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### Plan

#### Plan: The United States Federal Government should restrict targets of targeted killing operations using pilotless aircraft units outside declared zones of conflict to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States.

### Norms

#### Drone tech spread inevitable – setting clear limits now is key to establishing controlled norms

Daniel Byman, Professor in Security Studies Program at Georgetown and Senior Fellow at Brookings, July-August 2013, “Why Drones Work,” Foreign Affairs, vol 92 no 4

The fact remains that by using drones so much, Washington risks setting a troublesome precedent with regard to extrajudicial and extraterritorial killings. Zeke Johnson of Amnesty International contends that "when the U.S. government violates international law, that sets a precedent and provides an excuse for the rest of the world to do the same." And it is alarming to think what leaders such as Syrian President Bashar al-Assad, who has used deadly force against peaceful pro-democracy demonstrators he has deemed terrorists, would do with drones of their own. Similarly, Iran could mockingly cite the U.S. precedent to justify sending drones after rebels in Syria. Even Brennan has conceded that the administration is "establishing precedents that other nations may follow." Controlling the spread of drone technology will prove impossible; that horse left the barn years ago. Drones are highly capable weapons that are easy to produce, and so there is no chance that Washington can stop other militaries from acquiring and using them. Nearly 90 other countries already have surveillance drones in their arsenals, and China is producing several inexpensive models for export. Armed drones are more difficult to produce and deploy, but they, too, will likely spread rapidly. Beijing even recently announced (although later denied) that it had considered sending a drone to Myanmar (also called Burma) to kill a wanted drug trafficker hiding there. The spread of drones cannot be stopped, but the United States can still influence how they are used. The coming proliferation means that Washington needs to set forth a clear policy now on extrajudicial and extraterritorial killings of terrorists -- and stick to it. Fortunately, Obama has begun to discuss what constitutes a legitimate drone strike. But the definition remains murky, and this murkiness will undermine the president's ability to denounce other countries' behavior should they start using drones or other means to hunt down enemies. By keeping its policy secret, Washington also makes it easier for critics to claim that the United States is wantonly slaughtering innocents. More transparency would make it harder for countries such as Pakistan to make outlandish claims about what the United States is doing. Drones actually protect many Pakistanis, and Washington should emphasize this fact. By being more open, the administration could also show that it carefully considers the law and the risks to civilians before ordering a strike.

#### The plan buys us time – squo accelerates drone prolif

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles. 132 China has begun to develop UAVs for reconnais - sance and combat and has several new drones capable of long-range surveillance and attack under development. 133 China is also planning to use unmanned surveil - lance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan. 134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own.

#### Drone prolif ensures global war against civilians

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

If these geo-political consequences of remote-control war do not get our attention, then the looming geo-strategic consequences should. If we make the argument that UCAV pilots are in the battlespace, then we are effectively saying that the battlespace is the entire earth. If that is the case, the unintended consequences could be dramatic. First, if the battlespace is the entire earth, the enemy would seem to have the right to wage war on those places where UCAV operators are based. That’s a sobering thought, one few policymakers have contemplated. Second, power-projecting nations are following America’s lead and developing their own drones to target their distant enemies by remote. An estimated 75 countries have drone programs underway.45 Many of these nations are less discriminating in employing military force than the United States—and less skillful. Indeed, drones may usher in a new age of accidental wars. If the best drones deployed by the best military crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland or Georgia; China and any number of its wary neighbors. China has at least one dozen drones on the drawing board or in production, and has announced plans to dot its coastline with 11 drone bases in the next two years.46 The Pentagon’s recent reports on Chinese military power detail “acquisition and development of longer-range UAVs and UCAVs . . . for long-range reconnaissance and strike”; development of UCAVs to enable “a greater capacity for military preemption”; and interest in “converting retired fighter aircraft into unmanned combat aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US aircraft carrier near Taiwan and relaying targeting information.48 Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ranks of power-projecting nations. Drones are a cheap alternative to long-range, long-endurance warplanes. Yet despite their low cost, drones can pack a punch. And owing to their size and range, they can conceal their home address far more effectively than the typical, nonstealthy manned warplane. Recall that the possibility of surprise attack by drones was cited to justify the war against Saddam Hussein’s Iraq.49 Of course, cutting-edge UCAVs have not fallen into undeterrable hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the United States in a direct way, it is unlikely that opposing swarms of semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes simply failing to respond to their remote-control pilots will do much to promote a liberal global order. It would be ironic if the promise of risk-free war presented by drones spawned a new era of danger for the United States and its allies. 48

#### Those wars necessarily result in retaliatory violence

Eric Posner, professor at University of Chicago Law School, 5-17-2013, “The drone paradox; When robots eliminate the risk of casualties, wars are likely to become more common,” National Post, ln

Similarly, we may be comfortable with giving the president authority to use military force on his own when he must put soldiers into harm's way, knowing that he will not risk lives lightly. Presidents have learned through hard experience that the public will not tolerate even a handful of casualties if it does not believe that the mission is justified. But when drones eliminate the risk of casualties, the president is more likely to launch wars too often. The same problem arises internationally. The international laws that predate drones assume that military intervention across borders risks significant casualties. Since that check normally kept the peace, international law could give a lot of leeway for using military force to chase down terrorists. But if the risk of casualties disappears, then nations might too eagerly attack, resulting in blowback and retaliation. Ironically, the reduced threat to civilians in tactical operations could wind up destabilizing relationships between countries, including even major powers like the United States and China, making the long-term threat to human life much greater. These three scenarios illustrate the same lesson: that law and technology work in tandem. When technological barriers limit the risk of government abuse, legal restrictions on governmental action can be looser. When those technological barriers fall, legal restrictions may need to be tightened. These anxieties generate some standard meta-arguments that are now little more than incantations -that the president should consult with Congress more, or should use clearer standards when targeting enemies, or should be less secretive. The generic criticisms overlook basic practical hurdles. Secrecy is necessary to gather intelligence. Standards for targeting enemies will always be fuzzy because it's difficult to anticipate the shape of future threats. (The much-criticized DOJ rules for drones are hardly less clear than the rules governing ordinary police work.) And both of these factors mean that Congress can never play more than a formulaic role. Bans on the use of drones for domestic surveillance are premature. But U.S. courts should ready themselves to update surveillance rules to take into account drones, as well as technology like the GPS tracking devices discussed in U.S. v. Jones. Courts need to address how these technologies can be abused and whether police seem to be abusing them, and they will need to use more flexible rules than the trespass standard the Supreme Court has adopted so far. A rule against trespassing without a warrant won't stop police drones mounted with video cameras and image-identifying software from lingering outside every home as they search for suspected crooks. When it comes to presidential power, only time will tell whether the risks of blowback exceed the value of drones. Many critics seem confident that President Obama's drone war has undermined American security, but we do not know what would have happened if he had shown more restraint. Nonetheless, it is quite a paradox that we trust the president with nuclear weapons because we know that he cannot use them, while we may not trust the president with drones because we know that he can. Internationally, nations might benefit from an arms control agreement governing drones, but it is hard to imagine any such agreement in the near future, given uncertainties about how drone technologies will develop, the difficulty of monitoring drones, and the asymmetries that mean the best-equipped states will resist any constraints. But a starting point is to recognize that the laws of war currently favour drones because they limit civilian casualties, while disfavouring conventional weapons - a surefire recipe for a destabilizing arms race. It would be nice to think that future wars will be fought by robots, with no risk to civilians or even soldiers - just as in ancient times a duel between heroes could settle a dispute between armies without a battle. But the gods liked to play havoc with duels, and drone warfare is likely to be similarly unpredictable. The long-predicted science-fiction world of robotic killing machines has finally arrived. The law now has to catch up.

#### Plan cements support for drones and allows the US to shape drone norms

Micah Zenko, Douglas Dillon Fellow at the CFR, January 2013, “Reforming U.S. Drone Strike Policies,” CFR, http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736

Existing practices carry two major risks for U.S. interests that are likely to grow over time. The first comes from operational restrictions on drones due to domestic and international pressure. In the United States, the public and policymakers are increasingly uneasy with limited transparency for targeted killings.3 If the present trajectory continues, drones may share the fate of Bush-era enhanced interrogation techniques and warrantless wiretapping—the unpopularity and illegality of which eventually caused the policy’s demise. Internationally, objections from host states and other counterterrorism partners could also severely circumscribe drones’ effectiveness. Host states have grown frustrated with U.S. drone policy, while opposition by nonhost partners could impose additional restrictions on the use of drones. Reforming U.S. drone strike policies can do much to allay concerns internationally by ensuring that targeted killings are defensible under international legal regimes that the United States itself helped establish, and by allowing U.S. officials to openly address concerns and counter misinformation. The second major risk is that of proliferation. Over the next decade, the U.S. near-monopoly on drone strikes will erode as more countries develop and hone this capability. The advantages and effectiveness of drones in attacking hard-to-reach and time-sensitive targets are compelling many countries to indigenously develop or explore purchasing unmanned aerial systems. In this uncharted territory, U.S. policy provides a powerful precedent for other states and nonstate actors that will increasingly deploy drones with potentially dangerous ramifications. Reforming its practices could allow the United States to regain moral authority in dealings with other states and credibly engage with the international community to shape norms for responsible drone use. The current trajectory of U.S. drone strike policies is unsustainable. Without reform from within, drones risk becoming an unregulated, unaccountable vehicle for states to deploy lethal force with impunity. Consequently, the United States should more fully explain and reform aspects of its policies on drone strikes in nonbattlefield settings by ending the controversial practice of “signature strikes”; limiting targeted killings to leaders of transnational terrorist organizations and individuals with direct involvement in past or ongoing plots against the United States and its allies; and clarifying rules of the road for drone strikes in nonbattlefield settings. Given that the United States is currently the only country—other than the United Kingdom in the traditional battlefield of Afghanistan and perhaps Israel—to use drones to attack the sovereign territory of another country, it has a unique opportunity and responsibility to engage relevant international actors and shape development of a normative framework for acceptable use of drones. Although reforming U.S. drone strike policies will be difficult and will require sustained high-level attention to balance transparency with the need to protect sensitive intelligence sources and methods, it would serve U.S. national interests by ■■ allowing policymakers and diplomats to paint a more accurate portrayal of drones to counter the myths and misperceptions that currently remain unaddressed due to secrecy concerns; ■■ placing the use of drones as a counterterrorism tactic on a more legitimate and defensible footing with domestic and international audiences; increasing the likelihood that the United States will sustain the international tolerance and cooperation required to carry out future drone strikes, such as intelligence support and host-state basing rights; ■■ exerting a normative influence on the policies and actions of other states; and ■■ providing current and future U.S. administrations with the requisite political leverage to shape and promote responsible use of drones by other states and nonstate actors. As Obama administration officials have warned about the proliferation of drones, “If we want other nations to use these technologies responsibly, we must use them responsibly.”4

#### US policy sets norms – robust scholarship proves drones arms races result from state policy

Robert Farley, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, 10-12-2011, “U.S. Drone Use Sets Global Precedent,” World Politics Review, http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent

So which is it? Has the United States sparked a drone race, or was a race with the Chinese and Russians inevitable? While there's truth on both sides, on balance Shane is correct. Arms races don't just "happen" because of outside technological developments. Rather, they are embedded in political dynamics associated with public perception, international prestige and bureaucratic conflict. China and Russia pursued the development of drones before the United States showed the world what the Predator could do, but they are pursuing capabilities more vigorously because of the U.S. example. Understanding this is necessary to developing expectations of what lies ahead as well as a strategy for regulating drone warfare. States run arms races for a variety of reasons. The best-known reason is a sense of fear: The developing capabilities of an opponent leave a state feeling vulnerable. The Germany's build-up of battleships in the years prior to World War I made Britain feel vulnerable, necessitating the expansion of the Royal Navy, and vice versa. Similarly, the threat posed by Soviet missiles during the Cold War required an increase in U.S. nuclear capabilities, and so forth. However, states also "race" in response to public pressure, bureaucratic politics and the desire for prestige. Sometimes, for instance, states feel the need to procure the same type of weapon another state has developed in order to maintain their relative position, even if they do not feel directly threatened by the weapon. Alternatively, bureaucrats and generals might use the existence of foreign weapons to argue for their own pet systems. All of these reasons share common characteristics, however: They are both social and strategic, and they depend on the behavior of other countries. Improvements in technology do not make the procurement of any given weapon necessary; rather, geostrategic interest creates the need for a system. So while there's a degree of truth to Anderson's argument about the availability of drone technology, he ignores the degree to which dramatic precedent can affect state policy. The technologies that made HMS Dreadnought such a revolutionary warship in 1906 were available before it was built; its dramatic appearance nevertheless transformed the major naval powers' procurement plans. Similarly, the Soviet Union and the United States accelerated nuclear arms procurement following the Cuban Missile Crisis, with the USSR in particular increasing its missile forces by nearly 20 times, partially in response to perceptions of vulnerability. So while a drone "race" may have taken place even without the large-scale Predator and Reaper campaign in Pakistan, Yemen and Somalia, the extent and character of the race now on display has been driven by U.S. behavior. Other states, observing the effectiveness -- or at least the capabilities -- of U.S. drones will work to create their own counterparts with an enthusiasm that they would not have had in absence of the U.S. example. What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war. However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

### Pakistan

#### Unrestricted drone strikes are destroying the US-Pakistan relationship – only restricting them creates space for cooperation

Daniel Markey, Senior Fellow at the Council on Foreign Relations, 7-16-2013, “A New Drone Deal For Pakistan,” Foreign Affairs, http://www.foreignaffairs.com/articles/139584/daniel-markey/a-new-drone-deal-for-pakistan?page=show

For all its successes, the U.S. drone program in Pakistan is unlikely to survive much longer in its current form. Less than a week after his election on May 11, Pakistan’s new prime minister, Nawaz Sharif, reportedly declared to his cabinet that “the policy of protesting against drone strikes for public consumption, while working behind the scenes to make them happen, is not on.” This fall, Pakistan’s national and provincial assemblies will elect a new president, likely a Sharif loyalist, and the prime minister will also select a new army chief. It is safe to say that these men are unlikely to follow their predecessors in offering tacit endorsements of the United States' expansive counterterrorism efforts. In other words, the United States is going to have to hammer out a new drone deal with Pakistan in the years ahead, one that is sensitive to Pakistan's own concerns and objectives. This will likely mean that Washington will face new constraints in its counterterrorism operations. But managed with care, a new agreement could put the targeted killing campaign against al Qaeda on firmer political footing without entirely eliminating its effectiveness. Ever since its inception in 2004, the U.S. drone campaign in Pakistan has been stumbling along shaky legal and strategic ground. At various points in time, Washington and Islamabad constructed different fictions to enable the drone campaign. Before launching the first drone strike that killed Taliban leader Nek Muhammad in June 2004, Washington sought personal authorization from then President and army chief Pervez Musharraf. For several years thereafter, the Pakistani army claimed responsibility for all drone strikes, publicly denying (however implausibly) American intervention. But the program’s remarkable success in killing al Qaeda and Taliban leaders, combined with the otherwise largely unaddressed problem of sanctuaries in Pakistan’s tribal areas, encouraged U.S. officials to expand their list of targets. As the program grew, and especially as Washington killed militants with suspected links to Pakistan’s own military and intelligence services, such as members of the Afghan Taliban–affiliated Haqqani Network, Pakistani officials shed the fiction that the strikes were their own. Islamabad instead bowed to what it perceived as a powerful domestic consensus against the drones and criticized the United States in increasingly shrill terms for violating Pakistan’s territorial sovereignty. Privately, however, Musharraf and his immediate successors -- including the civilian government led by the Pakistan People’s Party (PPP) and the army under General Kayani -- continued to greenlight the drone program. As the drone strikes mounted, the hypocrisy of the official Pakistani position became ever more difficult to hide. Opposition politician and former cricket star Imran Khan made the criticism of drones a centerpiece of his Tehreek-e-Insaf (PTI) party’s election campaign in 2011 and 2012. And in early 2012, the Pakistani parliament unequivocally denounced the drone strikes and called for them to end. This unmistakable sovereign act called into question oft-repeated U.S. claims that Pakistan actually provides “tacit consent” for the drone campaign. Pakistan's current and future leaders, starting with Nawaz Sharif, will have little reason to implicate themselves in the drone hypocrisy of their predecessors. Sharif is on sounder political footing than his predecessor, but -- as his top lieutenants are already signaling -- he cannot weather the political storm that is likely to result if the United States appears to blithely disregard his authority. Washington’s failure to shift its policy would lead Islamabad to escalate its diplomatic protests. One step in this escalation has already happened, with Pakistan taking its case against drones to the international community by way of the United Nations. If Pakistani frustration mounts without yielding results, one can imagine Sharif’s new army chief threatening to shoot U.S. drones from the sky, just as past Pakistani leaders have threatened to take down helicopters that cross into the nation’s airspace. At that stage, Washington would likely pull the drones from normal operation rather than play a high-stakes game of chicken. (Indeed, Washington has a habit of taking extended breaks from drone strikes at sensitive periods: for instance, there were no strikes for over six weeks after the so-called Salala incident at the Afghan border.) The question is whether Washington and Islamabad can find a deal that addresses Pakistani concerns without depriving the United States of a counterterrorism tool that has been more effective, at least in a tactical sense, than any other. Short of ending the drone program altogether, the only way that Pakistan’s leaders can credibly claim to assert their sovereign authority -- and thereby prove their nationalist credentials to political allies and adversaries alike -- is if Washington cedes to Islamabad a greater degree of control over the program, especially when it comes to target selection.

#### Signature strikes are uniquely bad

James Traub, fellow of the Center International Cooperation, 5-24-2013, “The Indispensable Nation's Indispensable Weapon,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/05/24/indispensible\_weapon\_drones\_obama?page=0,1

And this brings me back to the question of drones. It is hard to dispute the effectiveness of drones in Pakistan, where the United States has no other means of targeting al Qaeda and other radical Islamist forces who launch attacks against Afghanistan -- and, undisturbed, might well threaten the United States and the West. Drones have killed about 3,500 people along the border between the two countries, according to a recent report by Micah Zenko at the Council on Foreign Relations; and almost all of them have been intended targets. The three studies he cites estimate civilian deaths at 5 percent, 7 percent, and 23 percent of the total. According to a report from the New America Foundation, the civilian death rate has declined sharply since 2008 and is now very close to zero. Drones work; and yet Pakistanis hate them. A 2012 poll of Pakistanis found that only 17 percent of respondents would support drone strikes even if carried out with their government's cooperation. The same poll found that disapproval of U.S. policies has grown every year since Barack Obama became president, a finding that may have something to do with the steady growth of drone strikes, at least until the last year. Whatever you think of it, Pakistan is a democracy. This means that its rulers both respond to public opinion and actively exploit it. Pakistan's military and civilian leaders have quietly collaborated with drone operations, but at the same time they reinforce their public legitimacy by denouncing the policy as a violation of national sovereignty -- which in turn further inflames public opinion. The net consequence is that U.S. relations with this vital and profoundly brittle country are a disaster. Like the V2 rockets which the Germans used in World War II, and whose apocalyptic effect Thomas Pynchon evokes in Gravity's Rainbow, drones have gained a powerful grip on the public imagination. The rage and dread they cause, at least in the places where they are used, has more to do with their remote, silent, super-high-tech lethality than with their actual effect. And it doesn't matter if that hatred is justified or not; the argument can't be waged on the merits. Obama's speech seems to signify an acceptance of this elemental fact (though of course some of the other decisions he announced, including shifting responsibility for drones from the CIA to the military, has more to do with domestic criticism about the program's lack of transparency). Obama knows that the war on terror requires that the United States kill or capture a very small number of implacable enemies, and change the minds and the lives of tens of millions of others. Indeed, in his speech he acknowledged that "in the absence of a strategy that reduces the wellspring of extremism, a perpetual war -- through drones or Special Forces or troop deployments -- will prove self-defeating, and alter our country in troubling ways." Even former Secretary of Defense Donald Rumsfeld once worried that the United States was making enemies faster than it was killing them. But the short-term urgency of killing bad guys inevitably eclipses the long-term goal of changing the conditions which produce terrorism. So even a figure as conscientious as Obama slides down the slippery slope from approving the rare drone strike against "high-value targets" to approving the less discriminating "signature strike" against unidentified individuals engaged in a pattern of threatening activity. Both ending that practice and closing Guantanamo, which Obama also vowed in his speech to take steps to do, constitute an implicit recognition that the time has come to restore that balance.

#### The aff is key - high civilian death tolls are central to relation

Mahrukh Khan, Research Fellow at the Institute of Strategic Studies, Islamabad, “Pakistan-U.S. Relations: A new chapter, a new theater” 2010 http://www.issi.org.pk/publication-files/1299569410\_88067869.pdf

A significant escalation of drone attacks inside Pakistani tribal region has also been accompanied by the yet unfulfilled idea of expanding the attacks to areas of southern Punjab where militant leaders are reportedly taking shelter. Such an approach may also include other parts of the country; for instance, Balochistan; where the Quetta Shura led by Mullah Omar is still reportedly active. The issue of drone attacks has become a sour point in relations between Washington and Islamabad since they have resulted in heavy civilian casualties – an issue that complicates Pakistan‟s role in America's war on terror. Between 2004 and 2009, there have been 99 drone strikes in Pakistan with 506 reported deaths, including both militants and civilians. Given that the Taliban insurgency has grown in recent years, especially in parts of Punjab and Balochistan, the new strategy of war pushes the idea of drone strikes in these areas. Drones attacks for now are the primary method for targeting militant hideouts in the northwestern part of the country. U.S. defence analysts and policymakers believe that their positive effects are measurable and that they avoid coalition casualties. They are also credited with creating a sense of insecurity among militants and constraining interaction among their networks. However, open-source reports from Pakistan suggest that attacks since early 2006 have killed around 14 militant leaders and over 700 civilians - over fifty civilians for every militant killed. According to a report published by the New America Foundation, there are three major „strategic concerns‟ in relation to drone strikes inside Pakistan: 1. They can be legally challenged, 2. They do not constitute a strategy, but rather a reactionary tactic, 3. Their unpopularity with the people of Pakistan is increasing at an alarming rate. To be more precise, a New America Foundation report mentions 115 strikes in the northwest since 2004, including 19 in 2010 that have killed between 837 and 1,221 individuals, of whom around 552 to 854 are described as militants. In effect, the civilian fatality ratio comes out to be a rather embarrassing 32 per cent if these reports are to be believed. Due to such inefficiency, drone strikes come under constant criticism and their unpopularity is acting as a catalyst for recruitment to extremist groups.

#### Kills the relationship

Alex Rodriguez, foreign correspondent for the LA Times, 8-2-2013, “U.S., Pakistan to revive key talks,” LA Times, ln

Kerry's agenda included meetings with Sharif, Aziz and other top civilian and military leaders. Although both Kerry and Aziz said their countries were making headway in their bid to forge stronger ties, key security issues continue to cloud the relationship. At the top of the list is Pakistan's opposition to Washington's drone missile campaign. The U.S. has relied heavily on drone strikes to erode Al Qaeda's ability to plan and carry out attacks against Western targets. Since the start of President Obama's first term in January 2009, the U.S. has carried out nearly 300 drone strikes in northwestern Pakistan, according to the Long War Journal website, which tracks drone statistics. However, Pakistanis view the drone program as a blatant infringement of their country's sovereignty and argue that it has become a major recruiting tool for militants because of the number of civilians mistakenly killed in the strikes. Pakistani leaders welcomed Obama's speech in May outlining drone program restrictions that would reduce the number of strikes. But in mid-July, Sharif's interior minister, Chaudhry Nisar Ali Khan, warned that continuation of Washington's drone program could lead to "a direct standoff" and suggested Pakistan could balk at allowing the U.S. to use its highways to withdraw troops and equipment from Afghanistan at the end of 2014.

#### Unrestricted drone strikes collapses Pakistani democracy

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence. Such continual violations of the territo - rial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani Presi - dent Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’ 75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolu - tion against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory. 76 The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatis - fied with the direction of the country and where the military, which has launched coups before, remains a popular force. 77 The political effects of this signal are powerful and lasting even when the reality of the relationship between the perpetrator and the targeted state is more complex. For example, the government of Pakistan has been ambivalent about drone strikes, condemning them in some cases but applauding their results in others. 78 Much has been made of the extent to which the Pakistani government has offered its ‘tacit consent’ for the US drone strikes on its territory. 79 The US has been willing to provide details on drone strikes after the fact, but has refrained from providing advance warning of an attack to the Pakistani government for fear that the information might leak. Pakistan has been operationally compliant with drone strikes and has not ordered its air force to shoot down drones in Pakistani airspace. Despite official denials, it has been revealed that the Pakistani govern - ment has permitted the US to launch drones from at least one of its own airbases. 80 Whatever the complexity of its position and the source of its ambivalence over drone strikes, the political effects of allowing them to escalate to current levels are increasingly clear. The vast expansion of drone warfare under the Obama administration has placed enormous pressure on Pakistan for its complicity with he US, multiplied the enemies that its government faces and undermined parts of the social fabric of the country. By most measures, Pakistan is more divided and unstable after the Obama administration’s decision to ramp up the tempo and scale of drone attacks than it was during the Bush administration. 81

#### Creates factional conflict and empowers the military

M.W. Aslam, PhD in Politics and International Studies from the University of Leeds, 2011, “A critical evaluation of American drone strikes in Pakistan: legality, legitimacy and prudence,” Vol 4 no 3, T and F Online

As in some other tribally based societies of the world, the tribal areas of Pakistan are structured on a patriarchal basis in which clans and their chieftains are responsible for each member's safety and security. This is how peace was maintained in these areas before the foreign and Pakistani government's involvement in the area following the onset of the war on terrorism. The territory of FATA does not have the equivalent of police, and law and order has mainly been guaranteed by the tribal chiefs relying on the help of loosely constituted tribal militias (see Abbas 2007b). However, in the current scenario, the drone attacks have caused a number of casualties without the tribal chiefs or the Pakistani government being able to protect civilians. This, in turn, has resulted in the alienation of local people (Harrison 2007) whose help is considered significant in the success of the current war on terrorism – not an encouraging consequence of the policy of using drones. According to Pakistan's Prime Minister, the drone attacks sometimes end up uniting the tribesmen and militants. Addressing the National Assembly of Pakistan, Gilani (quoted in Times of India 2011) said: Under a well thought out strategy, we had separated the tribesmen from militants. Whenever a drone attack is carried out, it unites the militants and the tribal people. This creates problems for the government because no war is won without the support of the people. The drone strikes have also played an instrumental role in bringing together diverse groups of militants against their common enemy, the United States and its ally Pakistan (Fishman 2010, p. 16); they would certainly not be so united in the absence of the attacks (Jones 2009, p. 41). Fishman (2010, p. 16) recounts how drone strikes were instrumental in the formation of an alliance between the leaders of three militant groups in 2009 that included Mullah Nazir, Baitullah Mehsud and Hafiz Gul Bahadur to fight against the Pakistan army. Mullah Nazir specifically mentioned that ‘drone strikes in South Waziristan were an important reason he had turned on the Pakistani government’ (Fishman 2010, p. 16). Thus, the effects of drone attacks can in no way be said to be contributing to the stated American objective of the country's involvement in that region: to tackle terrorism emanating from there. The use of drone strikes is one of the reasons behind an increase in the number of terrorist attacks against Pakistani civilians and security forces throughout the country. Some of the more active militants engaged against the Pakistani army have cited the drone attacks as a reason for ‘bouts of violence against the Pakistani state’ (Fishman 2010, p. 10). Pakistani society has been under constant attack by militants who are trained and equipped in FATA (Raja 2011). Indeed, hundreds of drone strikes have taken place over many years, but the insurgency in FATA and in southern Afghanistan does not seem to be getting weaker (Bergen and Tiedemann 2011). Faisal Shehzad, recently apprehended after attempting to bomb Times Square in New York City, explicitly stated that his action was a revenge for American drone attacks (see Leonard 2010). His claims and attempted attack underscore the radicalising effect of this policy. The drone attacks and the Pakistani government's inability to prevent them have implications for the stability of the institution of Pakistan army as well. According to Harrison (2007), former President Musharraf faced serious opposition from the Pashtun generals in the army for his alignment with America and his heavy-handed approach in dealing with militancy in the country's tribal areas. The continuation of the current approach is likely to lead to tensions within the army and any future break-up of the army could quite possibly bring about dissolution of the country itself. In such a situation, there will be no possibility of guaranteeing that Pakistan's conventional and nuclear arms remain in safe hands (Lieven 2010). In yet another unintended consequence of the strikes, as they are only focused on the tribal areas of Pakistan, militants have been able to avoid them by moving to settled parts of the country. In other words, these attacks are literally helping in spreading militancy across Pakistan. As Byman (2009) notes, ‘al Qaeda and the Taliban have been able to relocate parts of their apparatus further inside Pakistan, which may work to actually widen the zone of instability’– hardly a desirable consequence of this policy. President Obama entered the White House with the goals of focusing on the war in Afghanistan and of helping Pakistan to become a stable and democratic sovereign state. To highlight his approach towards Pakistan, Obama (quoted in CFR 2009) argued: To avoid the mistakes of the past, we must make clear that our relationship with Pakistan is grounded in support for Pakistan's democratic institutions and the Pakistani people. And to demonstrate through deeds as well as words a commitment that is enduring, we must stand for lasting opportunity. However, one major consequence of the drone strikes has been to undermine that very goal of America's Pakistan policy. These attacks have often been criticised by the civilian leaders of Pakistan and on 14 May 2011, the National Assembly of Pakistan passed a resolution stating that the ‘unilateral actions … [including] the continued drone attacks on the territory of Pakistan, are not only unacceptable but also constitute violation of the principles of the Charter of the United Nations, international law and humanitarian norms and such drone attacks must be stopped forthwith’ (NA 2011). This resolution was passed after an 11-hour session discussing the issue of American attacks on Pakistani territory including the raid that led to the capture and killing of Osama bin Laden (Rodriguez 2011). However, within barely 48 hours of the passage of that resolution, a drone attack was conducted that led to the deaths of nine people (Cloughley 2011). Regardless of whether that particular attack and others that came afterwards ended up targeting militants, the episode has had major symbolic implications by revealing Pakistan's sheer helplessness concerning the matter of drone strikes on its own territory. The Obama administration may have claimed its ongoing support for democracy in Pakistan through its words but the consequences of its actions have not always contributed to the aim of supporting Pakistan's key democratic institution, its National Assembly (Cloughley 2011).

