# 1NC

### 1

#### a. Interpretation and violation---the affirmative should defend the desirability of topical government action

#### b. Our interpretation is most predictable—the agent and verb indicate a debate about hypothetical government action

Jon M Ericson 3, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action through governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling

####  C. Net Benefits

#### “Topic relevance” isn't enough—only a precise and limited rez creates deliberation on a point of mutual difference—this is only internal link to limits and ground which are key to competitive equity and topic education—both of which are the most important impacts in debate

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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? Docs 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? I low 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 can!, 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.

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “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.

### 2

#### Al Qaeda and affiliates are weak—we’re diverting their attention from plotting attacks to defending themselves—continuing the war is key to stopping attacks

Liepman and Mudd 1-6 [Andrew Liepman, a former principal deputy director of the National Counterterrorism Center and a senior policy analyst at the nonprofit, nonpartisan RAND Corporation, and Philip Mudd, former Senior Intelligence Advisor at the FBI and Deputy Director of the CIA Counterterrorist Center, is the director of Global Risk at SouthernSun Asset Management, “Al Qaeda is down. Al Qaedism isn't,” January 6th, 2014, <http://globalpublicsquare.blogs.cnn.com/2014/01/06/al-qaeda-is-down-al-qaedism-isnt/>, wyo-sc]

The recent New York Times investigation into the deadly 2012 attack on the U.S. diplomatic mission in Benghazi has reignited the debate over the nature and trajectory of al Qaeda. The conclusion of the report – that there was no evidence of an al Qaeda role in the attack – reinforces our view that the organization that attacked the United States more than 12 years ago is in decline. But it also serves as a reminder that the threat has not disappeared. Rather, it is morphing into a new, more dispersed, less predictable, but still lethal enemy.¶ The 9/11 attacks on the World Trade Center and the Pentagon showed al Qaeda at its deadliest. At the same time, though, 9/11 also represented the beginning of al Qaeda’s decline as an organized terror enterprise that would ultimately lead to its emergence as a decentralized, factious amalgam of freelance groups, each with its own methods and agenda. This new organization may lack the infrastructure to plan and carry out attacks like the one that occurred in Benghazi (and certainly attacks like 9/11), but today’s al Qaeda remains a threat to strike where and when it can and to fan the flames of extremism.¶ The decade that followed the 9/11 attack saw the gradual decline of bin Laden’s core al Qaeda. The architects of 9/11 were largely killed or detained, the remnants were in hiding in Pakistan, and the revolutionary message had lost ground globally in the face of relentless al Qaeda killings of Muslims across the Islamic world. Some of its most promising potential successors experienced similar declines, from Jemaah Islamiyya in Indonesia to al-Shabaab in Somalia, along with al Qaeda cells in Saudi Arabia and Europe.¶ But what of the current generation of Salafist militants – the offspring of bin Laden’s al Qaeda? For them, the signs may not be so bleak. Though they may lack the organizational structure, the focus on attacking the West and the charismatic leadership of yesterday’s al Qaeda killers, today’s militants do not lack its homicidal audacity. Or its wide reach.¶ Affiliated groups have risen across the Middle East and South Asia and into Africa and Europe. Homegrown plots have emerged in the United States in Europe, carried out by individuals zealously donning the al Qaeda mantle, even with little or no contact with terror networks. And the killing hasn’t stopped. Indeed, in many areas of the Middle East, murder in al Qaeda’s name is sharply increasing. In Iraq, Shia are being murdered at a shocking rate. In Pakistan, Shia are frequent targets and across the Middle East groups inspired by bin Laden’s old message continue to sacrifice innocents – from mall shoppers in Kenya and a teacher in Benghazi, to students in Nigeria and oil workers in Algeria. These are the victims of the new breed of al Qaeda terrorists.¶ So we have conflicting trends. In broad strategic terms, al Qaeda is diminished. Numerous acts of terror against the United States have been prevented. It is clear that the American homeland is safer than it was, and it’s hard to conceive of a 9/11-style attack occurring today. At the same time, though, this emerging generation of militants poses its own threat to regional stability. We would be remiss if we assumed this jihadi phoenix could never rise again to threaten American cities.¶ America’s attention span tends to be shorter than that of its adversaries. Americans may evaluate the changing terror landscape as they would the NASDAQ stock exchange, defining success by watching swings over a month or even a year. For al Qaeda, success is something that is defined over decades, or even centuries.¶ Looking at the landscape through this lens might yield a different picture, one that offers hope to the current generation of Salafist extremists. From this perspective, the al Qaeda cause has endured even as the post-9/11 years brought setbacks to its leadership, its globalist message, and many of its affiliates and adherents. But periodic attacks – London, Bali, and even Ft. Hood, Texas – meant the decline was not a linear downward slope.¶ More from CNN: Al Qaeda's image makeover¶ The United States has reason to worry, as Sen. Dianne Feinstein (D-Calif.) Rep. Mike Rogers (R-Mich.), the chairs of the Senate and House Intelligence Committees, pointed out recently. Events in the region – the unremitting violence in Syria, the collapse of any authority in Libya, and the continued instability and infighting in Yemen, Somalia, and elsewhere – appear to be emboldening al Qaeda sympathizers. Instability in Syria has opened the door for al Qaedists to broaden their sway among oppositionists, and instability in Iraq – and potentially Lebanon – offers further opportunities for radical jihadis.¶ There are too many breeding grounds. While much of today’s violence is localized – Yemeni extremists are interested in Yemen, Somalis in Somalia, and Syrians in Syria – any of these hot spots could become the next launching ground for a resurgence of anti-western targeting. Neither the inevitable decline of al Qaedism nor the rise of disparate al Qaedist groups in Africa and the Middle East is a full picture, though, and frequent assessments and reassessments might suggest that the al Qaeda phenomenon is morphing more quickly than it actually is.¶ At the same time, the United States can take some comfort in the progress that has been made at home – in the knowledge that a concerted and consistent counterterrorism campaign has made the country safer and largely eliminated the scourge that hatched the 9/11 plot. Because the al Qaeda revolutionary ideology is so resonant and resilient, the United States should be cautious about translating this comfort into a judgment that it is out of the woods. The picture is neither as positive as it looked even two years ago, nor as bleak as alarmists suggest.¶ Terror leaders with a target horizon that reaches Europe and the United States are uncommon. Carrying out successful plots against the West requires stout leadership, loyal and focused operatives, and a safe haven to plan without diverting attention to more immediate battles against local security services, other competing groups, or U.S. drones. At the moment, the al Qaeda offshoots do not possess these assets, and America is safer because of that.¶ At the same time, though, the United States must not allow this fragile sense of security to become complacency. The terrorist threat is still there, morphing over time from local or regional threats to international conspiracies and back again. Measuring progress threat- by-threat, or month by month, would lead to the mistaken belief that tactical gains or losses represent major shifts in this long, painful counterterror campaign. The campaign is a marathon run against a slowly declining revolutionary idea, al Qaedism, which will take many more years to stamp out fully.¶ The United States should not lose sight of the fact that while 12 years of counterterrorism efforts have helped keep it safe, many more years of vigilance lie ahead. Measuring progress in a counterterrorism war against the al Qaeda group may be straightforward; measuring progress against the morphing idea of al Qaedism isn’t.

