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#### Interpretation: the affirmative must answer the question: Is the enactment of topical action by the USFG better than the status quo or a competitive option?

1. Resolved requires a policy action

Louisiana House 2005, (3-8-5 http://house.louisiana.gov/house-glossary.htm

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

2. Should denotes an expectation of enacting a plan

American Heritage Dictionary – 2000 [www.dictionary.com]

Used to express probability or expectation

3. The USFG is the government in Washington D.C.

Encarta Microsoft Encarta Online Encyclopedia 2000 [http://encarta.msn.com]

“The federal government of the United States is centered in Washington DC.”

#### B. Violation – **The Affirmative does not enact a topical action by the USFG**

#### C. Prefer our interpretation

#### 1. **The affirmatives action is out side the “game space of debate” which makes predictable research impossible and destroys dialogue in debate**

Hanghøj 2008 (Thorkild Hanghøj PhD, author affiliated with Danish Research Centre on Education and Advanced Media Materials PLAYFUL KNOWLEDGE An Explorative Study of Educational Gaming <http://static.sdu.dk/mediafiles/Files/Information_til/Studerende_ved_SDU/Din_uddannelse/phd_hum/afhandlinger/2009/ThorkilHanghoej.pdf> ) MT

Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, 1 presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### **2. Debating over controversial issues is essential to learn about political thinking to understand how policies happen – the affirmatives truth statements destroy our ability to make decisions about right/wrong - leading to a subjective view of politics and we never change anything – turns the aff**

Steinberg and Freeley 2008  
(David L Steinberg is a professor of communication studies – University of Miami, and Austin J Freeley is a criminal, civil rights law, and personal injury attorney., Argumentation and Debate: Critical Thinking for Reasoned Decision Making pg.3-4 ) MT

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

#### **3. Without traditional political simulations we become passive spectators in the political sphere - leading to alienation and the worst form of politics – switch side debate is key**

Joyner 1999 – Christopher C Jouner Professor of International Law in the Government Department at Georgetown University Spring, 1999 5 ILSA J Int'l & Comp L 377 ILSA Journal of International & Comparative Law

Use of the debate can be an effective pedagogical tool for education in the social sciences. Debates, like other role-playing simulations, help students understand different perspectives on a policy issue by adopting a perspective as their own. But, unlike other simulation games, debates do not require that a student participate directly in order to realize the benefit of the game. Instead of developing policy alternatives and experiencing the consequences of different choices in a traditional role-playing game, debates present the alternatives and consequences in a formal, rhetorical fashion before a judgmental audience. Having the class audience serve as jury helps each student develop a well-thought-out opinion on the issue by providing contrasting facts and views and enabling audience members to pose challenges to each debating team. These debates ask undergraduate students to examine the international legal implications of various United States foreign policy actions. Their chief tasks are to assess the aims of the policy in question, determine their relevance to United States national interests, ascertain what legal principles are involved, and conclude how the United States policy in question squares with relevant principles of international law. Debate questions are formulated as resolutions, along the lines of: "Resolved: The United States should deny most-favored-nation status to China on human rights grounds;" or "Resolved: The United States should resort to military force to ensure inspection of Iraq's possible nuclear, chemical and biological weapons facilities;" or "Resolved: The United States' invasion of Grenada in 1983 was a lawful use of force;" or "Resolved: The United States should kill Saddam Hussein." In addressing both sides of these legal propositions, the student debaters must consult the vast literature of international law, especially the nearly 100 professional law-school-sponsored international law journals now being published in the United States. This literature furnishes an incredibly rich body of legal analysis that often treats topics affecting United States foreign policy, as well as other more esoteric international legal subjects. Although most of these journals are accessible in good law schools, they are largely unknown to the political science community specializing in international relations, much less to the average undergraduate. By assessing the role of international law in United States foreign policy- making, students realize that United States actions do not always measure up to international legal expectations; that at times, international legal strictures get compromised for the sake of perceived national interests, and that concepts and principles of international law, like domestic law, can be interpreted and twisted in order to justify United States policy in various international circumstances. In this way, the debate format gives students the benefits ascribed to simulations and other action learning techniques, in that it makes them become actively engaged with their subjects, and not be mere passive consumers. Rather than spectators, students become legal advocates, observing, reacting to, and structuring political and legal perceptions to fit the merits of their case. The debate exercises carry several specific educational objectives. First, students on each team must work together to refine a cogent argument that compellingly asserts their legal position on a foreign policy issue confronting the United States. In this way, they gain greater insight into the real-world legal dilemmas faced by policy makers. Second, as they work with other members of their team, they realize the complexities of applying and implementing international law, and the difficulty of bridging the gaps between United States policy and international legal principles, either by reworking the former or creatively reinterpreting the latter. Finally, research for the debates forces students to become familiarized with contemporary issues on the United States foreign policy agenda and the role that international law plays in formulating and executing these policies. n8 The debate thus becomes an excellent vehicle for pushing students beyond stale arguments over principles into the real world of policy analysis, political critique, and legal defense.

# Off

#### The harms of the 1AC are merely subsets of an unawakened anxiety that exists at our core—panic over death prevents us from living

Loy, 3

(David Robert Loy is a professor, writer, and Zen teacher in the Sanbo Kyodan tradition of Japanese Zen Buddhism. “The Great Awakening” pg. 19-20) Henge

“Suffering,” the usual English translation for dukkha, is not very enlightening, especially today, when those of us who live in wealthy countries have many ways to entertain and distract ourselves. The point of the Buddhist term is that we nonetheless experience a basic dissatisfaction, a dis-ease, which continues to fester. That there is something inherently frustrating about our lives is not accidental or coincidental. It is the nature of an unawakened mind to be bothered about something. At the core of our being we feel a free-ﬂoating anxiety, which has no particular object but can plug into any problematic situation. We may try to evade this anxiety by dulling ourselves with alcohol, tobacco or other drugs, television, consumerism, sex, and so forth, or we may become preoccupied with various goals we pursue, but the anxiety is always there; and when we slow down enough to become sensitive to what is occurring in our minds, we become aware of it—which is one reason we do not like to slow down. This implies that everything we normally understand as suffering is only a subset—for some of us a relatively small subset—of dukkha. The Pali sutras distinguish dukkha into three different types.10 The ﬁrst, dukkha-dukkhata, includes everything that we usually think of as suffering: all physical, emotional, and mental pain or discomfort, including being separated from people we like to be with, and being stuck with those we do not. This also includes the types of social dukkha mentioned above. A second and different type is viparinama-dukkhata, the dukkha that arises from impermanence, from knowing that nothing lasts forever and most things do not last long. Even when we are thoroughly enjoying ourselves, we know the moment will not last, and there is something frustrating about that awareness. However delicious that ice cream may taste, we know the last bite is coming soon—and even if we buy another cone, it does not taste as good because we begin to feel sated. The most problematic dukkha of this type is, of course, death: not the physical pain of dying (that is included in the ﬁrst type of dukkha) but the awareness that I will die. This awareness of our inevitable end often pervades and colors everything we do—so thoroughly that it poisons life. Insofar as I am afraid to die, I also become unable to live. To live fully is not possible when we are hypersensitive to the fact that danger and maybe death lurk around every corner, because any little accident could be our last.