#### Signature strikes prevent local cooperation – destroys social fabric and causes instability

ICG, International Crisis Group, 5-21-2013, “Drones: Myths and Reality in Pakistan,” http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/247-drones-myths-and-reality-in-pakistan.pdf

Residents in FATA also believe that informants possibly provide false information and exploit their position to settle vendettas with local rivals.78 The U.S. targeting policy is problematic because of its reported reliance on so-called “signature strikes” targeting groups of men based on behaviour patterns that may be associated with terrorist activity rather than known identities.79 Some legal scholars claim that the signature strikes approach impedes FATA’s cultural and conflict-resolution activities, for example by leading to the targeting of tribal jirgas (councils of elders). It is contended that tribal elders now fear convening such meetings, and communities have even become reluctant to hold funerals lest they attract drone strikes.80 For instance, in the 17 March 2011 drone attack on a jirga in North Waziristan’s Datta Khel town, only four out of 40 men killed are believed to have been militants; the rest are thought to have been maliks (tribal leaders) and other tribesmen.81 These reported strikes, by fuelling local alienation, likely do far more harm than good. However, the Pakistani military and militants, each in their own way, and not drone strikes, are primarily responsible for distorting FATA’s cultural and social fabric, as discussed later in this report.

#### Indiscriminate strikes delegitimize the civilian government

James Cavallaro et al, founding director of Stanford Law School’s International Human Rights and Conflcit Resolution Clinic and professor of law there, Stephan Sonnenberg, Clinical Lecturer in the International Human Rights and Conflict Resolution Clinic at Stanford, Sarah Knuckey, professor of international law at NYU’s Global Justice Clinic in the NYU Law School, initially published by IHRCRC, Stanford International Human Rights and Conflict Resolution Clinic at the Stanford Law School, and GJC, Global Justice Clinic at NYU School of Law, with a long list of student researchers in addition, September 2012, “Living Under Drones: DEATH, INJURY, AND TRAUMA TO CIVILIANS FROM US DRONE PRACTICES IN PAKISTAN,” http://livingunderdrones.org/wp-content/uploads/2012/10/Stanford-NYU-LIVING-UNDER-DRONES.pdf

The focus on drones also risks undermining Pakistan’s development by incentivizing undemocratic decision-making and fostering instability. In 2009, Anne Patterson, US Ambassador to Pakistan, discussed the risks of the US drone strategy in a cable sent to the Department of State. She noted, “Increased unilateral operations in these areas risk destabilizing the Pakistani state, alienating both the civilian government and military leadership, and provoking a broader governance crisis within Pakistan without finally achieving the goal [of eliminating the Al Qaeda and Taliban leadership].”766 Pakistan High Commissioner to the United Kingdom Wajid Shamsul Hasan told The Bureau of Investigative Journalism (TBIJ): What has been the whole outcome of these drone attacks is, that you have rather directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government– when you pass a resolution against drone attacks in the parliament, and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.767 The US strikes have also contributed to the delegitimization of NGOs that are perceived as Western, or that receive US aid, including those providing much-needed services, such as access to water and education, and those administering the polio vaccine; this perception has been exploited by Taliban forces.768

#### Democratic institutions check external conflict and war – statistics prove

Seabn Lynn-Jones, Editor for International Security, March 1998, “Why the United States Should Spread Democracy,” Belfer Center @ Harvard.

In addition to improving the lives of individual citizens in new democracies, the spread of democracy will benefit the international system by reducing the likelihood of war. Democracies do not wage war on other democracies. This absence-or near absence, depending on the definitions of "war" and "democracy" used-has been called "one of the strongest nontrivial and nontautological generalizations that can be made about international relations."51 One scholar argues that "the absence of war between democracies comes as close as anything we have to an empirical law in international relations."52 If the number of democracies in the international system continues to grow, the number of potential conflicts that might escalate to war will diminish. Although wars between democracies and nondemocracies would persist in the short run, in the long run an international system composed of democracies would be a peaceful world. At the very least, adding to the number of democracies would gradually enlarge the democratic "zone of peace." 1. The Evidence for the Democratic Peace Many studies have found that there are virtually no historical cases of democracies going to war with one another. In an important two-part article published in 1983, Michael Doyle compares all international wars between 1816 and 1980 and a list of liberal states.53 Doyle concludes that "constitutionally secure liberal states have yet to engage in war with one another."54 Subsequent statistical studies have found that this absence of war between democracies is statistically significant and is not the result of random chance.55 Other analyses have concluded that the influence of other variables, including geographical proximity and wealth, do not detract from the significance of the finding that democracies rarely, if ever, go to war with one another.56

#### That’s key to prevent genocide

Seabn Lynn-Jones, Editor for International Security, March 1998, “Why the United States Should Spread Democracy,” Belfer Center @ Harvard.

Second, America should spread liberal democracy because the citizens of liberal democracies are less likely to suffer violent death in civil unrest or at the hands of their governments.27 These two findings are supported by many studies, but particularly by the work of R.J. Rummel. Rummel finds that democracies-by which he means liberal democracies-between 1900 and 1987 saw only 0.14% of their populations (on average) die annually in internal violence. The corresponding figure for authoritarian regimes was 0.59% and for totalitarian regimes 1.48%.28 Rummel also finds that citizens of liberal democracies are far less likely to die at the hands of their governments. Totalitarian and authoritarian regimes have been responsible for the overwhelming majority of genocides and mass murders of civilians in the twentieth century. The states that have killed millions of their citizens all have been authoritarian or totalitarian: the Soviet Union, the People''s Republic of China, Nazi Germany, Nationalist China, Imperial Japan, and Cambodia under the Khmer Rouge. Democracies have virtually never massacred their own citizens on a large scale, although they have killed foreign civilians during wartime. The American and British bombing campaigns against Germany and Japan, U.S. atrocities in Vietnam, massacres of Filipinos during the guerrilla war that followed U.S. colonization of the Philippines after 1898, and French killings of Algerians during the Algerian War are some prominent examples.29 There are two reasons for the relative absence of civil violence in democracies: (1) Democratic political systems-especially those of liberal democracies constrain the power of governments, reducing their ability to commit mass murders of their own populations. As Rummel concludes, "Power kills, absolute power kills absolutely ... The more freely a political elite can control the power of the state apparatus, the more thoroughly it can repress and murder its subjects."30 (2) Democratic polities allow opposition to be expressed openly and have regular processes for the peaceful transfer of power. If all participants in the political process remain committed to democratic principles, critics of the government need not stage violent revolutions and governments will not use violence to repress opponents.31

#### That’s key to prevent illiberal retrenchment and nationalist wars

Fareed Zakaria, Political Science Harvard, editor – Newsweek, 1997, <http://www.fareedzakaria.com/ARTICLES/other/democracy.html>

Lang's embarrassment highlights two common, and often mistaken, assumptions -- that the forces of democracy are the forces of ethnic harmony and of peace. Neither is necessarily true. Mature liberal democracies can usually accommodate ethnic divisions without violence or terror and live in peace with other liberal democracies. But without a background in constitutional liberalism, the introduction of democracy in divided societies has actually fomented nationalism, ethnic conflict, and even war. The spate of elections held immediately after the collapse of communism were won in the Soviet Union and Yugoslavia by nationalist separatists and resulted in the breakup of those countries. This was not in and of itself bad, since those countries had been bound together by force. But the rapid secessions, without guarantees, institutions, or political power for the many minorities living within the new countries, have caused spirals of rebellion, repression, and, in places like Bosnia, Azerbaijan, and Georgia, war. Elections require that politicians compete for peoples' votes. In societies without strong traditions of multiethnic groups or assimilation, it is easiest to organize support along racial, ethnic, or religious lines. Once an ethnic group is in power, it tends to exclude other ethnic groups. Compromise seems impossible; one can bargain on material issues like housing, hospitals, and handouts, but how does one split the difference on a national religion? Political competition that is so divisive can rapidly degenerate into violence. Opposition movements, armed rebellions, and coups in Africa have often been directed against ethnically based regimes, many of which came to power through elections. Surveying the breakdown of African and Asian democracies in the 1960s, two scholars concluded that democracy "is simply not viable in an environment of intense ethnic preferences." Recent studies, particularly of Africa and Central Asia, have confirmed this pessimism. A distinguished expert on ethnic conflict, Donald Horowitz, concluded, "In the face of this rather dismal account . . . of the concrete failures of democracy in divided societies . . . one is tempted to throw up one's hands. What is the point of holding elections if all they do in the end is to substitute a Bemba-dominated regime for a Nyanja regime in Zambia, the two equally narrow, or a southern regime for a northern one in Benin, neither incorporating the other half of the state?" Over the past decade, one of the most spirited debates among scholars of international relations concerns the "democratic peace" -- the assertion that no two modern democracies have gone to war with each other. The debate raises interesting substantive questions (does the American Civil War count? do nuclear weapons better explain the peace?) and even the statistical findings have raised interesting dissents. (As the scholar David Spiro points out, given the small number of both democracies and wars over the last two hundred years, sheer chance might explain the absence of war between democracies. No member of his family has ever won the lottery, yet few offer explanations for this impressive correlation.) But even if the statistics are correct, what explains them? Kant, the original proponent of the democratic peace, contended that in democracies, those who pay for wars -- that is, the public -- make the decisions, so they are understandably cautious. But that claim suggests that democracies are more pacific than other states. Actually they are more warlike, going to war more often and with greater intensity than most states. It is only with other democracies that the peace holds. When divining the cause behind this correlation, one thing becomes clear: the democratic peace is actually the liberal peace. Writing in the eighteenth century, Kant believed that democracies were tyrannical, and he specifically excluded them from his conception of "republican" governments, which lived in a zone of peace. Republicanism, for Kant, meant a separation of powers, checks and balances, the rule of law, protection of individual rights, and some level of representation in government (though nothing close to universal suffrage). Kant's other explanations for the "perpetual peace" between republics are all closely linked to their constitutional and liberal character: a mutual respect for the rights of each other's citizens, a system of checks and balances assuring that no single leader can drag his country into war, and classical liberal economic policies -- most importantly, free trade -- which create an interdependence that makes war costly and cooperation useful. Michael Doyle, th leading scholar on the subject, confirms in his 1997 book Ways of War and Peace that without constitutional liberalism, democracy itself has no peace-inducing qualities: Kant distrusted unfettered, democratic majoritarianism, and his argument offers no support for a claim that all participatory polities -- democracies -- should be peaceful, either in general or between fellow democracies. Many participatory polities have been non-liberal. For two thousand years before the modern age, popular rule was widely associated with aggressiveness (by Thucydides) or imperial success (by Machiavelli) . . . The decisive preference of [the] median voter might well include "ethnic cleansing" against other democratic polities. The distinction between liberal and illiberal democracies sheds light on another striking statistical correlation. Political scientists Jack Snyder and Edward Mansfield contend, using an impressive data set, that over the last 200 years democratizing states went to war significantly more often than either stable autocracies or liberal democracies. In countries not grounded in constitutional liberalism, the rise of democracy often brings with it hyper-nationalism and war-mongering. When the political system is opened up, diverse groups with incompatible interests gain access to power and press their demands. Political and military leaders, who are often embattled remnants of the old authoritarian order, realize that to succeed that they must rally the masses behind a national cause. The result is invariably aggressive rhetoric and policies, which often drag countries into confrontation and war. Noteworthy examples range from Napoleon III's France, Wilhelmine Germany, and Taisho Japan to those in today's newspapers, like Armenia and Azerbaijan and Milosevic's Serbia. The democratic peace, it turns out, has little to do with democracy.

#### Rejection of objectivity causes oppression of subordinate groups – reference only to subjective values makes politics a game of power instead of truth – only objectivity creates solidarity

Joseph Wagner, Poly Sci Prof @ Colgate, 5-2-2000, “The Revolt Against Reason,” in Critical Thinking, ed. Oxman-Michelli and Weinstein, http://hascall.colgate.edu/jwagner/DownloadFiles/Revolt.doc

By confusing the formal and material conditions of knowledge relativism is guilty of the confusion of discernibles. Thus relativism fails. If follows that the possibility of frameworks and languages presupposes universal meta-principles. These meta-principles are not determined by the framework, but are the preconditions for meaning and the constraints upon what can be validly said. Because common meta-principles condition any framework, not only are meanings universally accessible, but the constraints of reason universally apply. For instance, assume a language, Loco, in which all Locoians believe the earth is a two dimensional plane. This belief, X, is, in fact, false, any outside observers who know Loco can correctly assert, in Loco, 'X is false' even though no native Locoian believes it (assuming no mistake in translation). Why should unanimity among Locoians cause us any doubt? The epistemic problem of asserting this across frameworks is no greater than the problem of asserting scientific truths within a culture in which some persons persist in pre-scientific beliefs. The underlying conditions of logical consistency and objectivity, our knowledge of Locoian physics and modern Western physics, our evidence from satellites allow us to judge truth in this matter. Of course, deciding whether the Locoians are wrong is distinguished from deciding whether one should respect Locoian beliefs and customs, and whether one should tell them they are wrong. Relativism goes awry because of its tendency to confuse distinct categories and issues. In this case it confuses an epistemic issue with a normative one. Normatively, post-positivist relativism tells us that the universalism and objectivity of science and ethics seem insensitive to non-Western cultures or even subordinate subcultures, groups, and classes within Western societies. It reminds us that 'knowledge is power,' and that power is frightful. It commends relativism to those excluded groups and recommends that each group recapture the 'fleeting images' and 'subjective memories' that constitute its group meanings and form the basis for social and political solidarity. Each community is encouraged to articulate values implicit in such archeology (Giroux 1991). Perhaps these are commendable prescriptions, especially if we believe there is value in solidarity and in capturing meanings that make life in a community worthwhile. But by themselves these are inadequate prescriptions for liberation or emancipation from domination. If the subordinate groups have one set of values and the dominant groups have another; if the subordinate groups have their fleeting images and the dominant groups have another; if the subordinate group has its collective memories and the dominant group theirs, then the question of politics and morals is, which values and images should rule? If subordinate groups find objectivity hostile, then they deny a common ground that is prior to or takes precedence over the parochial differences in beliefs and values. If they can only appeal to that which is unique in their group, if they can appeal to values that move only them, then they fail. They fail to appeal to the values of the dominant group; they fail to make any claim upon the dominant group; and thereby concede to a struggle that is simply a matter of power. Unfortunately, the dominant group, by definition has power. Thus the normative prescriptions of relativism are practically as well as logically self-defeating. Alternatively, objective principles of justice and mutual respect make moral and political claims which ought to be honored by all persons, nations, and cultures. These are universal claims, the only sorts of claims which assert obligation on those who are dominant as well as those who are subordinate. Only universal claims of justice are the kind that cannot be discharged by the rejoinder, 'those are simply your tastes and preferences, not mine,' because only universal claims are grounded on the fundamental commonality of human beings and human societies, not upon the ineradicable differences between them. Such universality resides in the common reason and common truths (empirical and moral), which make differences possible as well as shared understanding and appreciation. Finally, identifying, understanding and appreciating differences between groups and individuals depends the universal capacity for logical consistency and objectivity that every language user possesses. By this means I recognize that 'happiness,' 'pain,' 'frustration,' 'friendship,' 'commitments' and 'beliefs about justice' matter not only to me but to others. I recognize that 'happiness' is desirable not because it occurs in me, but because happiness is a desirable experience in whomever it occurs. I recognize that if these matters are reasons to advance my interests or the interests of my society, they are also reasons to advance the interests of others and other societies. It is our commonality and universality that forms the basis for understanding and solidarity. Abandoning the common and the universal, as post-positivists, post-structuralists, and post-moderns do, not only rests upon a series of epistemic mistakes, but leads to a moral and political program that is as foolish as it is imprudent and unwise.

#### Use reason contextually to respond to situations of oppression – their attempt to universally determine in advance the strategy we should use fails and guarantees oppression

Daria Roithmayr, Assoc. Law Prof @ Illinois, 2003, “Beyond Right and Reason,” 57 U. Miami L. Rev. 939

The version of pragmatism I want to defend against Schlag's critique differs quite significantly from the versions of neopragmatism targeted by Schlag. Like neopragmatism, which is certainly a reconstructive project, radical pragmatism also finds it useful at times to focus on the inquiry, "What works for the community?" But radical pragmatism does not necessarily depend on reason to answer that question. Nor does it have a unifying method or propose some replacement metanarrative for producing a determinate answer. Rather, radical pragmatism acknowledges that sometimes, maybe even often, something outside reason - be it political and/or ethical commitments of varying sorts, intuitions, passions, experiences, or sentiments - may drive the constructive answer to that question. At other times, and in other circumstances, reason may be useful. In addition, radical pragmatism also differs in its focus on the "disempowered community" rather than some more universal concept of community. Building on Radin's call to adopt the perspective of the oppressed, radical pragmatism focuses on the question, "What works for the disempowered community?" This focus is not designed to confront pragmatism's tendency toward conservatism. Rather, working from Radin's conception of pluralist perspectives, radical pragmatism finds it more useful to consider the disempowered community separately from the dominant group in order to focus on differing needs, political commitments, and preferred measures of usefulness. 1. the constructive question: "what works for the disempowered community?" Radical pragmatists think that often it might be useful to ask the question, "What works for the community?" and more specifically, "What works for the disempowered community?" As Richard Rorty points out, to the extent that these questions are useful, it is primarily because they shift habits of thought and conversational focus away from less useful and often pointless conversations surrounding "What is true?" or "What is reasonable?" 24 Those latter questions generate answers that can never be verified. Conversations about truth or reason frequently get bogged down or stop altogether when someone argues that something is illogical or contrary to the dictates of reason. The question, "What works?" shifts the conversation onto different and potentially more productive ground. It is important to note, however, that radical pragmatism has limited ambitions. Radical pragmatism is offered not as a universalist, ahistorical prescription, but as a suggestion for what might be useful for disempowered communities in the current political, social, economic, and legal climate. At the moment, it may well be useful for the disempowered community to move away from an exclusive reliance on universalist discourses like reason and truth, toward something both more pragmatic and postmodernist. (At another moment, in another place, it may be less useful.) What is the role of reason in this postmodern pragmatist inquiry? Radical pragmatism acknowledges Schlag and Stanley Fish's point that reason has little to say about the affirmative question of what works for the community, disempowered or otherwise. 25 At the same time, reason historically has often played a decidedly political role in policing the borders between inside and outside, between empowerment and disempowerment. Thus, radical pragmatists might explore the ways in which insiders have used reason and law to exclude a particular disempowered community. More importantly, radical pragmatists might explore the way in which outsiders can use reason to their political advantage. In some cases, a radical pragmatist might use reason as one implement in the pragmatist's toolbox in order to advance a particular political commitment. Sometimes, but certainly not always, using the language of reason might be useful in making an argument about what works for the disempowered community, or in framing the parameters of the inquiry. At [\*949] other times, one might prefer to argue on the basis of experience or tradition, or make decisions on the basis of intuition or common sense. As Radin notes, whether to use the language of reason as the prevailing ideology "depends on whether we think that under current circumstances, our best chances for improving the situation lie in trying to dislodge the ideology or in trying to extract political gain from those who accept the ideology and cannot be dislodged from it." 26 It is not possible to determine in advance whether one should use reason as the prevailing ideology or try some other strategy. Similarly, on those occasions when one uses reason to frame the argument, it is not possible to predict whether doing so will produce a useful outcome so far as the disempowered outsider is concerned. For example, one could imagine a way in which using the rhetoric of reason and rights discourse might advance political or ethical commitments to equality, empowerment, or inclusion.

### Solvency

#### Individualized targeting solves due process and ends signature strikes

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The law of international armed conflict permits the detention and killing of members of the enemy force based on a legitimate expectation that individuals who are part of a formal, hierarchical enemy state army will be called upon to fight and thereby pose an ongoing threat. By comparison, the broad definition of "functional membership" put forth by the Executive and endorsed by the courts serves as a poor proxy for assessing threat in a conflict with a non-state actor. n139 Even assuming, arguendo, that the functional membership test provides an appropriate standard for detention and targeting within a zone of active hostilities, it is too permissive a standard outside such zones, for the reasons described in Part II. Outside of a zone of active hostilities, an individualized threat finding is needed to ensure that law-of-war detention and lethal targeting are employed in those situations in which the target actually poses an ongoing threat, consistent with the underlying rationale for the permissive use of force and detention without charge. n140 Of course, there are a number of possible ways to define the threat. For lethal targeting, I suggest two such categories: (1) those involved in the active planning or operationalization of specific, imminent, and externally focused attacks, regardless of their relative hierarchical position in the organization; and (2) operational leaders who present a significant, ongoing, and externally focused threat, even if they are not implicated in the planning of a specific, imminent attack. n141 The first definition is a conduct-based test that prohibits [\*1211] the use of lethal force absent a specific, imminent, and significant threat. The second definition encompasses those who pose a continuous and significant threat given their leadership roles within an organization. n142 Whether an individual meets this threat requirement depends on the individual's role within the organization, his capacity to operationalize an attack, and the degree to which the threat is externally focused. For example, an al Shabaab operational leader, whose attacks are focused on the internal conflict between al Shabaab and Somalia's Transnational Federal Government, would not qualify as a legitimate target in the separate conflict between the United States and al Qaeda, even if he had demonstrated associations with al Qaeda. He might, however, be a legitimate target if he were involved in the planning of externally focused attacks and had demonstrated the capacity and will to operationalize the attacks. n143 Such restrictions serve the important purpose of limiting state authority to target and kill to instances in which the individual poses an active, ongoing, and significant threat. The low-level foot soldier who is found thousands of miles from the hot conflict zone could not be targeted unless involved in the planning or preparation of a specific, imminent attack. Even mid-level operatives, such as the prototypical terrorist recruiter, would be off-limits, unless they were plotting, or recruiting for, a specific, imminent attack. n144 Such recruiters could, however, be prosecuted for providing material support to a terrorist organization. n145 [\*1212] An individualized threat requirement also prohibits so-called "signature strikes," in which anonymous groups of alleged al Qaeda members are targeted based on their pattern of activities without an individualized assessment of the threat posed by each of the targets. n146

#### Ending signature strikes solves blowback and establishes international norms – doing it publicly is key

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public. 154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified. 155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.

#### Lack of practical debate about war powers causes the worst abuses

Janet Cooper Alexander, Professor of Law at Stanford Law School, 2012, “John Yoo’s War Powers: The Law Review and the World”, https://www.law.upenn.edu/live/files/1742-alexanderjohn-yoos-war-powers

Yoo’s professional experience was largely in academic or political contexts where he was free to espouse controversial views, and he had great confidence in those views. Stephen Bradbury, who became head of OLC in 2005, told investigators for the Office of Professional Responsibility (OPR) during its investigation into the “torture memos” that “part of the problem with Yoo’s work on the Commander-in-Chief section was his entrenched scholarly view of the subject.”168 In his view, Yoo had a deeply ingrained view of the operative principles. And to the extent there were sources that reflect that view, he may bring them in and cite them. . . . And if a court here or a court there or a commentator here or a commentator there takes a different view, that’s almost of secondary importance because he had such a firmly held view of what the principles were.169 Such views could be given freer rein because the questions had seldom arisen in a practical context and the raw material of scholarship was correspondingly sparse. Yet, in the words of Alberto Mora, general counsel of the Navy during Yoo’s tenure, Yoo’s analysis “spots some of the legal trees, but misses the constitutional forest.” Yoo’s inclination to march to his own drummer was intensified by the lack of supervision from more experienced lawyers in the office as well as the security restrictions that severely limited the number of people outside the OLC who had knowledge of his memos. The OLC opinions, as well as documents and information relevant to them, were classified and the Bush administration was parsimonious in granting clearances.171 The Joint Chiefs and State Department were not involved in formulating the opinions, and when they did learn of OLC’s advice, their objections were disregarded or suppressed.172 Nor were any experienced FBI or military interrogators involved in formulating interrogation policy. Instead, the policy reflected folk wisdom about the efficacy of harsh treatment and torture. The OPR Report noted that drafts of the opinions were not circulated to national security experts in the Criminal Division of the Justice Department, or to the State Department.

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#### Drones are inevitable – establishing procedure is key

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures - along with clear, binding standards - will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.