#### Hardline policies are necessary to solve terrorism---the aff’s a concession that emboldens attacks

James **Phillips 6**, Frmr Research Fellow at the CRS. Senior Research Fellow for Middle Eastern Affairs at Council for Foreign Policy Studies. Bachelor’s in IR from Brown and Master’s in International Security Studies at Tufts, “The Evolving Al-Qaeda Threat,” 17 March 2006, http://www.heritage.org/research/homelandsecurity/hl928.cfm

Al-Qaeda's core group is disciplined, relentless, and fanatical and probably cannot be deterred to any significant degree. They undoubtedly will continue to launch their attacks until they are killed, captured, and decisively defeated. Bin Laden's top lieutenants are cold and rational plotters who will persevere in their efforts despite long periods of adverse conditions because of their strong belief in their eventual triumph. The lust for "martyrdom" that permeates the middle and lower levels of al-Qaeda make those terrorists difficult to deter. Individual suicide bombers, once clasped tightly in al-Qaeda's embrace and brainwashed by a tight circle of zealous associates, are unlikely to be deterred from carrying out their lethal plots. It is easier to discourage potential recruits from joining al-Qaeda than to stop them from attacking once they have been indoctrinated and prepared for what they are persuaded is religious martyrdom. To deter someone from joining, it would be helpful to convince them beforehand that al-Qaeda is fighting a losing battle, that it hurts the Muslim community by its ruthless tactics, and that its long-term goals are unrealistic and even run counter to the interests of most Muslims. The United States can influence perceptions of al-Qaeda's prospects for success by relentlessly hunting down its members and bringing them to justice. But it must rely on Muslim political and religious leaders to drive home the other points. Close cooperation with the intelligence and law enforcement agencies of Muslim governments also can help discourage potential recruits from joining by underscoring that they will face counteraction not just from the United States, but from many other governments. Visible progress in defeating al-Qaeda's forces in Iraq, especially if Sunni nationalist insurgent groups can be turned against al-Qaeda, would go far to deterring young Muslim militants from joining al-Qaeda. Fewer people would want to die in a losing jihad than in one that appears to be on track to victory. As bin Laden himself noted in a candid videotape captured in Afghanistan in late 2001, "When people see a strong horse and a weak horse, by nature they will like the strong horse." The sooner the war in Iraq is turned over to the Iraqi government, the better for the broader war on terrorism. The stream of non-Iraqi recruits attracted to Iraq would diminish over time if potential recruits realized that their primary opponent there is not an army of infidels, but a democratic Iraqi government supported by the majority of Iraq's Sunni Arabs. Another important goal is to deter states from assisting al-Qaeda. The Bush Doctrine, enunciated in the President's September 20, 2001, speech before Congress, warned that "any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." This tough stance led Pakistan to break with al-Qaeda and Afghanistan's Taliban regime, which it previously had cooperated with against India. The United States also accrued considerable deterrent credibility by subsequent military campaigns that successfully overthrew regimes that harbored terrorists in Afghanistan and Iraq. The demonstration effect of these military campaigns influenced Libya to surrender its WMD and disavow terrorism. And Iran suddenly became very cooperative in freezing its uranium enrichment program in 2003. But the strength of deterrence against Iran apparently has been undermined by the growing Iranian perception that the United States is bogged down in Iraq and Afghanistan. Finally, the U.S. and its allies can deter al-Qaeda terrorists by refusing to give in to their demands. Making concessions under the threat of terrorist attacks only rewards and emboldens terrorists and encourages future attacks. In the long run, suicide bombers will claim fewer victims if the targeted countries stand firm and refuse to appease them.

#### Risk is high now

Matthew, et al, 10/2/13 [ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

#### Extinction

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

**Nuclear Terror turns the case because civil-liberties crackdowns**

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “**dirty bombs**” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of **panic and socio-economic destabilization**.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that **well-trained terrorists may be able to penetrate nuclear facilities**.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. **Theft of weapons-grade uranium is also possible**. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is **comparable to the yield of the bomb dropped on Hiroshima**. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. **The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order**.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

### 3

#### Here’s a question – why is materialist criticism of capitalist social relations so utterly absent from Judith Butler’s theorizations of power and her critique of the ‘War on Terror’? Their affirmative, with its emphasis on the ethics of the Other, mourning, and representation, is the epitome of a toothless, facile leftism that is secretly wedded to the core of the system it hopes to critique. The desire for the public sphere to become inclusive of mourning and different understandings of the human is nothing more than an alibi for the liberal-democratic-capitalist status quo. Butler’s critical public perpetually plays the loyal opposition to the system, never willing to question its foundations. Putting our activist eggs in the affirmative’s basket is quite literally a recipe for political irrelevance and capitalist domination.

