubled and troubling. Historians cannot help but draw on the past for materials, methods, and models. Our self-images and sodal foundations are fabricated from historical elements, all inherited but reshaped by our current needs and biases, and then rewoven by our flawed and fluid memories. We need the past to give us bearings, but we often construct pasts that are merely useful and undemanding, more wishful than true. This leads to serious problems for historians because we cannot cure inherited social ills or make moral amends for past wrongs unless we know how the past actually was. It is perhaps the profession's most important task to ensure that our image of the past is as nearly full, complex, and true as the past itself was, lest we lose our bearings in fantasy and waste our resources and moral energies on false trails.

#### Blacks aren’t ontologically dead and Wilderson offers no alternative

SAËR MATY BÂ, teaches film at Portsmouth University, September 2011 "The US Decentred: From Black Social Death to Cultural Transformation" book review of Red, Black & White: Cinema and the Structure of US Antagonisms and Mama Africa: Reinventing Blackness in Bahia, Cultural Studies Review volume 17 number 2 http://epress.lib.uts.edu.au/journals/index.php/csrj/index pp. 381–91

Red, White and Black is particularly undermined by Wilderson’s propensity for exaggeration and blinkeredness. In chapter nine, ‘“Savage” Negrophobia’, he writes:¶ The philosophical anxiety of Skins is all too aware that through the Middle Passage, African culture became Black ‘style’ ... Blackness can be placed and displaced with limitless frequency and across untold territories, by whoever so chooses. Most important, there is nothing real Black people can do to either check or direct this process ... Anyone can say ‘nigger’¶ because anyone can be a ‘nigger’. (235)7¶ Similarly, in chapter ten, ‘A Crisis in the Commons’, Wilderson addresses the issue of ‘Black time’. Black is irredeemable, he argues, because, at no time in history had it been deemed, or deemed through the right historical moment and place. In other words, the black moment and place are not right because they are ‘the ship hold of the Middle Passage’: ‘the most coherent temporality ever deemed as Black time’ but also ‘the “moment” of no time at all on the map of no place at all’. (279)¶ Not only does Pinho’s more mature analysis expose this point as preposterous (see below), I also wonder what Wilderson makes of the countless historians’ and sociologists’ works on slave ships, shipboard insurrections and/during the Middle Passage,8 or of groundbreaking jazz‐studies books on cross‐cultural dialogue like The Other Side of Nowhere (2004). Nowhere has another side, but once Wilderson theorises blacks as socially and ontologically dead while dismissing jazz as ‘belonging nowhere and to no one, simply there for the taking’, (225) there seems to be no way back. It is therefore hardly surprising that Wilderson ducks the need to provide a solution or alternative to both his sustained bashing of blacks and anti‐ Blackness.9 Last but not least, Red, White and Black ends like a badly plugged announcement of a bad Hollywood film’s badly planned sequel: ‘How does one deconstruct life? Who would benefit from such an undertaking? The coffle approaches with its answers in tow.’ (340)

#### Debate doesn’t jeopardize agency

Hanghoj 8 (Thorkild, Affiliated with DREAM and currently an assistant professor at the University of Aarhus, Copenhagen, http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf)

Thus, debate games require teachers to balance the centripetal/centrifugal forces of gaming and teaching, to be able to reconfigure their discursive authority, and to orchestrate the multiple voices of a dialogical game space in relation to particular goals. These Bakhtinian perspectives provide a valuable analytical framework for describing the discursive interplay between different practices and knowledge aspects when enacting (debate) game scenarios. In addition to this, Bakhtin’s dialogical philosophy also offers an explanation of why debate games (and other game types) may be valuable within an educational context. One of the central features of multi-player games is that players are expected to experience a simultaneously real and imagined scenario both in relation to an insider’s (participant) perspective and to an outsider’s (co-participant) perspective. According to Bakhtin, the outsider’s perspective reflects a fundamental aspect of human understanding: In order to understand, it is immensely important for the person who understands to be located outside the object of his or her creative understanding – in time, in space, in culture. For one cannot even really see one's own exterior and comprehend it as a whole, and no mirrors or photographs can help; our real exterior can be seen and understood only by other people, because they are located outside us in space, and because they are others (Bakhtin, 1986: 7). As the quote suggests, every person is influenced by others in an inescapably intertwined way, and consequently no voice can be said to be isolated. Thus, it is in the interaction with other voices that individuals are able to reach understanding and find their own voice