#### Only statutory restrictions solve CIA operations – they comply with the letter of the law

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

As the CIA’s role in drone strikes has gained increasing prominence and notoriety, CIA and Obama Administration officials have repeatedly offered assurances that the agency complies with the law and seeks to avoid civilian casualties in drone strikes (see The Civilian Toll). While we cannot prove and do not necessarily believe that the CIA routinely and knowingly violates US law or disregards civilian life—to the contrary, it may have set up procedures and rules related to civilian harm— the CIA does not have an ethos or culture that promotes substantial engagement with legal questions or larger discussions of civilian protection. Moreover, while the threat of public or congressional scrutiny would traditionally provide the CIA incentive to act with caution about the law, in the context of covert drone strikes these incentives are substantially reduced or altogether absent. The most generous interpretation of the CIA’s relationship to the law is that it is formalistic: the agency may conform to the strictures of the law, but there is no indication that the CIA has developed an ethos that would independently motivate adherence to the norms and values underlying the law, including those that motivate steps to reduce civilian harm. In a series of addresses in 2011 and 2012, CIA General Counsel Stephen Preston described the agency’s relationship to the law as like that of a tightly regulated business.302 At the American Bar Association Preston explained: All intelligence activities of the Agency must be properly authorized pursuant to and conducted in accordance with the full body of national security law that has been put in place over the six plus decades since the Agency was founded. All such activities are also subject to strict internal and external scrutiny. In short, the Agency is at least as rule-bound and closely watched as businesses in the most heavily regulated industries.303 Although intended to provide assurance, the analogy to business regulation is disconcerting. It suggests that rather than seeing itself as duty-bound to the law and culturally invested in its rationales, the agency relates to the law as a constraint that may undermine the agency’s goals if not carefully managed, and perhaps, in some cases, circumvented. Even in accounts favorable to the CIA, the CIA’s relationship to the law is discussed only in terms of avoiding liability and political fall-out for actions that might, if revealed, be perceived as illegal even if technically legal. There is no allusion to a concern for whether actions, though technically legal, might offend the purposes and values of the law, or brush up too closely to their limits to be appropriate. For example, Jack Goldsmith, former lawyer in the Bush administration, writes that the CIA’s 150 or so lawyers “help operators sort through the cognitive dissonance that arises from the twin injunctions to violate some laws and norms but not others.” According to Goldsmith, these lawyers “provide comfort that whatever other fallout might occur from their CIA activities, operators needn’t worry about violating what to them often felt like bewildering US legal restrictions.” In any event, “everyone in the CIA knows that trouble follows from violating US law” and people “are watching for violations and can impose various types of legal or political punishment if they find one.”304 Likewise, former CIA lawyer Afsheen John Radsan conjectures that the CIA has sought legal approval for its drone strikes because “[t]he CIA, we know is accustomed to checking off the boxes in its paperwork” and is “[m]indful of their potential legal exposure on targeted killing.”305 To be sure, recent accounts of the CIA’s torture and secret detention programs under the Bush administration reflect that CIA personnel are deeply concerned with liability and public perception. CIA personnel aggressively sought clearance from agency lawyers and others in the Bush administration for the detention and torture programs—and, for the most part, received approval. John Rizzo, a leading CIA lawyer at the time, reportedly advised the CIA to tell as many people as possible about the programs to minimize political fall-out and maximize political support.306 In internal debates at the CIA, Rizzo notes: “I never heard— and I think I would have heard—any dissent, any moral objection,” to the programs.307

#### Legislation is key to reign in endless war

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

Thanks to drones, as Miller’s question suggests, “endless war” is quite possible. In this regard, it’s worth noting that the drone war is an outgrowth of Washington’s post-9/11 campaign against terrorist organizations and regimes—a campaign authorized by the Use of Force Resolution of 18 September 2001. That measure directed the president “to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”34 That final clause referring to “future acts of international terrorism” creates a loophole larger than a Reaper ground-attack drone—with a wingspan of some 66 feet—a loophole that should be tightened through legislation focusing on threats beyond Afghanistan. After all, it would be a stretch to say that the 18 September measure authorized—11-plus years later—an autopilot war against targets in Pakistan, Yemen, Somalia, and beyond. Those targets may indeed be enemies of, and threats to, the United States. But few of the drone war’s intended targets today—not to mention the unfortunates simply in the wrong place at the wrong time—“planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.” Underscoring this point, The Washington Post recently reported that a growing number of drone strikes in Yemen have targeted “lower-level figures who are suspected of having links to terrorism operatives but are seen mainly as leaders of factions focused on gaining territory in Yemen’s internal struggle.”35 (Emphasis added.) Yet the drone war goes on, largely because there are no Americans in harm’s way—at least not directly.

#### Congress can oversee drones

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

Though hampered in many ways, the oversight committees have sufficient authority to impact the CIA’s activities. Congress controls the CIA’s budget and can thus influence programs, seek changes, or get answers to inquiries.326 One study found that every staffer surveyed recalled at least one instance when an intelligence committee member “threatened to statutorily withhold funding as a lever for sharing of information that would not otherwise have been forthcoming.”327 Congressional staffers can also visit CIA stations and other sites to get facts on the ground, though whether this is possible with regard to the drone program is unknown. Some information about CIA activities is provided only to congressional leaders who are part of the “Gang of Eight”328—leading members of the House and Senate. Many individuals, including members of Congress, have criticized this practice as preventing the intelligence committees from exercising effective oversight.329 Congressional oversight committees reportedly receive extensive briefings from the CIA. According to Senator Diane Feinstein, chair of the Senate Select Intelligence Committee: We receive notification with key details shortly after every strike, and we hold regular briefings and hearings on these operations. Committee staff has held 28 monthly in-depth oversight meetings to review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimize noncombatant casualties.330 House and Senate intelligence committee staff reportedly travel monthly to CIA headquarters in Virginia to review drone video and intelligence used to justify strikes.331 Asked about drone strikes in January 2012, Feinstein stated: “[T]here’s no issue that receives more attention and oversight from this committee...than counterterrorism operations in Afghanistan and Pakistan.”332

#### Engaging in simulations about the specifics of national security law is pedagogically useful, even if we aren’t the USFG – it also builds portable skills

Laura Donohue, Associate Professor of Law at Georgetown Law School, 4-11-2013, “National Security Law Pedagogy and the Role of Simulations,” http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

#### The law isn’t static – engaging in discussions about its problems and ways to change it stimulates political engagement and is key to prevent authoritarianism

Todd Hedrick, Assistant Professor of Philosophy at Michigan State University, September 2012, “Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory,” Constellations Vol 19, No 3

Habermas’ alleged abandonment of immanent critique, however, is belied by the role that the democratic legal system comes to play in his theory. While in some sense just one system among others, it has a special capacity to shape the environments of other systems by regulating their interaction. Of course, the legal system is not the only one capable of affecting the environments of other systems, but law is uniquely open to inputs from ordinary language and thus potentially more pliant and responsive to democratic will formation: “Normatively substantive messages can circulate throughout society only in the language of law … . Law thus functions as the ‘transformer’ that guarantees that the socially integrating network of communication stretched across society as a whole holds together.”55 This allows for the possibility of consensual social regulation of domains ranging from the economy to the family, where actors are presumed to be motivated by their private interests instead of respect for the law, while allowing persons directed toward such interests to be cognizant that their privately oriented behavior is compatible with respect for generally valid laws. While we should be cautious about automatically viewing the constitution as the fulcrum of the legal order, its status as basic law is significant in this respect. For, recalling Hegel's broader conception of constitutionalism, political constitutions not only define the structure of government and “the relationship between citizens and the state” (as in Hegel's narrower “political” constitution); they also “implicitly prefigure a comprehensive legal order,” that is, “the totality comprised of an administrative state, capitalist economy, and civil society.”56 So, while these social spheres can be conceived of as autonomous functional subsystems, their boundaries are legally defined in a way that affects the manner and degree of their interaction: “The political constitution is geared to shaping each of these systems by means of the medium of law and to harmonizing them so that they can fulfill their functions as measured by a presumed ‘common good’.”57 Thus, constitutional discourses should be seen less as interpretations of a positive legal text, and more as attempts to articulate legal norms that could shift the balance between these spheres in a manner more reflective of generalizable interests, occurring amidst class stratification and cultural pluralism. A constitution's status as positive law is also of importance for fundamentally Hegelian reasons relating to his narrower sense of political constitutionalism: its norms must be public and concrete, such that differently positioned citizens have at least an initial sense of what the shared hermeneutic starting points for constitutional discourse might be. But these concrete formulations must also be understood to embody principles in the interest of all citizens, so that constitutional discourse can be the site of effective democratic will formation concerning the basic norms that mediate between particular individuals and the general interests of free and equal citizens. This recalls Hegel's point that constitutions fulfill their mediational function by being sufficiently positive so as to be publicly recognizable, yet are not exhausted by this positivity – the content of the constitution is instead filled in over time through ongoing legislation. In order to avoid Hegel's foreshortened conception of public participation in this process and his consequent authoritarian tendencies, Habermas and, later, Benhabib highlight the importance of being able to conceive of basic constitutional norms as themselves being the products of public contestation and discourse. In order to articulate this idea, they draw on legal theorists like Robert Cover and Frank Michelman who characterize this process of legal rearticulation as “jurisgenesis”58: a community's production of legal meaning by way of continuous rearticulation, through reflection and contestation, of its constitutional project. Habermas explicitly conceives of the democratic legal order in this way when, in the context of considering the question of how a constitution that confers legitimacy on ordinary legislation could itself be thought to be democratically legitimate, he writes: I propose that we understand the regress itself as the understandable expression of the future-oriented character, or openness, of the democratic constitution: in my view, a constitution that is democratic – not just in its content but also according to its source of legitimation – is a tradition-building project with a clearly marked beginning in time. All the later generations have the task of actualizing the still-untapped normative substance of the system of rights.59 A constitutional order and its interpretive history represent a community's attempt to render the terms under which they can give themselves the law that shapes their society's basic structure and secure the law's integrity through assigning basic liberties. Although philosophical reflection can give us some grasp of the presuppositions of a practice of legitimate lawmaking, this framework of presuppositions (“the system of rights”) is “unsaturated.”60 In Hegelian fashion, it must, to be meaningful, be concretized through discourse, and not in an one-off way during a founding moment that fixes the terms of political association once and for all, but continuously, as new persons enter the community and as new circumstances, problems, and perspectives emerge. The stakes involved in sustaining a broad and inclusive constitutional discourse turn out to be significant. Habermas has recently invoked the concept of dignity in this regard, linking it to the process through which society politically constitutes itself as a reciprocal order of free and equal citizens. As a status rather than an inherent property, “dignity that accrues to all persons equally preserves the connotation of a self-respect that depends on social recognition.”61 Rather than being understood as a quality possessed by some persons by virtue of their proximity to something like the divine, the modern universalistic conception of dignity is a social status dependent upon ongoing practices of mutual recognition. Such practices, Habermas posits, are most fully instantiated in the role of citizens as legislators of the order to which they are subject. [Dignity] can be established only within the framework of a constitutional state, something that never emerges of its own accord. Rather, this framework must be created by the citizens themselves using the means of positive law and must be protected and developed under historically changing conditions. As a modern legal concept, human dignity is associated with the status that citizens assume in the self-created political order.62 Although the implications of invoking dignity (as opposed to, say, autonomy) as the normative core of democratic constitutionalism are unclear,63 plainly Habermas remains committed to strongly intersubjective conceptions of democratic constitutionalism, to an intersubjectivity that continues to be legally and politically mediated (a dimension largely absent from Honneth's successor theory of intersubectivity). What all of this suggests is a constitutional politics in which citizens are empowered to take part and meaningfully impact the terms of their cultural, economic, and political relations to each other. Such politics would need to be considerably less legalistic and precedent bound, less focused on the democracy-constraining aspects of constitutionalism emphasized in most liberal rule of law models. The sense of incompleteness and revisability that marks this critical theory approach to constitutionalism represents a point where critical theories of democracy may claim to be more radical and revisionary than most liberal and deliberative counterparts. It implies a sharp critique of more familiar models of bourgeois constitutionalism: whether they conceive of constitutional order as having a foundation in moral rights or natural law, or in an originary founding moment, such models a) tend to be backward-looking in their justifications, seeing the legal order as founded on some exogenously determined vision of moral order; b) tend to represent the law as an already-determined container within which legitimate ordinary politics takes place; and c) find the content of law to be ascertainable through the specialized reasoning of legal professionals. On the critical theory conception of constitutionalism, this presumption of completeness and technicity amounts to the reification of a constitutional project, where a dynamic social relation is misperceived as something fixed and objective.64 We can see why this would be immensely problematic for someone like Habermas, for whom constitutional norms are supposed to concern the generalizable interests of free and equal citizens. If it is overall the case for him that generalizable interests are at least partially constituted through discourse and are therefore not given in any pre-political, pre-discursive sense,65 this is especially so in a society like ours with an unreconciled class structure sustained by pseudo-compromises. Therefore, discursive rearticulation of basic norms is necessary for the very emergence of generalizable interests. Despite offering an admirably systematic synthesis of radical democracy and the constitutional rule of law, Habermas’ theory is hobbled by the hesitant way he embraces these ideas. Given his strong commitment to proceduralism, the view that actual discourses among those affected must take place during the production of legitimate law if constitutionalism is to perform its mediational function, as well as his opposition to foundational or backward-looking models of political justification, we might expect Habermas to advocate the continuous circulation in civil society of constitutional discourses that consistently have appreciable impact on the way constitutional projects develop through ongoing legislation such that citizens can see the links between their political constitution (narrowly construed), the effects that democratic discourse has on the shape that it takes, and the role of the political constitution in regulating and transforming the broader institutional backbone of society in accordance with the common good. And indeed, at least in the abstract, this is what the “two track” conception of democracy in Between Facts and Norms, with its model of discourses circulating between the informal public sphere and more formal legislative institutions, seeks to capture.66 As such, Habermas’ version of constitutionalism seems a natural ally of theories of “popular constitutionalism”67 emerging from the American legal academy or of those who, like Jeremy Waldron,68 are skeptical of the merits of legalistic constitutionalism and press for democratic participation in the ongoing rearticulation of constitutional norms. Indeed, I would submit that the preceding pages demonstrate that the Left Hegelian social theoretic backdrop of Habermas’ theory supplies a deeper normative justification for more democratic conceptions of constitutionalism than have heretofore been supplied by their proponents (who are, to be fair, primarily legal theorists seeking to uncover the basic commitments of American constitutionalism, a project more interpretive than normative.69) Given that such theories have very revisionary views on the appropriate method and scope of judicial review and the role of the constitution in public life, it is surprising that Habermas evinces at most a mild critique of the constitutional practices and institutions of actually existing democracies, never really confronting the possibility that institutions of constitutional review administered by legal elites could be paternalistic or extinguish the public impetus for discourse he so prizes.70 In fact, institutional questions concerning where constitutional discourse ought to take place and how the power to make authoritative determinations of constitutional meaning should be shared among civil society, legislative, and judiciary are mostly abstracted away in Habermas’ post-Between Facts and Norms writings, while that work is mostly content with the professional of administration of constitutional issues as it exists in the United States and Germany. This is evident in Habermas’ embrace of figures from liberal constitutional theory. He does not present an independent theory of judicial decision-making, but warmly receives Dworkin's well-known model of “law as integrity.” To a certain extent, this allegiance makes sense, given Dworkin's sensitivity to the hermeneutic dimension of interpretation and the fact that his concept of integrity mirrors discourse theory in holding that legal decisions must be justifiable to those affected in terms of publicly recognizable principles. Habermas does, however, follow Michelman in criticizing the “monological” form of reasoning that Dworkin's exemplary Judge Hercules employs,71 replacing it with the interpretive activities of a specialized legal public sphere, presumably more responsive to the public than Hercules. But this substitution does nothing to alleviate other aspects of Dworkin's theory that make a match between him and Habermas quite awkward: Dworkin's standard of integrity compels judges to regard the law as a complete, coherent whole that rests on a foundation of moral rights.72 Because Dworkin regards deontic rights in a strongly realistic manner and as an unwritten part of the law, there is a finished, retrospective, “already there” quality to his picture of it. Thinking of moral rights as existing independently of their social articulation is what moves Dworkin to conceive of them as, at least in principle, accessible to the right reason of individual moral subjects.73 Legal correctness can be achieved when lawyers and judges combine their specialized knowledge of precedent with their potentially objective insights into deontic rights. Fashioning the law in accordance with the demands of integrity thereby becomes the province of legal elites, rendering public discourse and the construction of generalizable interests in principle unnecessary. This helps explain Dworkin's highly un-participatory conception of democracy and his comfort with placing vast decision-making powers in the hands of the judiciary.7 There is more than a little here that should make Habermas uncomfortable. Firstly, on his account, legitimate law is the product of actual discourses, which include the full spate of discourse types (pragmatic, ethical-political, and moral). If the task of judicial decision-making is to reconstruct the types of discourse that went into the production of law, Dworkin's vision of filling in the gaps between legal rules exclusively with considerations of individual moral rights (other considerations are collected under the heading of “policy”75) makes little sense.76 While Habermas distances himself from Dworkin's moral realism, calling it “hard to defend,”77 he appears not to appreciate the extent to which Dworkin links his account of legal correctness to this very possibility of individual insight into the objective moral order. If Habermas wishes to maintain his long held position that constitutional projects involve the ongoing construction of generalizable interests through the democratic process – which in my view is really the heart of his program – he needs an account of legal correctness that puts some distance between this vision and Dworkin's picture of legal elites discovering the content of law through technical interpretation and rational intuition into a fixed moral order. Also puzzling is the degree of influence exercised by civil society in the development of constitutional projects that Habermas appears willing to countenance. While we might expect professional adjudicative institutions to play a sort of yeoman's role vis-à-vis the public, Habermas actually puts forth something akin to Bruce Ackerman's picture of infrequent constitutional revolutions, where the basic meaning of a constitutional project is transformed during swelling periods of national ferment, only to resettle for decades at a time, during which it is administered by legal professionals.78 According to this position, American civil society has not generated new understandings of constitutional order that overcome group divisions since the New Deal, or possibly the Civil Rights era. Now, this may actually be the case, and perhaps Habermas’ apparent acquiescence to this view of once-every-few-generations national conversations is a nod to realism, i.e., a realistic conception of how much broad based, ongoing constitutional discourse it is reasonable to expect the public to conduct. But while a theory with a Left Hegelian pedigree should avoid “the impotence of the ought” and utopian speculation, and therefore ought not develop critical conceptions of legal practice utterly divorced from present ones, such concessions to realism are unnecessary. After all, critical theory conceptions of constitutionalism will aim to be appreciably different from the more authoritarian ones currently in circulation, which more often than not fail to stimulate and sustain public discourse on the basic constitution of society. Instead, their point would be to suggest how a more dynamic, expansive, and mediational conception of constitutionalism could unlock greater democratic freedom and rationally integrated social identities. Given these problems in Habermas’ theory, the innovations that Benhabib makes to his conception of constitutionalism are most welcome. While operating within a discourse theoretic framework, her recent work more unabashedly recalls Hegel's broader conception of the constitution as the basic norms through which a community understands and relates to itself (of which a founding legal document is but a part): a constitution is a way of life through which individuals seek to connect themselves to each other, and in which the very identity and membership of a community is constantly at stake.79 Benhabib's concept of “democratic iterations,” which draws on meaning-as-use theories, emphasizes how meaning is inevitably transformed through repetition: In the process of repeating a term or a concept, we never simply produce a replica of the original usage and its intended meaning: rather, very repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever-so-subtle ways. In fact, there is really no ‘originary’ source of meaning, or an ‘original’ to which all subsequent forms must conform … . Every iteration involves making sense of an authoritative original in a new and different context … . Iteration is the reappropriation of the ‘origin’; it is at the same time its dissolution as the original and its preservation through its continuous deployment.80 Recalling the reciprocal relationship that Hegel hints at between the narrow “political” constitution and the broader constitution of society's backbone of interrelated institutions, Benhabib here seems to envision a circular process whereby groups take up the conceptions of social relations instantiated in the legal order and transform them in their more everyday attempts to live with others in accordance with these norms. Like Cover and Michelman, she stresses that the transformation of legal meaning takes place primarily in informal settings, where different groups try (and sometimes fail) to live together and to understand themselves in their relation to others according to the terms they inherit from the constitutional tradition they find themselves subject to.81 Her main example of such democratic iteration is the challenge Muslim girls in France raised against the head scarf prohibition in public schools (“L’Affaire du Foulard”), which, while undoubtedly antagonistic, she contends has the potential to felicitously transform the meaning of secularity and inclusion in the French state and to create new forms of togetherness and understanding. But although Benhabib illustrates the concept of democratic iterations through an exemplary episode, this iterative process is a constant and pervasive one, which is punctuated by events and has the tendency to have a destabilizing effect on authority.82 It is telling, however, that Benhabib's examples of democratic iterations are exclusively centered on what Habermas would call ethical-political discourses.83 While otherwise not guilty of the charge,84 Benhabib, in her constitutional theory, runs afoul of Nancy Fraser's critical diagnosis of the trend in current political philosophy to subordinate class and distributional conflicts to struggles for cultural inclusion and recognition.85 Perhaps this is due to the fact that “hot” constitutional issues are so often ones with cultural dimensions in the foreground, rarely touching visibly on distributional conflicts between groups. This nonetheless is problematic since much court business clearly affects – often subtly and invisibly – the outcomes of these conflicts, frequently with bad results.86 For another reason why centering constitutional discourse on inclusion and cultural issues is problematic, it is useful to remind ourselves of Habermas’ critique of civic republicanism, according to which the main deficit in republican models of democracy is its “ethical overburdening” of the political process.87 To some extent, republicanism's emphasis on ethical discourse is understandable: given the level of cooperativeness and public spirit that republicans view as the font of legitimate law, political discourses need to engage the motivations and identities of citizens. Arguably, issues of ethical self-understanding do this better than more abstract or arid forms of politics. But it is not clear that this is intrinsically so, and it can have distorting effects on politics. In the American media, for example, this amplification of the cultural facets of issues is very common; conflicts over everything from guns to taxes are often reduced to conflicts over who is a good, real American and who is not. It is hard to say that this proves edifying; substantive issues of rights and social justice are elided, politics becomes more fraudulent and conflictual. None of this is to deny a legitimate place for ethical-political discourse. However, we do see something of a two-steps-forward-one-step-back movement in Benhabib's advancement of Habermas’ discourse theory of law: although her concept of democratic iterations takes center stage, she develops the notion solely along an ethical-political track. Going forward, critical theorists developing conceptions of constitutional discourse should work to see it as a way of integrating questions of distributional justice with questions of moral rights and collective identities without subordinating or conflating them. 4. Conclusion Some readers may find the general notion of reinvigorating a politics of constitutionalism quixotic. Certainly, it has not been not my intention to overstate the importance or positive contributions of constitutions in actually existing democracies, where they can serve to entrench political systems experiencing paralysis in the face of long term fiscal and environmental problems, and where public appeals to them more often than not invoke visions of society that are more nostalgic, ethno-nationalistic, authoritarian, and reactionary than what Habermas and Benhabib presumably have in mind. Instead, I take the basic Hegelian point I started this paper with to be this: modern persons ought to be able to comprehend their social order as the work of reason; the spine of institutions through which their relations to differently abled and positioned others are mediated ought to be responsive to their interests as fully-rounded persons; and comprehending this system of mediation ought to be able to reconcile them to the partiality of their roles within the universal state. Though modern life is differentiated, it can be understood, when seen through the lens of the constitutional order, as a result of citizens’ jointly exercised rationality as long as certain conditions are met. These conditions are, however, more stringent than Hegel realized. In light of this point, that so many issues deeply impacting citizens’ social and economic relations to one another are rendered marginal – and even invisible – in terms of the airing they receive in the public sphere, that they are treated as mostly settled or non-questions in the legal system consitutues a strikingly deficient aspect of modern politics. Examples include the intrusion of market logic and technology into everyday life, the commodification of public goods, the legal standing of consumers and residents, the role of shareholders and public interests in corporate governance, and the status of collective bargaining arrangements. Surely a contributing factor here is the absence of a shared sense of possibility that the basic terms of our social union could be responsive to the force that discursive reason can exert. Such a sense is what I am contending jurisgenerative theories ought to aim at recapturing while critiquing more legalistic and authoritarian models of law. This is not to deny the possibility that democratic iterations themselves may be regressive or authoritarian, populist in the pejorative sense. But the denial of their legitimacy or possibility moves us in the direction of authoritarian conceptions of law and political power and the isolation of individuals and social groups wrought by a political order of machine-like administration that Horkheimer and Adorno describe as a main feature of modern political domination. Recapturing some sense of how human activity makes reason actual in the ongoing organization of society need not amount to the claim that reason culminates in some centralized form, as in the Hegelian state, or in some end state, as in Marx. It can, however, move us to envision the possibility of an ongoing practice of communication, lawmaking, and revision that seeks to reconcile and overcome positivity and division, without the triumphalist pretension of ever being able to fully do so.

#### Policy engagement is uniquely necessary in the case of the Middle East – empirically, academic withdrawal has ceded politics to the neoconservatives