Paul Smith, Professor of Cultural Studies at George Mason University, 2004, symploke, Vol. 12, No. 1-2, p. 259-260

What all this amounts to, as I'm sure many other commentators have seen and remarked, is that Butler's thinking is essentially that of good old American liberalism leavened with a measure of imperfectly digested French structuralism and post-structuralism. The first casualty in that American tradition has always been political economy and history; they disappear even if they are ritually invoked in some polite way. The problem there, as I've suggested, is that real conditions and conjunctures cannot be fully understood. A second traditional characteristic is what might be called a creeping universalism, where the very fact of speaking from within the American context soon persuades the speaker that there is a "we" out there that shares assumptions and perceptions. An attentive reader of Butler's essays here will be easily able to track the mutations of the referent when she uses the pronoun "we." Even where her point is to argue for inclusivity, or for the extension of the boundaries of the human, it's clear that the initial vantage point is the American human. A third characteristic of America liberal discourse is its strain of religiosity. Butler's final chapter here, the only previously unpublished essay in the book, concentrates on Emmanuel Lévinas, and it exhibits that trait. The essay is intended to underline the philosophical basis of the book's general discussion of the human and it is from Lévinas that Butler gets her title, Precarious Life. For Lévinas the word précaire fully implicates its etymology in the Latin word precari, an interestingly intransitive verb meaning to pray. The suggestion in Lévinas is that the Other is finally the divinity to whom we must pray and upon whom our existence depends in a supplicatory way. Butler's text doesn't explicitly take on this thicker meaning of "precarious," but the pressure that the word exerts on her text produces a glimpse of the religiosity that lurks behind all her schemas of interrelational identity, or of mourning and melancholia, and of course of "the human." Like all liberal discourse Butler's essays have power and here they identify and assault some of the worst symptoms of post-9/11 America. Their tone is largely outraged and militant, and the essays are occasionally courageous and biting. But it would be a mistake, I think, to take them as much more than a kind of bien pensant liberalism. It's clear that liberalism has always acted as the loyal opposition, pressing for its right to dissent and question, but never finally questioning or dissenting from the very system that has produced both it and its master. Indeed, the condition of liberalism could be the dictionary definition of precariousness itself: utterly dependent on the system and its rules, always in a supplicatory or petitioning relation to it, wanting to have its voice heard but certainly never willing to overthrow it. Liberalism is, in that sense, not unlike the "embedded" journalists working hand in hand with the military in Iraq. All of which brings up the question that Butler's final chapter opens and closes with: what is the role and the use of cultural criticism in these times? Butler's answer is modest and limited. What we need, she claims, is to sustain the project of the humanities and cultural criticism by trying to ensure that dissenting voices are heard within American democracy; those voices will bring "us" back to find "the human where we do not expect to find it, in its frailty and at the limits of its capacity to make sense" (151). In my view, it's crucial to resist this strain of "cultural criticism." That's not because it's unnecessary to attack the same targets as Butler attacks—we cannot not attack those targets. But rather it's because the way of thinking—the philosophical tradition, indeed—that underpins her assaults is ultimately anything but radical. Cultural criticism would indeed be in a precarious state if this liberalism were its proper and uncontested location.

#### Furthermore, we’ve got problems with their discursive politics. Their focus on subjects excluded from normative conceptions of the human has malicious political consequences – Butler’s argument for expanding our conception of the human doesn’t actually change any of the underlying conditions of representation she critiques. Even worse, their focus on representations gives rise to a politics in which people whose identities are defined by class and capitalism and have no relation to ‘normative conceptions of the human’ are excluded from view. This isn’t just a link of omission – it’s a structural necessity of their politics of representation, which makes it just as exclusive as the sovereign politics they critique.

Paul Smith, Professor of Cultural Studies at George Mason University, 2004, symploke, Vol. 12, No. 1-2, p. 256-257

The nub of all this comes early in the book, when Butler proposes to consider "the conditions under which certain human lives are more vulnerable than others, and thus certain human lives more grievable than others" (30).Thus, she asks why it is that Americans cannot grieve the Muslim dead in the post 9/11 conflicts. The absence of the Muslim dead from the news and the obituaries is immediately aligned with the struggles of "sexual minorities . . . transgendered people . . . intersexed people . . . [the] physically challenged" and racial minorities, all of whom struggle with the social imposition of parameters of the human, with normative values and "culturally viable notions of the human" (35). This sweeping homology is driven home by reference to "the queer lives that vanished on September 11," who went unrecognized in the obituaries and whose relatives were "belatedly and selectively . . . made eligible for benefits" (35). This rather breathtaking alignment has perhaps the opposite effect to that intended. Here and elsewhere Butler is at pains to say that she's not calling for simply some warm and fuzzy inclusion of excluded subjective into the faulty normative schemes that she sees all around her. Instead, she is calling for what she calls "an insurrection at the level of ontology" (33). (If that's to be the new slogan of radicalism, Bush, Ashcroft, Rumsfeld and their ilk probably aren't going to be losing a lot of sleep!) But rather than offering ways to reconceive relational subjectivity, or even simply highlighting the specific struggles of different subjects, Butler in effect produces nothing more than some rough equivalency amongst all those who somehow don't fit neatly into the "culturally viable notions of the human." To conceive of such an equivalency you have to do a lot of stripping away of materiality and you have to be virtually impervious to levels of specificity. At best, what Butler is pointing to here is a purely discursive or ideological homology, and it turns out to be a very incomplete homology even in its own terms. That is, there's something analytically wrong when Butler's highlighting of the "vanished lives" from the WTC can't include the laborers, janitors, food workers, homeless people and undocumented immigrants who died there, and whose struggles for recognition were not just about their access to "culturally viable notions of humanity" but equally about their economic value. In mostly unpublicized struggles to gain compensation and benefits, the relatives of many of these people, as well as attack survivors themselves, confronted the simple fact that their lives were simply not valued. The struggles of many of these people continue, three years after the attacks. These kinds of people don't appear in Butler's pantheon of victims—and nor do her victims themselves appear as labor, or as subjects whose identity is in any way at all constituted by their relation to capitalism (even though this might well be why they were attacked, as representatives of a predatory capitalist imperium). This elision, executed during Butler's cheerleading for the principles of inculsivity and relationality, is more than simply symptomatic of Butler's approach; it is a reminder of the weakness of any consideration of identity that cannot or will not entertain the historical and material conditions under which such identities are formed. In the end, what divides and differentiates subjects is not some factitious, contingent and unsatisfactory use of the category "human;" rather more it is the continual and relentless depredations of capital. So it's not really "conditions" that Butler investigates in this book; she isn't asking about American imperialism, or media power, or any of the material factors that inflect contemporary ideologies. Rather, she is simply pointing to some of the discursive structures and attitudinal habits that express those conditions. Butler will no doubt be familiar with the criticism that she is unable or unwilling to investigate those conditions or to see subjects as in any significant part produced by them. Similar issues are notably at stake in her exchanges with Nancy Fraser (in New Left Review) or with Gayle Rubin (in differences) in the last decade; and they arise again in her conversations with Laclau and Zizek in Contingency, Hegemony, Universality (2000). In my view, in all of these exchanges Butler comes across as more obstinate than correct in dealing with the challenge to her thinking that political-economic factors pose. Indeed, in the last named text, when called to account for these lapses, she comes out with one of the most perverse formulations in all of her writing: "It's unclear that the subject is not, for instance, from the start structured by certain general features of capitalism, or that capitalism does not produce certain quandaries for the unconscious and, indeed, for the psychic subject more generally" (277). Such circumphrasis (a spectacular double negative and a vagueness masquerading through the repeated word "certain") can only confirm the suspicion that, if an examination of "conditions" entails thinking in terms of political economy, Butler doesn't in fact want anything to do with it.