#### **This anxious egoism makes violence inevitable**

Ikeda 07 (Daisaku Ikeda President, Soka Gakkai International January 26, 2007 “Restoring the Human Connection: The First Step to Global Peace” http://www.sgi-usa.org/newsandevents/docs/peace2007.pdf) Dabo

The challenge of preventing any further proliferation of nuclear weapons is just such a trial in the quest for world peace, one that cannot be achieved if we are defeated by a sense of helplessness. The crucial element is to ensure that any struggle against evil is rooted firmly in a consciousness of the unity of the human family, something only gained through the mastery of our own inner contradictions. It is this kind of reconfiguration of our thinking that will make possible a skilled and restrained approach to the options of dialogue and pressure. The stronger our sense of connection as members of the human family, the more effectively we can reduce to an absolute minimum any application of the hard power of pressure, while making the greatest possible use of the soft power of dialogue. Tragically, the weighting in the case of Iraq has been exactly the reverse. The need for such a shift has been confirmed by many of the concerned thinkers I have met. Norman Cousins (1915–90), the writer known as the “conscience of America” with whom I published a dialogue, stated with dismay in his work Human Options: “The great failure of education—not just in the United States but throughout most of the world—is that it has made people tribe-conscious rather than species-conscious.” Similarly, when I met with Mohamed ElBaradei, director general of the International Atomic Energy Agency (IAEA), in November of last year, he declared powerfully: “… we continue to emphasize our differences instead of what we have in common. We continue to talk about ‘us’ versus ‘them.’ Only when we can start to talk about ‘us’ as including all of humanity will we truly be at peace….” In our correspondence, Joseph Rotblat posed the question, “Can we master the necessary arts of global security and loyalty to the human race?”9 Three months after writing these words to me, Dr. Rotblat passed away. I believe his choice to leave this most crucial matter in the form of an open question was an expression of his optimism and his faith in humanity. When our thinking is reconfigured around loyalty to the human race—our sense of human solidarity—even the most implacable difficulties will not cause us to lapse into despair or condone the panicked use of force. It will be possible to escape the snares of such shortsighted thinking. We will be empowered to engage in the kind of persistent exertion that Max Weber viewed as the ideal of political action, and the door will be open to the formation of consensus and persuasion through dialogue. The function of anger When my mentor Josei Toda used the words “a devil incarnate, a fiend, a monster,” he was referring to a destructiveness inherent in human life. It is a function of this destructiveness to shred our sense of human solidarity, sowing the seeds of mistrust and suspicion, conflict and hatred. Those who would use nuclear weapons capable of instantaneously killing tens of millions of people exhibit the most desperate symptoms of this pathology. They have lost all sense of the dignity of life, having fallen prey to their own inner demons. Buddhism classifies the underlying destructive impulses that give rise to such behavior as “the three poisons” (Jpn: san-doku) of greed, anger and ignorance. “The world of anger” can be thought of as the state of life of those in whom these forces have been directed outward toward others. Buddhism analyzes the inner state of human life in terms of the following ten categories, or “worlds”: Hell, Hunger, Animality, Anger, Humanity, Rapture, Learning, Realization, Bodhisattva and Buddhahood. Together these worlds constitute an interpenetrating functional whole, referred to as the inherent ten worlds. It is the wisdom and compassion of the world of Buddhahood that bring out the most positive aspect of each of the other worlds. In the Buddhist scriptures we find the statement “anger can function for both good and evil,”10 indicating that just and righteous anger, the kind essential for countering evil, is the form of the world of anger that creates positive value. The anger that we must be on guard against is that which is undirected and unrestrained relative to the other nine worlds. In this case, anger is a rogue and renegade force, disrupting and destroying all in its path. In this form, the world of anger is a condition of “always seeking to surpass, unable to countenance inferiority, disparaging others and overvaluing oneself.” When in the world of anger, we are always engaged in invidious comparisons with others, always seeking to excel over them. The resulting distortions prevent us from perceiving the world accurately; we fall easily into conflict, locking horns with others at the slightest provocation. Under the sway of such anger, people can commit unimaginable acts of violence and bloodshed. Another Buddhist text portrays one in the world of anger as “84,000 yojanas tall, the waters of the four oceans coming only up to his knees.”12 A yojana was a measure of distance used in ancient India; there are various explanations as to what the specific distance may be, but “84,000 yojanas” represents an immeasurable enormity. This metaphor indicates how the self-perception of people in the life-state of anger expands and swells until the ocean deeps would only lap their knees. The inner distortions twisting the heart of someone in this state prevent them from seeing things in their true aspect or making correct judgments. Everything appears as a means or a tool to the fulfillment of egotistical desires and impulses. In inverse proportion to the scale of this inflated arrogance, the existence of others—people, cultures, nature—appears infinitely small and insignificant. It becomes a matter of no concern to harm or even kill others trivialized in this way. It is this state of mind that would countenance the use of nuclear weapons; it can equally be seen in the psychology of those who would advocate the use of such hideously cruel weapons as napalm, or, more recently, depleted uranium and cluster bombs. People in such a state of life are blinded, not only to the horrific suffering their actions wreak but also to the value of human life itself. For the sake of human dignity, we must never succumb to the numbing dehumanization of the rampant world of anger. When the atomic bomb was dropped on the city of Hiroshima, not only military personnel but also many scientists were thrilled by the “success” of this new weapon. However, the consciences of genuinely great scientists were filled with anguish. Einstein greeted this news with an agonized cry of woe, while Rotblat told me he was completely overcome with hopelessness. Their feelings were no doubt intensely resonant with the sentiments that motivated Josei Toda to denounce nuclear weapons. When Toda spoke of “declawing” the demonic nature of nuclear weapons, he had in mind the struggle to prevent the inner forces of anger from disrupting the ten worlds and going on an unrestrained rampage. He was calling for the steady and painstaking work of correctly repositioning and reconfiguring the function of anger in an inner world where wisdom and harmony prevail. This is the true meaning of “declawing.” For SGI members in particular it is thus vital we remember that not only our specific activities for peace and culture but the movement for “human revolution” based on the daily endeavor to transform our lives from within is a consistent and essential aspect of the historic challenge of nuclear disarmament and abolition. Unless we focus on this inner, personal dimension, we will find ourselves overwhelmed by the structural momentum of a technological civilization, which in a certain sense makes inevitable the birth of such demonic progeny as nuclear weapons.