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It may be too soon to tell, but from the vantage point of the first years of the twenty-first century it would seem that area studies has weathered the storms of the immediate post–Cold War period. In large part this may have been because these fields, including Middle East studies as practiced in the United States, were by the 1990s not what they had been 30 years earlier. The sharp decline (within academia, at least) of once dominant paradigms like a cultural-essentialist Orientalism and modernization theory resulted in the dissipation of the intellectual coherence that had characterized the field in its first decades. But the kind of intellectual fragmentation that had come to characterize Middle East studies was the norm across a great many other fields and disciplines and was counterbalanced, probably even outweighed, by the fact that many Middle East specialists, perhaps especially younger scholars, were now not only well versed in the theoretical and methodological issues and debates of their own disciplines but also routinely engaged with innovative work that cut across or transcended disciplinary boundaries. They could thus increasingly manage, without any great difficulty, to participate in productive scholarly conversations not only with their disciplinary colleagues (fellow historians, political scientists, anthropologists, literature specialists, etc.) but also with scholars from other disciplines interested in this part of the world and in others as well. Moreover, because so many scholars working on the Middle East were participants in the scholarly conversations and debates that had transformed broad segments of the humanities and the social sciences in recent decades, Middle East studies had to a considerable extent overcome its [End Page 73] insular and rather backward character and was now much more open to, and engaged with, the wider intellectual world than had once been the case. The developments of the last two or three decades, including the critiques of Orientalism and modernization theory; the broad range of new work on colonialism; innovative approaches to historical, social, and cultural analysis influenced by critical anthropology; and, more broadly, heightened interaction among disciplines and fields had given many within Middle East studies a new set of common languages that facilitated productive intellectual exchange.3 This was also a much more intellectually and politically self-aware and self-critical field than was once the case. As a result, the best of the new work in this field was by the beginning of the twenty-first century very much on a par with the best produced in other area studies fields, and scholars specializing in the Middle East were being read and listened to by scholars specializing in other parts of the world as never before.4 In conjunction with a generally higher level of mastery of relevant languages and the use of innovative theoretical and methodological approaches, scholars in the field were by the late twentieth century also making use of a broader range of sources than in the past. A case in point is work on the history of the Arab provinces of the Ottoman empire. Students and scholars with a command of both Arabic and Ottoman Turkish made increasing use not only of the vast Ottoman imperial archives in Istanbul but also of local Islamic court records and family papers, along with more traditional sources like the writings of European consuls and travelers, to produce portraits of social, political, economic, and cultural life in these lands in the last four hundred years of Ottoman rule of unprecedented depth and complexity.5 These studies helped to undermine what was once conventional wisdom in late Ottoman history, that these lands were economically, socially, and culturally stagnant before Napoleon's army landed in Egypt in 1798; that they were uniformly characterized by despotism, the oppressive and retrograde imposition of Islamic law, and the rigorous segregation and subordination of non-Muslims; and that all real change was induced by contact with the West. Instead, the newer scholarship began to elucidate indigenous sources and dynamics of change while also showing how this [End Page 74] region was part of the broader sweep of world history long before the nineteenth century and the onset of westernization or modernization as conventionally understood. As a result of these scholarly advances, Ottoman historians often came to have much broader and more fully comparative perspectives than historians of early modern Europe, many of whom had only recently come to understand that they needed to overcome their own provincialism by addressing the ways in which developments in Europe were not utterly sui generis but often were bound up with larger patterns and dynamics of change that affected large stretches of Eurasia. Scholars and the State If the preceding assessment is accurate, it is fair to say that the changes that transformed Middle East studies in the United States over the last several decades of the twentieth century made it a more intellectually productive and interesting scholarly field. However, this development was accompanied by a growing gap between academics studying the Middle East and the officials, agencies, and institutions of the U.S. government, and a corresponding decline in the influence of university-based scholars on the shaping of foreign policy and on the media, the main purveyor of information, images, and attitudes about the region to the broad public. For one, a good many (though by no means all) students and scholars in this field were less than happy with U.S. government policies toward the Middle East in the 1980s and beyond. Hard evidence is lacking, but it is probably safe to suggest that much of the membership of the Middle East Studies Association, the field's main professional organization, was not enthusiastic about U.S. support for Saddam Hussein's regime in its war against Iran in the 1980s, the U.S.-led Gulf War of 1991, the sanctions regime imposed on Iraq thereafter, the U.S.-led invasion of Iraq in 2003, or, more broadly, the extent to which successive U.S. administrations countenanced Israel's ongoing occupation of the West Bank, Gaza, and East Jerusalem; its continuing implantation of Jewish settlements there; and its rejection of a Palestinian state in those territories as endorsed by virtually the entire international community. There was a widespread (though never universal) [End Page 75] sense that the policies pursued by the United States in the Middle East were hindering, rather than contributing to, peace, democracy, human rights, development, and progress in the region. This disaffection from official policy and the premises that underpinned it did not mean that U.S.-based scholars studying the Middle East were unwilling to share their perspectives on, and try to influence, U.S. policy toward the region. In fact, many devoted a great deal of time and effort to trying to educate the broader public through informal meetings, lectures, articles, op-ed pieces, radio and television interviews, and the like, and to convey their views to elected officials; not a few were also quite willing to meet with State Department and intelligence agency personnel. It is rather that the shared vision of the world, and of the place of the United States within it, that had once linked the world of academia with the world of policymaking had faded, and many scholars no longer spoke the same language as policymakers. Adding to this sense of distance and alienation was a new and much more critical understanding of the proper relationship between scholars and the state—not a surprising development in the aftermath of a period in which the pernicious ends to which scholarly knowledge could be put had been made all too visible, in Vietnam but elsewhere as well. In the first decades of the Cold War a good many scholars in this as in other area studies fields, especially social scientists working on contemporary issues, saw no problem with conducting research on behalf of the government and cooperating with intelligence agencies because they were all part of the good fight against Communism. By the 1980s those who were assuming the leadership in U.S. Middle East studies were by and large much more wary about their sources of funding and the ends to which their training and research, and that of their students, might be put. Fewer scholars were willing to allow what they knew about the region to be used in the service of a state about whose policies they were often at least dubious, for example, by conducting research for agencies like the CIA or by encouraging promising students to enter government service. There developed a widespread sense that to allow one's research agenda to be determined by the needs of the state or to serve potentially pernicious ends was not only a betrayal of one's [End Page 76] integrity as a scholar but might also compromise one's ability to conduct research in the Middle East, where by the 1980s real or alleged CIA connections had gotten Americans and others denounced, kidnapped, or worse. At issue was not government funding per se: since the passage of the National Defense Education Act in 1958, a great many students and scholars working on the Middle East had happily made use of NDFL/FLAS and other government fellowships for language training, graduate study, and research. A large proportion of the budgets of the centers for Middle East studies at universities around the country also came from the federal government. But because this individual and institutional funding came through the U.S. Department of Education it was deemed ethically and politically acceptable even by those who most vociferously disagreed with U.S. government policies in the Middle East. Similarly, additional government funding for graduate student and faculty research on the Middle East first made available by the 1992 Near and Middle East Research and Training Act—originally channeled through the Social Science Research Council and later through the Council of American Overseas Research Centers—was not seen as posing a problem because the funding was allocated first through the U.S. Information Agency and then through the State Department budget. The real issue was which part of the U.S. government was supplying the funding, for what ends, and with what conditions. As early as 1985 the Middle East Studies Association had asked "university-based international studies programs to refrain from responding to requests for research contract proposals from the Defense Academic Research Support Program [established by the Defense Department to fund academic research on issues of interest to the military] or from other intelligence entities and call[ed] upon its members to reflect carefully upon their responsibilities to the academic profession prior to seeking or accepting funding from intelligence sources."6 Some years later MESA also criticized the new National Security Education Program (NSEP), created by the National Security Education Act of 1991. The NSEP sought to bolster the teaching of "less commonly taught" languages (including Arabic, Persian, and Turkish), thereby enabling (as the [End Page 77] program's website put it) "the nation to remain integrally involved in global issues related to U.S. National Security" as well as to "develop a cadre of professionals with more than the traditional knowledge of language and culture who can use this ability to help the U.S. make sound decisions on and deal effectively with global issues related to U.S. National Security" (see the NSEP website at http://www.iie.org/programs/nsep/nsephome.htm). Unlike other programs funding research and training on the Middle East, the NSEP was housed in the Department of Defense, intelligence agency officials sat on its oversight board, and recipients of the funding it offered were required to work for a government agency involved in national security affairs after their fellowship or scholarship was completed. In a 1993 resolution endorsed by a referendum of its membership, MESA joined with the African Studies Association and the Latin American Studies Association to "deplore the location of responsibility in the U.S. defense and intelligence community for a major foreign area research, education, and training program. . . . This connection can only increase the existing difficulties of gaining foreign governmental permissions to carry out research and to develop overseas instructional programs. It can also create dangers for students and scholars by fostering the perception of involvement in military or intelligence activities, and may limit academic freedom." MESA called on the government to establish a peer and merit review process for funding applications that would be independent of military, intelligence, and foreign policy agencies and to broaden the service requirement so that it would include a much wider range of jobs, including those outside government service. Until its concerns were met, MESA urged that "its members and their institutions not seek or accept program or research funding from NSEA...." Three years later MESA adopted yet another resolution reiterating its rejection of NSEP because the law appropriating funding for the program now required that all fellowship recipients agree to work for the Defense Department or some intelligence agency for at least two years or else repay the cost of their fellowship (see the NSEP website, as well as the MESA resolutions site at http://w3fp.arizona.edu/mesassoc/resolutions.htm). (This last requirement was later relaxed somewhat so that recipients who [End Page 78] could not find employment with a national security agency despite a "good faith effort" to do so could fulfill the service requirement by working in higher education.) MESA would voice the same concerns about other outgrowths of the NSEP, for example, the 2002 National Flagship Language Initiative–Pilot Program (NFLI-P), launched to address what were seen as America's extraordinary deficiencies in languages critical to national security. Many (though by no means all) Middle East studies faculty adopted MESA's perspective on this issue, declining to seek NSEP funding for themselves or their institutions. The disinclination by MESA and many of its individual and institutional members to cooperate with the government in ways that had been common in the 1950s and 1960s was certainly not shared by everyone in the field. Yet it is instructive that when in the 1980s reports surfaced of questionable links between academics and intelligence agencies, the most vocal response among scholars in the field was condemnation. A case in point is the scandal surrounding Nadav Safran, a political scientist whose first book set forth an analysis of modern Egyptian history informed by modernization theory and who by the mid-1980s was director of Harvard University's Center for Middle Eastern Studies. The scandal erupted when it became known that Safran had taken $45,700 from the Central Intelligence Agency to fund a major international conference he was hosting at Harvard on "Islam and Politics in the Contemporary Muslim World"—a hot topic at the time and one of obvious interest to the CIA. Not only had Safran secretly used CIA funding for this conference, he had not told the invitees, a number of whom were coming from the Middle East, that the CIA was picking up the tab. It then came out that Safran had also received a $107,430 grant from the CIA for the research project that led to his 1985 book Saudi Arabia: The Ceaseless Request for Security. Safran's contract with the CIA stipulated that the agency had the right to review and approve the manuscript before publication and that its role in funding the book would not be disclosed. And indeed, the book as published made no mention of the fact that the research for it had been partially funded by the CIA. When the scandal broke, about half the invitees to Safran's conference withdrew, and many of the faculty and students associated with Harvard's [End Page 79] Center for Middle Eastern Studies publicly expressed their opposition to Safran's actions. A month later the Middle East Studies Association censured Safran on the grounds that his actions had violated its 1982 resolution calling on scholars to disclose their sources of research funding. Safran intimated that his critics were motivated by anti-Semitism, but after an internal investigation at Harvard he agreed to step down as center director at the end of the academic year.7 Safran was surely not the only academic to have secretly or openly solicited or accepted funding from an intelligence agency for his research in this period, and no doubt such relationships persisted long after this scandal, but the reaction to it—unimaginable in the early decades of U.S. Middle East studies—does indicate how the relationship between academia and the state had changed. Think Tanks and Talking Heads But there was a price to be paid for the gap that had opened up between the world of Middle East scholarship and the world of policymaking. If many college- and university-based academics no longer entirely shared the worldview that prevailed in Washington or no longer felt the need to shape their research agenda so that it was relevant to the policies that flowed from that worldview, there were others who stood ready to meet the demand for knowledge that would serve the state. Many of these were based not in institutions of higher education but in the host of think tanks that had proliferated from the 1970s onward—privately funded institutions oriented toward the production and dissemination of knowledge designed to inform and influence public policy, for our purposes mainly the foreign policy of the United States. Some of these institutions and organizations went back a long way. The Carnegie Endowment for International Peace, for example, was founded in 1910 to advance international cooperation, while the Council on Foreign Relations, publisher of the influential journal Foreign Affairs, was established in 1921, originally as a sort of elite dinner club. The liberal Brookings Institution was established in 1927, supported by Carnegie and Rockefeller funding, while the conservative American Enterprise Institute was founded [End Page 80] in 1943 to promote "limited government," "free enterprise," and a "strong foreign policy and national defense." After the Second World War, contractors like the huge RAND Corporation entered the field to produce or fund research for the military and intelligence and other government agencies concerned with foreign policy. Another wave beginning in the 1960s had witnessed the establishment of a large number of what one observer called "advocacy" think tanks, like the Center for Strategic and International Studies (1962), the Heritage Foundation (1973), and the Cato Institute (1977), which combined "policy research with aggressive marketing techniques" as they struggled to secure funding and influence in an increasingly competitive marketplace. There are now also many "legacy-based" institutions, like the Carter Center in Atlanta and the Nixon Center for Peace and Freedom in Washington, D.C. By the end of the twentieth century there were an estimated 2,000 organizations engaged in policy analysis based in the United States, a substantial proportion of them focused on foreign policy and international relations.8 The 1970s also witnessed the establishment of what Lisa Anderson called "a new generation of professional graduate schools of public policy," many of whose graduates went on to work for policy-oriented think tanks rather than in colleges and universities (Anderson 2000, 21). The Middle East was a relative backwater for the think tank industry until the 1980s. The Middle East Institute, founded in 1946, published a journal and organized conferences but exercised relatively little political clout. By contrast, the Washington Institute for Near East Policy (WINEP), founded in 1985, quickly achieved a much higher profile and much greater influence. Describing itself as "a public educational foundation dedicated to scholarly research and informed debate on U.S. interests in the Middle East,"9 WINEP emerged as the leading pro-Israel think tank in Washington. Its founding director, Martin Indyk, had previously worked at the American Israel Public Affairs Committee (AIPAC), founded in 1959 and by the 1970s by far the most well-funded, visible, and effective pro-Israel lobbying organization.10 Indyk and his colleagues at WINEP worked hard to strengthen Israel's standing in Washington as the key U.S. ally in the Middle East and to ensure [End Page 81] that U.S. policy in the region coincided with the policies and strategies of the Israeli government. During the late 1980s and early 1990s this meant trying to foil U.S. recognition of the PLO and U.S. pressure on Israel to halt settlement activity in the West Bank and Gaza and enter serious negotiations. In the 1990s WINEP expanded its purview to encompass the entire Middle East, but its focus always remained on Israel, for which it tried to build support by arguing that Israel and the United States faced a common threat from Islamic radicalism and terrorism, defined rather broadly to encompass virtually all of Israel's enemies, state and nonstate. Various other think tanks also began or stepped up research and advocacy on Middle East issues in the late 1990s and early 2000s. These included the Haim Saban Center for Middle East Policy, launched by the Brookings Institution in 2002, and the conservative American Enterprise Institute. During the Clinton administration a substantial number of WINEP alumni served in key foreign policy positions, including Martin Indyk himself, appointed as special assistant to the president and senior director for Near East and South Asian affairs at the National Security Council and, later, as U.S. ambassador to Israel. They and other Clinton administration officials promulgated the policy of "dual containment," whereby the United States would seek to isolate, and if possible eliminate, the governments of both Iraq and Iran, not coincidentally perceived as two of Israel's most serious enemies. By the late 1990s, however, WINEP would itself be outflanked by newer rivals that unlike WINEP openly aligned themselves with the stances of the Israeli right (or even far right) and argued for aggressive U.S. action against Israel's enemies, including the overthrow of the regime of Saddam Hussein in Iraq. The policies these and other explicitly right-wing think tanks advocated during the Clinton years, when they were in the political wilderness, were initially regarded as extreme and outlandish. But many of them would eventually be adopted by the George W. Bush administration, in which their architects assumed key posts. Among them were Vice President Richard Cheney; Defense Policy Board member (and for a time chair) Richard Perle, a key advocate of war against Iraq; Deputy Defense Secretary Paul Wolfowitz; Undersecretary of State John Bolton; and Undersecretary [End Page 82] of Defense Douglas Feith. Before assuming power these (people) men and their colleagues had, through such right-wing organizations as the Project for a New American Century and the Jewish Institute for National Security Affairs, called for the use of U.S. military power to dominate the world, massive increases in military spending, and unequivocal support for the policies of the Israeli right.11 After the attacks of September 11, 2001, President George W. Bush openly embraced much of their agenda, tacitly supporting Israel's effort to crush the Palestinian uprising by force and in March-April 2003 invading and occupying Iraq. The first years of the twenty-first century thus witnessed an unprecedented convergence in positions of supreme power in Washington of right-wing (and in some cases Christian fundamentalist) zealots and neo-conservative American Jews united by a common vision of securing permanent and unchallengeable U.S. global hegemony, with a strong focus on the Middle East and a close embrace of Israel, a vision to be achieved by military force if necessary. The war against Iraq was in a sense the pilot project for this radical vision. As Michael Ledeen, in 2003 "resident scholar in the Freedom Chair" at the American Enterprise Institute and long a fixture among right-wing foreign-policy activists, was reported to have put it, crudely but not inaccurately: "Every ten years or so, the United States needs to pick up some small crappy little country and throw it against the wall, just to show the world we mean business" (Goldberg 2002). More specifically, a reconstructed, oil-rich Iraq was seen as a valuable new base for U.S. power in the Middle East, enabling the United States to terminate its problematic relationship with Saudi Arabia and compel the Arabs (including the Palestinians) to make peace with Israel on the latter's terms. That the vast majority of the international community, including a great many Americans, vehemently rejected the use of military force to achieve this vision made no difference whatsoever to its advocates.12 There were certainly voices raised, in academia, the think tank world, and elsewhere, in opposition to this agenda and the understanding of the world that underpinned it, as there had been voices offering alternative views about U.S. policy toward the Middle East at other critical junctures. But during the 1980s, 1990s, and early years of the twenty-first century [End Page 83] these voices received relatively little attention, and university-based scholars seemed to play a decreasing role in influencing foreign policy. Critics of U.S. foreign policy also found it difficult to make themselves heard through the mass media. It is striking that the great bulk of the "talking heads" who appeared on television to offer their opinions on the 1990–91 Gulf crisis, on the 2003 Iraq war, and on other issues relating to the Middle East and U.S. policy toward it seemed to come not from academia but from professional pundits, from people associated with think tanks or with one of the public policy schools, and from retired military personnel. Whatever their knowledge (or lack thereof) of the languages, politics, histories, and cultures of the Middle East, these people spoke the language and shared the mindset of the Washington foreign policy world in a way few university-based scholars did. They were also used to communicating their perspective in effective sound bites, whereas academics were often put off by the ignorance and political conformism of much (though by no means all) of American mass media journalism and its tendency to crudely oversimplify complex issues and transform everything (even war) into a form of entertainment. This helped bring about a considerable narrowing of the perspectives available to the public and the consolidation of a powerful, indeed almost impenetrable, consensus about the Middle East that encompassed most of the political class and the punditocracy. Republicans and Democrats argued mainly over how best to maintain U.S. hegemony in the region, leaving very little room for those who envisioned a fundamentally different foreign policy founded on peace, democracy, human rights, mutual security, multilateral disarmament, nonintervention, and respect for international law. It is, however, worth noting that despite the virtual absence of such views in the mass media, they were embraced by a good many Americans, as evidenced by the massive demonstrations that preceded the U.S. attack on Iraq in March 2003 and the polls that indicated substantial public opposition to war, partly because of the new modes and channels of communication and organizing made possible by the Internet. Nonetheless, in the aftermath of September 11th, critical (and even moderate) voices were largely drowned out by the right, which quickly and effectively moved to implement its global agenda by exploiting public [End Page 84] outrage against the Islamist extremists who had perpetrated the September 11th attacks. They succeeded in "selling" first military intervention in Afghanistan (justified by the fact that the Taliban regime had allowed al-Qa'ida to operate in that country and refused to hand over those responsible for organizing the September 11th attacks) and then war against Iraq, even though no one was able to produce any credible evidence that the regime of Saddam Hussein had had anything to do with the September 11th attacks or still possessed weapons of mass destruction. In this effort conservative scholars like Bernard Lewis played a significant part, graphically illustrating their continuing, even enhanced, clout in right-wing policymaking circles long after their standing in scholarly circles had declined, as well as the durability and power of some very old Orientalist notions many had mistakenly thought dead as a doornail.

#### Pragmatism is the best lens for evaluating policies – evaluate consequences, not abstract theoretical criteria

Joel Mintz, Professor of Law, Nova Southeastern University Law Center; Scholar, Center for Progressive Regulation, 2004, “Some Thoughts on the Merits of Pragmatism as a Guide to Environmental Protection,” 31 B.C. Envtl. Aff. L. Rev. 1, Lexis.

Philosophical pragmatism, as initially articulated by William James and other early twentieth century academics, is, in one sense, an attitude or method of thought. n4 It emphasizes a focus on facts and consequences, as opposed to theories and principles. n5 As James explained it, pragmatism stands for no particular results. It has no dogmas, and no doctrines save for its method. . . . It lies in the midst of our theories, like a corridor in a hotel. Innumerable chambers open out of it. In one you may find a man writing an atheistic volume; in the next some one on his knees praying for faith and strength; in a third a chemist investigating a body's properties. In a fourth a system of idealistic metaphysics is being excogitated; in a fifth the impossibility of metaphysics is being shown. But they all own the corridor, and all must pass through it if they want a practicable way of getting into or out of their respective rooms. n6 In addition to being a method of thought--with sufficient flexibility to appeal to individuals who have divergent views in many respects, as noted above--philosophical pragmatism is also distinguished by its experiential, provisional, and pluralistic notion of truth. n7 In William James's words: Pragmatism . . . asks its usual question. "Grant an idea or belief to be true," it says, "what concrete difference will its being true make in any one's actual life? How will the truth be realized? What experiences will be different from those which would obtain if the belief were false? What, in short, is the truth's cash-value in experiential terms?" The moment pragmatism asks this question, it sees the answer: True ideas are those that we can assimilate, validate, corroborate, and verify. False ideas are those that we can not. That is the practical difference it makes to us to have true ideas; that, therefore, is the meaning of truth, for it is all that truth is known as. n8 [\*4] Richard Rorty takes a relatively similar view. n9 In his introduction to Consequences of Pragmatism, Rorty states that "a pragmatist theory about truth . . . says that truth is not the sort of thing one should expect to have a philosophically interesting theory about. For pragmatists, 'truth' is just the name of a property which all true statements share." n10 Rorty believes that there is little of significance to be said about this common property of true statements. n11 He thus feels that the Platonic tradition, with its emphasis on fixed, a priori notions of Truth and Goodness, has "outlived its usefulness." n12 John Dewey, another highly influential pragmatist, expressed his theory of truth in like fashion. n13 Dewey wrote, "Truth is a collection of truths; and these constituent truths are in the keeping and testing as to matters-of-fact." n14 For Dewey as well, knowledge was to be grasped from the concrete particulars of experience, rather than logically deduced by abstract reasoning or transcendentally revealed. n15 Another closely related common feature of philosophical pragmatism is its firm rejection of rigid canons and dogmatic beliefs. n16 As James put it, as an intellectual approach pragmatism is "a mediator and a reconciler. . . . She has, in fact, no prejudices whatever, no obstructive dogmas, no rigid canons of what shall count as proof. She is completely genial. She will entertain any hypothesis, she will consider any evidence." n17 In keeping with this doctrinal flexibility, philosophical pragmatism puts considerable emphasis upon indeterminacy and the limitations of human understanding. n18 As Kelly A. Parker has noted, for the pragmatist "there is an irreducible pluralism in the world we encounter. There is [also] the idea (supported by contemporary physics) that indeterminacy and chance are real features of the world. Change, development and novelty are everywhere the rule." n19 [\*5] Pragmatic notions of ethics also emphasize change, development, and pluralism. n20 Pragmatists generally reject universally valid ethical theories. n21 Pragmatists believe that as the world evolves, and human societies grow and change, new kinds of ethical dilemmas emerge. n22 To solve them, people need to develop new methods of understanding what is right and wrong. n23 As Kelly Parker has written: Pragmatism maintains that no set of ethical concepts can be the absolute foundation for evaluating the rightness of our actions. . . . [Instead,] the aim of ethics is not perfect rightness . . . but rather creative mediation of conflicting claims to value, aimed at making life on the planet relatively better than it is. n24 Pragmatic ideas regarding ethics are further manifested in the area of social and political thought. n25 For John Dewey and other pragmatists, social and political institutions exist (or should exist) to provide for the needs of individuals. n26 The worth of projects is to be judged by the extent of their conformity to social needs. n27 Moreover, since human needs and social circumstances are frequently in flux, social institutions need frequent reform. n28 This can be best accomplished where diverse individuals participate actively and regularly in public affairs, so that society as a whole may take advantage of their diverse experience and intelligence. n29 Finally, in its social outlook and elsewhere, philosophical pragmatism places an especially high value on experimentation. n30 For pragmatists, "because the public consists of a vast plurality of people and things valued, and because the world is changing at every moment, the ways and means of best providing for the individual and common good have to be experimentally determined." n31 Rather than being measured [\*6] against some objective, impersonal set of abstract criteria, social projects are to be tested by their human consequences and their fulfillment of practical social needs. n32 What works is what benefits people; what benefits people can often be determined by thoughtful experimentation with new and untried social institutions and arrangements. n33

#### Technical solutions good – arms control proves we don’t need to have total political change to solve problems

Steven F. Hayward, the F. K. Weyerhaeuser Fellow at AEI, 10-16-2006, “The Fate of the Earth in the Balance,’ AEI, http://www.aei.org/article/society-and-culture/the-fate-of-the-earth-in-the-balance/