#### Butler’s refusal to interrogate the material conditions of the present is not an anomaly – it’s symptomatic of a larger problem within the contemporary left: an obsessive attachment to mourning and melancholy. In Butler’s politics, a narcissistic attachment to our own identities and discourses is elevated above any commitment to change the material circumstances we find ourselves in. Butler and those who subscribe to her discursive politics come to love their identities as critics so intensely that they nurture them at the expense of even the hope of a radical societal transformation.

Wendy Brown, Professor of Political Science at UC-Berkeley, 2002, Loss: The Politics of Mourning, p. 458-460

For the last two decades, cultural theorist Stuart Hall has insisted that the “crisis of the Left” is due neither to internal divisions in the activist or academic Left nor to the clever rhetoric or funding schemes of the Right. Rather, he has charged, this ascendancy is consequent to the Left’s own failure to apprehend the character of the age and to develop a political critique and a moral-political vision appropriate to this character. For Hall, the rise of the Thatcher-Reagan Right was a symptom rather than a cause of this failure, just as the Left’s dismissive or suspicious attitude toward cultural politics is for Hall a sign not of its unwavering principles but of its anachronistic habits of thought and its fears and anxieties about revising those habits. But what are the content and dynamic of these fears and anxieties? I want to develop just one thread of this problem through a consideration of the phenomenon named “Left melancholia” by Walter Benjamin more than half a century ago. What did Benjamin mean by and with this pejorative appellation for a certain intellectual and political bearing? As most readers will know, Benjamin was neither categorically nor characterologically opposed to the value and valence of sadness as such, nor to the potential insights gleaned from brooding over one’s losses. Indeed, he had a well-developed appreciation of the productive value of acedia, sadness, and mourning for political and cultural work, and in his study of Baudelaire, Benjamin treated melancholia itself as something of a creative wellspring. But “Left melancholia” is Benjamin’s unambivalent epithet for the revolutionary hack who is, finally, more attached to a particular political analysis or ideal— even to the failure of that ideal— than to seizing possibilities for radical change in the present. In Benjamin’s enigmatic insistence on the political value of a dialectical historical grasp of “the time of the Now,” Left melancholia represents not only a refusal to come to terms with the particular character of the present, that is, a failure to understand history in terms other than “empty time” or “progress.” It signifies as well a certain narcissism with regard to one’s past political attachments and identity that exceeds any contemporary investment in political mobilization, alliance, or transformation. 1 The irony of melancholia, of course, is that attachment to the object of one’s sorrowful loss supersedes any desire to recover from this loss, to live free of it in the present, to be unburdened by it. This is what renders melancholia a persistent condition, a state, indeed, a structure of desire, rather than a transient response to death or loss. In Freud’s 1917 meditation on melancholia, he reminds us of a second singular feature of melancholy: It entails “a loss of a more ideal kind [than mourning]. The object has not perhaps actually died, but has been lost as an object of love.” 2 Moreover, Freud suggests, the melancholic will often not know precisely what about the object has been loved and lost: “This would suggest that melancholia is in some way related to an object-loss which is withdrawn from consciousness, in contradistinction to mourning, in which there is nothing about the loss that is unconscious.” 3 The loss precipitating melancholy is more often than not unavowed and unavowable. Finally, Freud suggests that the melancholic subject— low in self-regard, despairing, even suicidal— has shifted the reproach of the once-loved object (a reproach waged for not living up to the idealization by the beloved) onto itself, thus preserving the love or idealization of the object even as the loss of this love is experienced in the suffering of the melancholic. Now why would Benjamin use this term, and the emotional economy it represents, to talk about a particular formation on and of the Left? Benjamin never offers a precise formulation of Left melancholia. Rather, he deploys it as a term of opprobrium for those more beholden to certain long-held sentiments and objects than to the possibilities of political transformation in the present. Benjamin is particularly attuned to the melancholic’s investment in “things.” In the Trauerspiel, he argues that “melancholy betrays the world for the sake of knowledge,” here suggesting that the loyalty of the melancholic converts its truth (“every loyal vow or memory”) about its beloved into a thing, indeed, imbues knowledge itself with a thinglike quality. 4 Another version of this formulation: “In its tenacious self-absorption [melancholy] embraces dead objects in its contemplation.” 5 More simply, melancholia is loyal “to the world of things,” 6 suggesting a certain logic of fetishism— with all the conservatism and withdrawal from human relations that fetishistic desire implies— contained within the melancholic logic. In the critique of Kastner’s poems in which Benjamin first coins “Left melancholia,” Benjamin suggests that sentiments themselves become things for the Left melancholic who “takes as much pride in the traces of former spiritual goods as the bourgeois do in their material goods.” 7 We come to love our Left passions and reasons, our Left analyses and convictions, more than we love the existing world that we presumably seek to alter with these terms or the future that would be aligned with them. Left melancholia, in short, is Benjamin’s name for a mournful, conservative, backward-looking attachment to a feeling, analysis, or relationship that has been rendered thinglike and frozen in the heart of the putative Leftist. If Freud is helpful here, then this condition presumably issues from some unaccountable loss, some unavowably crushed ideal, contemporarily signified by the terms Left, Socialism, Marx, or the Movement.