#### Vote negative to shed the ego

#### This is a path of self-transformation that recognizes the interpermeation of all beings—we must assimilate the postmodern insight of the fictive self

Loy, 3

(David Robert Loy is a professor, writer, and Zen teacher in the Sanbo Kyodan tradition of Japanese Zen Buddhism. “The Great Awakening” pg. 4-6) Henge

In contrast, the early Buddhist teachings focus almost exclusively on the path of self-transformation, with a minimum of dogma or metaphysics—in other words, with a rather ﬂimsy canopy, at best, to shelter beneath. These original teachings not only deny a creator God and the salviﬁc value of rituals such as sacriﬁces, they also emphasize the constructed nature of both the self and the world. For Buddhism there are no self-existing things, since everything, including you and me, ~~interpenetrates~~ (interpermeates) everything else, arising and passing away according to causes and conditions. This interconnectedness—not just an intellectual insight but an experience—was an essential aspect of the Buddha’s awakening, and it is congruent with the essential postmodern realization. Even more radical then than now, the original Buddhist teachings, not surprisingly, eventually became elaborated into another sacred canopy, focused on a transcendental liberation from this world. What is more surprising is that early Buddhism should have had such deconstructive insights and that they have been preserved in recognizable form for two and a half millennia. This perspective on the Buddha’s awakening deserves our attention because no other religious tradition foregrounds so clearly this crucial insight into our constructedness. There are some parallels with the philosophical realization in ancient Greece that society is a construct that can and should be reconstructed (e.g., Plato’s Republic). The history of the West since then has incorporated and developed the Greek concern for social transformation. Yet none of the important Greek philosophers proposed what Shakyamuni Buddha taught— the deconstruction and reconstruction of the ﬁctive sense of self. These resonances between postmodern theory and Buddhist teachings provide the basis for a comparison that is more than merely interesting. Today the postmodern realization about the constructed nature of our canopies, sacred and otherwise, contributes to global crises that we are far from resolving. Indeed, Nietzsche’s prescient prediction of a coming age of nihilism suggests that the world’s destabilization may be far from over. Some people and perhaps a few institutions are beginning to assimilate the postmodern insight, but although we are becoming more aware of its implications and dangers, we do not yet have a good grasp of the possibilities it opens up. For the West, the postmodern perspective grows out of, and depends upon, a secular modernity that privileges empirical rationalism over religious superstition. In this regard, too, our attitude derives from the Greeks, whose philosophy originated as a critique of the Olympian deities and the rites associated with them. The Indian situation was quite different. According to one’s sympathies, one can see that Indian (including Buddhist) philosophy never quite escaped the orbit of religious concerns or, more sympathetically, that Indian thought never felt the Western need to differentiate between them.

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#### The Justice system is racist and Islamophobic. Muslims accused of terrorism are presumed guilty and subjected to dehumanizing conditions and torture in the American prisons they would send them to. That turns the aff.

Brittain in 2013

(Victoria, journalist and former editor at the Guardian, “U.S. Muslims guilty until proven innocent”, <http://www.islamophobiatoday.com/2013/06/10/u-s-muslims-guilty-until-proven-innocent/>, rcheek)