\ Today, climate change is said to threaten the same things, only more slowly. It is remarkable how similarly the leading advocates for these two problems understand and conceptualize them. In the case of both the arms race then and climate change today, we are told that the issue is ultimately philosophical in nature, and that wholesale changes in our philosophical perspective must necessarily precede political and policy remedies to the problem. Should this perspective be taken seriously? What can it really mean? The Fate of the Earth in the Balance The peculiarity of this approach to major global problems is best seen by comparing the two leading popular books on each issue, Jonathan Schell’s 1982 bestseller The Fate of the Earth, and Al Gore’s 1991 bestseller Earth in the Balance (whose main arguments reappear in truncated form in An Inconvenient Truth). It is not just the titles that are strikingly similar; a close reading reveals the two books to be identical in their overarching philosophy.[5] In both, mankind is poised on the abyss, facing, in Gore’s words, “the most serious threat that we have ever faced,”[6] or “the nearness of extinction,”[7] to use only one of Schell’s many apocalyptic formulations. (An index entry--“despair; see also futility”[8]--conveys the mood better than any quotation from the main text.) In fact, if one substitutes “global warming” for “nuclear weapons” in the text of Fate of the Earth, the result is so shockingly close to Earth in the Balance that one could almost make out a case for plagiarism on Gore’s part. Perhaps some publisher will have the wit to meld the two books into one: The Fate of the Earth in the Balance. But such a combination is not necessary. The two books directly intersect in several places. Gore writes, for example, that: the political will that led to mass protests against escalating the arms race during the early 1980s came from a popular awareness that civilization seemed to be pulled toward the broad lip of a downslope leading to a future catastrophe--nuclear war--that would crush human history forever into a kind of black hole. . . . This is not unlike the challenge we face today in the global environmental crisis. The potential for true catastrophe lies in the future, but the downslope that pulls us toward it is becoming recognizably steeper with each passing year.[9] In this, Gore was only returning the favor to Schell, who occasionally paused long enough from his lament over nuclear catastrophe to include a few nods to ecocatastrophe. For his part, Schell mentions “global heating through an increased ‘greenhouse effect,’” adding: The nuclear peril is usually seen in isolation from the threats to other forms of life and their ecosystems, but in fact should be seen as the very center of the ecological crisis--as the cloud-covered Everest of which the more immediate, visible kinds of harm to the environment are the mere foothills. Both the effort to preserve the environment and the effort to save the species from extinction by nuclear arms would be enriched and strengthened by this recognition.[10] Both books display an affectation for gilding their arguments with lots of brief references to major thinkers from a wide variety of disciplines. Consider Schell on Heisenberg: The famous uncertainty principle, formulated by the German physicist Werner Heisenberg, has shown that our knowledge of atomic phenomena is limited because the experimental procedures with which we must carry out our observations inevitably interfere with the phenomena that we wish to measure. Schell applies Heisenberg’s scientific insight to all forms of human investigation, writing that “a limit to our knowledge is fixed by the fact that we are incarnate beings, not disembodied spirits.”[11] The supposed separation from nature implied by Heisenberg’s idea limits our appreciation for both nature and our predicament. Gore follows down the same track: Earlier this century, the Heisenberg Principle established that the very act of observing a natural phenomenon can change what is being observed. Although the initial theory was limited in practice to special cases in subatomic physics, the philosophical implications were and are staggering. It is now apparent that since Descartes reestablished the Platonic notion and began the scientific revolution, human civilization has been experiencing a kind of Heisenberg Principle writ large. . . . [T]he world of intellect is assumed to be separate from the physical world.[12] Gore opens his hit movie and companion book An Inconvenient Truth with an homage to the famous photo of the Earth taken from the moon by the Apollo 8 astronauts in 1968. This image, he tells us, played a key role in galvanizing the world’s environmental consciousness, underscoring the fragility of the planet. As he put it fulsomely in Earth in the Balance: Those first striking pictures taken by the Apollo astronauts of the earth floating in the blackness of space were so deeply moving because they enabled us to see our planet from a new perspective--a perspective from which the preciousness and fragile beauty of the earth was suddenly clear.[13] Schell uses the same trope: As it happens, our two roles in the nuclear predicament have been given visual representation in the photographs of the earth that we have taken with the aid of another technical device of our time, the spaceship. These pictures illustrate, on the one hand, our mastery over nature, which has enabled us to take up a position in the heavens and look back on the earth as though it were just one more celestial body, and, on the other, our weakness and frailty in the face of that mastery, which we cannot help feeling when we see the smallness, solitude, and delicate beauty of our planetary home.[14] These are only a few of the many examples that can be drawn of both books’ derivative and allusive nature. Both authors offer up references to Plato, Aristotle, Augustine, Francis Bacon, Einstein, Descartes, and Hannah Arendt in what might be called, to paraphrase Arendt, the banality of promiscuous allusion, all to bolster a superficial philosophical or anthropological point that is far distant from the politics and policy of either issue. Most troubling is that both authors depict dissent from their point of view to be a pathology of some kind, foreclosing that there could be any rational basis for a different point of view. Gore compares dissenters to his view of our environmental predicament to garden-variety substance abusers, arguing that people who are oblivious to our “collision” with nature are “enablers” who are “helping to ensure that the addictive behavior continues. The psychological mechanism of denial is complex, but again addiction serves as a model.”[15] Elsewhere Gore compares our “dysfunctional civilization” to dysfunctional families, whose members suffer from “a serious psychological disorder.” While Gore begins this discussion by saying that family dysfunctionality is a metaphor, he ends by applying the concept literally: “The model of the dysfunctional family has a direct bearing on our ways of thinking about the environment.”[16] Schell is close aboard: “A society that systematically shuts its eyes to an urgent peril to its physical survival and fails to take any steps to save itself cannot be called psychologically well.”[17] Both authors call for making their particular issue the paramount global priority in the same terms. Gore argues that “we must make the environment the central organizing principle [emphasis added] for civilization. . . . [T]he tide in this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join in an all-out effort.”[18] Schell wrote, “If we felt the peril for what it is--an urgent threat to our whole human substance--we would let it become the organizing principle [emphasis added] of our global collective existence: the foundation on which the world was built.”[19] Having laid the groundwork for a wholesale change in our priorities, both Schell and Gore are surprisingly light on the social and political architecture of their alternative world. This is explicitly so in Schell’s case: “I have not sought to define a political solution to the nuclear predicament. . . . I have left to others those awesome, urgent tasks.”[20] Gore’s approach is better supported; he offers a laundry list of specific policy recommendations mostly on energy and resource use, but it falls far short of his desired “wrenching transformation” of civilization. If the broader solution to our predicament is not clear even in outline, it is because neither author fully grasps the magnitude of the critique he is making, such that a political solution--at least, a solution that is compatible with liberal democracy--is impossible. Neither man understands why. The Real Source for The Fate of the Earth in the Balance Despite the parade of quotes and references from Plato and Arendt, there is one thinker conspicuously absent from both Schell and Gore’s numerous citations but whose spirit is present on almost every page of both books: Martin Heidegger. Perhaps the absence of a reference to Heidegger is due to reticence or discretion, given Heidegger’s dubious and complicated association with Nazism. Nothing derails an argument faster than playing the reductio ad Hitlerum card. More likely it is the abstruse and difficult character of Heidegger’s arguments; Gore and Schell may not realize how closely the core of their argument about the technological alienation of man from nature tracks Heidegger’s more thorough account in his famous 1953 essay “The Question Concerning Technology.”[21] Heidegger asks, “What is modern technology?” His understanding of technology is sometimes rendered in translation as “technicity” to convey a defective way of knowing about phenomena, and to distinguish the term from its more common usage to mean mere scientific instrumentality (think gadgets). Heidegger believed that our mode of objectifying nature alienates mankind from perceiving and contemplating pure “Being.” Whatever this may mean--and even Heidegger’s followers admit it is obscure (Heidegger himself wrote that “we are asking about something which we barely grasp”[22])--Heidegger suggests that philosophy has been asking the wrong questions since the very beginning, and the culmination of this wrong track is modern technology, which completes the alienation of man from nature. This is where Heidegger prepares the way for Gore. Modern technology, according to Heidegger, puts to nature the unreasonable demand that it supply energy which can be extracted and stored as such. . . . The earth now reveals itself as a coal-mining district, the soil as a mineral deposit. The field that the peasant formerly cultivated and set in order appears different from how it did when to set in order still meant to take of and maintain. . . . But meanwhile even the cultivation of the field has come under the grip of another kind of setting-in-order, which sets upon [italics in original] nature. It sets upon it in the sense of challenging it. Agriculture is now the mechanized food industry. Air is now set upon to yield nitrogen, the earth to yield ore, ore to yield uranium, for example; uranium is set upon to yield atomic energy, which can be released either for destruction or for peaceful use.[23] Here are Gore’s parallel passages: [O]ur civilization is holding ever more tightly to its habit of consuming larger and larger quantities every year of coal, oil, fresh air and water, trees, topsoil, and the thousand other substances we rip from the crust of the earth. . . . We seem increasingly eager to lose ourselves in the forms of culture, society, technology, the media, and the rituals of production and consumption, but the price we pay is a loss of our spiritual lives.[24] And: Our seemingly compulsive need to control the natural world . . . has driven us to the edge of disaster, for we have become so successful at controlling nature than we have lost our connection to it.[25] It is possible to compile a long inventory of close parallels between Heidegger and Gore. For example, Heidegger told interviewers in 1966: [T]echnicity increasingly dislodges man and uproots him from the earth. . . . The last 30 years have made it clearer that the planet-wide movement of modern technicity is a power whose magnitude in determining [our] history can hardly be overestimated.[26] Heidegger also found the earth-from-space photos as affecting as Gore and Schell: I don’t know if you were shocked, but [certainly] I was shocked when a short time ago I saw the pictures of the earth taken from the moon. We do not need atom bombs at all [to uproot us]--the uprooting of man is already here. All our relationships have become merely technical ones. It is no longer upon an earth than man lives today.[27] Gore likes to cite the supposed proverb that the Chinese symbol for “crisis” also means “opportunity.” Heidegger was fond of quoting a line from the German poet Hölderlin: “Where danger lies, there too grows the chance for salvation.” And is it necessary to mention that Heisenberg’s uncertainty principle also shows up for duty in Heidegger’s essay on technology? Heidegger is often said to have advocated a return to pre-Socratic philosophy, though in fact he was skeptical that there was any philosophical solution to the problem he perceived. Gore follows Heidegger closely when he criticizes Plato and the Western philosophic tradition for preparing the ground for modern man’s estrangement from nature: The strange absence of emotion, the banal face of evil so often manifested by mass technological assaults on the global environment, is surely a consequence of the belief in an underlying separation of intellect from the physical world. At the root of this belief lies a heretical understanding of humankind’s place in the world as old as Plato, as seductive in its mythic appeal as Gnosticism, as compelling as the Cartesian promise of Promethean power--and it has led to tragic results.[28] Political Implications Assuming for the purposes of discussion that Gore’s Heideggerian analysis is correct, can a reconnection of intellect and the physical world be accomplished through politics--or led by politicians? Heidegger did not think so, which is why he said it would be impossible for him to write an ethical or political treatise.[29] He doubted democracy offered any hope. In an interview late in life, Heidegger said, “For me today it is a decisive question as to how any political system--and which one--can be adapted to an epoch of technicity. I know of no answer to this question. I am not convinced that it is democracy.”[30] Heidegger was contemptuous of postwar democratic reforms--calling them “halfway measures”--including individual constitutional rights, because: I do not see in them any actual confrontation with the world of technicity, inasmuch as behind them all, according to my view, stands the conception that technicity in its essence is something that man holds within his own hands. Heidegger thought American democracy was the most hopeless of all, in words that sound in substance exactly like Gore’s complaint: [Americans] are still caught up in a thought that, under the guise of pragmatism, facilitates the technical operation and manipulation [of things], but at the same time blocks the way to reflection upon the genuine nature of modern technicity.[31] (Separately, Heidegger wrote that America epitomized “the emerging monstrousness of modern times.”[32]) From here it is possible to comprehend more dispassionately Heidegger’s attraction to the Nazi movement in the 1930s. He had no brief for fascism in general or National Socialism in particular, nor was he an anti-Semite.[33] What he expressed in his famous “Rector’s Address”[34] in 1934 was that the “inner truth and greatness” of the Nazi movement was its potential “encounter between technicity on the planetary level and modern man,” and that it “casts its net in these troubled waters of ‘values’ and ‘totalities,’” or, as he put it a 1948 letter to Herbert Marcuse, “a spiritual renewal of life in its entirety.”[35] In other words, the “wrenching transformation” of Germany that the Nazi revolution set in motion held the potential for reconnecting humankind with the essence of Being in a primal, pre-Socratic way. Heidegger’s moral blindness to the phenomenon in front of him exposes the hazard of an excessively abstract approach to human existence. As Heidegger’s example shows, the idea of transforming human consciousness through politics is likely an extremist--and potentially totalitarian--project. Reviewing the fundamentally Heideggerian understanding of our environmental predicament in Gore’s thought throws new light on the deeper meaning of Gore’s call for a “wrenching transformation” of civilization on the level of thought. Gore would no doubt be sincerely horrified at the suggested parallel between his themes and Heidegger’s moral blindness toward political extremism, and rightly reject it as the implication of his views. He is, thankfully, too imbued with the innate American democratic tradition to embrace any such extremism.[36] But it is fair to ask whether he has fully thought through the implications of his ambitious critique. In the case of both Gore and Schell before him, the Heideggerian approach reveals a certain cast of mind: deeply pessimistic, but utopian at the same time. Our salvation demands submitting to the moral authority of their “vision” to change our “consciousness.” After all, one aspect of Plato that Heidegger approves of is the view that mankind will suffer unremitting disaster until either rulers become philosophers or philosophers become rulers. (Indeed it was the failure of intellectuals to guide the Nazi movement that led to its ruin, Heidegger thought.) Gore seems to be making a round trip, looking to end up on either end of this potentiality, envisioning himself either as a ruler who has become a philosopher or as a philosopher who may yet (again) become a ruler. Is it so farfetched to suggest that this has some problematic, if unintended, political implications? One of Gore’s sound and important arguments in Earth in the Balance and An Inconvenient Truth is that it is a profound error to suppose that the earth’s environment is so robust that there is little or nothing that mankind could do to damage it seriously. He is right, as was Heidegger, to point out the immense earthshaking power of modern technology. But there is a symmetrical observation to be made of Gore’s metaphysical approach to the problem, which is that it is an equally profound error to suppose that the environment of human liberty is so robust that there is no political intervention on behalf of the environment that could not damage liberty in serious ways, especially if the environment is elevated to the central organizing principle of civilization. Implicit in this goal is downgrading human liberty as the central organizing principle of civilization. There are no index entries in Earth in the Balance for “liberty,” “freedom,” or “individualism.” Heidegger believed the liberal conceptions of these great terms were meaningless or without foundation. There is no acknowledgement in Gore’s book that this is even a serious consideration. Gore’s one discussion of the matter is not reassuring: In fact, what many feel is a deep philosophical crisis in the West has occurred in part because this balance [between rights and responsibilities] has been disrupted: we have tilted so far toward individual rights and so far away from any sense of obligation that it is now difficult to muster an adequate defense of any rights vested in the community at large or the nation--much less rights properly vested in all humankind or in posterity.[37] But Is It Necessary? Is Gore’s high-level metaphysical analysis necessary in the first place? Do we really have to resolve or unwind the problem of Platonic idealism and Cartesian dualism to address the problem of climate change? The example of the previous case in point--the arms race--suggests an answer. The arms race did not require a revolution in human consciousness or a transformation of national and global political institutions to bring about rapid and favorable changes. The kind of grandiose, pretentious thinking exemplified in Fate of the Earth played little or no role in these shifts. The problem turned out to be much simpler. The acute problem of the superpower arms race was mostly a moral problem--not a metaphysical problem--arising from the character of the irreconcilable regimes. As was frequently pointed out, the United States never worried about British or French nuclear weapons. Once the United States and the Soviet Union were able to establish a level of trust and common interest, unwinding the arms race became a relatively easy matter. Nuclear weapons and the threat of nuclear proliferation in unsavory regimes (Iran, North Korea) is still around today, but the acute existential threat of the arms race has receded substantially. In the early 1980s, The Fate of the Earth became the Bible for the nuclear freeze movement--the simplistic idea brought to you by the same people who thought Ronald Reagan was a simpleton. To his credit, then representative and later senator Gore opposed the nuclear freeze. Nowadays Gore has started to call for an immediate freeze on greenhouse-gas emissions, which he must know is unrealistic. His explanation in a recent speech shows that he missed entirely the lesson from that earlier episode: An immediate freeze [on CO2 emissions] has the virtue of being clear, simple, and easy to understand. It can attract support across partisan lines as a logical starting point for the more difficult work that lies ahead. I remember a quarter century ago when I was the author of a complex nuclear arms control plan to deal with the then rampant arms race between our country and the former Soviet Union. At the time, I was strongly opposed to the nuclear freeze movement, which I saw as simplistic and naive. But, three-quarters of the American people supported it--and as I look back on those years I see more clearly now that the outpouring of public support for that very simple and clear mandate changed the political landscape and made it possible for more detailed and sophisticated proposals to eventually be adopted.[38] The irony of this statement is that since the moral and political differences between the United States and the Soviet Union could not be resolved diplomatically, the way to move relations forward was to convert relations into a technical problem (i.e., negotiations over the number and specifications of weapons systems). Gore remained firmly within the technocratic arms-control community throughout this period, even as Schell and others tried to moralize the arms-control problem with the nuclear freeze proposal. But the moral confusion (some critics said the premise of moral equivalence) of the freeze idea made it a sideshow at best and a hindrance at worst. On the contrary, President Reagan’s resistance to the freeze, as well as the conventions of the arms-control process to which Gore held, were crucial to his strategy for changing the dynamic of the arms race.

#### Scholars must engage the law to combat normalization

Lisa Duggan, associate professor of American studies and history at New York University, 1994, Queering the State, Social Text, No. 39 (Summer, 1994), pp. 1-14

When we turn our attention to this project, we run into difficulty the moment we step outside our classrooms, books, journals, and conferences. How do we represent our political concerns in public discourse? In trying to do this, in trying to hold the ground of the fundamental criticism of the very language of current public discourse that queer theory has enabled, in trying to translate our constructionist languages into terms that have the power to transform political practices, we are faced with several difficulties. First, the discussion of the construction of categories of sexual identity resists translation into terms that are culturally legible and thus usable in consequential public debates. To illustrate this difficulty, let's imagine that you are asked to appear on the Oprah Winfrey show to talk about public school curriculums. Guest A says material on gays will influence children to think gay is okay and thus to become disgusting perverts themselves. Guest B, from Parents and Friends of Lesbians and Gays, says that this will not happen because sexual identity is fixed by the age of three, if not in utero. You are Guest C-what do you say? That "the production of queer sexualities is historically and culturally conditioned," that if gay materials in class are conducive to the production of queer sexualities, you are squarely in favor of their use? The difficulties here on the level of legibility and on the level of political palatability are readily apparent. Second, the use of constructionist language to discuss homosexuality tends to leave heterosexuality in its naturalized place-it can be taken up by homophobes to feed the fantasy of a world without homosexual bodies and desires. "If history can make them, history can also UNmake them" seems to be the logic here. At a conference in Toronto a decade ago, Dorothy Allison and Esther Newton suggested responding to this danger in constructionist arguments by producing buttons demanding "Deconstruct Heterosexuality First." Of course, we can respond as the button suggests and work to denaturalize heterosexuality (which queer studies is, in fact, doing), but this is unlikely to be received in current public debates without guffaws and disbelief. The usual response to these difficulties is to resort to what is called "strategic essentialism": the use of essentialist categories and identity politics in public debates because that is all anyone can understand, and we need to be effective in the political arena. I take the concerns that lead to the embrace of strategic essentialism seriously, but I think that it is ultimately an unproductive solution.8 It allows sexual difference and queer desires to continue to be localized in homosexualized bodies. It consigns us, in the public imagination, to the realms of the particular and the parochial, the defense team for a fixed minority, that most "special" of special interest groups-again, letting everyone else off the hook. I would argue that we need to find a way to close the language gap in queer studies and queer politics. We need to do this especially with reference to the operations of the state. Though queer politics is presently claiming public and cultural space in imaginative new ways (kiss-ins, for example), the politics of the state are generally being left to lesbian and gay civil rights strategies. These strategies are greatly embattled at present, and there are still many gains to be made through their deployment. But they are increasingly ineffective in the face of new homophobic initiatives; they appear unable to generate new rhetorics and tactics against attacks designed specifically to disable identity-based antidiscrimination policies.9 We cannot afford to fall back on strategic essentialism (it will not get us out of the trouble we are now in), and we cannot afford to abandon the field. We do have some precedents. Scholars and activists working on the issues surrounding the AIDS crisis have managed to transport the work of theory into the arena of politics and public policy with astonishing speed and commitment.10 In the arts the films of Isaac Julien and the Sankofa collective and those of Marlon Riggs (Tongues Untied and Color Adjustment, both shown on public television) have brought into public discourse very complex ideas about the construction of racial and sexual identities and their intersections.

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## Case

#### Discussion of the law is good – doesn’t reduce the personal to impolitical

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When we turn our attention to this project, we run into difficulty the moment we step outside our classrooms, books, journals, and conferences. How do we represent our political concerns in public discourse? In trying to do this, in trying to hold the ground of the fundamental criticism of the very language of current public discourse that queer theory has enabled, in trying to translate our constructionist languages into terms that have the power to transform political practices, we are faced with several difficulties. First, the discussion of the construction of categories of sexual identity resists translation into terms that are culturally legible and thus usable in consequential public debates. To illustrate this difficulty, let's imagine that you are asked to appear on the Oprah Winfrey show to talk about public school curriculums. Guest A says material on gays will influence children to think gay is okay and thus to become disgusting perverts themselves. Guest B, from Parents and Friends of Lesbians and Gays, says that this will not happen because sexual identity is fixed by the age of three, if not in utero. You are Guest C-what do you say? That "the production of queer sexualities is historically and culturally conditioned," that if gay materials in class are conducive to the production of queer sexualities, you are squarely in favor of their use? The difficulties here on the level of legibility and on the level of political palatability are readily apparent. Second, the use of constructionist language to discuss homosexuality tends to leave heterosexuality in its naturalized place-it can be taken up by homophobes to feed the fantasy of a world without homosexual bodies and desires. "If history can make them, history can also UNmake them" seems to be the logic here. At a conference in Toronto a decade ago, Dorothy Allison and Esther Newton suggested responding to this danger in constructionist arguments by producing buttons demanding "Deconstruct Heterosexuality First." Of course, we can respond as the button suggests and work to denaturalize heterosexuality (which queer studies is, in fact, doing), but this is unlikely to be received in current public debates without guffaws and disbelief. The usual response to these difficulties is to resort to what is called "strategic essentialism": the use of essentialist categories and identity politics in public debates because that is all anyone can understand, and we need to be effective in the political arena. I take the concerns that lead to the embrace of strategic essentialism seriously, but I think that it is ultimately an unproductive solution.8 It allows sexual difference and queer desires to continue to be localized in homosexualized bodies. It consigns us, in the public imagination, to the realms of the particular and the parochial, the defense team for a fixed minority, that most "special" of special interest groups-again, letting everyone else off the hook. I would argue that we need to find a way to close the language gap in queer studies and queer politics. We need to do this especially with reference to the operations of the state. Though queer politics is presently claiming public and cultural space in imaginative new ways (kiss-ins, for example), the politics of the state are generally being left to lesbian and gay civil rights strategies. These strategies are greatly embattled at present, and there are still many gains to be made through their deployment. But they are increasingly ineffective in the face of new homophobic initiatives; they appear unable to generate new rhetorics and tactics against attacks designed specifically to disable identity-based antidiscrimination policies.9 We cannot afford to fall back on strategic essentialism (it will not get us out of the trouble we are now in), and we cannot afford to abandon the field. We do have some precedents. Scholars and activists working on the issues surrounding the AIDS crisis have managed to transport the work of theory into the arena of politics and public policy with astonishing speed and commitment.10 In the arts the films of Isaac Julien and the Sankofa collective and those of Marlon Riggs (Tongues Untied and Color Adjustment, both shown on public television) have brought into public discourse very complex ideas about the construction of racial and sexual identities and their intersections.

## Pre Emption

#### Pre emption high in the squo – only a risk we reduce it

Zachary Lockman is Chair of the Department of Middle Eastern and Islamic Studies at New York University 2005 “Critique from the Right The Neo-conservative Assault on Middle East Studies” CR: The New Centennial Review 5.1 (2005) 63-110

It may be too soon to tell, but from the vantage point of the first years of the twenty-first century it would seem that area studies has weathered the storms of the immediate post–Cold War period. In large part this may have been because these fields, including Middle East studies as practiced in the United States, were by the 1990s not what they had been 30 years earlier. The sharp decline (within academia, at least) of once dominant paradigms like a cultural-essentialist Orientalism and modernization theory resulted in the dissipation of the intellectual coherence that had characterized the field in its first decades. But the kind of intellectual fragmentation that had come to characterize Middle East studies was the norm across a great many other fields and disciplines and was counterbalanced, probably even outweighed, by the fact that many Middle East specialists, perhaps especially younger scholars, were now not only well versed in the theoretical and methodological issues and debates of their own disciplines but also routinely engaged with innovative work that cut across or transcended disciplinary boundaries. They could thus increasingly manage, without any great difficulty, to participate in productive scholarly conversations not only with their disciplinary colleagues (fellow historians, political scientists, anthropologists, literature specialists, etc.) but also with scholars from other disciplines interested in this part of the world and in others as well. Moreover, because so many scholars working on the Middle East were participants in the scholarly conversations and debates that had transformed broad segments of the humanities and the social sciences in recent decades, Middle East studies had to a considerable extent overcome its [End Page 73] insular and rather backward character and was now much more open to, and engaged with, the wider intellectual world than had once been the case. The developments of the last two or three decades, including the critiques of Orientalism and modernization theory; the broad range of new work on colonialism; innovative approaches to historical, social, and cultural analysis influenced by critical anthropology; and, more broadly, heightened interaction among disciplines and fields had given many within Middle East studies a new set of common languages that facilitated productive intellectual exchange.3 This was also a much more intellectually and politically self-aware and self-critical field than was once the case. As a result, the best of the new work in this field was by the beginning of the twenty-first century very much on a par with the best produced in other area studies fields, and scholars specializing in the Middle East were being read and listened to by scholars specializing in other parts of the world as never before.4 In conjunction with a generally higher level of mastery of relevant languages and the use of innovative theoretical and methodological approaches, scholars in the field were by the late twentieth century also making use of a broader range of sources than in the past. A case in point is work on the history of the Arab provinces of the Ottoman empire. Students and scholars with a command of both Arabic and Ottoman Turkish made increasing use not only of the vast Ottoman imperial archives in Istanbul but also of local Islamic court records and family papers, along with more traditional sources like the writings of European consuls and travelers, to produce portraits of social, political, economic, and cultural life in these lands in the last four hundred years of Ottoman rule of unprecedented depth and complexity.5 These studies helped to undermine what was once conventional wisdom in late Ottoman history, that these lands were economically, socially, and culturally stagnant before Napoleon's army landed in Egypt in 1798; that they were uniformly characterized by despotism, the oppressive and retrograde imposition of Islamic law, and the rigorous segregation and subordination of non-Muslims; and that all real change was induced by contact with the West. Instead, the newer scholarship began to elucidate indigenous sources and dynamics of change while also showing how this [End Page 74] region was part of the broader sweep of world history long before the nineteenth century and the onset of westernization or modernization as conventionally understood. As a result of these scholarly advances, Ottoman historians often came to have much broader and more fully comparative perspectives than historians of early modern Europe, many of whom had only recently come to understand that they needed to overcome their own provincialism by addressing the ways in which developments in Europe were not utterly sui generis but often were bound up with larger patterns and dynamics of change that affected large stretches of Eurasia. Scholars and the State If the preceding assessment is accurate, it is fair to say that the changes that transformed Middle East studies in the United States over the last several decades of the twentieth century made it a more intellectually productive and interesting scholarly field. However, this development was accompanied by a growing gap between academics studying the Middle East and the officials, agencies, and institutions of the U.S. government, and a corresponding decline in the influence of university-based scholars on the shaping of foreign policy and on the media, the main purveyor of information, images, and attitudes about the region to the broad public. For one, a good many (though by no means all) students and scholars in this field were less than happy with U.S. government policies toward the Middle East in the 1980s and beyond. Hard evidence is lacking, but it is probably safe to suggest that much of the membership of the Middle East Studies Association, the field's main professional organization, was not enthusiastic about U.S. support for Saddam Hussein's regime in its war against Iran in the 1980s, the U.S.-led Gulf War of 1991, the sanctions regime imposed on Iraq thereafter, the U.S.-led invasion of Iraq in 2003, or, more broadly, the extent to which successive U.S. administrations countenanced Israel's ongoing occupation of the West Bank, Gaza, and East Jerusalem; its continuing implantation of Jewish settlements there; and its rejection of a Palestinian state in those territories as endorsed by virtually the entire international community. There was a widespread (though never universal) [End Page 75] sense that the policies pursued by the United States in the Middle East were hindering, rather than contributing to, peace, democracy, human rights, development, and progress in the region. This disaffection from official policy and the premises that underpinned it did not mean that U.S.-based scholars studying the Middle East were unwilling to share their perspectives on, and try to influence, U.S. policy toward the region. In fact, many devoted a great deal of time and effort to trying to educate the broader public through informal meetings, lectures, articles, op-ed pieces, radio and television interviews, and the like, and to convey their views to elected officials; not a few were also quite willing to meet with State Department and intelligence agency personnel. It is rather that the shared vision of the world, and of the place of the United States within it, that had once linked the world of academia with the world of policymaking had faded, and many scholars no longer spoke the same language as policymakers. Adding to this sense of distance and alienation was a new and much more critical understanding of the proper relationship between scholars and the state—not a surprising development in the aftermath of a period in which the pernicious ends to which scholarly knowledge could be put had been made all too visible, in Vietnam but elsewhere as well. In the first decades of the Cold War a good many scholars in this as in other area studies fields, especially social scientists working on contemporary issues, saw no problem with conducting research on behalf of the government and cooperating with intelligence agencies because they were all part of the good fight against Communism. By the 1980s those who were assuming the leadership in U.S. Middle East studies were by and large much more wary about their sources of funding and the ends to which their training and research, and that of their students, might be put. Fewer scholars were willing to allow what they knew about the region to be used in the service of a state about whose policies they were often at least dubious, for example, by conducting research for agencies like the CIA or by encouraging promising students to enter government service. There developed a widespread sense that to allow one's research agenda to be determined by the needs of the state or to serve potentially pernicious ends was not only a betrayal of one's [End Page 76] integrity as a scholar but might also compromise one's ability to conduct research in the Middle East, where by the 1980s real or alleged CIA connections had gotten Americans and others denounced, kidnapped, or worse. At issue was not government funding per se: since the passage of the National Defense Education Act in 1958, a great many students and scholars working on the Middle East had happily made use of NDFL/FLAS and other government fellowships for language training, graduate study, and research. A large proportion of the budgets of the centers for Middle East studies at universities around the country also came from the federal government. But because this individual and institutional funding came through the U.S. Department of Education it was deemed ethically and politically acceptable even by those who most vociferously disagreed with U.S. government policies in the Middle East. Similarly, additional government funding for graduate student and faculty research on the Middle East first made available by the 1992 Near and Middle East Research and Training Act—originally channeled through the Social Science Research Council and later through the Council of American Overseas Research Centers—was not seen as posing a problem because the funding was allocated first through the U.S. Information Agency and then through the State Department budget. The real issue was which part of the U.S. government was supplying the funding, for what ends, and with what conditions. As early as 1985 the Middle East Studies Association had asked "university-based international studies programs to refrain from responding to requests for research contract proposals from the Defense Academic Research Support Program [established by the Defense Department to fund academic research on issues of interest to the military] or from other intelligence entities and call[ed] upon its members to reflect carefully upon their responsibilities to the academic profession prior to seeking or accepting funding from intelligence sources."6 Some years later MESA also criticized the new National Security Education Program (NSEP), created by the National Security Education Act of 1991. The NSEP sought to bolster the teaching of "less commonly taught" languages (including Arabic, Persian, and Turkish), thereby enabling (as the [End Page 77] program's website put it) "the nation to remain integrally involved in global issues related to U.S. National Security" as well as to "develop a cadre of professionals with more than the traditional knowledge of language and culture who can use this ability to help the U.S. make sound decisions on and deal effectively with global issues related to U.S. National Security" (see the NSEP website at http://www.iie.org/programs/nsep/nsephome.htm). Unlike other programs funding research and training on the Middle East, the NSEP was housed in the Department of Defense, intelligence agency officials sat on its oversight board, and recipients of the funding it offered were required to work for a government agency involved in national security affairs after their fellowship or scholarship was completed. In a 1993 resolution endorsed by a referendum of its membership, MESA joined with the African Studies Association and the Latin American Studies Association to "deplore the location of responsibility in the U.S. defense and intelligence community for a major foreign area research, education, and training program. . . . This connection can only increase the existing difficulties of gaining foreign governmental permissions to carry out research and to develop overseas instructional programs. It can also create dangers for students and scholars by fostering the perception of involvement in military or intelligence activities, and may limit academic freedom." MESA called on the government to establish a peer and merit review process for funding applications that would be independent of military, intelligence, and foreign policy agencies and to broaden the service requirement so that it would include a much wider range of jobs, including those outside government service. Until its concerns were met, MESA urged that "its members and their institutions not seek or accept program or research funding from NSEA...." Three years later MESA adopted yet another resolution reiterating its rejection of NSEP because the law appropriating funding for the program now required that all fellowship recipients agree to work for the Defense Department or some intelligence agency for at least two years or else repay the cost of their fellowship (see the NSEP website, as well as the MESA resolutions site at http://w3fp.arizona.edu/mesassoc/resolutions.htm). (This last requirement was later relaxed somewhat so that recipients who [End Page 78] could not find employment with a national security agency despite a "good faith effort" to do so could fulfill the service requirement by working in higher education.) MESA would voice the same concerns about other outgrowths of the NSEP, for example, the 2002 National Flagship Language Initiative–Pilot Program (NFLI-P), launched to address what were seen as America's extraordinary deficiencies in languages critical to national security. Many (though by no means all) Middle East studies faculty adopted MESA's perspective on this issue, declining to seek NSEP funding for themselves or their institutions. The disinclination by MESA and many of its individual and institutional members to cooperate with the government in ways that had been common in the 1950s and 1960s was certainly not shared by everyone in the field. Yet it is instructive that when in the 1980s reports surfaced of questionable links between academics and intelligence agencies, the most vocal response among scholars in the field was condemnation. A case in point is the scandal surrounding Nadav Safran, a political scientist whose first book set forth an analysis of modern Egyptian history informed by modernization theory and who by the mid-1980s was director of Harvard University's Center for Middle Eastern Studies. The scandal erupted when it became known that Safran had taken $45,700 from the Central Intelligence Agency to fund a major international conference he was hosting at Harvard on "Islam and Politics in the Contemporary Muslim World"—a hot topic at the time and one of obvious interest to the CIA. Not only had Safran secretly used CIA funding for this conference, he had not told the invitees, a number of whom were coming from the Middle East, that the CIA was picking up the tab. It then came out that Safran had also received a $107,430 grant from the CIA for the research project that led to his 1985 book Saudi Arabia: The Ceaseless Request for Security. Safran's contract with the CIA stipulated that the agency had the right to review and approve the manuscript before publication and that its role in funding the book would not be disclosed. And indeed, the book as published made no mention of the fact that the research for it had been partially funded by the CIA. When the scandal broke, about half the invitees to Safran's conference withdrew, and many of the faculty and students associated with Harvard's [End Page 79] Center for Middle Eastern Studies publicly expressed their opposition to Safran's actions. A month later the Middle East Studies Association censured Safran on the grounds that his actions had violated its 1982 resolution calling on scholars to disclose their sources of research funding. Safran intimated that his critics were motivated by anti-Semitism, but after an internal investigation at Harvard he agreed to step down as center director at the end of the academic year.7 Safran was surely not the only academic to have secretly or openly solicited or accepted funding from an intelligence agency for his research in this period, and no doubt such relationships persisted long after this scandal, but the reaction to it—unimaginable in the early decades of U.S. Middle East studies—does indicate how the relationship between academia and the state had changed. Think Tanks and Talking Heads But there was a price to be paid for the gap that had opened up between the world of Middle East scholarship and the world of policymaking. If many college- and university-based academics no longer entirely shared the worldview that prevailed in Washington or no longer felt the need to shape their research agenda so that it was relevant to the policies that flowed from that worldview, there were others who stood ready to meet the demand for knowledge that would serve the state. Many of these were based not in institutions of higher education but in the host of think tanks that had proliferated from the 1970s onward—privately funded institutions oriented toward the production and dissemination of knowledge designed to inform and influence public policy, for our purposes mainly the foreign policy of the United States. Some of these institutions and organizations went back a long way. The Carnegie Endowment for International Peace, for example, was founded in 1910 to advance international cooperation, while the Council on Foreign Relations, publisher of the influential journal Foreign Affairs, was established in 1921, originally as a sort of elite dinner club. The liberal Brookings Institution was established in 1927, supported by Carnegie and Rockefeller funding, while the conservative American Enterprise Institute was founded [End Page 80] in 1943 to promote "limited government," "free enterprise," and a "strong foreign policy and national defense." After the Second World War, contractors like the huge RAND Corporation entered the field to produce or fund research for the military and intelligence and other government agencies concerned with foreign policy. Another wave beginning in the 1960s had witnessed the establishment of a large number of what one observer called "advocacy" think tanks, like the Center for Strategic and International Studies (1962), the Heritage Foundation (1973), and the Cato Institute (1977), which combined "policy research with aggressive marketing techniques" as they struggled to secure funding and influence in an increasingly competitive marketplace. There are now also many "legacy-based" institutions, like the Carter Center in Atlanta and the Nixon Center for Peace and Freedom in Washington, D.C. By the end of the twentieth century there were an estimated 2,000 organizations engaged in policy analysis based in the United States, a substantial proportion of them focused on foreign policy and international relations.8 The 1970s also witnessed the establishment of what Lisa Anderson called "a new generation of professional graduate schools of public policy," many of whose graduates went on to work for policy-oriented think tanks rather than in colleges and universities (Anderson 2000, 21). The Middle East was a relative backwater for the think tank industry until the 1980s. The Middle East Institute, founded in 1946, published a journal and organized conferences but exercised relatively little political clout. By contrast, the Washington Institute for Near East Policy (WINEP), founded in 1985, quickly achieved a much higher profile and much greater influence. Describing itself as "a public educational foundation dedicated to scholarly research and informed debate on U.S. interests in the Middle East,"9 WINEP emerged as the leading pro-Israel think tank in Washington. Its founding director, Martin Indyk, had previously worked at the American Israel Public Affairs Committee (AIPAC), founded in 1959 and by the 1970s by far the most well-funded, visible, and effective pro-Israel lobbying organization.10 Indyk and his colleagues at WINEP worked hard to strengthen Israel's standing in Washington as the key U.S. ally in the Middle East and to ensure [End Page 81] that U.S. policy in the region coincided with the policies and strategies of the Israeli government. During the late 1980s and early 1990s this meant trying to foil U.S. recognition of the PLO and U.S. pressure on Israel to halt settlement activity in the West Bank and Gaza and enter serious negotiations. In the 1990s WINEP expanded its purview to encompass the entire Middle East, but its focus always remained on Israel, for which it tried to build support by arguing that Israel and the United States faced a common threat from Islamic radicalism and terrorism, defined rather broadly to encompass virtually all of Israel's enemies, state and nonstate. Various other think tanks also began or stepped up research and advocacy on Middle East issues in the late 1990s and early 2000s. These included the Haim Saban Center for Middle East Policy, launched by the Brookings Institution in 2002, and the conservative American Enterprise Institute. During the Clinton administration a substantial number of WINEP alumni served in key foreign policy positions, including Martin Indyk himself, appointed as special assistant to the president and senior director for Near East and South Asian affairs at the National Security Council and, later, as U.S. ambassador to Israel. They and other Clinton administration officials promulgated the policy of "dual containment," whereby the United States would seek to isolate, and if possible eliminate, the governments of both Iraq and Iran, not coincidentally perceived as two of Israel's most serious enemies. By the late 1990s, however, WINEP would itself be outflanked by newer rivals that unlike WINEP openly aligned themselves with the stances of the Israeli right (or even far right) and argued for aggressive U.S. action against Israel's enemies, including the overthrow of the regime of Saddam Hussein in Iraq. The policies these and other explicitly right-wing think tanks advocated during the Clinton years, when they were in the political wilderness, were initially regarded as extreme and outlandish. But many of them would eventually be adopted by the George W. Bush administration, in which their architects assumed key posts. Among them were Vice President Richard Cheney; Defense Policy Board member (and for a time chair) Richard Perle, a key advocate of war against Iraq; Deputy Defense Secretary Paul Wolfowitz; Undersecretary of State John Bolton; and Undersecretary [End Page 82] of Defense Douglas Feith. Before assuming power these (people) men and their colleagues had, through such right-wing organizations as the Project for a New American Century and the Jewish Institute for National Security Affairs, called for the use of U.S. military power to dominate the world, massive increases in military spending, and unequivocal support for the policies of the Israeli right.11 After the attacks of September 11, 2001, President George W. Bush openly embraced much of their agenda, tacitly supporting Israel's effort to crush the Palestinian uprising by force and in March-April 2003 invading and occupying Iraq. The first years of the twenty-first century thus witnessed an unprecedented convergence in positions of supreme power in Washington of right-wing (and in some cases Christian fundamentalist) zealots and neo-conservative American Jews united by a common vision of securing permanent and unchallengeable U.S. global hegemony, with a strong focus on the Middle East and a close embrace of Israel, a vision to be achieved by military force if necessary. The war against Iraq was in a sense the pilot project for this radical vision. As Michael Ledeen, in 2003 "resident scholar in the Freedom Chair" at the American Enterprise Institute and long a fixture among right-wing foreign-policy activists, was reported to have put it, crudely but not inaccurately: "Every ten years or so, the United States needs to pick up some small crappy little country and throw it against the wall, just to show the world we mean business" (Goldberg 2002). More specifically, a reconstructed, oil-rich Iraq was seen as a valuable new base for U.S. power in the Middle East, enabling the United States to terminate its problematic relationship with Saudi Arabia and compel the Arabs (including the Palestinians) to make peace with Israel on the latter's terms. That the vast majority of the international community, including a great many Americans, vehemently rejected the use of military force to achieve this vision made no difference whatsoever to its advocates.12 There were certainly voices raised, in academia, the think tank world, and elsewhere, in opposition to this agenda and the understanding of the world that underpinned it, as there had been voices offering alternative views about U.S. policy toward the Middle East at other critical junctures. But during the 1980s, 1990s, and early years of the twenty-first century [End Page 83] these voices received relatively little attention, and university-based scholars seemed to play a decreasing role in influencing foreign policy. Critics of U.S. foreign policy also found it difficult to make themselves heard through the mass media. It is striking that the great bulk of the "talking heads" who appeared on television to offer their opinions on the 1990–91 Gulf crisis, on the 2003 Iraq war, and on other issues relating to the Middle East and U.S. policy toward it seemed to come not from academia but from professional pundits, from people associated with think tanks or with one of the public policy schools, and from retired military personnel. Whatever their knowledge (or lack thereof) of the languages, politics, histories, and cultures of the Middle East, these people spoke the language and shared the mindset of the Washington foreign policy world in a way few university-based scholars did. They were also used to communicating their perspective in effective sound bites, whereas academics were often put off by the ignorance and political conformism of much (though by no means all) of American mass media journalism and its tendency to crudely oversimplify complex issues and transform everything (even war) into a form of entertainment. This helped bring about a considerable narrowing of the perspectives available to the public and the consolidation of a powerful, indeed almost impenetrable, consensus about the Middle East that encompassed most of the political class and the punditocracy. Republicans and Democrats argued mainly over how best to maintain U.S. hegemony in the region, leaving very little room for those who envisioned a fundamentally different foreign policy founded on peace, democracy, human rights, mutual security, multilateral disarmament, nonintervention, and respect for international law. It is, however, worth noting that despite the virtual absence of such views in the mass media, they were embraced by a good many Americans, as evidenced by the massive demonstrations that preceded the U.S. attack on Iraq in March 2003 and the polls that indicated substantial public opposition to war, partly because of the new modes and channels of communication and organizing made possible by the Internet. Nonetheless, in the aftermath of September 11th, critical (and even moderate) voices were largely drowned out by the right, which quickly and effectively moved to implement its global agenda by exploiting public [End Page 84] outrage against the Islamist extremists who had perpetrated the September 11th attacks. They succeeded in "selling" first military intervention in Afghanistan (justified by the fact that the Taliban regime had allowed al-Qa'ida to operate in that country and refused to hand over those responsible for organizing the September 11th attacks) and then war against Iraq, even though no one was able to produce any credible evidence that the regime of Saddam Hussein had had anything to do with the September 11th attacks or still possessed weapons of mass destruction. In this effort conservative scholars like Bernard Lewis played a significant part, graphically illustrating their continuing, even enhanced, clout in right-wing policymaking circles long after their standing in scholarly circles had declined, as well as the durability and power of some very old Orientalist notions many had mistakenly thought dead as a doornail.