MARKED AT VOICE

#### Political simulation is empathic and better for decision-making

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In deliberation something happens that typically fails to occur during ordinary political discourse. Much political discussion takes place within groups of persons having similar beliefs and values. Deliberation, in contrast, with its intentional commitment to inclusion, diversity, and equality of participation, makes possible a “moral discussion”—“**a kind of ideal role-taking**”—in which participants are asked to **view issues from the perspectives of others** (Fishkin 2009: 125). Deliberation **enhances moral perception and facilitates empathy,** which make possible **decisions that are not only sounder but also morally better** (Fouke 2009). Precisely because self-interest is acknowledged and given its due, it can be transcended and the common good can emerge as an idea with concrete attributes (see Murphy 2005). Fishkin (2009) points to tentative **empirical proofs** which support the notion that **public deliberation leads citizens to focus more on the public good.**

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#### We don’t need a revolution, we need a blueprint for political change

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A question that must be asked is also just what a black revolution would even be about today. Certainly black America has serious problems. However, a revolution does not consist solely of howling grievances. For a revolutionary effort to be worth anyone's time, the demands have to be ones that those being revolted against have some way of fulfilling. In one episode of the animated version of Aaron McGruder's *The Boondocks,* there is an articulate depiction of the idea that black people need to Rise Up as a group and Make Demands. Huey, whose bitter frown is as in­grained in his design as a vapid smile is on Mickey Mouse, imagines that Martin Luther King comes back to life and inspires a revolution in black America, graphically indi­cated as hordes of blacks swarming the gates at the White House. "It's fun to dream," Huey concludes, the idea being that black people know what to rise up against, but that they would run up against the heartless moral cesspool that is AmeriKKKa, where, say, "George Bush doesn't care about black people." But the question is: what would the people at the gates, if attended to, demand? Fifty years ago, the demands were obvious: dismantle Jim Crow. And since then, a lot more has been given: affirmative action, the transformation of welfare from a stingy program for widows to an open- ended dole for any unmarried woman with children (done largely as riot insurance in the late 1960s, called for by left­ist activists including black ones) ... I could go on. So—yes, black America still has problems. Yes, there is still racism. But what is it that the White House should do now, in 2008, that is staring everyone in the face but hasn't happened because white people just "don't care" and the black community has failed to "demand" it? What? Precisely? I am not implying that what needs to happen is black people getting acquainted with those "bootstraps" we hear so much about. But the problems are not the kind that could be solved by simply buckshotting whitey with the usual cries of "racism." Would the people at the gates be calling for inner city schools to get as much money as schools in leafy white suburbs? If they did, they would see the same thing that has happened when exactly that was done in places like New Jersey and Kansas City: nothing changes. Obviously something needs to be done about the schools. But what, of the sort that should be shouted through the White House fence? How many of the shouters would know about poor black kids kicking academic butt in KIPP schools? Or in other charter schools filled with kids there because of—oh dear—vouchers, in Ohio and Florida? Let's face it—most of the people at that fence would draw a blank on what KIPP schools even were, much less the good that vouchers are doing. Some revolution. Would the people at the gates be calling for police forces to stop beating up on young black men and some­times killing them? Well, that's a legitimate concern. But the revolution on that is already happening, in every American city making concerted efforts to foster dialogue between the police and the street. We're not there yet, but things are better. Anyone who says that the shooting death of Sean Bell in 2006 in New York was evidence that noth­ing had changed since the death of Amadou Diallo in 1998 knows little of what the relationship between the police and black people was like in New York and so many other places before the nineties. In 1960, the death of Amadou Diallo would have made the local papers only, for one day, and, even in those papers, on some back page. It wouldn't have been considered important news. Going through newspapers of that era, one constantly comes across stories about things that happened to "Negroes," on page A31, that today would be front-page breaking news. We are blissfully past that America. And back to the main point: what could the White House do to prevent things like the Diallo and Bell inci­dents? What simple, wave-the-wand policy point would make it so that never again would a young black man be killed by the police in dicey circumstances where every­body lost his head for a minute or so? The relationship between police forces and black people is not as simple as something that could be changed by storming through a gate, which is obvious from how persistent that prob­lem has been despite profound changes on so many other fronts.