A four-month hunger strike, mass force-feedings, and widespread media coverage have at last brought Guantanamo, the notorious offshore prison set up by the Bush administration early in 2002, back into American consciousness. Prominent voices are finally calling on President Obama to close it down and send home scores of prisoners who, years ago, were cleared of wrongdoing.¶ Still unnoticed and out of the news, however, is a comparable situation in the U.S. itself, involving a pattern of controversial terrorism trials that result in devastating prison sentences involving the harshest forms of solitary confinement. This growing body of prisoners is made up of Muslim men, including some formerly well-known and respected American citizens.¶ At the heart of these cases is a statute from the time of the Clinton presidency making it a crime to provide “material support” to any foreign organization the government has designated as “terrorist.” This material support provision was broadened in the USA PATRIOT Act, passed by Congress just after the 9/11 attacks, and has been upheld by a 2010 Supreme Court ruling in the case of Holder v. Humanitarian Law Project. Today, almost any kind of support, including humanitarian aid, training, expert advice, “services” of all sorts, or “political advocacy” undertaken in “coordination” with any group on the State Department’s terrorist list, can lead to such a terror trial. The Court has never defined what “coordination” actually means.¶ In that Supreme Court ruling, Justice Stephen Breyer was joined in dissent by Justices Ruth Bader Ginsburg and Sonia Sotomayor. Justice Breyer proposed a narrower interpretation of material support: individuals should not be subject to prosecution unless they knowingly provided a service they had reason to believe would be used to further violence. At the time, the position of the dissenting judges was backed by key editorials in major newspapers. In the three years since, however, more material support cases have resulted in long sentences with very little public notice or critical comment.¶ Pre-Trial Punishment¶ In the U.S. these days, the very word “terror,” no less the charge of material support for it, invariably shuts down rather than opens any conversation. Nonetheless, a decade of researching a number of serious alleged terrorism cases on both side of the Atlantic, working alongside some extraordinary human rights lawyers, and listening to Muslim women in Great Britain and the U.S. whose lives were transformed by the imprisonment of a husband, father, or brother has given me a different perspective on such cases.¶ Perhaps most illuminating in them is the repeated use of what’s called “special administrative measures” to create a particularly isolating and punitive atmosphere for many of those charged with such crimes, those convicted of them, and even for their relatives. While these efforts have come fully into their own in the post-9/11 era, they were drawn from a pre-9/11 paradigm. Between the material support statute and those special administrative measures, it has become possible for the government to pre-convict and in many cases pre-punish a small set of Muslim men.¶ Take the case of Ahmed Abu Ali, a young Palestinian-American who is now serving life in the Administrative Maximum Facility, a supermax prison in Florence, Colorado, and is currently under special administrative measures that restrict his communications with the outside world. A university student in Saudi Arabia, he was arrested in 2003 by the Saudi government and held for 20 months without charges or access to a lawyer. The Washington Post reported that the U.S. government finally asked for his return just as his family filed a lawsuit in Washington.¶ At the time, it seemed like a victory for the family and the various human rights organizations that had supported them, but on arrival Ahmed was charged with material support for al-Qaeda and plotting to assassinate President George W. Bush. The evidence to convict him came from an anonymous alleged co-conspirator and from taped confessions he made, evidently after being tortured in Saudi Arabia, a common practice there. The evidence of his torture was contested at his trial. The case was described by a staff member of Amnesty International USA as “unusual in the annals of U.S. outsourcing of torture.” An appeal of Ahmed’s 30-year sentence actually resulted in the imposition of an even more severe sentence: life without parole.¶ In addition, special administrative measures have been applied to him. These were href=”http://www.justice.gov/usao/eousa/foia\_reading\_room/usam/title9/24mcrm.htm” target=”\_blank”>originally established in 1996 to stop communications from prison inmates who could “pose a substantial risk of death or serious risk of injury.” The targets then were gang leaders. Each special administrative measure was theoretically to be designed to fit the precise dangers posed by a specific prisoner. Since 9/11, however, numerous virtually identical measures have been applied to Muslim men, often like Ahmed Abu Ali with no history of violence.¶ A question to Ahmed’s sister about how her brother is doing is answered only with a quick look. She is not allowed to say anything because special measures also prohibit family members from disclosing their communications with prisoners. They similarly prevent defense lawyers from speaking about their clients. It was for a breach of these special measures in relation to her client, the imprisoned blind sheikh Omar Abdel-Rahman, that lawyer Lynne Stewart was tried and sentenced to 10 years in prison in the Bush years.¶ Although these measures have been contested in court, few have ever been modified, much less thrown out. Those court challenges and evidence provided to the European Court of Human Rights by American lawyers have, however, provided a window into what one of them described as a regime of “draconian and inhumane treatment.”¶ Under such special administrative measures at the Metropolitan Correction Center in New York City, a prisoner lives with little natural light, no time in communal areas, no radio or TV, and sometimes no books or newspapers either, while mail and phone calls are permitted only with family, and even then are often suspended for minor infractions. Family visits are always no-contact ones conducted through plexiglass.¶ “The conditions have quite simply wreaked havoc on Mr X’s physical and mental well-being,” one lawyer wrote for the European Court of Human Rights, describing a seven-month period in which a prisoner at the Metropolitan Correction Center was allowed no family phone calls. Another highlighted his client’s lost concentration, which made it impossible to work on his case effectively. “Their world shrinks dramatically,” was the way Joshua Dratel, a lawyer who has represented several men under these measures, described the situation.¶ In cases where special administrative measures are in place pre-trial, such as the well-documented ordeal of American post-graduate student Syed Fahad Hashmi, lawyers have often been obliged to prepare cases without actually sitting with their clients, or being able to show them all court materials. After three pre-trial years mainly in solitary confinement under special administrative measures at the Metropolitan Correction Center, Hashmi accepted a government plea bargain of one count of material support for terrorism and was given a 15-year sentence.¶ His crime? He allowed an acquaintance to stay at his student apartment in London, use his cell phone, and store a duffel bag there. The bag contained ponchos and waterproof socks that were later supposedly delivered to al-Qaeda, while the phone was used by that acquaintance to make calls to co-conspirators in Britain.¶ Silencing Palestinian-Americans¶ Just as the Bush administration found the Geneva Conventions “quaint” and ignored them, so the principle of “innocent until proven guilty,” a part of Western civilization since Roman times, has all but disappeared for Muslims who face accusations of “material support” for terrorism.¶ Such cases have, at times, involved high-profile men and once received significant media attention. Civil rights activist and University of South Florida professor Sami Al-Arian, accused of being a leader of Palestinian Islamic Jihad (a State Department-designated terrorist organization), was, for instance, treated like a man already being punished for his crime even before his trial. Previously, he had been a respected American-Muslim political leader with contacts in the White House and in Congress. Now, walking to pre-trial meetings with his lawyers, his arms were shackled behind him, so that, humiliatingly, he had to carry his legal papers on his back.¶ Amnesty International described Al-Arian’s pre-trial detention in Coleman Federal Penitentiary as “gratuitously punitive.” It cited his 23-hour lockdown in his cell, the strip searches, the use of chains and shackles, the lack of access to any religious services, and the insistence on denying him a watch or clock in a windowless cell. He was transferred to 14 different prison facilities in 6 states. He ended up spending three and a half years in solitary confinement without being convicted of anything. At his trial, the government called 80 witnesses, including 21 from Israel, while his counsel called no defense witnesses, only citing the U.S. Constitution. A Florida jury nonetheless acquitted him on half of the counts, and deadlocked on the other half. (Ten out of 12 jurors wanted to acquit him on all charges.) He later struck a plea deal on one minor charge.¶ Today, the Palestinian-American professor is still in legal limbo, under house arrest, awaiting a judge’s ruling on whether he has to testify in a separate case. An articulate U.S. Muslim political leader, who helped bring in the Muslim vote for George W. Bush after the candidate came out publicly against the use of secret evidence in trials, when the Gore campaign did not and so contributed to his Florida victory in the 2000 presidential campaign, has been silenced for his openly expressed pro-Palestinian opinions.¶ Successful and influential Palestinian-American Ghassan Elashi, a founder and the chairman of what was once America’s largest Muslim charity, the Holy Land Foundation, and Shukri Abu Baker, its president, were similarly silenced along with three other foundation officials. The two of them received prison sentences of 65 years for giving charity to orphanages and community organizations in Gaza (also supported by the European Union and the U.S. Agency for International Development). The Holy Land leaders were accused of giving “material support” to a foreign terrorist organization: Hamas, the elected government in Gaza. There were no accusations of inciting or being involved in acts of violence. This case, like Professor Al Arian’s, would never have been possible if Justice Breyer’s views had prevailed at the Supreme Court.¶ Even then, it took a second trial before a jury returned a guilty verdict against the Holy Land leaders. Nancy Hollander, counsel for one of the men, summed up the situation this way: “The thought that somebody gets sixty-five years for providing charity is really shameful, and I believe this case will go down in history, as have others, as a shameful day.” In 2012, the Supreme Court refused to rehear the case, and four of the five convicted men remain confined to the especially restrictive “communications management unit” at the U.S. penitentiary in Marion, Illinois, where Muslims make up two-thirds of the inmates.¶ There were also 246 unindicted co-conspirators named in the Holy Land Foundation case, including major Muslim organizations. The case and the particularly long sentences sent a shot of fear through Muslim communities in the U.S., as was surely intended.¶ The men’s daughters still speak out on their fathers’ case. Noor Elashi, for example, told me, “His is the poster case for ‘material support.’” In the meantime, 15-minute weekly prison phone calls, monitored in real time from Washington, are the thinnest of threads to hold family relationships together, as are rare visits to distant prisons. Mariam Abu Ali once described to me her annual visit to her older brother Ahmed Abu Ali. The expense was difficult to absorb: two flights, a rental car, and a motel for a three-day visit of about four hours a day, for a family already shouldering heavy debts for legal fees.¶ The real ordeal, though, was emotional, not financial. “They bring him in shackled at the waist and legs,” she told me. “We see them take off the handcuffs as he puts his hands out through a gap in the door. It’s emotionally draining… he’s there but so far away behind the glass. Only one of us can hear him at a time as he speaks though a phone… I’ve tried to lip read when it isn’t my turn, but it really doesn’t work. I feel very exhausted and sometimes I fall asleep during the visit. I cry every time, especially when he leaves… It’s not like a death. You don’t grieve and then finish, because this is not in the past. In fact, it is not even in the back of my mind — it is always there… This is chronic after nine years and it is not going to end.”¶ In itself, solitary confinement has devastating effects, as Dr. Atul Gawande has vividly pointed out, and is becoming ever more common in U.S. prisons in breach of internationally recognized norms on the humane treatment of prisoners. It tends to break the will of inmates, sometimes even robbing them of their sanity. However, in its most extreme use, combining those special administrative measures with the isolation imposed in prison communication management units, it is mainly applied to American Muslims.¶ The stories of what happens to Muslim men today in U.S. prisons and of the judicial cases that land them there under the harshest of conditions bear a startling resemblance to the cages at Guantanamo Bay and the charade of a legal system that is still in operation there.¶ Miscarriages of Justice¶ In addition to the examples of prominent, formerly successful Palestinian-Americans, there are a series of haunting cases of newer Muslim arrivals in the U.S., each of them an evident miscarriage of justice. These include the Fort Dix Five, originally from Albania, and that of Imam Yassin Aref, an Iraqi Kurd. Their entrapment cases, typically based on “sting” operations manufactured by FBI informants, sent men respected in their communities into solitary confinement for long years on what were probably trumped-up charges. In such cases, the only “plot” is often manufactured by the government itself.¶ This, then, is the state of so many cases of “terrorism” in the U.S. today in which disparate Muslim men have been swept up in a system in which guilt is assumed and people’s lives are quickly turned into waking nightmares in what used to be called the “justice system.” Some great miscarriages of justice do get overturned. Black Panther Robert King spent 31 years in prison, 29 in solitary confinement for a crime he did not commit. His release in 2001 came about by chance when his persistent letter writing attracted the attention of a young lawyer and the founder of The Body Shop, Anita Roddick, who became his champion alongside a grassroots campaign for his release. Since then, King has himself campaigned at home and abroad for the release of his two colleagues in “the Angola Three,” who still remain in prison, and against the system that could have broken him as it has so many others.¶ Thanks to the special administrative measures applied in his case, Ahmed Abu Ali cannot do what Robert King did, or what the lawyer and a friend of WikiLeaks informant Private Bradley Manning did to get his prison conditions widely known, or what Mumia Abu Jamal has done throughout his 30 years in solitary confinement via his books and his talks on prison radio. Ahmed cannot contact the world outside in search of the support he and his family need, nor can his family members.¶ The painful impact of all this on the families is difficult to imagine. Chilean novelist and playwright Ariel Dorfman once wrote that torture “presupposes the… abrogation of our capacity to imagine someone else’s suffering, to dehumanize him or her so much that their pain is not our pain. It demands this of the torturer… but also demands of everyone else the same distancing, the same numbness.”¶ Perhaps such a state helps explain why people around the world are far more aware than most Americans of what happens to Muslim men in the post-9/11 “justice system.” The particular cruelty of the punishments they endure even before their unfair trials, will someday, like the abuses at Guantanamo, gain the attention they deserve.