#### Can’t solve root cause

D.S.L. Jarvis, Lecturer in IR at the University of Sydney, International Relations and the Challenges of Postmodernism, 2000, p. 129

Perhaps more alarming though is the outright violence Ashley recommends in response to what at best seem trite, if not imagined, injustices. Inculpating modernity, positivism, technical rationality, or realism with violence, racism, war, and countless other crimes not only smacks of anthropomorphism but, as demonstrated by Ashley's torturous prose and reasoning, requires a dubious logic to make such connections in the first place. Are we really to believe that ethereal entities like positivism, modernism, or realism emanate a "violence" that marginalizes dissidents? Indeed, where is this violence, repression, and marginalization? As self-professed dissidents supposedly exiled from the discipline, Ashley and Walker appear remarkably well integrated into the academy—vocal, published, and at the center of the Third Debate and the forefront of theoretical research. Likewise, is Ashley seriously suggesting that, on the basis of this largely imagined violence, global transformation (perhaps even revolutionary violence) is a necessary, let alone desirable, response? Has the rationale for emancipation or the fight for justice been reduced to such vacuous revolutionary slogans as "Down with positivism and rationality"? The point is surely trite. Apart from members of the academy, who has heard of positivism and who for a moment imagines that they need to be emancipated from it, or from modernity, rationality, or realism for that matter? In an era of unprecedented change and turmoil, of new political and military configurations, of war in the Balkans and ethnic cleansing, is Ashley really suggesting that some of the greatest threats facing humankind or some of the great moments of history rest on such innocuous and largely unknown nonrealities like positivism and realism? These are imagined and fictitious enemies, theoretical fabrications that represent arcane, self-serving debates superfluous to the lives of most people and, arguably, to most issues of importance in international relations. More is the pity that such irrational and obviously abstruse debate should so occupy us at a time of great global turmoil. That it does and continues to do so reflects our lack of judicious criteria for evaluating theory and, more importantly, the lack of attachment theorists have to the real world. Certainly it is right and proper that we ponder the depths of our theoretical imaginations, engage in epistemological and ontological debate, and analyze the sociology of our knowledge.37 But to suppose that [end page 128] this is the only risk of international theory, let alone the most important one, smacks of intellectual elitism and displays a certain contempt for those who search for guidance in their daily struggles as actors in international politics. What does Ashley's project, his deconstructive efforts, or valiant fight against positivism say to the truly marginalized, oppressed, and destitute! How does it help solve the plight of the poor, the displaced refugees, the casualties of war, or the emigres of death squads? Does it in any way speak to those whose actions and thoughts comprise the policy and practice of international relations? On all these questions one must answer no. This is not to say, of course, that all theory should be judged by its technical rationality and problem-solving capacity as Ashley forcefully argues. But to suppose that problem-solving technical theory is not necessary—or is in some way bad—is a contemptuous position that abrogates any hope of solving some of the nightmarish realities that millions confront daily. As Holsti argues, we need ask of these theorists and their theories the ultimate question, "So what!" To what purpose do they deconstruct, problematize, destabilize, undermine, ridicule, and belittle modernist and rationalist approaches? Does this get us any further, make the world any better, or enhance the human condition? In what sense can this "debate toward [a] bottomless pit of epistemology and metaphysics" be judged pertinent, relevant, helpful, or cogent to anyone other than those foolish enough to be scholastically excited by abstract and recondite debate.38 Contrary to Ashley's assertions, then, a poststructural approach fails to empower the marginalized and, in fact, abandons them. Rather than analyze the political economy of power, wealth, oppression, production, or international relations and render an intelligible understanding of these processes, Ashley succeeds in ostracizing those he portends to represent by delivering an obscure and highly convoluted discourse. If Ashley wishes to chastise structural realism for its abstractness and detachment, he must be prepared also to face similar criticism, especially when he so adamantly intends his work to address the real life plight of those who struggle at marginal places.

#### We’ll make a few fw args here in response to their args

#### Our interp – debate about the plan is good

#### Key to portable skills – A limited topic of discussion that provides for equitable ground is key to productive inculcation of decision-making and advocacy skills in every and all facets of life—-even if their position is contestable that’s distinct from it being valuably debatable—-this still provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact

Austin J. Freeley, a Boston based attorney who focuses on criminal, personal injury and civil rights law, and David L. Steinberg, Lecturer of Communication Studies @ U Miami, 2008, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp61-63

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? 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 the 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.

#### Their critique fails without prior predictability. Mindset change occurs from internal reflection during pre-round preparation, not in-round discourse

Robert E. Goodin, Australian National University philosophy prof, editor of Oxford Handbooks of Political Science, founding editor of Blackwell's Journal of Political Philosophy, and Simon J. Niemeyer, ANU political science research fellow, 2003, “When Does Deliberation Begin? Internal Reflection versus Public Discussion in Deliberative Democracy,” POLITICAL STUDIES: 2003 VOL 51, 627–649, http://onlinelibrary.wiley.com/doi/10.1111/j.0032-3217.2003.00450.x/pdf

What happened in this particular case, as in any particular case, was in some respects peculiar unto itself. The problem of the Bloomfield Track had been well known and much discussed in the local community for a long time. Exaggerated claims and counter-claims had become entrenched, and unreflective public opinion polarized around them. In this circumstance, the effect of the information phase of deliberative processes was to brush away those highly polarized attitudes, dispel the myths and symbolic posturing on both sides that had come to dominate the debate, and liberate people to act upon their attitudes toward the protection of rainforest itself. The key point, from the perspective of ‘democratic deliberation within’, is that that happened in the earlier stages of deliberation – before the formal discussions (‘deliberations’, in the discursive sense) of the jury process ever began. The simple process of jurors seeing the site for themselves, focusing their minds on the issues and listening to what experts had to say did virtually all the work in changing jurors’ attitudes. Talking among themselves, as a jury, did very little of it. However, the same might happen in cases very different from this one. Suppose that instead of highly polarized symbolic attitudes, what we have at the outset is mass ignorance or mass apathy or non-attitudes. There again, people's engaging with the issue – focusing on it, acquiring information about it, thinking hard about it – would be something that is likely to occur earlier rather than later in the deliberative process. And more to our point, it is something that is most likely to occur within individuals themselves or in informal interactions, well in advance of any formal, organized group discussion. There is much in the large literature on attitudes and the mechanisms by which they change to support that speculation.31 Consider, for example, the literature on ‘central’ versus ‘peripheral’ routes to the formation of attitudes. Before deliberation, individuals may not have given the issue much thought or bothered to engage in an extensive process of reflection.32 In such cases, positions may be arrived at via peripheral routes, taking cognitive shortcuts or arriving at ‘top of the head’ conclusions or even simply following the lead of others believed to hold similar attitudes or values (Lupia, 1994). These shorthand approaches involve the use of available cues such as ‘expertness’ or ‘attractiveness’ (Petty and Cacioppo, 1986) – not deliberation in the internal-reflective sense we have described. Where peripheral shortcuts are employed, there may be inconsistencies in logic and the formation of positions, based on partial information or incomplete information processing. In contrast, ‘central’ routes to the development of attitudes involve the application of more deliberate effort to the matter at hand, in a way that is more akin to the internal-reflective deliberative ideal. Importantly for our thesis, there is nothing intrinsic to the ‘central’ route that requires group deliberation. Research in this area stresses instead the importance simply of ‘sufficient impetus’ for engaging in deliberation, such as when an individual is stimulated by personal involvement in the issue.33 The same is true of ‘on-line’ versus ‘memory-based’ processes of attitude change.34 The suggestion here is that we lead our ordinary lives largely on autopilot, doing routine things in routine ways without much thought or reflection. When we come across something ‘new’, we update our routines – our ‘running’ beliefs and procedures, attitudes and evaluations – accordingly. But having updated, we then drop the impetus for the update into deep-stored ‘memory’. A consequence of this procedure is that, when asked in the ordinary course of events ‘what we believe’ or ‘what attitude we take’ toward something, we easily retrieve what we think but we cannot so easily retrieve the reasons why. That more fully reasoned assessment – the sort of thing we have been calling internal-reflective deliberation – requires us to call up reasons from stored memory rather than just consulting our running on-line ‘summary judgments’. Crucially for our present discussion, once again, what prompts that shift from on-line to more deeply reflective deliberation is not necessarily interpersonal discussion. The impetus for fixing one's attention on a topic, and retrieving reasons from stored memory, might come from any of a number sources: group discussion is only one. And again, even in the context of a group discussion, this shift from ‘on-line’ to ‘memory-based’ processing is likely to occur earlier rather than later in the process, often before the formal discussion ever begins. All this is simply to say that, on a great many models and in a great many different sorts of settings, it seems likely that elements of the pre-discursive process are likely to prove crucial to the shaping and reshaping of people's attitudes in a citizens’ jury-style process. The initial processes of focusing attention on a topic, providing information about it and inviting people to think hard about it is likely to provide a strong impetus to internal-reflective deliberation, altering not just the information people have about the issue but also the way people process that information and hence (perhaps) what they think about the issue. What happens once people have shifted into this more internal-reflective mode is, obviously, an open question. Maybe people would then come to an easy consensus, as they did in their attitudes toward the Daintree rainforest.35 Or maybe people would come to divergent conclusions; and they then may (or may not) be open to argument and counter-argument, with talk actually changing minds. Our claim is not that group discussion will always matter as little as it did in our citizens’ jury.36 Our claim is instead merely that the earliest steps in the jury process – the sheer focusing of attention on the issue at hand and acquiring more information about it, and the internal-reflective deliberation that that prompts – will invariably matter more than deliberative democrats of a more discursive stripe would have us believe. However much or little difference formal group discussions might make, on any given occasion, the pre-discursive phases of the jury process will invariably have a considerable impact on changing the way jurors approach an issue. From Citizens’ Juries to Ordinary Mass Politics? In a citizens’ jury sort of setting, then, it seems that informal, pre-group deliberation –‘deliberation within’– will inevitably do much of the work that deliberative democrats ordinarily want to attribute to the more formal discursive processes. What are the preconditions for that happening? To what extent, in that sense, can findings about citizens’ juries be extended to other larger or less well-ordered deliberative settings? Even in citizens’ juries, deliberation will work only if people are attentive, open and willing to change their minds as appropriate. So, too, in mass politics. In citizens’ juries the need to participate (or the anticipation of participating) in formally organized group discussions might be the ‘prompt’ that evokes those attributes. But there might be many other possible ‘prompts’ that can be found in less formally structured mass-political settings. Here are a few ways citizens’ juries (and all cognate micro-deliberative processes)37 might be different from mass politics, and in which lessons drawn from that experience might not therefore carry over to ordinary politics: A citizens’ jury concentrates people's minds on a single issue. Ordinary politics involve many issues at once. A citizens’ jury is often supplied a background briefing that has been agreed by all stakeholders (Smith and Wales, 2000, p. 58). In ordinary mass politics, there is rarely any equivalent common ground on which debates are conducted. A citizens’ jury separates the process of acquiring information from that of discussing the issues. In ordinary mass politics, those processes are invariably intertwined. A citizens’ jury is provided with a set of experts. They can be questioned, debated or discounted. But there is a strictly limited set of ‘competing experts’ on the same subject. In ordinary mass politics, claims and sources of expertise often seem virtually limitless, allowing for much greater ‘selective perception’. Participating in something called a ‘citizens’ jury’ evokes certain very particular norms: norms concerning the ‘impartiality’ appropriate to jurors; norms concerning the ‘common good’ orientation appropriate to people in their capacity as citizens.38 There is a very different ethos at work in ordinary mass politics, which are typically driven by flagrantly partisan appeals to sectional interest (or utter disinterest and voter apathy). In a citizens’ jury, we think and listen in anticipation of the discussion phase, knowing that we soon will have to defend our views in a discursive setting where they will be probed intensively.39 In ordinary mass-political settings, there is no such incentive for paying attention. It is perfectly true that citizens’ juries are ‘special’ in all those ways. But if being special in all those ways makes for a better – more ‘reflective’, more ‘deliberative’– political process, then those are design features that we ought try to mimic as best we can in ordinary mass politics as well. There are various ways that that might be done. Briefing books might be prepared by sponsors of American presidential debates (the League of Women Voters, and such like) in consultation with the stakeholders involved. Agreed panels of experts might be questioned on prime-time television. Issues might be sequenced for debate and resolution, to avoid too much competition for people's time and attention. Variations on the Ackerman and Fishkin (2002) proposal for a ‘deliberation day’ before every election might be generalized, with a day every few months being given over to small meetings in local schools to discuss public issues. All that is pretty visionary, perhaps. And (although it is clearly beyond the scope of the present paper to explore them in depth) there are doubtless many other more-or-less visionary ways of introducing into real-world politics analogues of the elements that induce citizens’ jurors to practice ‘democratic deliberation within’, even before the jury discussion gets underway. Here, we have to content ourselves with identifying those features that need to be replicated in real-world politics in order to achieve that goal – and with the ‘possibility theorem’ that is established by the fact that (as sketched immediately above) there is at least one possible way of doing that for each of those key features.

#### Key to competitive equity in debate—strategy and prep imbalance makes the discussion one-sided and subverts any meaningful neg role – this doesn’t preclude the possibility of structural imbalances but

Ryan Galloway, professor of communications at Samford University, 2007, “Dinner And Conversation At The Argumentative Table: Reconceptualizing Debate As An Argumentative Dialogue”, Contemporary Argumentation and Debate, Vol. 28 (2007), ebsco

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

#### The impact is the Donohue evidence – our pedagogy rests on considering external problems through simulation – useful model of education that is precluded by the alt

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### Personal Debate Bad

#### Sexism declining in the Squo – attitudinal and material changes prove

Danny Hayes, Prof of Political Science at George Washington Univ, 11-25-2012, “Why did women do so well in 2012? Because gender bias is declining”, The Washington Post, http://www.washingtonpost.com/blogs/wonkblog/wp/2012/11/25/why-did-women-do-so-well-in-2012-because-gender-bias-is-declining/

When the 113th Congress convenes in January, women will occupy more seats than ever before. Eighty-one in the House, and 20 in the Senate. Amy Klobuchar better get ready for more traffic jams. Why did women, most of whom were Democrats, do well in 2012? Observers have offered numerous explanations, including controversial comments about rape and abortion by “self-immolating” Republican candidates, an election-year focus on women’s health issues, redistricting, or a favorable electoral environment for the Democratic Party. But here’s another: gender bias – either by the media or the voters – is no longer the impediment to female candidates that it once was. That is the conclusion that Jennifer Lawless of American University and I draw in a recent investigation of media coverage of and voter attitudes toward U.S. House candidates. We find that neither news coverage nor voters’ assessments of female candidates reflects the kind of gender stereotyping that has typically pervaded contemporary American politics. For decades, observers have noted that women running for political office are portrayed in the media in ways that are consistent with gender stereotypes. Long before Sarah Palin, research had shown that female candidates tended to receive less attention in the news and were often covered in a fluffier fashion – with an emphasis on their appearance (Elizabeth Dole’s nails, anyone?), personality, family roles, or “feminine” traits, such as compassion and honesty. Men, on the other hand, were more likely to be portrayed as experienced, competent leaders. Survey research and experimental studies have shown that voters also evaluate candidates through a gendered lens. Taken together, news coverage and public attitudes suggest that it has been more difficult for women to persuade voters that they are suited for the rough-and-tumble of Washington politics. It’s not that women can’t successfully make the case. But it has been thought to be tougher than for men. But is this still true? Against a backdrop of changes in public opinion about women in politics and the rise of party polarization – the growing ideological divide between the parties, which may make candidate sex less salient to voters – Lawless and I undertook a two-part study of gender stereotyping during the 2010 midterm elections. We first conducted a detailed analysis of local newspaper coverage of House races in nearly 350 congressional districts across the country. Analyzing 4,748 articles, we found virtually no gender differences whatsoever. News coverage of women was just as common as coverage of men. And the content of campaign stories was nearly indistinguishable across candidate sex. The frequency with which reporters referred explicitly to candidates’ sex or gender – for instance, noting how they dressed or their family roles – was the same for men and women. Paul Ryan, hustling to the tailor to get that suit taken in, wouldn’t be surprised. Mentions of candidates’ personal characteristics also did not fall along stereotypical gender lines. Women were just as likely as men to be portrayed as possessing competence and leadership skills and no more likely to be covered as trustworthy or warm. The dots in the figure below show the proportion of candidates in 2010 whose news coverage included at least one mention of four broad traits: competence, leadership, integrity, and empathy. The data are also broken down by whether the mention was positive (for example, “competent”) or negative (such as “incompetent”). Regardless of whether the traits are stereotypically “male” or “female,” or positive or negative – the coverage was the same for men and women. For instance, 25 percent of female candidates received positive mentions of their competence, while 24 percent of male candidates did. Across the traits, there were no statistically significant gender differences. But even if media coverage isn’t gendered, voters’ assessments could still be. If they are, then we would expect women to be judged more favorably than men on empathy, trustworthiness, and integrity, but less favorably on leadership and competence. In the second part of the study, Lawless and I examined data from the 2010 Cooperative Congressional Election Study, a nationally representative survey of citizen attitudes toward U.S. House candidates. The chart below shows the effect of candidate sex on voters’ assessments of the candidates’ traits, controlling for various factors that shape political evaluations (party identification, ideology, incumbency status, etc.). The dots represent regression coefficients for candidate sex, with 95 percent confidence intervals. A dot to the right of the vertical dashed line indicates a more favorable evaluation for female candidates on average. A dot to the left indicates that female candidates were assessed less favorably. Evaluations of Democratic and Republican candidates are shown separately. Candidate sex had no effect on voters’ assessments. Even setting aside the absence of statistical significance, the pattern of results is wholly inconsistent with gender stereotyping. Female Democrats were assessed as slightly weaker leaders, less empathetic, less trustworthy, less competent, and less likely to possess integrity than male Democrats. Republican women were viewed as stronger leaders, more empathetic, more trustworthy and equally competent and possessing integrity as men. Please disperse, nothing to see here. If not gender, then what does drive media coverage and voter assessments of candidates? The usual suspects. For the media, competitive campaigns receive more coverage, and the tone of coverage varies by whether a candidate is an incumbent. For voters, party identification, ideology and incumbency shape attitudes toward candidates. We also found that news coverage of candidates can influence voters’ opinions. But because the media don’t engage in pervasive stereotyping, coverage doesn’t systematically harm or help women. Reporters and voters react in similar ways to candidates, regardless of their sex. This is not to say that gender inequalities in American political campaigns are relics of the past. Far from it. As Lawless and Richard Fox have written about extensively, women will remain underrepresented until more of them run for political office. And the barriers to increasing political ambition among women and encouraging their entrance into the electoral arena are formidable. But once they decide to run for office, the terrain female candidates navigate seems to be more level than we might have previously thought. Indeed, the findings from our study of 2010 suggest that one reason women did well in 2012 is that they likely did not face the kind of systematic gender stereotyping that has traditionally made it harder for female candidates to succeed. It might seem surprising that the media and voters aren’t to blame for women’s underrepresentation. But the data make it hard to argue otherwise.