#### This has the devastating consequence of extinction

DYER-WITHERFORD (professor of Library and Info. Sciences at the U of Western Ontario) 1999
[Nick. Cyber Marx: Cycles and Circuits of Struggle in High Technology Capitalism.]

For capitalism, the use of machines as organs of “will over nature” is an imperative. The great insight of the Frankfurt School—an insight subsequently improved and amplified by feminists and ecologists—was that capital’s dual project of dominating both humanity and nature was intimately tied to the cultivation of “instrumental reason” that systematically objectifies, reduces, quantifies and fragments the world for the purposes of technological control. Business’s systemic need to cheapen labor, cut the costs of raw materials, and expand consumer markets gives it an inherent bias toward the piling-up of technological power. This priority—enshrined in phrases such as “progress,” “efficiency,” “productivity,” “modernization,” and “growth”—assumes an automatism that is used to override any objection or alternative, regardless of the environmental and social consequences. Today, we witness global vistas of toxification, deforestation, desertification, dying oceans, disappearing ozone layers, and disintegrating immune systems, all interacting in ways that perhaps threaten the very existence of humanity and are undeniably inflicting social collapse, disease, and immiseration across the planet. The degree to which this project of mastery has backfired is all too obvious.

#### Vote Negative to validate and adopt the method of structural/historical criticism that is the 1NC.

#### METHOD IS THE FOREMOST POLITICAL QUESTION BECAUSE ONE MUST UNDERSTAND EXISTING SOCIAL TOTALITY BEFORE ONE CAN HOW TO ACT—GROUNDING THE SITES OF POLITICAL CONTESTATION OUTSIDE OF LABOR MERELY SERVE TO HUMANIZE CAPITAL AND PREVENT A TRANSITION BEYOND OPPRESSION

TUMINO (Prof. English @ Pitt) 2001

[Stephen, “What is Orthodox Marxism and Why it Matters Now More than Ever”, Red Critique, p. online //wyo-tjc]

Any effective political theory will have to do at least two things: it will have to offer an integrated understanding of social practices and, based on such an interrelated knowledge, offer a guideline for praxis. My main argument here is that among all contesting social theories now, only Orthodox Marxism has been able to produce an integrated knowledge of the existing social totality and provide lines of praxis that will lead to building a society free from necessity. But first I must clarify what I mean by Orthodox Marxism. Like all other modes and forms of political theory, the very theoretical identity of Orthodox Marxism is itself contested—not just from non-and anti-Marxists who question the very "real" (by which they mean the "practical" as under free-market criteria) existence of any kind of Marxism now but, perhaps more tellingly, from within the Marxist tradition itself. I will, therefore, first say what I regard to be the distinguishing marks of Orthodox Marxism and then outline a short polemical map of contestation over Orthodox Marxism within the Marxist theories now. I will end by arguing for its effectivity in bringing about a new society based not on human rights but on freedom from necessity. I will argue that to know contemporary society—and to be able to act on such knowledge—one has to first of all know what makes the existing social totality. I will argue that the dominant social totality is based on inequality—not just inequality of power but inequality of economic access (which then determines access to health care, education, housing, diet, transportation, . . . ). This systematic inequality cannot be explained by gender, race, sexuality, disability, ethnicity, or nationality. These are all secondary contradictions and are all determined by the fundamental contradiction of capitalism which is inscribed in the relation of capital and labor. All modes of Marxism now explain social inequalities primarily on the basis of these secondary contradictions and in doing so—and this is my main argument—legitimate capitalism. Why? Because such arguments authorize capitalism without gender, race, discrimination and thus accept economic inequality as an integral part of human societies. They accept a sunny capitalism—a capitalism beyond capitalism. Such a society, based on cultural equality but economic inequality, has always been the not-so-hidden agenda of the bourgeois left—whether it has been called "new left," "postmarxism," or "radical democracy." This is, by the way, the main reason for its popularity in the culture industry—from the academy (Jameson, Harvey, Haraway, Butler,. . . ) to daily politics (Michael Harrington, Ralph Nader, Jesse Jackson,. . . ) to. . . . For all, capitalism is here to stay and the best that can be done is to make its cruelties more tolerable, more humane. This humanization (not eradication) of capitalism is the sole goal of ALL contemporary lefts (marxism, feminism, anti-racism, queeries, . . . ). Such an understanding of social inequality is based on the fundamental understanding that the source of wealth is human knowledge and not human labor. That is, wealth is produced by the human mind and is thus free from the actual objective conditions that shape the historical relations of labor and capital. Only Orthodox Marxism recognizes the historicity of labor and its primacy as the source of all human wealth. In this paper I argue that any emancipatory theory has to be founded on recognition of the priority of Marx's labor theory of value and not repeat the technological determinism of corporate theory ("knowledge work") that masquerades as social theory.

### Case

#### 1. The status quo solves their aff – Butler needs to cut some updates. The media is no longer hostile to mourning or public critique, their aff has already happened.