#### And, focusing on indefinite detention ignores the systemic violence experienced by millions in prisons across the democratic world

Johns in 2005

(Fleur, Lecturer, University of Sydney Faculty of Law, Sydney, Australia, “Guantánamo Bay and the Annihilation of the Exception”, <http://ejil.oxfordjournals.org/content/16/4/613.full>, rcheek)

In arguing against Agamben and others that the experience of the exception anticipated by Schmitt is in retreat at the Guantánamo Bay Naval Base, it is important to acknowledge the extent to which the legal order of Guantánamo Bay often looks and sounds like a domain operating as one of ‘pure’ sovereign discretion and thus exceptionalism. Lawyers for the US Justice Department have asserted that the US President has unlimited discretion to determine the appropriate means for interrogating enemy combatants detained at Guantánamo Bay and elsewhere.97 Likewise, counsel for the US Government contended, before the US Supreme Court, that ‘[a] commander’s wartime determination that an individual is an enemy combatant is a quintessentially military judgment, representing a core exercise of the Commander-in-Chief authority’.98¶ By assuming the affect of exceptionalism, the normative order of Guantánamo Bay has soaked up critical energies with considerable effectiveness, for it is the exception that rings liberal alarm bells. Accordingly, the focus falls on less than 600 persons being abused in Cuba, rather than upon the millions subjected to endemic sexual, physical and substance abuse in prisons across the democratic world. In a similar way, attention is captured by the violation of rights of asylum-seekers, rather than by the over-representation of immigrants in the most informal and vulnerable sectors of the contemporary economy.99

#### The alternative is to reject the aff’s reliance on Islamophobic law.

#### The classroom space of debate is a unique site for the production of Islamophobia. As an educator, you have a responsibility to deconstruct these stereotypes and reinforce anti-oppressive attitudes.

Zaal in 2012

(Mayida, assistant professor at Montclair State University, “Islamophobia in Classrooms, Media, and Politics”, Journal of Adolescent & Adult Literacy, 55(6), doi:10.1002/JAAL.00066, rcheek)

Becky and Aysha’s story was brought to my attention when Aysha’s parents sought ¶ guidance regarding this incident. This classroom example and others like it point ¶ to the necessity for a critical pedagogical stance that addresses the manifestation of ¶ Islamophobia in the classroom. ¶ The example raises many difficult questions and ethical considerations. What ¶ are the consequences (whether intended) of such a lesson taught in isolation? How ¶ could a lesson on the events of September 11th have been taught differently? How ¶ can educators use literacy as a way to engage with most pressing social contexts ¶ instead of oversimplifying or barring them? How do young Muslims across the ¶ U.S. experience growing anti-Muslim sentiment? What are our responsibilities ¶ as educators to create safer spaces for Muslim students ¶ and for all of our students?¶ Currents of Islamophobia¶ According to the Council on American Islamic ¶ Relations (2009), civil rights violations targeting ¶ Muslims in the workplace, at religious institutions, ¶ and in schools have escalated. For instance, in 2007 ¶ there were 118 reported cases of discrimination in ¶ schools, and in 2008 there were 153 reported cases. ¶ Moreover, the Pew Research Center’s (2010) ¶ survey in the wake of public debate on the proposed ¶ construction of an Islamic cultural center and mosque ¶ near the site of the former World Trade Center reveals ¶ that since 2005, Americans are tending towards ¶ less favorable views of Islam. In 2005, 41% of those ¶ surveyed held a favorable view of Islam, while 36% ¶ held an unfavorable view. In 2010, only 32% held a ¶ favorable view, while 38% looked at Islam unfavorably. ¶ Remarkably, the Center for American Progress ¶ reports that over the last decade $43 million dollars ¶ in funding was contributed to support anti-Muslim ¶ thinkers in the U.S. (Hing, 2011). These are the ¶ same thinkers who are credited with influencing the ¶ Norwegian mass murderer, Anders Breivik, whose ¶ intent was to wage war against Muslims in Europe.¶ What fuels these acts of hatred? What influences ¶ the general public’s perceptions of Muslims as a ¶ group? There are many inputs from mass media, both ¶ historical and current, that have served to facilitate ¶ people’s perceptions of Muslims as a threat. ¶ The effects of Islamophobia, defined as a ¶ generalized fear of Islam and Muslims (Shryock, ¶ 2010; Zine, 2004), are felt by Muslims and nonMuslims alike. For instance, Arabs, Sikhs, and South ¶ Asians are some of the groups that are often targets ¶ of anti-Muslim discrimination (American-Arab ¶ Anti-Discrimination Committee Research Institute ¶ [ADC], 2010).¶ Politics of Representation¶ Muslim Americans are not a monolithic group, ¶ nor can they be described in terms of one common ¶ experience. Nonetheless, it is a term that millions of ¶ Muslims living in the U.S. use to identify themselves ¶ (Bakalian & Bozorgmehr, 2009; Pew Research ¶ Center, 2011). Muslims in the U.S. originate from ¶ at least 77 countries and include native-born African ¶ Americans and other converts to Islam (Pew Research ¶ Center, 2011). ¶ Therefore, it is imperative not to homogenize ¶ or essentialize the experiences of Muslims across ¶ the country. I employ the category of “Muslim ¶ Americans” to situate a growing Islamophobic trend ¶ within its historical, social, and political context and ¶ to generate discussion and interrupt the pedagogical ¶ practices that contribute to further oppression of ¶ Muslim students.¶ Muslims in the U.S., and Arabs specifically, ¶ have been vilified in images, cartoons, film, and ¶ television for many decades (and long before the ¶ attacks of September 11th took place). Social scientist ¶ Jack Shaheen (2001) has extensively documented ¶ the hundreds of images that portray Arabs as violent ¶ and barbaric. (Many Arabs, usually represented as ¶ Muslims, are Christians, Jews, and even Quakers ¶ [ADC, 2008]). ¶ These demonized and dehumanizing images ¶ (often depicted in seemingly harmless ways, as in ¶ the Disney film Aladdin) have served to desensitize ¶ the U.S. populace and to legitimize fear and hatred ¶ against Muslims and Islam. Moreover, the persistent ¶ discourse in the media and in politics (e.g., Peter King’s ¶ Congressional hearings on Muslim Americans and ¶ radicalization) that equates Muslims with terrorism ¶ and violence (Nisbet & Garrett, 2010) perpetuates ¶ Islamophobia.¶ How do these popular, discriminatory discourses ¶ manifest themselves in schools and in classrooms? ¶ They inform literacy practices like the ones illustrated ¶ in the opening vignette. These mainstream images, ¶ texts, and narratives form the basis of how students ¶ and teachers make sense of the world and reinforce ¶ the official curriculum in textbooks and state ¶ standards.¶ Common Concerns¶ In previously conducted research, the Muslim ¶ youth who shared their stories with me in the U.S. ¶ (Zaal, Salah, & Fine, 2007) and in the Netherlands ¶ (Zaal, 2009) had many concerns in common. They¶ spoke of experiencing Islamophobia in blatant and ¶ insidious ways—being called names, being told they ¶ were oppressed by their backward religion, and told ¶ to return to where they came from. They reported ¶ feeling targeted at school, on the playground, and ¶ on the bus. They did not want to be burdened with ¶ educating others about their faith or to defend their ¶ religion or ethnicity. They described feeling alienated ¶ when adults and peers promoted stereotypes about ¶ Islam.¶ The young women who participated in my ¶ research based in New York City resisted having their ¶ identities defined in polarizing dichotomies—devout ¶ or progressive, Muslim or American, good citizen ¶ or feared neighbor. They wanted to claim all their ¶ identities—student, sister, national origin, friend, ¶ daughter, law-abiding citizen, Muslim—without ¶ compromise.¶ We have a responsibility as educators to ¶ expand our students’ understanding of the world ¶ by engaging them critically in analyzing the social, ¶ political, and historical contexts in which they live. ¶ This responsibility can and should include difficult ¶ conversations about conflicts, war, discrimination, ¶ and oppression. ¶ Unlike the principal in the vignette, I do not ¶ agree that the teacher should not have conducted a ¶ lesson about the events of September 11, 2001. But ¶ teachers must be prepared with pedagogical tools ¶ and age-appropriate curricula (see Table). When ¶ approaching socially sensitive issues, it is critical to ¶ deconstruct stereotypes and create anti-oppressive ¶ classrooms that allow for difficult dialogue in a ¶ responsible way.¶ Classrooms are not simply spaces reserved for ¶ fiction, mock debates, and role-plays. They are ¶ microcosms where global–political, social, and ¶ historical tensions are enacted and reinforced in every ¶ action and interaction. Young people must negotiate ¶ torrents of information, and as educators we need ¶ to provide counternarratives and create learning ¶ environments in which students can engage as critical ¶ readers of their world.