#### Personal debate now – Emporia’s win at NDT, and a huge expansion of overall number of teams not engaging in the topic means we control uniqueness

#### Resource trade-off DA – focus on the personal and the debate space as the site for change trades off with attempts to remedy broader resource disparity problems that create most oppression in debate and can only be addressed through a larger forum

Joseph P. Zompetti (Assistant Professor, School of Communication, Illinois State University) “PERSONALIZING DEBATING: DIVERSITY AND TOLERANCE IN THE DEBATE COMMUNITY” September 2004 Contemporary Argumentation and Debate volume 25

The second major problem with this turn in contemporary policy debate is its deflection, if not downright rejection, of more fundamental or core problems which are the cause of marginalization. Dana Cloud (1998) poignantly argues that when focusing on the personalizing of "debating," society stifles dissent, which is probably more important and powerful at ushering-in social change than particularized attention to therapeutic, albeit victimized, perspectives. The will to engage in discourse about transgression is one of individualized therapy, as if the individual's psychological condition is at stake (e.g., arguments about "discursive violence" are often deployed to this end). Her argument is primarily one about key progressive change – should we focus on individual notions of psychological distress or the larger group's problem of resource-based scarcity and exploitation? If one is compelled by the argument that we should look self-reflexively2 and comprehensively at the nature of excluding debaters of color and other marginalized groups, then we might be tempted to agree with the outcome of piecemeal solutions and incoherent policies. On the other hand, we may want to analyze how such relationships occurred and grew when other relationships and situations were not as obvious. In fact, we may want to even broaden our interpretation of such relationships – exactly how are students of color marginalized? Why do folks believe they have nothing to contribute? Why do students of color feel excluded? It is very difficult, if not impossible, to get at these questions during a collegiate debate round. Not only is the limited time in a round an impediment at answering these complex questions, but both debaters of a single team may advance different personalized arguments, creating a moving target of advocacy that the opposing team and judges have difficulty in specifically pinning down for thorough and productive examination. Or, as Cloud suggests, such therapeutic arguments "deflect [sic] the energy and radicalism of activists," essentially creating a shell-game during private discussions of much larger societal problems (1998, p. 34). In addition, these questions are often skirted in debate rounds because there is a drive for competition. While some critical self-reflection has undoubtedly occurred as a result of personalizing debate, the overwhelming majority of debaters and coaches spend less time thinking about the core problems of marginalization (and their solutions) than they do locating debate strategies to beat personalization arguments at the next tournament. During squad meetings and coaching sessions, one does not hear an opposing team sincerely talk about their privilege or the exclusion of women or people of color in the debate community. Instead, one hears about what topicality argument, framework argument, or counter-narrative will be deployed to win the judge's ballot. The problem of therapeutic rhetoric underscores how personalized debating prevents examination of more important factors such as resource disparity.Thus, the underlying therapeutic nature of personalized debate, coupled with the competitive component of trying to win debate rounds nullifies any chance at a fruitful and productive discussion about the problems of marginalization and their potential solutions. A focus on the personal – my experience, my narrative, my feelings, how I learn, how I can engage the community – is quite seductive; we all want to know how we fit into the larger structure of the community. And, given the intense nature of our activity, it is easy to get lost in how our feelings of hard work, emotional attachment, anxiety, despair, excitement, success, and so on become interfaced with larger community trends. Ultimately, however, a focus on the personal is a dead-end. The community's composition of multiple persons, who become focused on themselves, ignores the community at large. § Marked 10:46 § This can be seen with the move toward personalizing debating. Instead of examining problems of resource disparity (high costs of travel, scholarships, lack of novice tournaments, disparate coaching staffs, etc.) which plague debaters and debate programs throughout the country,1 the personalization arguments focus on different styles of debating (slow vs. fast, hip-hop vs. traditional evidence), individual identity (black vs. white, privileged vs. marginalized), and praxis (I'm doing something about the problem vs. you're not). Indeed, as Cloud argues, the "privatizing, normalizing, and marginalizing discourses of the therapeutic are incompatible with a public-, policy-, and change-oriented definition of politics" (1998, p. 7).

#### Using debate rounds to change debate or society ends in total failure – they limit politics to private, therapeutic exercises – prevents confrontation with larger power structures which create gender oppression

Joseph P. Zompetti (Assistant Professor, School of Communication, Illinois State University) “PERSONALIZING DEBATING: DIVERSITY AND TOLERANCE IN THE DEBATE COMMUNITY” September 2004 Contemporary Argumentation and Debate volume 25

As such, the problems of diversity and privilege in the debate community cannot be addressed in individual debate rounds, particularly through arguments about "nontraditional" evidence, argumentative style and cultural forms of learning. The highly personalized nature of such arguments creates feelings of victimhood. The competitive aspect of a debate round makes the therapeutic rhetoric of argumentative style displace the larger, structural impediments to a diverse and tolerant community. Again, if we refer to Cloud, we can translate her use of "private" for a "debate round," particularly if we juxtapose the private debate round to the community writ large:. . . the therapeutic is a rhetoric that encourages a reformist rather than revolutionary political stance . . . . It is dangerous . . . to allow the therapeutic to set the bounds of our political imagination to the extent that it becomes difficult even to conceive of revolutionary change . . . the therapeutic asks activists to retreat from the public struggle for even modest reforms in favor of private wound-licking (1998, pp. 159-160). And this is what personalizing debating does. While projects such as Louisville's declare ambitions of "community change" and radical social transformation, what they are really doing is keeping such arguments in the closet by performing their therapeutic rhetoric of victimhood in private debate rounds. If revolutionary change is the intent, then revolutionary action should occur to change the structural and institutional barriers to more diverse involvement and success in debate (Cloud, 1998, p. 166). Personalizing debating, as competitive arguments, in a private debate round does nothing except breed frustration, victimage, and displacement of more lofty efforts. Debate should remain a simulated activity where students gather together to clash about issues of social controversy related to a resolution. During the simulation, debaters learn to engage each other with civility, obtain vital skills,1 and engage about a common societal problem, rather than personalized problems that may or may not be a reflection of larger community issues. If there are problems about who gets to participate, what topic gets debated, or what styles of debate get introduced, then those are issues the community as a whole needs to address, not the individual debaters.

#### Framing issue: empirically, personalized debate will continue regardless of if they win or not – able to withstand aff ballots. That means there will always be a risk that their education can occur. Only a risk you create enormous disincentive to debate the topic and eliminate our form of edu.

#### Non falsifiable – we don’t hold those views and you shouldn’t punish us – we have worked personally to ensure women feel included on our team and the number of women participating should prove – also proves that our method isn’t necessarily exclusionary

#### Focus on experience naturalizes identities as essentialized and dehistoricized – crowds out effective counterstrategies

Joan Scott, Professor of Social Science at the Institute for Advanced Study in Princeton, Summer 1991, “The Evidence of Experience,” Critical Inquiry vol 17 no 4, JSTOR

When the evidence offered is the evidence of "experience," the claim for referentiality is further buttressed-what could be truer, after all, than a subject's own account of what he or she has lived through? It is precisely this kind of appeal to experience as uncontestable evidence and as an originary point of explanation-as a foundation on which analysis is based-that weakens the critical thrust of histories of difference. By remaining within the epistemological frame of orthodox history, these studies lose the possibility of examining those assumptions and practices that excluded considerations of difference in the first place. They take as self-evident the identities of those whose experience is being documented and thus naturalize their difference. They locate resistance outside its discursive construction and reify agency as an inherent attribute of individuals, thus decontextualizing it. When experience is taken as the origin of knowledge, the vision of the individual subject (the person who had the experience or the historian who recounts it) becomes the bedrock of evidence on which explanation is built. Questions about the constructed nature of experience, about how subjects are constituted as different in the first place, about how one's vision is structured-about language (or discourse) and history-are left aside. The evidence of experience then becomes evidence for the fact of difference, rather than a way of exploring how difference is established, how it operates, how and in what ways it constitutes subjects who see and act in the world.7 To put it another way, the evidence of experience, whether conceived through a metaphor of visibility or in any other way that takes meaning as transparent, reproduces rather than contests given ideological systems-those § Marked 10:46 § that assume that the facts of history speak for themselves and those that rest on notions of a natural or established opposition between, say, sexual practices and social conventions, or between homosexuality and heterosexuality. Histories that document the "hidden" world of homosexuality, for example, show the impact of silence and repression on the lives of those affected by it and bring to light the history of their suppression and exploitation. But the project of making experience visible precludes critical examination of the workings of the ideological system itself, its categories of representation (homosexual/heterosexual, man/woman, black/white as fixed immutable identities), its premises about what these categories mean and how they operate, and of its notions of subjects, origin, and cause. Homosexual practices are seen as the result of desire, conceived as a natural force operating outside or in opposition to social regulation. In these stories homosexuality is presented as a repressed desire (experience denied), made to seem invisible, abnormal, and silenced by a "society" that legislates heterosexuality as the only normal practice.8 Because this kind of (homosexual) desire cannot ultimately be repressed-because experience is there-it invents institutions to accommodate itself. These institutions are unacknowledged but not invisible; indeed, it is the possibility that they can be seen that threatens order and ultimately overcomes repression. Resistance and agency are presented as driven by uncontainable desire; emancipation is a teleological story in which desire ultimately overcomes social control and becomes visible. History is a chronology that makes experience visible, but in which categories appear as nonetheless ahistorical: desire, homosexuality, heterosexuality, femininity, masculinity, sex, and even sexual practices become so many fixed entities being played out over time, but not themselves historicized. Presenting the story in this way excludes, or at least understates, the historically variable interrelationship between the meanings "homosexual" and "heterosexual," the constitutive force each has for the other, and the contested and changing nature of the terrain that they simultaneously occupy. "The importance-an importance-of the category 'homosexual,'" writes Eve Kosofsky Sedgwick, comes not necessarily from its regulatory relation to a nascent or already-constituted minority of homosexual people or desires, but from its potential for giving whoever wields it a structuring defini-tional leverage over the whole range of male bonds that shape the social constitution.9 Not only does homosexuality define heterosexuality by specifying its negative limits, and not only is the boundary between the two a shifting one, but both operate within the structures of the same "phallic economy"-an economy whose workings are not taken into account by studies that seek simply to make homosexual experience visible. One way to describe this economy is to say that desire is defined through the pursuit of the phallus-that veiled and evasive signifier which is at once fully present but unattainable, and which gains its power through the promise it holds out but never entirely fulfills.'i Theorized this way, homosexuality and heterosexuality work according to the same economy, their social institutions mirroring one another. The social institutions through which gay sex is practiced may invert those associated with dominant heterosexual behavior (promiscuous versus restrained, public versus private, anonymous versus known, and so on), but they both operate within a system structured according to presence and lack."I To the extent that this system constructs desiring subjects (those who are legitimate as well as those who are not), it simultaneously establishes them and itself as given and outside of time, as the way things work, the way they inevitably are. The project of making experience visible precludes analysis of the workings of this system and of its historicity; instead, it reproduces its terms. We come to appreciate the consequences of the closeting of homosexuals and we understand repression as an interested act of power or domination; alternative behaviors and institutions also become available to us. What we don't have is a way of placing those alternatives within the framework of (historically contingent) dominant patterns of sexuality and the ideology that supports them. We know they exist, but not how they have been constructed; we know their existence offers a critique of normative practices, but not the extent of the critique. Making visible the experience of a different group exposes the existence of repressive mechanisms, but not their inner workings or logics; we know that difference exists, but we don't understand it as relationally constituted. For that we need to attend to the historical processes that, through discourse, position subjects and produce their experiences. It is not individuals who have experience, but subjects who are constituted through experience. Experience in this definition then becomes not the origin of our explanation, not the authoritative (because seen or felt) evidence that grounds what is known, but rather that which we seek to explain, that about which knowledge is produced. To think about experience in this way is to historicize it as well as to historicize the identities it produces. This kind of historicizing represents a reply to the many contemporary historians who have argued that an unproblematized "experience" is the foundation of their practice; it is a historicizing that implies critical scrutiny of all explanatory categories usually taken for granted, including the category of "experience."

### Topic Good

#### Engaging in simulations about the specifics of national security law is pedagogically useful, even if we aren’t the USFG – it also builds portable skills

Laura Donohue, Associate Professor of Law at Georgetown Law School, 4-11-2013, “National Security Law Pedagogy and the Role of Simulations,” http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law

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undoubtedly necessary, it suggests one potential direction for the years to come.

#### Policy making is inevitable – changing the world requires that we engage

Makani Themba-Nixon, Executive Director of The Praxis Project, Former California Staffer, Colorlines. Oakland: Jul 31, 2000.Vol.3, Iss. 2; pg. 12

The flourish and passion with which she made the distinction said everything. Policy is for wonks, sell-out politicians, and ivory-tower eggheads. Organizing is what real, grassroots people do. Common as it may be, this distinction doesn't bear out in the real world. Policy is more than law. It is any written agreement (formal or informal) that specifies how an institution, governing body, or community will address shared problems or attain shared goals. It spells out the terms and the consequences of these agreements and is the codification of the body's values-as represented by those present in the policymaking process. Given who's usually present, most policies reflect the political agenda of powerful elites. Yet, policy can be a force for change-especially when we bring our base and community organizing into the process. In essence, policies are the codification of power relationships and resource allocation. Policies are the rules of the world we live in. Changing the world means changing the rules. So, if organizing is about changing the rules and building power, how can organizing be separated from policies? Can we really speak truth to power, fight the right, stop corporate abuses, or win racial justice without contesting the rules and the rulers, the policies and the policymakers? The answer is no-and double no for people of color. Today, racism subtly dominates nearly every aspect of policymaking. From ballot propositions to city funding priorities, policy is increasingly about the control, de-funding, and disfranchisement of communities of color. What Do We Stand For? Take the public conversation about welfare reform, for example. Most of us know it isn't really about putting people to work. The right's message was framed around racial stereotypes of lazy, cheating "welfare queens" whose poverty was "cultural." But the new welfare policy was about moving billions of dollars in individual cash payments and direct services from welfare recipients to other, more powerful, social actors. Many of us were too busy to tune into the welfare policy drama in Washington, only to find it washed up right on our doorsteps. Our members are suffering from workfare policies, new regulations, and cutoffs. Families who were barely getting by under the old rules are being pushed over the edge by the new policies. Policy doesn't get more relevant than this. And so we got involved in policy-as defense. Yet we have to do more than block their punches. We have to start the fight with initiatives of our own. Those who do are finding offense a bit more fun than defense alone. Living wage ordinances, youth development initiatives, even gun control and alcohol and tobacco policies are finding their way onto the public agenda, thanks to focused community organizing that leverages power for community-driven initiatives. - Over 600 local policies have been passed to regulate the tobacco industry. Local coalitions have taken the lead by writing ordinances that address local problems and organizing broad support for them. - Nearly 100 gun control and violence prevention policies have been enacted since 1991. - Milwaukee, Boston, and Oakland are among the cities that have passed living wage ordinances: local laws that guarantee higher than minimum wages for workers, usually set as the minimum needed to keep a family of four above poverty. These are just a few of the examples that demonstrate how organizing for local policy advocacy has made inroads in areas where positive national policy had been stalled by conservatives. Increasingly, the local policy arena is where the action is and where activists are finding success. Of course, corporate interests-which are usually the target of these policies-are gearing up in defense. Tactics include front groups, economic pressure, and the tried and true: cold, hard cash. Despite these barriers, grassroots organizing can be very effective at the smaller scale of local politics. At the local level, we have greater access to elected officials and officials have a greater reliance on their constituents for reelection. For example, getting 400 people to show up at city hall in just about any city in the U.S. is quite impressive. On the other hand, 400 people at the state house or the Congress would have a less significant impact. Add to that the fact that all 400 people at city hall are usually constituents, and the impact is even greater. Recent trends in government underscore the importance of local policy. Congress has enacted a series of measures devolving significant power to state and local government. Welfare, health care, and the regulation of food and drinking water safety are among the areas where states and localities now have greater rule. Devolution has some negative consequences to be sure. History has taught us that, for social services and civil rights in particular, the lack of clear federal standards and mechanisms for accountability lead to uneven enforcement and even discriminatory implementation of policies. Still, there are real opportunities for advancing progressive initiatives in this more localized environment. Greater local control can mean greater community power to shape and implement important social policies that were heretofore out of reach. To do so will require careful attention to the mechanics of local policymaking and a clear blueprint of what we stand for. Getting It in Writing Much of the work of framing what we stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decisionmaker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decisionmakers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, and experience into stories that are designed to affect the public conversation. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision of how things should be. And then we must be committed to making it so.

#### Alexander – discussion of practical implications of policy are good to restrain people like Yoo

#### Dowd – only way to engage with global structures is to speak the language – legislation is specifically key to end legislatively sanctioned endless war

#### Policy engagement is uniquely necessary in the case of the Middle East – empirically, academic withdrawal has ceded politics to the neoconservatives

Zachary Lockman is Chair of the Department of Middle Eastern and Islamic Studies at New York University 2005 “Critique from the Right The Neo-conservative Assault on Middle East Studies” CR: The New Centennial Review 5.1 (2005) 63-110

It may be too soon to tell, but from the vantage point of the

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some very old Orientalist notions many had mistakenly thought dead as a doornail.

#### Pragmatism is the best lens for evaluating policies – evaluate consequences, not abstract theoretical criteria

Joel Mintz, Professor of Law, Nova Southeastern University Law Center; Scholar, Center for Progressive Regulation, 2004, “Some Thoughts on the Merits of Pragmatism as a Guide to Environmental Protection,” 31 B.C. Envtl. Aff. L. Rev. 1, Lexis.

Philosophical pragmatism, as initially articulated by William James and other early twentieth century academics, is, in one sense, an attitude or method of thought. n4 It emphasizes a focus on facts and consequences, as opposed to theories and principles. n5 As James explained it, pragmatism stands for no particular results. It has no dogmas, and no doctrines save for its method. . . . It lies in the midst of our theories, like a corridor in a hotel. Innumerable chambers open out of it. In one you may find a man writing an atheistic volume; in the next some one on his knees praying for faith and strength; in a third a chemist investigating a body's properties. In a fourth a system of idealistic metaphysics is being excogitated; in a fifth the impossibility of metaphysics is being shown. But they all own the corridor, and all must pass through it if they want a practicable way of getting into or out of their respective rooms. n6 In addition to being a method of thought--with sufficient flexibility to appeal to individuals who have divergent views in many respects, as noted above--philosophical pragmatism is also distinguished by its experiential, provisional, and pluralistic notion of truth. n7 In William James's words: Pragmatism . . . asks its usual question. "Grant an idea or belief to be true," it says, "what concrete difference will its being true make in any one's actual life? How will the truth be realized? What experiences will be different from those which would obtain if the belief were false? What, in short, is the truth's cash-value in experiential terms?" The moment pragmatism asks this question, it sees the answer: True ideas are those that we can assimilate, validate, corroborate, and verify. False ideas are those that we can not. That is the practical difference it makes to us to have true ideas; that, therefore, is the meaning of truth, for it is all that truth is known as. n8 [\*4] Richard Rorty takes a relatively similar view. n9 In his introduction to Consequences of Pragmatism, Rorty states that "a pragmatist theory about truth . . . says that truth is not the sort of thing one should expect to have a philosophically interesting theory about. For pragmatists, 'truth' is just the name of a property which all true statements share." n10 Rorty believes that there is little of significance to be said about this common property of true statements. n11 He thus feels that the Platonic tradition, with its emphasis on fixed, a priori notions of Truth and Goodness, has "outlived its usefulness." n12 John Dewey, another highly influential pragmatist, expressed his theory of truth in like fashion. n13 Dewey wrote, "Truth is a collection of truths; and these constituent truths are in the keeping and testing as to matters-of-fact." n14 For Dewey as well, knowledge was to be grasped from the concrete particulars of experience, rather than logically deduced by abstract reasoning or transcendentally revealed. n15 Another closely related common feature of philosophical pragmatism is its firm rejection of rigid canons and dogmatic beliefs. n16 As James put it, as an intellectual approach pragmatism is "a mediator and a reconciler. . . . She has, in fact, no prejudices whatever, no obstructive dogmas, no rigid canons of what shall count as proof. She is completely genial. She will entertain any hypothesis, she will consider any evidence." n17 In keeping with this doctrinal flexibility, philosophical pragmatism puts considerable emphasis upon indeterminacy and the limitations of human understanding. n18 As Kelly A. Parker has noted, for the pragmatist "there is an irreducible pluralism in the world we encounter. There is [also] the idea (supported by contemporary physics) that indeterminacy and chance are real features of the world. Change, development and novelty are everywhere the rule." n19 [\*5] Pragmatic notions of ethics also emphasize change, development, and pluralism. n20 Pragmatists generally reject universally valid ethical theories. n21 Pragmatists believe that as the world evolves, and human societies grow and change, new kinds of ethical dilemmas emerge. n22 To solve them, people need to develop new methods of understanding what is right and wrong. n23 As Kelly Parker has written: Pragmatism maintains that no set of ethical concepts can be the absolute foundation for evaluating the rightness of our actions. . . . [Instead,] the aim of ethics is not perfect rightness . . . but rather creative mediation of conflicting claims to value, aimed at making life on the planet relatively better than it is. n24 Pragmatic ideas regarding ethics are further manifested in the area of social and political thought. n25 For John Dewey and other pragmatists, social and political institutions exist (or should exist) to provide for the needs of individuals. n26 The worth of projects is to be judged by the extent of their conformity to social needs. n27 Moreover, since human needs and social circumstances are frequently in flux, social institutions need frequent reform. n28 This can be best accomplished where diverse individuals participate actively and regularly in public affairs, so that society as a whole may take advantage of their diverse experience and intelligence. n29 Finally, in its social outlook and elsewhere, philosophical pragmatism places an especially high value on experimentation. n30 For pragmatists, "because the public consists of a vast plurality of people and things valued, and because the world is changing at every moment, the ways and means of best providing for the individual and common good have to be experimentally determined." n31 Rather than being measured [\*6] against some objective, impersonal set of abstract criteria, social projects are to be tested by their human consequences and their fulfillment of practical social needs. n32 What works is what benefits people; what benefits people can often be determined by thoughtful experimentation with new and untried social institutions and arrangements. n33

#### Technical solutions good – arms control proves we don’t need to have total political change to solve problems

Steven F. Hayward, the F. K. Weyerhaeuser Fellow at AEI, 10-16-2006, “The Fate of the Earth in the Balance,’ AEI, http://www.aei.org/article/society-and-culture/the-fate-of-the-earth-in-the-balance/