Paul Smith, Professor of Cultural Studies at George Mason University, 2004, symploke, Vol. 12, No. 1-2, p. 255-256

In that light, the opening words of Precarious Life—where Butler points to "the rise of anti-intellectualism and a growing acceptance of censorship within the media"—are already somewhat outdated (1). Predictably, the pace of events has also affected many of the other positions Butler adopts in this book. As the post-9/11 wave of hysteria and narcissistic agitation has abated somewhat in America, and as the Iraqi war has come to seem even less justifiable than it was at the start, public discourse has admitted the critique of all aspects of the administration's conduct since 9/11. You no longer have to be some maverick, unpatriotic leftie to be able to complain, for example, about Ashcroft's assault on civil liberties, Rumsfeld's barbaric policies in Guantanamo Bay and Abu Ghraib, civilian casualties in Iraq, and the monstrous crimes of the current Israeli regime. These are positions that many on the political spectrum have now taken, continue to take, and presumably will have to keep on taking. During the last two years people like Jonathan Schell in *The Nation* or Sidney Blumenthal on Salon.com have tirelessly made the same essential arguments as Butler makes in this book, but in venues and in language that are more widely accessible. Many of her points have been more concisely made in national newspaper editorials, or even by John Kerry on the campaign trail—not to mention in Michael Moore's Fahrenheit 911. They are, that is to say, positions that *pace* Butler's numerous asides about the poverty of "contemporary conditions of representation" have been made increasingly available in the mainstream media—certainly in the world media, and now more and more in the US media. So it's just as hard to credit Butler's positions with any originality as it is to disagree with them. The question would then be why Butler is producing these arguments at such great length, for whose benefit, and with what agenda?

#### 2. They don’t solve – Butler’s theory of discursive politics can’t account for the nature of the contemporary state. Their model of critical citizenship is outdated and never even rises to the level of directly challenging those in power.

Eva Cherniavsky, Assistant Professor of English at Indiana University, June 2005, Communication and Critical/Cultural Studies, Vol. 2, No. 2, p. 189

The turn to Foucault and to a direct engagement with new modes of state and other administrative power is particular to the chapter on the new war prison, in this book which otherwise thinks primarily through the philosophy of ethics (Levinas) and psychoanalysis. Precarious Life has much to say about people’s affective orientation to power—how we often remain “unmoved,” in Butler’s phrase, and might yet learn to be “moved,” through a recognition of the precariousness of other lives. “It was from that apprehension of the precariousness of those lives we destroyed,” Butler points out, “that many US citizens came to develop an important and vital consensus against the war” (150). Yet, the question remains how our affective “movements’” will matter to state power, when it no longer proceeds by manufacturing consent, but by regulating information flows—when, we might say, citizenship refers to a bureaucratic category that regulates the mobility of bodies in and across national, regional, and global space, rather than a mode of civic agency, to which, therefore, the affective orientation of the citizen is critical. I am suggesting that the category of democratic citizenship is at present a nostalgic reference that must be critically reconstructed as a precondition for engaging the new state formation Butler describes. From this vantage, where Precarious Life fails productively—which is to say, and by no means ingenuously, that it succeeds—is in marking the discontinuities between the psychic lives of political subjects and the operation of administrative power that it sets out to overcome.

#### Resistance is inherently conservative and merely stakes claims to the right to resist, but never ends in emancipation

Wolfe 13

[Ross Wolfe, Intellectual focusing on Marxism, Soviet history, critical theory, and avant-garde architecture, “REFLECTIONS ON RESISTANCE, REFORM, AND REVOLUTION”, December 24, 2013, http://philosophersforchange.org/2013/12/24/reflections-on-resistance-reform-and-revolution/, \\wyo-bb]