# Case

#### Without combining problem-solving and critical theories, we devolve into an epistemic crisis. Critique should be grounded within political structures

Jeroen Gunning, Lecturer in International Politics @ Univ. of Wales, “A Case for Critical Terrorism Studies?” Government and Opposition 42.3, 2007

The notion of emancipation also crystallizes the need for policy engagement. For, unless a ‘critical’ field seeks to be policy relevant, which, as Cox rightly observes, means combining ‘critical’ and ‘problem-solving’ approaches, it does not fulfil its ‘emancipatory’ potential.94 One of the temptations of ‘critical’ approaches is to remain mired in critique and deconstruction without moving beyond this to reconstruction and policy relevance.Vital as such critiques are, the challenge of a critically constituted field is also to engage with policy makers – and ‘terrorists’ – and work towards the realization of new paradigms, new practices, and a transformation, however modestly, of political structures. That, after all, is the original meaning of the notion of ‘immanent critique’ that has historically underpinned the ‘critical’ project and which, in Booth's words, involves ‘the discovery of the latent potentials in situations on which to build political and social progress’, as opposed to putting forward utopian arguments that are not realizable. Or, as Booth wryly observes, ‘this means building with one's feet firmly on the ground, not constructing castles in the air’ and asking ‘what it means for real people in real places’.96 Rather than simply critiquing the status quo, or noting the problems that come from an un-problematized acceptance of the state, a ‘critical’ approach must, in my view, also concern itself with offering concrete alternatives. Even while historicizing the state and oppositional violence, and challenging the state's role in reproducing oppositional violence, it must wrestle with the fact that ‘the concept of the modern state and sovereignty embodies a coherent response to many of the central problems of political life’, and in particular to ‘the place of violence in political life’. Even while ‘de-essentializing and deconstructing claims about security’, it must concern itself with ‘hows ecurity is to be redefined’, and in particular on what theoretical basis.97 Whether because those critical of the status quo are wary of becoming co-opted by the structures of power (and their emphasis on instrumental rationality),98 or because policy makers have, for obvious reasons (including the failure of many ‘critical’ scholars to offer policy relevant advice), a greater affinity with ‘traditional’ scholars, the role of ‘expert adviser’ is more often than not filled by ‘traditional’ scholars.99 The result is that policy makers are insufficiently challenged to question the basis of their policies and develop new policies based on immanent critiques. A notable exception is the readiness of European Union officials to enlist the services of both ‘traditional’ and ‘critical’ scholars to advise the EU on how better to understand processes of radicalization.100 But this would have been impossible if more critically oriented scholars such as Horgan and Silke had not been ready to cooperate with the EU. Striving to be policy relevant does not mean that one has to accept the validity of the term ‘terrorism’ or stop investigating the political interests behind it. Nor does it mean that each piece of research must have policy relevance or that one has to limit one's research to what is relevant for the state, since the ‘critical turn’ implies a move beyond state-centric perspectives. End-users could, and should, thus include both state and non-state actors such as the Foreign Office and the Muslim Council of Britain and Hizb ut-Tahrir; the Northern Ireland Office and the IRA and the Ulster Unionists; the Israeli government and Hamas and Fatah (as long as the overarching principle is to reduce the political use of terror, whoever the perpetrator). It does mean, though, that a critically constituted field must work hard to bring together all the fragmented voices from beyond the ‘terrorism field’, to maximize both the field's rigour and its policy relevance. Whether a critically constituted ‘terrorism studies’ will attract the fragmented voices from outside the field depends largely on how broadly the term ‘critical’ is defined. Those who assume ‘critical’ to mean ‘Critical Theory’ or ‘poststructuralist’ may not feel comfortable identifying with it if they do not themselves subscribe to such a narrowly defined ‘critical’ approach. Rather, to maximize its inclusiveness, I would follow Williams and Krause's approach to ‘critical security studies’, which they define simply as bringing together ‘many perspectives that have been considered outside of the mainstream of the discipline’.101 This means refraining from establishing new criteria of inclusion/exclusion beyond the (normative) expectation that scholars self-reflexively question their conceptual framework, the origins of this framework, their methodologies and dichotomies; and that they historicize both the state and ‘terrorism’, and consider the security and context of all, which implies among other things an attempt at empathy and cross-cultural understanding.102 Anything more normative would limit the ability of such a field to create a genuinely interdisciplinary, non-partisan and innovative framework, and exclude valuable insights borne of a broadly ‘critical’ approach, such as those from conflict resolution studies who, despite working within a ‘traditional’ framework, offer important insights by moving beyond a narrow military understanding of security to a broader understanding of human security and placing violence in its wider social context.103 Thus, a poststructuralist has no greater claim to be part of this ‘critical’ field than a realist who looks beyond the state at the interaction between the violent group and their wider social constituency.104

**The only true critique is one that includes the advantages and disadvantages of both the external and internal approaches to discourse.**