\ Today, climate change is said to threaten the same things, only more slowly. It is remarkable how similarly the leading advocates for these two problems understand and conceptualize them. In the case of both the arms race then and climate change today, we are told that the issue is ultimately philosophical in nature, and that wholesale changes in our philosophical perspective must necessarily precede political and policy remedies to the problem. Should this perspective be taken seriously? What can it really mean? The Fate of the Earth in the Balance The peculiarity of this approach to major global problems is best seen by comparing the two leading popular books on each issue, Jonathan Schell’s 1982 bestseller The Fate of the Earth, and Al Gore’s 1991 bestseller Earth in the Balance (whose main arguments reappear in truncated form in An Inconvenient Truth). It is not just the titles that are strikingly similar; a close reading reveals the two books to be identical in their overarching philosophy.[5] In both, mankind is poised on the abyss, facing, in Gore’s words, “the most serious threat that we have ever faced,”[6] or “the nearness of extinction,”[7] to use only one of Schell’s many apocalyptic formulations. (An index entry--“despair; see also futility”[8]--conveys the mood better than any quotation from the main text.) In fact, if one substitutes “global warming” for “nuclear weapons” in the text of Fate of the Earth, the result is so shockingly close to Earth in the Balance that one could almost make out a case for plagiarism on Gore’s part. Perhaps some publisher will have the wit to meld the two books into one: The Fate of the Earth in the Balance. But such a combination is not necessary. The two books directly intersect in several places. Gore writes, for example, that: the political will that led to mass protests against escalating the arms race during the early 1980s came from a popular awareness that civilization seemed to be pulled toward the broad lip of a downslope leading to a future catastrophe--nuclear war--that would crush human history forever into a kind of black hole. . . . This is not unlike the challenge we face today in the global environmental crisis. The potential for true catastrophe lies in the future, but the downslope that pulls us toward it is becoming recognizably steeper with each passing year.[9] In this, Gore was only returning the favor to Schell, who occasionally paused long enough from his lament over nuclear catastrophe to include a few nods to ecocatastrophe. For his part, Schell mentions “global heating through an increased ‘greenhouse effect,’” adding: The nuclear peril is usually seen in isolation from the threats to other forms of life and their ecosystems, but in fact should be seen as the very center of the ecological crisis--as the cloud-covered Everest of which the more immediate, visible kinds of harm to the environment are the mere foothills. Both the effort to preserve the environment and the effort to save the species from extinction by nuclear arms would be enriched and strengthened by this recognition.[10] Both books display an affectation for gilding their arguments with lots of brief references to major thinkers from a wide variety of disciplines. Consider Schell on Heisenberg: The famous uncertainty principle, formulated by the German physicist Werner Heisenberg, has shown that our knowledge of atomic phenomena is limited because the experimental procedures with which we must carry out our observations inevitably interfere with the phenomena that we wish to measure. Schell applies Heisenberg’s scientific insight to all forms of human investigation, writing that “a limit to our knowledge is fixed by the fact that we are incarnate beings, not disembodied spirits.”[11] The supposed separation from nature implied by Heisenberg’s idea limits our appreciation for both nature and our predicament. Gore follows down the same track: Earlier this century, the Heisenberg Principle established that the very act of observing a natural phenomenon can change what is being observed. Although the initial theory was limited in practice to special cases in subatomic physics, the philosophical implications were and are staggering. It is now apparent that since Descartes reestablished the Platonic notion and began the scientific revolution, human civilization has been experiencing a kind of Heisenberg Principle writ large. . . . [T]he world of intellect is assumed to be separate from the physical world.[12] Gore opens his hit movie and companion book An Inconvenient Truth with an homage to the famous photo of the Earth taken from the moon by the Apollo 8 astronauts in 1968. This image, he tells us, played a key role in galvanizing the world’s environmental consciousness, underscoring the fragility of the planet. As he put it fulsomely in Earth in the Balance: Those first striking pictures taken by the Apollo astronauts of the earth floating in the blackness of space were so deeply moving because they enabled us to see our planet from a new perspective--a perspective from which the preciousness and fragile beauty of the earth was suddenly clear.[13] Schell uses the same trope: As it happens, our two roles in the nuclear predicament have been given visual representation in the photographs of the earth that we have taken with the aid of another technical device of our time, the spaceship. These pictures illustrate, on the one hand, our mastery over nature, which has enabled us to take up a position in the heavens and look back on the earth as though it were just one more celestial body, and, on the other, our weakness and frailty in the face of that mastery, which we cannot help feeling when we see the smallness, solitude, and delicate beauty of our planetary home.[14] These are only a few of the many examples that can be drawn of both books’ derivative and allusive nature. Both authors offer up references to Plato, Aristotle, Augustine, Francis Bacon, Einstein, Descartes, and Hannah Arendt in what might be called, to paraphrase Arendt, the banality of promiscuous allusion, all to bolster a superficial philosophical or anthropological point that is far distant from the politics and policy of either issue. Most troubling is that both authors depict dissent from their point of view to be a pathology of some kind, foreclosing that there could be any rational basis for a different point of view. Gore compares dissenters to his view of our environmental predicament to garden-variety substance abusers, arguing that people who are oblivious to our “collision” with nature are “enablers” who are “helping to ensure that the addictive behavior continues. The psychological mechanism of denial is complex, but again addiction serves as a model.”[15] Elsewhere Gore compares our “dysfunctional civilization” to dysfunctional families, whose members suffer from “a serious psychological disorder.” While Gore begins this discussion by saying that family dysfunctionality is a metaphor, he ends by applying the concept literally: “The model of the dysfunctional family has a direct bearing on our ways of thinking about the environment.”[16] Schell is close aboard: “A society that systematically shuts its eyes to an urgent peril to its physical survival and fails to take any steps to save itself cannot be called psychologically well.”[17] Both authors call for making their particular issue the paramount global priority in the same terms. Gore argues that “we must make the environment the central organizing principle [emphasis added] for civilization. . . . [T]he tide in this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join in an all-out effort.”[18] Schell wrote, “If we felt the peril for what it is--an urgent threat to our whole human substance--we would let it become the organizing principle [emphasis added] of our global collective existence: the foundation on which the world was built.”[19] Having laid the groundwork for a wholesale change in our priorities, both Schell and Gore are surprisingly light on the social and political architecture of their alternative world. This is explicitly so in Schell’s case: “I have not sought to define a political solution to the nuclear predicament. . . . I have left to others those awesome, urgent tasks.”[20] Gore’s approach is better supported; he offers a laundry list of specific policy recommendations mostly on energy and resource use, but it falls far short of his desired “wrenching transformation” of civilization. If the broader solution to our predicament is not clear even in outline, it is because neither author fully grasps the magnitude of the critique he is making, such that a political solution--at least, a solution that is compatible with liberal democracy--is impossible. Neither man understands why. The Real Source for The Fate of the Earth in the Balance Despite the parade of quotes and references from Plato and Arendt, there is one thinker conspicuously absent from both Schell and Gore’s numerous citations but whose spirit is present on almost every page of both books: Martin Heidegger. Perhaps the absence of a reference to Heidegger is due to reticence or discretion, given Heidegger’s dubious and complicated association with Nazism. Nothing derails an argument faster than playing the reductio ad Hitlerum card. More likely it is the abstruse and difficult character of Heidegger’s arguments; Gore and Schell may not realize how closely the core of their argument about the technological alienation of man from nature tracks Heidegger’s more thorough account in his famous 1953 essay “The Question Concerning Technology.”[21] Heidegger asks, “What is modern technology?” His understanding of technology is sometimes rendered in translation as “technicity” to convey a defective way of knowing about phenomena, and to distinguish the term from its more common usage to mean mere scientific instrumentality (think gadgets). Heidegger believed that our mode of objectifying nature alienates mankind from perceiving and contemplating pure “Being.” Whatever this may mean--and even Heidegger’s followers admit it is obscure (Heidegger himself wrote that “we are asking about something which we barely grasp”[22])--Heidegger suggests that philosophy has been asking the wrong questions since the very beginning, and the culmination of this wrong track is modern technology, which completes the alienation of man from nature. This is where Heidegger prepares the way for Gore. Modern technology, according to Heidegger, puts to nature the unreasonable demand that it supply energy which can be extracted and stored as such. . . . The earth now reveals itself as a coal-mining district, the soil as a mineral deposit. The field that the peasant formerly cultivated and set in order appears different from how it did when to set in order still meant to take of and maintain. . . . But meanwhile even the cultivation of the field has come under the grip of another kind of setting-in-order, which sets upon [italics in original] nature. It sets upon it in the sense of challenging it. Agriculture is now the mechanized food industry. Air is now set upon to yield nitrogen, the earth to yield ore, ore to yield uranium, for example; uranium is set upon to yield atomic energy, which can be released either for destruction or for peaceful use.[23] Here are Gore’s parallel passages: [O]ur civilization is holding ever more tightly to its habit of consuming larger and larger quantities every year of coal, oil, fresh air and water, trees, topsoil, and the thousand other substances we rip from the crust of the earth. . . . We seem increasingly eager to lose ourselves in the forms of culture, society, technology, the media, and the rituals of production and consumption, but the price we pay is a loss of our spiritual lives.[24] And: Our seemingly compulsive need to control the natural world . . . has driven us to the edge of disaster, for we have become so successful at controlling nature than we have lost our connection to it.[25] It is possible to compile a long inventory of close parallels between Heidegger and Gore. For example, Heidegger told interviewers in 1966: [T]echnicity increasingly dislodges man and uproots him from the earth. . . . The last 30 years have made it clearer that the planet-wide movement of modern technicity is a power whose magnitude in determining [our] history can hardly be overestimated.[26] Heidegger also found the earth-from-space photos as affecting as Gore and Schell: I don’t know if you were shocked, but [certainly] I was shocked when a short time ago I saw the pictures of the earth taken from the moon. We do not need atom bombs at all [to uproot us]--the uprooting of man is already here. All our relationships have become merely technical ones. It is no longer upon an earth than man lives today.[27] Gore likes to cite the supposed proverb that the Chinese symbol for “crisis” also means “opportunity.” Heidegger was fond of quoting a line from the German poet Hölderlin: “Where danger lies, there too grows the chance for salvation.” And is it necessary to mention that Heisenberg’s uncertainty principle also shows up for duty in Heidegger’s essay on technology? Heidegger is often said to have advocated a return to pre-Socratic philosophy, though in fact he was skeptical that there was any philosophical solution to the problem he perceived. Gore follows Heidegger closely when he criticizes Plato and the Western philosophic tradition for preparing the ground for modern man’s estrangement from nature: The strange absence of emotion, the banal face of evil so often manifested by mass technological assaults on the global environment, is surely a consequence of the belief in an underlying separation of intellect from the physical world. At the root of this belief lies a heretical understanding of humankind’s place in the world as old as Plato, as seductive in its mythic appeal as Gnosticism, as compelling as the Cartesian promise of Promethean power--and it has led to tragic results.[28] Political Implications Assuming for the purposes of discussion that Gore’s Heideggerian analysis is correct, can a reconnection of intellect and the physical world be accomplished through politics--or led by politicians? Heidegger did not think so, which is why he said it would be impossible for him to write an ethical or political treatise.[29] He doubted democracy offered any hope. In an interview late in life, Heidegger said, “For me today it is a decisive question as to how any political system--and which one--can be adapted to an epoch of technicity. I know of no answer to this question. I am not convinced that it is democracy.”[30] Heidegger was contemptuous of postwar democratic reforms--calling them “halfway measures”--including individual constitutional rights, because: I do not see in them any actual confrontation with the world of technicity, inasmuch as behind them all, according to my view, stands the conception that technicity in its essence is something that man holds within his own hands. Heidegger thought American democracy was the most hopeless of all, in words that sound in substance exactly like Gore’s complaint: [Americans] are still caught up in a thought that, under the guise of pragmatism, facilitates the technical operation and manipulation [of things], but at the same time blocks the way to reflection upon the genuine nature of modern technicity.[31] (Separately, Heidegger wrote that America epitomized “the emerging monstrousness of modern times.”[32]) From here it is possible to comprehend more dispassionately Heidegger’s attraction to the Nazi movement in the 1930s. He had no brief for fascism in general or National Socialism in particular, nor was he an anti-Semite.[33] What he expressed in his famous “Rector’s Address”[34] in 1934 was that the “inner truth and greatness” of the Nazi movement was its potential “encounter between technicity on the planetary level and modern man,” and that it “casts its net in these troubled waters of ‘values’ and ‘totalities,’” or, as he put it a 1948 letter to Herbert Marcuse, “a spiritual renewal of life in its entirety.”[35] In other words, the “wrenching transformation” of Germany that the Nazi revolution set in motion held the potential for reconnecting humankind with the essence of Being in a primal, pre-Socratic way. Heidegger’s moral blindness to the phenomenon in front of him exposes the hazard of an excessively abstract approach to human existence. As Heidegger’s example shows, the idea of transforming human consciousness through politics is likely an extremist--and potentially totalitarian--project. Reviewing the fundamentally Heideggerian understanding of our environmental predicament in Gore’s thought throws new light on the deeper meaning of Gore’s call for a “wrenching transformation” of civilization on the level of thought. Gore would no doubt be sincerely horrified at the suggested parallel between his themes and Heidegger’s moral blindness toward political extremism, and rightly reject it as the implication of his views. He is, thankfully, too imbued with the innate American democratic tradition to embrace any such extremism.[36] But it is fair to ask whether he has fully thought through the implications of his ambitious critique. In the case of both Gore and Schell before him, the Heideggerian approach reveals a certain cast of mind: deeply pessimistic, but utopian at the same time. Our salvation demands submitting to the moral authority of their “vision” to change our “consciousness.” After all, one aspect of Plato that Heidegger approves of is the view that mankind will suffer unremitting disaster until either rulers become philosophers or philosophers become rulers. (Indeed it was the failure of intellectuals to guide the Nazi movement that led to its ruin, Heidegger thought.) Gore seems to be making a round trip, looking to end up on either end of this potentiality, envisioning himself either as a ruler who has become a philosopher or as a philosopher who may yet (again) become a ruler. Is it so farfetched to suggest that this has some problematic, if unintended, political implications? One of Gore’s sound and important arguments in Earth in the Balance and An Inconvenient Truth is that it is a profound error to suppose that the earth’s environment is so robust that there is little or nothing that mankind could do to damage it seriously. He is right, as was Heidegger, to point out the immense earthshaking power of modern technology. But there is a symmetrical observation to be made of Gore’s metaphysical approach to the problem, which is that it is an equally profound error to suppose that the environment of human liberty is so robust that there is no political intervention on behalf of the environment that could not damage liberty in serious ways, especially if the environment is elevated to the central organizing principle of civilization. Implicit in this goal is downgrading human liberty as the central organizing principle of civilization. There are no index entries in Earth in the Balance for “liberty,” “freedom,” or “individualism.” Heidegger believed the liberal conceptions of these great terms were meaningless or without foundation. There is no acknowledgement in Gore’s book that this is even a serious consideration. Gore’s one discussion of the matter is not reassuring: In fact, what many feel is a deep philosophical crisis in the West has occurred in part because this balance [between rights and responsibilities] has been disrupted: we have tilted so far toward individual rights and so far away from any sense of obligation that it is now difficult to muster an adequate defense of any rights vested in the community at large or the nation--much less rights properly vested in all humankind or in posterity.[37] But Is It Necessary? Is Gore’s high-level metaphysical analysis necessary in the first place? Do we really have to resolve or unwind the problem of Platonic idealism and Cartesian dualism to address the problem of climate change? The example of the previous case in point--the arms race--suggests an answer. The arms race did not require a revolution in human consciousness or a transformation of national and global political institutions to bring about rapid and favorable changes. The kind of grandiose, pretentious thinking exemplified in Fate of the Earth played little or no role in these shifts. The problem turned out to be much simpler. The acute problem of the superpower arms race was mostly a moral problem--not a metaphysical problem--arising from the character of the irreconcilable regimes. As was frequently pointed out, the United States never worried about British or French nuclear weapons. Once the United States and the Soviet Union were able to establish a level of trust and common interest, unwinding the arms race became a relatively easy matter. Nuclear weapons and the threat of nuclear proliferation in unsavory regimes (Iran, North Korea) is still around today, but the acute existential threat of the arms race has receded substantially. In the early 1980s, The Fate of the Earth became the Bible for the nuclear freeze movement--the simplistic idea brought to you by the same people who thought Ronald Reagan was a simpleton. To his credit, then representative and later senator Gore opposed the nuclear freeze. Nowadays Gore has started to call for an immediate freeze on greenhouse-gas emissions, which he must know is unrealistic. His explanation in a recent speech shows that he missed entirely the lesson from that earlier episode: An immediate freeze [on CO2 emissions] has the virtue of being clear, simple, and easy to understand. It can attract support across partisan lines as a logical starting point for the more difficult work that lies ahead. I remember a quarter century ago when I was the author of a complex nuclear arms control plan to deal with the then rampant arms race between our country and the former Soviet Union. At the time, I was strongly opposed to the nuclear freeze movement, which I saw as simplistic and naive. But, three-quarters of the American people supported it--and as I look back on those years I see more clearly now that the outpouring of public support for that very simple and clear mandate changed the political landscape and made it possible for more detailed and sophisticated proposals to eventually be adopted.[38] The irony of this statement is that since the moral and political differences between the United States and the Soviet Union could not be resolved diplomatically, the way to move relations forward was to convert relations into a technical problem (i.e., negotiations over the number and specifications of weapons systems). Gore remained firmly within the technocratic arms-control community throughout this period, even as Schell and others tried to moralize the arms-control problem with the nuclear freeze proposal. But the moral confusion (some critics said the premise of moral equivalence) of the freeze idea made it a sideshow at best and a hindrance at worst. On the contrary, President Reagan’s resistance to the freeze, as well as the conventions of the arms-control process to which Gore held, were crucial to his strategy for changing the dynamic of the arms race.

#### The law isn’t static – engaging in discussions about its problems and ways to change it stimulates political engagement and is key to prevent authoritarianism

Todd Hedrick, Assistant Professor of Philosophy at Michigan State University, September 2012, “Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory,” Constellations Vol 19, No 3

Habermas’ alleged abandonment of immanent critique, however, is belied by the role that

AND

, without the triumphalist pretension of ever being able to fully do so.

### Sexual Violence Link

#### No link – Whitman is trying to solve this problem – community discussions at our tournaments and our new program direction prove

### 2AC Gender Essentialism

#### Western feminist notions of universality does violence to women in other cultural contexts by attempting to bring their voices into a universalist project.

Judith Butler, Maxine Elliot Professor of Rhetoric and Comparative Literature at UC-Berkeley, 2000, Contingency, Hegemony, Universality, p. 35-38

A recent resurgence of Anglo-feminism in the academy has sought to restate the importance of making universal claims about the conditions and rights of women (Okin, Nusshaum) without regard to the prevailing norms in local cultures, and without taking up the task of cultural trans­lation. This effort to override the problem that local cultures pose for international feminism does not understand the parochial character of its own norms, and does not consider the way in which feminism works in full complicity with US colonial aims in imposing its norms of civil­ity through an effacement and a decimation of local Second and Third World cultures. Of course, translation by itself can also work in full complicity with the logic of colonial expansion, when translation becomes the instrument through which dominant values are transposed into the language of the subordinated, and the subordinated run the risk of coming to know and understand them as tokens of their ‘liberation But this is a limited view of colonialism, one which assumes that the colonized emerges as a subject according to norms that are recognizably Eurocentric. According to Gayatri Chakravorry Spivak, ‘universalism’ as well as ‘internationalism’ come to dominate a politics centred on the subject of rights, thereby occluding the force of global capital and its dif­ferential forms of exploitation from the theorization of subordinated peoples. In Spivak’s terms, we have yet to think that form of impover­ished life which cannot be articulated by the Eurocentric category of the subject. The narrative of political self-representation is itself part of a certain dominant Leftism, in her view, but it does not provide all that constitutes the site of hegemonic resistance. In ‘Can the Subaltern Speak?’, Spivak remarks: ‘it is impossible for the French intellectuals [referring mainly to Deleuze and Foucault] to imagine the power and desire that would inhabit the unnamed subject of the Other of Europe’ (p. 280). The exclusion of the subordinated other of Europe is so central to the production of European epistemic regimes ‘that the subaltern cannot speak’. Spivak does not mean by this claim that the subaltern does not express her desires, form political alliances, or make culturally and politically significant effects, but that within the dominant conceptualization of agency, her agency remains illegible. The point would not be to extend a violent regime to include the subaltern as one of its members: she is, indeed, already included there, and it is precisely the means of her inclusion that effects the violence of her effacement. There is no one ‘other’ there, at the site of the subaltern, but an array of peo­ples who cannot be homogenized, or whose homogenization is the effect of the epistemic violence itself. The First World intellectual cannot refrain from ‘representing’ the subaltern, but the task of representation will not be easy, especially when it concerns an existence that requires a translation, because translation always runs the risk of appropriation. In her essay, Spivak both counsels and enacts a self-limiting practice of cultural translation on the part of First World intellectuals. At once refusing the ‘romanticization of the tribal’ and the ruse of the transparency that is the instrument of colonial ‘reason’, Spivak offers cultural translation as both a theory and practice of political responsi­bility21 She refers to Mahasweta Devi, whose feminist fiction she translated, as a subaltern who speaks. But here we ought not to think that we know what ‘speaking’ is, for what becomes clear in these stories is that Devi’s writing is less a synthesis of available discourses than a cer­tain ‘violent shuttling’ between discourses that shows the sharp edges of all available discourses of collectivity. Can we read for hegemony with­out knowing how to read for the mobility of this kind of exclusion without assuming in advance that the translator’s point will he to bring this writing into forms of agency legible to an Anglo-European audi­ence? In this sense, the task of the postcolonial translator, we might say is precisely to bring into relief the non-convergence of discourses so that one might know through the very ruptures of narrativity the founding violences of an episteme. Translation can have its counter-colonialist possibility for it also exposes the limits of what the dominant language can handle. It is not always the case that the dominant term as it is translated into the lan­guage (the idioms, the discursive and institutional norms) of a subordinated culture remains the same upon the occasion of translation. Indeed, the very figure of the dominant term can alter as it is mimed and redeployed in that context of subordination. Thus, Homi Bhabha’s emphasis on the splitting of the signifier in the colonial context seeks to show that the master — to use Hegelian parlance loses some of his claim to priority and originality precisely by being taken up by a mimetic double. Mimesis can effect a displacement of the first term or, indeed, reveal that the term is nothing other than a series of displacements that diminish any claim to primary and authentic meaning. There is, of course, no such translation without contamination, hut there is no mimetic displacement of the original without an appropriation of the term that separates it from its putative authority By emphasizing the cultural location of the enunciation of universality one sees not only that there can he no operative notion of universality that does not assume the risks of translation, but that the very claim of universality is hound to various syntactic stagings within culture which make it impossible to separate the formal from the cultural features of any universalist claim. Both the form and the content of universality are highly contested, and cannot be articulated outside the scene of their embattlement. Using Foucault’s language of genealogy we might insist that universality is an ‘emergence’ {Entstelwng] or a ‘non-­place’, ‘a pure distance, which indicates that the adversaries do not belong to a common space. Consequently, no one is responsible for an emergence: no one can glory in it, since it always occurs in the inter­stice.’22 Maintaining that universality is a ‘site of contest’ has become something of an academic truism, but considering the meaning and promise of that contest has not.

#### Essentializing women as victims is disempowering – crushes the alt

J. Ann Tickner, associate professor of political science at the College of the Holy Cross, Gender in International Relations, 1992, p. 59

Such a notion of citizenship cannot come about, however, until myths that perpetuate views of women as victims rather than agents are eliminated. One such myth is the association of women with peace, an association that has been invalidated through considerable evidence of women's support for men's wars in many societies. 79 In spite of a gender gap, a plurality of women rally support war and national security policies; Bernice Carroll suggests that the association of women and peace is that has been imposed on women by their disarmed condition. In the West, this association grew out of the Victorian ideology of women's moral superiority and the glorification of motherhood. This ideal was expressed by feminist Charlotte Perkins Gilman whose book Herland was serialized in The Forerunner in 1915. Gilman glorified women as caring and nurturing mothers whose private sphere skills could benefit the world at large.81 Most turn‑of‑the-century feminists shared Gilman's ideas. But if the implication of this view was that women were disqualified from participating in the corrupt world of political and economic power by virtue of their moral superiority, the result could be the perpetuation of male dominance. Many contemporary feminists see dangers in the continuation of these essentializing myths that can only result in the perpetuation men's subordination and reinforce dualisms that serve to make men more powerful. The association of femininity with peace lends support to an idealized masculinity that depends on constructing women as passive victims in need protection. It also contributes to the claim that women are naive in matters relating to international politics. An enriched, less militarized notion of citizenship cannot be built on such a weak foundation.

### 2AC Perm

#### Perm do both – double bind – either the alt can’t overcome the status quo or it can overcome residual link to the plan

#### Perm do the plan and all non-mutually exclusive parts of the alternative

### 2AC Alt Vagueness

#### The alt is vague – it’s a voting issue

#### Spikes our offense – no way for aff to win

#### Skews 2AC time

#### Damage is done – 2NC clarification rewards them because 1AR will always be behind

#### Kills the political project

#### Castration – probably bad

# 1AR

## FW

### AT: Epist

#### Epistemology is not a prerequisite

David Owen, University of Southampton, July 2002, “Re-orienting International Relations: On Pragmatism, Pluralism, and Practical Reasoning,” Millennium – Journal of International Studies, 31.3, p. 655-656

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 [end page 655] 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 epistemology promotes 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 [end page 656] 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.

## Political Debate Rounds

### No Solve / Tradeoff – 2AC

#### Resource trade-off DA – focus on the personal and the debate space as the site for change trades off with attempts to remedy broader resource disparity problems that create most oppression in debate and can only be addressed through a larger forum

Joseph P. Zompetti (Assistant Professor, School of Communication, Illinois State University) “PERSONALIZING DEBATING: DIVERSITY AND TOLERANCE IN THE DEBATE COMMUNITY” September 2004 Contemporary Argumentation and Debate volume 25

The second major problem with this turn in contemporary policy debate is its deflection, if not downright rejection, of more fundamental or core problems which are the cause of marginalization. Dana Cloud (1998) poignantly argues that when focusing on the personalizing of "debating," society stifles dissent, which is probably more important and powerful at ushering-in social change than particularized attention to therapeutic, albeit victimized, perspectives. The will to engage in discourse about transgression is one of individualized therapy, as if the individual's psychological condition is at stake (e.g., arguments about "discursive violence" are often deployed to this end). Her argument is primarily one about key progressive change – should we focus on individual notions of psychological distress or the larger group's problem of resource-based scarcity and exploitation? If one is compelled by the argument that we should look self-reflexively2 and comprehensively at the nature of excluding debaters of color and other marginalized groups, then we might be tempted to agree with the outcome of piecemeal solutions and incoherent policies. On the other hand, we may want to analyze how such relationships occurred and grew when other relationships and situations were not as obvious. In fact, we may want to even broaden our interpretation of such relationships – exactly how are students of color marginalized? Why do folks believe they have nothing to contribute? Why do students of color feel excluded? It is very difficult, if not impossible, to get at these questions during a collegiate debate round. Not only is the limited time in a round an impediment at answering these complex questions, but both debaters of a single team may advance different personalized arguments, creating a moving target of advocacy that the opposing team and judges have difficulty in specifically pinning down for thorough and productive examination. Or, as Cloud suggests, such therapeutic arguments "deflect [sic] the energy and radicalism of activists," essentially creating a shell-game during private discussions of much larger societal problems (1998, p. 34). In addition, these questions are often skirted in debate rounds because there is a drive for competition. While some critical self-reflection has undoubtedly occurred as a result of personalizing debate, the overwhelming majority of debaters and coaches spend less time thinking about the core problems of marginalization (and their solutions) than they do locating debate strategies to beat personalization arguments at the next tournament. During squad meetings and coaching sessions, one does not hear an opposing team sincerely talk about their privilege or the exclusion of women or people of color in the debate community. Instead, one hears about what topicality argument, framework argument, or counter-narrative will be deployed to win the judge's ballot. The problem of therapeutic rhetoric underscores how personalized debating prevents examination of more important factors such as resource disparity.Thus, the underlying therapeutic nature of personalized debate, coupled with the competitive component of trying to win debate rounds nullifies any chance at a fruitful and productive discussion about the problems of marginalization and their potential solutions. A focus on the personal – my experience, my narrative, my feelings, how I learn, how I can engage the community – is quite seductive; we all want to know how we fit into the larger structure of the community. And, given the intense nature of our activity, it is easy to get lost in how our feelings of hard work, emotional attachment, anxiety, despair, excitement, success, and so on become interfaced with larger community trends. Ultimately, however, a focus on the personal is a dead-end. The community's composition of multiple persons, who become focused on themselves, ignores the community at large. This can be seen with the move toward personalizing debating. Instead of examining problems of resource disparity (high costs of travel, scholarships, lack of novice tournaments, disparate coaching staffs, etc.) which plague debaters and debate programs throughout the country,1 the personalization arguments focus on different styles of debating (slow vs. fast, hip-hop vs. traditional evidence), individual identity (black vs. white, privileged vs. marginalized), and praxis (I'm doing something about the problem vs. you're not). Indeed, as Cloud argues, the "privatizing, normalizing, and marginalizing discourses of the therapeutic are incompatible with a public-, policy-, and change-oriented definition of politics" (1998, p. 7).

### No Solve / Tradeoff – 1AR

#### Using debate rounds to change debate or society ends in total failure – they limit politics to private, therapeutic exercises – prevents confrontation with larger power structures which create gender oppression

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As such, the problems of diversity and privilege in the debate community cannot be addressed in individual debate rounds, particularly through arguments about "nontraditional" evidence, argumentative style and cultural forms of learning. The highly personalized nature of such arguments creates feelings of victimhood. The competitive aspect of a debate round makes the therapeutic rhetoric of argumentative style displace the larger, structural impediments to a diverse and tolerant community. Again, if we refer to Cloud, we can translate her use of "private" for a "debate round," particularly if we juxtapose the private debate round to the community writ large:. . . the therapeutic is a rhetoric that encourages a reformist rather than revolutionary political stance . . . . It is dangerous . . . to allow the therapeutic to set the bounds of our political imagination to the extent that it becomes difficult even to conceive of revolutionary change . . . the therapeutic asks activists to retreat from the public struggle for even modest reforms in favor of private wound-licking (1998, pp. 159-160). And this is what personalizing debating does. While projects such as Louisville's declare ambitions of "community change" and radical social transformation, what they are really doing is keeping such arguments in the closet by performing their therapeutic rhetoric of victimhood in private debate rounds. If revolutionary change is the intent, then revolutionary action should occur to change the structural and institutional barriers to more diverse involvement and success in debate (Cloud, 1998, p. 166). Personalizing debating, as competitive arguments, in a private debate round does nothing except breed frustration, victimage, and displacement of more lofty efforts. Debate should remain a simulated activity where students gather together to clash about issues of social controversy related to a resolution. During the simulation, debaters learn to engage each other with civility, obtain vital skills,1 and engage about a common societal problem, rather than personalized problems that may or may not be a reflection of larger community issues. If there are problems about who gets to participate, what topic gets debated, or what styles of debate get introduced, then those are issues the community as a whole needs to address, not the individual debaters.

#### Individual approaches tradeoff with larger community wide transformation

S. Irene Matz and Jon Bruschke, 2006, "Gender Inequity in Debate, Legal, and Business Professions," Contemporary Argumentation and Debate, http://commfaculty.fullerton.edu/imatz/Research\_Articles/Gender\_Inequity/Gender\_inequity\_in\_debate.htm

We cannot stress enough our belief that the problem of female tinder-representation will very likely persist until the community views this as a shared problem that all share the responsibility for addressing. Efforts at present have generally consisted of informal symposia and individual efforts. The stance of the larger community has generally been to let these individual efforts take sole responsibility for gender equity or to critique their strategies when they fail to eliminate our shared problem. While there is, in our opinion, broad conceptual support for gender equity, there is little motivation to take a proactive role in achieving concrete outcomes. Our community must embrace the fight for gender equity as a shared problem and not one that individuals or as something that diversity forums can address by themselves. There is no evidence that the piecemeal efforts currently extant will be sufficient to offset ongoing gender inequity. Attacking the issues as a community with a program could: “Fully integrating women which is not an impossible dream or an intractable problem. It is achievable if there is the vision and the will to do so” (Making change, 2002).

## Perm

### Perm

#### We can do both – you can endorse the plan while we give up the privilege of maleness

#### Double bind – either their ‘mansplaining’ argument means that men cannot even enter into a discussion of their political project which means the alt cannot solve or the alternative is not mutually exclusive with endorsing the plan and voting to say that signature strikes are bad – which has never been contested by the neg