Of the three terms presently under investigation, “resistance” is the one of the most recent vintage, at least to the extent that it has been conceptualized and self-consciously used on the Left. A couple of preliminary remarks help to focus the discussion. First, as Stephen Duncombe pointed out a few years ago, the concept of “resistance” is inherently conservative.[2] It indicates the ability of something to maintain itself — i.e., to conserve or preserve its present state of existence — against outside influences that would otherwise change it. Resistance signifies not only defiance but also intransigence. As the editors of Upping the Anti put it a couple years back, “resistance” automatically assumes a “defensive posture.”[3] It thus appears to be politically ambivalent: it depends on what is being conserved and what is being resisted.[4] Secondly, beyond its conceptual dimension, the language of “resistance” is linked to conservatism at an historical level as well. At least, this is how recalcitrant elements of society originally understood their opposition to the Left ever since its inception in 1789. Against the rationalism and excesses of the French Revolution, the British statesman and archconservative Edmund Burke praised England for its stubborn “resistance” to radical projects of political modernization. He wrote: Thanks to our sullen resistance to innovation, thanks to the cold sluggishness of our national character, we still bear the stamp of our forefathers…We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvétius has made no progress amongst us…We fear God; we look up with awe to kings; with affection to parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility.[5] As late as 1848, the term “resistance” was chiefly deployed by reactionaries. Under the July Monarchy of Louis Philippe, the conservative theorist and statesman Guizot led le parti de la Résistance against the more progressive Parti du mouvement. The influential anarchist Pierre-Joseph Proudhon reproached his contemporaries, Louis Blanc and Pierre Leroux, along these lines in 1849, for their “resistance to the revolution.”[6] The forces of reaction in Europe were not merely content to “resist” revolution, however. Later, in the struggle for electoral reform in Britain in the 1830s, the Left once again had to contend with the “resistance” of conservative legislators.[7] During the 1860s, when a new Reform Bill threatened to extend the franchise to an even greater proportion of the population, a dissident segment of the Liberal Party — the “Adullamites” — motioned to resist these democratic measures. Engels’ judgment of this move was damning: “These Adullamites really are tremendous jackasses to put up such resistance to this pauvre Reform Bill, the most conservative thing that’s ever been done here [England].”[8] Only in the short twentieth century did “resistance” come to be associated with leftist politics, by virtue of a threefold historical development. First, it was ennobled through movements of opposition by colonial peoples in resisting imperial subjugation. But even here, the emancipatory character of “resistance” to imperialism was not always clear-cut. Lenin, whose theory of imperialism is so commonly invoked by Marxists and anarchists today, was wise enough not to offer unqualified support to just any movement claiming to “resist” imperialist aggression. Uprisings against imperialism led by regressive social elements do not deserve to be cheered along by the Left in lieu of progressive alternatives that may not exist.[9] The concept of “resistance” was romanticized yet further through the experience of La Résistance in France fighting the collaborationist Vichy regime. Quite a few of the resistance’s most prominent heroes and martyrs belonged to the Communist movement. Even this case was not without its problems, however. The French Communists’ much-touted “resistance” to fascist rule bore throughout the indelible imprint of Stalinist pop-frontism. As some perceptive Trotskyist critics noticed already in 1939, the strategy of the Popular Front only siphoned off revolutionary energy from the more militant sections of the French labour movement, diverted into mindless campaigns of coalition building.[10] This is not to denigrate the sacrifice and valour of French resistance fighters, of course. It is only to point out the complex conditions under which such “resistance” took place. Finally, in the hands of postmodern and postcolonial theory, “resistance” received the academy’s authoritative stamp of approval. It became consecrated as the standard mode of dissent under late capitalism. To provide just one example of the kind of needlessly baroque theoretical explanations given to “resistance” by postcolonialists, we need only look at Homi Bhabha’s 1994 work on The Location of Culture: Resistance is not necessarily an oppositional act of political intention, nor is it the simple negation or exclusion of the “content” of another culture, as a difference once perceived. It is the effect of an ambivalence produced within the rules of recognition of dominating discourses as they articulate the signs of cultural difference and re-implicate them within the deferential relations of colonial power — hierarchy, normalization, marginalization and so forth. For colonial domination is achieved through a process of disavowal that denies the chaos of its intervention as Entstellung, its dislocatory presence in order to preserve the authority of its identity in the teleological narratives of historical and political evolutionism.[11] For all his obscurity, Bhabha at least has the merit of elucidating the apolitical dimension of “resistance.” What is unclear from his explanation is whether a subject can actively “resist” forms of foreign, outside cultural domination “in order to preserve the authority” of more familiar, traditional, native, or “indigenous” forms of domination. Postcolonial theory must be understood within the context of the Cold War politics out of which it first emerged. With the decline of revolutionary leftist politics in the most advanced industrial nations of the world, hopes for radical social transformation migrated to what the French demographer Alfred Sauvy dubbed the “Third World.”[12] These hopes eventually reached their ideological apotheosis in what has come to be known as tiers-mondisme [“Third-Worldism”]. That is to say, in the global system divided into blocs between the “First World” (the U.S. and its allies) and the so-called “Second World” (the U.S.S.R. and its allies), the primary site of political struggle now shifted to the “Third World” (the non-affiliated countries, often ex-colonies of European nations). Ironically, such sentiments often survived the actual ideologies that engendered them. Enthusiasm for national liberation movements in formerly colonized regions continued in Western activist circles long after the USSR and PRC in the East ceased funding them — the former following its dissolution in 1991, the latter after the coup d’état that overthrew the “Gang of Four” in 1976. At this point, the streams of postcolonialism (arising from capitalism’s periphery) and postmodernism (arising from its core) converged.[13] All the grand narratives of the past, it seemed, had collapsed. Edward Said’s Orientalism came out in 1978; Jean-François Lyotard’s Postmodern Condition was released a year later. Both works are generally considered seminal within the postcolonial and postmodern canons, respectively. Significantly, however, each tendency — that is, postcolonialism and postmodernism — may be regarded as an outcome of the practical exhaustion and theoretical confusion brought about by the failure of the New Left. Tired, disillusioned, and largely depoliticized, the radicals who comprised the New Left now joined the very institutions they once opposed, becoming full-time academics or professional activists. The transformation of the New Left into the self-proclaimed “post-political” or “post-ideological” Left placed a new premium on the concept of cultural resistance.[14] Sadly, by the late 1970s, postcolonialism’s and postmodernism’s most valuable contributions to radical politics already belonged to the past. The Albert Memmi of The Colonizer and the Colonized and the Frantz Fanon of Black Skin, White Masks (not The Wretched of the Earth)[15] were superior to Said, as well as their own later incarnations. Said himself was vastly preferable to today’s figures, such as Bhabha, Spivak, or Chakrabarty. The same can basically be said of postmodernism. Lyotard the member of Socialisme ou Barbarie or theorist of postmodernism was far more worthwhile than Lyotard the relapsed Kantian aesthetician; the Baudrillard who wrote The Mirror of Production ought to be prioritized over the author who later wrote Simulacra and Simulation. Either way, postcolonial and postmodernist politics never aspired to anything more than “resistance” to a seemingly all-powerful system of neoliberalism and globalization.[16] Such is the genealogy of “resistance” on the Left. Down at Liberty Plaza last fall one would regularly see signs that read (in a perverse Cartesianism): “I resist, therefore I exist.” The real efficacy of such resistance is difficult to ascertain, however. Recently, Marxian theorists such as Moishe Postone and Slavoj Žižek have suggested that politics based on resistance is often unwittingly complicit with the very systems they purport to resist.[17] It remains unclear, moreover, how resistance fits into any broader emancipatory program. As Chris Cutrone observes: “The Left today almost never speaks of freedom or emancipation, but only of ‘resistance’ to the dynamics of change associated with capital and its transformations.”[18] Of course, this is not to deny any and all emancipatory power to acts of “resistance.” But “resistance” can really only be called upon to preserve those freedoms of which one already has possession, against forces that seek to limit them. In this sense, the politics of resistance do not go beyond the “right of resistance” proclaimed by early liberals such as John Locke, who in his Second Treatise on Government wrote that “they who use unjust force may be questioned, opposed, and resisted.”[19] An extension of inalienable bourgeois property, one possessed the right to protect his or her own “life and limbs.”