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**This is not to suggest that the internal and external approaches constitute separate universes of discourse.** In the hypothetical criminal case just sketched, **it might be possible for the Marxist to translate his external insight so that it affects the internal workings of the legal system. One way to do this is to convince the internal players that the terms they are using (freedom, criminality, property) are ideologically loaded by demonstrating that certain types of criminality are caused by monopoly capitalism,** or that the free will supposed by the doctrine of mens rea (mental state) is a sham. **These views might somehow lead to a reshaping of the criminal law, perhaps by creating a defense or excuse for economically motivated property crimes.** My point here is that **for the external viewpoint to have any impact, it must somehow by translated into the language being used inside the practice, if only to reject the latter or prove that it should be reconstructed. Postmodern legal theory is similar in orientation to the Marxist stance in that it tends to take place at an external level,** to the neglect of the language game going on at the internal level of legal practice. It is therefore subject to the general complaint that **it is not couched in the terms used by officials of the legal system, which means that is cannot directly affect the day-to-day practice of law but must effect change in a more subtle and indirect way.** On the other hand, the internal perspective seems to take too much for granted, working from within but failing to rigorously examine the foundations and ground rules of the existing legal system, with the result that there is a formalist and conservative bias built into it. **The internal critic tends to privilege the first-person account of those within the system (judges and lawyers), who are disposed to viewing the system as a coherent, ordered set of objective rules. This point of view can easily overlook the outsider’s perspective, which is at odds with the official picture from the inside but may be just as illuminating** (e.g., there may be something important to learn from a criminal’s perspective on the legal system). In later chapters I will be arguing that **a good judge (and a good legal theorist) must learn to question the internal perspective by standing outside it and adopting a critical, external perspective.**

#### Restrictions on indefinite detention empirically lead to a massive increase in drone use.

Crandall 2013 (Carla Crandall, J.D., J. Reuben Clark Law School, Brigham Young University. If You Can¶ 't Beat Them, Kill Them: Complex¶ Adaptive Systems Theory and the Rise in Targeted¶ Killing Seton Hall Law Review¶ Volume 43 | Issue 2 Article 3¶ 4-19-2013¶ ¶ <http://erepository.law.shu.edu/cgi/viewcontent.cgi?article=1466&context=shlr>, bs)

Given this recent expansion, drone warfare largely has been ¶ associated with President Obama. Indeed, as one reporter explained, ¶ “no president has ever relied so extensively on the secret killing of ¶ individuals to advance the nation’s security goals.”221 Yet, while it is ¶ certainly true that targeted killing via drones has increased ¶ significantly under the Obama Administration,222 the escalation ¶ actually began in the summer of 2008 when—just one month after the ¶ Boumediene decision—President Bush issued an “order that ¶ dramatically expanded the scope of Predator drone strikes against ¶ militants . . . .”223 During the remainder of 2008, the number of ¶ drone attacks conducted in Pakistan alone “vastly exceed[ed] the ¶ number of strikes over the prior four years combined.”224¶ ¶ As noted, this escalation has continued under the Obama ¶ Administration. Reports indicate, for instance, that between 2009 ¶ and 2010, the number of drone strikes in Pakistan more than ¶ doubled—from 54 in 2009, to 122 in 2010.225 Although this number ¶ has since been in decline (73 such attacks took place in 2011, while ¶ 48 occurred in 2012), the current rate still significantly outpaces that seen pre-Boumediene.¶ 226 Beyond this quantitative increase in drone use ¶ during President Obama’s tenure, there has also been an equally ¶ important qualitative expansion. In 2011, the Wall Street Journal ¶ reported that “[t]he U.S. military is deploying a new force of armed ¶ drones to eastern Africa in an escalation of its campaign to strike ¶ militant targets in the region and expand intelligence on ¶ extremists.”227 This new arsenal is expected to support the recent ¶ trend of expanding the geographic scope of drone warfare farther ¶ away from America’s ground wars.228 More strikingly, in September of ¶ 2011, government officials confirmed that a Hellfire missile launched ¶ from a CIA drone killed Anwar al-Awlaki in Yemen.229 While news of a ¶ targeted killing carried out in Yemen might have been noteworthy in ¶ itself, 230 even more remarkable was the fact that al-Awlaki was a U.S. ¶ citizen.231 The strike was thus evidence of another expansion in ¶ drone warfare, permitting attacks even against Americans who, ¶ though alleged to have been involved in terrorists operations, had ¶ not been afforded traditional due process protections.232¶ ¶ To be sure, there are a number of possible explanations for this ¶ expanded use of drones to carry out targeted killings. First, in recent ¶ years, drones undoubtedly have become more sophisticated in terms ¶ of their capabilities. This is especially true as pertaining to their ¶ payload capacity and target recognition features.233 The burgeoning use of drones also may have been triggered by the withdrawal of ¶ ground troops from areas where targeted killing has more recently ¶ been pursued.234 In that vein, some have intimated that the rise in ¶ drone use is a factor of the growing hesitancy to place American ¶ troops in harm’s way on a battlefield.235 Finally, some have suggested ¶ that drone use is more prevalent now because, as a tactical strategy, ¶ targeted killing is simply more effective in the asymmetrical, global ¶ war on terror.236 ¶ While these explanations are certainly plausible, even granting ¶ that these factors have contributed to the rise in drone use does not ¶ exclude the possibility that the strategy actually constitutes a form of ¶ self-organization emerging from the complex properties inherent ¶ within the systems of law and war. Indeed, while not using this ¶ language, many commentators are beginning to acknowledge the ¶ correlation between the expanded use of drones and the fact that the ¶ executive no longer has a comprehensive detention strategy.237 As ¶ one senior military official has stated, “[w]hen you don’t have a ¶ detention policy,” operational tactics have to change.238 Indeed, the ¶ fact is that since the Supreme Court decided Boumediene in 2008, ¶ there have been few reports of the United States capturing high-value ¶ targets.239 This reality may well indicate that efforts to grant detainees ¶ more rights have instead instigated an unforeseen and unintended ¶ shift away from capture and toward targeted killing.

#### Drone strikes sustain racist ‘othering’ of Muslim populations.

Greenwald 2013 (Glenn Greenwald, columnist on civil liberties and US national security issues for the Guardian, theguardian.com, Monday 25 March 2013, The racism that fuels the 'war on terror', <http://www.theguardian.com/commentisfree/2013/mar/25/racism-war-on-terror-awlaki>, bs)

What can explain this obvious discrepancy? How can it be that a policy which a majority of Americans oppose (killing Americans on foreign soil on the grounds of suspected Terrorism) was so popular and politically beneficial for Obama when it was actually done to Awlaki? I'm not speaking here about those who support the US Government's right to kill US citizens on foreign soil without a trial: people who believe that and support the Awlaki execution are at least being consistent. I'm focusing here on how it can be that a majority of Americans say they oppose having Americans so targeted on foreign soil yet still support the Awlaki killing.¶ There are several possible factors explaining this discrepancy. It is probably easier to oppose such killings when considered in the abstract than it is when asked specifically about a person like Awlaki who had been subjected to such an intense government and media demonization campaign. It's also possible that intervening events between these polls - particularly the Rand Paul filibuster - created unprecedented media debate about the dangers of Obama's claimed assassination powers and caused people to re-think their wisdom (that was the ground cited by the ACLU's Laura Murphy when she praised Paul's protest: "As a result of Sen. Paul's historic filibuster, civil liberties got two wins: . . . Americans learned about the breathtakingly broad claims of executive authority undergirding the Obama administration's vast killing program").¶ But it seems clear there is a much more odious factor driving some of this. Many Americans can (a) say that they oppose the targeted killings of Americans on foreign soil while simultaneously (b) supporting the killing of Anwar al-Awlaki in Yemen because, for them, the term "Americans" doesn't include people like Anwar al-Awlaki. "Americans" means their aunts and uncles, their nice neighbors down the street, and anyone else who looks like them, who looks and seems "American". They don't think those people - Americans - should be killed without charges by the US government if they travel on vacation to Paris or go to study for a semester in London. But the concept of "Americans" most definitely does not include people with foreign and Muslim-ish names like "Anwar al-Awlaki" who wear the white robes of a Muslim imam and spend time in a place like Yemen.¶ Legally - which is the only way that matters for this question - the New-Mexico-born Awlaki was every bit as much of an American citizen as the nice couple down the street. His citizenship was never legally revoked. He never formally renounced it. He was never charged with, let alone convicted of, any crime that could lead to the revocation of citizenship. No court ever considered revoking his citizenship, let alone did so. From a legal and constitutional perspective, there was not a single person "more American" than he. That's because those gradations of citizenship do not exist. One is either an American citizen or one is not. There is no such thing as "more American" or "less American", nor can one's citizenship be revoked by presidential decree. This does not exist.¶ But the effort to depict Muslims as something other than "real Americans" has long been a centerpiece of the US political climate in the era of the War on Terror. When it was first revealed in 2005 that the Bush administration was spying on the communications of Americans without the warrants required by the criminal law, a Bush White House spokesman sought to assure everyone that this wasn't targeting Real Americans, but only those Bad Ones that should be surveilled (meaning Muslims the Bush administration decided, without due process, were guilty):¶ "This is a limited program. This is not about monitoring phone calls designed to arrange Little League practice or what to bring to a potluck dinner. These are designed to monitor calls from very bad people to very bad people who have a history of blowing up commuter trains, weddings and churches."¶ Identically, when the Israelis attacked the Mavi Marmara flotilla in 2010 and killed 9 people including the US-born teenager Furkan Dogan, some conservatives insisted that he was not a Real American because his parents were Turkish and he grew up in Turkey ("it is silly to call him an 'American of Turkish descent'. He, like the other members of his family, was a Turk"). The stark contrast in reactions between the sustained fury of the Turkish government over the killing of their citizens by the Israelis versus the support for those killings given by the US government was accounted for in part by the blind US support for whatever Israel does (including killing Americans), but also by the belief that Dogan wasn't really an American, not the Real Kind you get upset about when a foreign army kills them.¶ This decade-long Othering of Muslims - a process necessary to sustain public support for their continuous killing, imprisonment, and various forms of rights abridgments - has taken its toll. I'm most certainly not suggesting that anyone who supports Awlaki's killing is driven by racism or anti-Muslim bigotry. I am suggesting that the belief that Muslims are somehow less American, or even less human, is widespread, and is a substantial factor in explaining the discrepancy I began by identifying.¶ Does anyone doubt that if Obama's bombs were killing nice white British teeangers or smiling blond Swiss infants - rather than unnamed Yemenis, Pakistanis, Afghans and Somalis - that the reaction to this sustained killing would be drastically different? Does anyone doubt that if his overhead buzzing drones were terrorizing Western European nations rather than predominantly Muslim ones, the horror of them would be much easier to grasp?¶ Does it really take any debate to know that if the 16-year-old American suspiciously killed by the US government two weeks after killing his father had been Jimmy Martin in Sweden rather than Abdulrahman al-Awlaki in Yemen, the media interest and public outcry would be far more substantial, and Robert Gibbs would have been widely scorned if he had offered this vile blame-the-victim justification for killing Jimmy rather than Abdulrahman? It is indisputably true that - just as conservatives argued that Furkan Dogan was not a Real American - large numbers of Americans believe the same about the Denver-born teenager named Abdulrahman. This ugly mindset is not the only factor that leads the US public to support more than a decade of US killing and rights abridgments aimed primarily at Muslims, including their fellow citizens, but it is certainly a significant one.¶ Amazingly, some Democratic partisans, in order to belittle these injustices, like to claim that only those who enjoy the luxury of racial and socioeconomic privilege would care so much about these issues. That claim is supremely ironic. It reverses reality. That type of privilege is not what leads one to care about and work against these injustices. To the contrary, it's exactly that privilege that causes one to dismiss concerns over these injustices and mock and scorn those who work against them. The people who insist that these abuses are insignificant and get too much attention are not the ones affected by them, because they're not Muslim, and thus do not care.¶ The perception that the state violence, rights abridgments and expansions of government power ushered in by the War on Terror affect only Muslims long ago stopped being true. But ensuring that people continue to believe that is the key reason why it has been permitted to continue for so long.

#### Anything less than ending the drone war perpetuates extreme racism

Jain in 2013

(Edwin, Budding activist interested in economic and social justice, environmental issues, and foreign policy, “MLK On The Racist Drone Wars”, <http://edwisdom.com/2013/08/racist-drone-wars/>, rcheek)

A few weeks ago, Obama launched a series of drone strikes on Yemen. Today is the 50th anniversary of the March on Washington, where MLK gave his “I Have a Dream” speech. How are these two events related?¶ Well, it seems like everybody loves offering lip service to MLK’s ideas, without fully understanding the truly radical ideas he held. Civil rights was just one of many things he fought for. Perhaps we can understand what King railed against in his day from his comment that we must “redeem the soul of America from the triple evils of racism, war and poverty.” The drone war is an issue that’s representative of ALL 3 evils that MLK spoke of. I’ll go through them here briefly.¶ Military Aggression and War¶ This is probably the most obvious “evil” that the drone war represents. I’ve already documented how the drone war is illegal, inaccurate, and morally obscene. That bombing innocent people in other countries is an act of war is not really in doubt. A fierce critic of the Vietnam War, it’s impossible MLK would’ve approved of this war, where people are killed without charge or trial just because of their religion.¶ Economic Exploitation and Poverty¶ This one’s a bit more complex, but just as relevant. As we engage in an endless global war, more and more resources will be funneled into finding creative ways to kill people. That means taxpayer money’s going to large defense companies, which is why I’ve called military spending a “Rigged Institution.” It’s shameful we spend over $600 billion on our military, while 20% of children go hungry in the richest nation in the history of the world.¶ Racism¶ This is the most interesting and revealing “evil.” So how is the drone war racist? Gallup recently took a great poll of American citizens, and the results are worth reading into. A majority, 65% support the use of drones abroad against suspected terrorists. But, if it’s a US citizen abroad, the support drops to 41%. If it’s a US citizen on US soil, the number becomes just 13%. The implications are simple. American people have basic rights to, you know, not get killed while they’re walking to the store. But foreigners, eh. If you’re not an American citizen, your rights don’t matter all that much.¶ And if security is what we’re worried about, then why are people opposed to using drones on US soil, where terrorists are even more of a threat? I know what people are thinking. What if innocent people around the target die? It’s OK to kill those innocent civilians back in Yemen, but not here. No, no, every American life is precious.¶ It’s exactly this kind of racism, this kind of “our lives are worth more than yours” mentality that MLK despised and fought against. As he pointed out, the triple evils are all interrelated. The secret drone war, in which innocent people are murdered because of the color of their skin, must be ended if our support of MLK and the civil rights movement’s ideals is not a farce. I, and the people of the Middle East, hope it isn’t.