#### 3. They can’t stop dehumanization – dominant cultural and media forces will just shift to a different target to exclude from the sphere of the human.

Robin Schott, Ph.D., lecturer at the Department of Philosophy, Education, and Rhetoric, University of Copenhagen, December 20, 2004, online: http://www.kvinfo.dk/side/563/article/297/, accessed September 30, 2006

Butler's discussion of dependency and vulnerability in this book leads her also to use the language of relationality. Feminist philosophers have focused a good deal of attention on the relations that constitute human subjectivity, ethics and politics, though Butler has not previously used these terms. In *Bodies that Matter*, she writes of "subjectivation" and "subjection" to highlight the framework by which power, discourse, and the imaginary precede any actual encounter between people. In *Precarious Life*, however, she explicitly states her affinity to the term "relationality", but adds, "we may need other language to approach...how we not only are constituted by our relations but also dispossessed by them as well." Butler's primary position in this book in terms of identity politics is not that of a feminist or lesbian, but that of a "progressive Jew". She turns to Levinas to work through "what an ethic of Jewish non-violence might be.". She boldly criticizes current Israeli politics, arguing against the tendency to identify anti-Zionism and anti-Semitism. And she argues for the possibility of a revised form of Zionism, a post-Zionist Israel, an autonomous Palestinian state, or a secular, one-state solution. Why does Jewishness have such a prominent position in her current reflection? On the theoretical level, she draws inspiration from Jewish philosophers like Levinas and Derrida. On the political level, by speaking publicly as a Jew who criticizes Israeli policies, she displaces the position of Jew as eternal victim. She notes that the victim is transposable: "it can shift from minute to minute from the Jew atrociously killed by suicide bombers on a bus to the Palestinian child atrociously killed by Israeli gunfire." Butler's essays are a very timely intervention in the political crises since September 11, 2001. She demonstrates how theories developed to analyze gender and sexuality provide important resources for addressing issues of political violence. Nonetheless, engaging with her work raises a number of questions. First, what is the relation between human vulnerability and politics? Thomas Hobbes also thought that human beings are vulnerable when he wrote in 1660 that human life is nasty, brutish and short *(Leviathan* I, 13). Yet the politics that Hobbes endorses is far from what Butler has in mind. The politics that she envisions is one that many progressives want. It is a politics that is opposed to war, to American imperialism, to the violation of human rights and the destruction of human lives. What is the connection between her starting point, that we are vulnerable, and her conclusion, that we must struggle for "a politics that seeks to diminish suffering universally"? Although Butler charts her course through the ethical theory of Levinas, many other progressives reach this political vision by a critique of capitalism, imperialism, racism and war. So her ethical theory is not a necessary step for reaching this political vision. Second, I wonder whether her own theory can support her call for us to widen the concept of the human. Her theoretical work has elaborated on how the process of dehumanization, which excludes certain lives from being recognized as human, is also constitutive of the concept of the human. If this is right, can one ever eliminate the logic by which some lives are treated as non-human? Is the ethical task to try to limit the number of lives who fall into this category? Or do we merely shift who is considered non-human in different places and times?

# 2NC DA

## Link

### 2NC Link wall

#### phillps ext. – hardline key—perception deters terrorism

#### 2. Academic criticism and changing the narrative of detention forces the administration to abandon its policies

Jonathan Adler, Johan Verheij Memorial Professor of Law and Director, Center for Business Law & Regulation, Case Western Reserve University School of Law, “AALS Mid-Year Meeting: Executive Power” June 5, 2008. http://www.volokh.com/posts/chain\_1212602633.shtml

Margulies suggested that criticism of the Bush Administrationâ€™s detention policies is universal, but I think he overstates his case. There is no question that academic criticism of the Administrationâ€™s detention policies is (almost) universal. A similar consensus appears to exist abroad (at least in public). Some aspects of the Administrationâ€™s policies have also been challenged from within the executive branch and by the courts, including the Supreme Court. Yet on the political right there remains substantial support for the executive branchâ€™s unilateral authority to detain enemy combatants as unlawful combatants and military adversaries. Many individuals, within the administration and without, believe that such measures are necessary for the security of the nation, and must be pursued even in the face of substantial opposition. Margulies explanation for the present situation is that there is a dominant cultural and political narrative that existing policies are flawed and should be criticized. This makes it necessary for political elites to disclaim existing policies. Yet there is relatively little public concern for detention policies. That is, the average voter is far more concerned about other issues, so the political consequences of maintaining existing policies are virtually nonexistent. So political elites can condemn existing policies, but need not do anything to change them. One implication of this, Margulies suggests, is that it can be particularly difficult to control or discipline unpopular exertions of executive power absent electoral change.

#### 3rd, detention is vital to winning the War on Terrorism

[a.] release of terrorists and disclosing capture and intel methods—those would allow Al Qaeda to prepare for interrogations

Goldsmith 9

Jack, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

#### [b.] vital intel—the war on terror is unique and requires constant reliance on intelligence through interrogation at detention facilities—

Meese ’12

[Edwin III, a noted attorney, law professor, and author, currently holds fellowships and chairmanships with several public policy councils and think tanks, including the Constitution Project and The Heritage Foundation, “Guantanamo Bay prison is necessary,” 01.11.2012. <<http://www.cnn.com/2012/01/11/opinion/meese-gitmo>>//wyo-hdm]

(CNN) -- The detention and interrogation facility at Guantanamo Bay, Cuba, which I have visited, has served and continues to serve an important role in the war against terrorists since it opened 10 years ago. It houses high-value terrorist detainees, like Khalid Sheikh Mohammed, the architect of September 11.The military commissions' courthouse, called the Expeditionary Legal Compound, is a world-class, state-of-the-art facility specifically designed to accommodate the needs of both defense and prosecutors dealing with classified information. The detainees there are represented by civilian and military counsel, and the Supreme Court has ruled that they enjoy the constitutional right of habeas corpus. The conditions of detention there are safe, secure and humane and comply with national and international standards, including Common Article 3 of the Geneva Conventions. It is important to remember that the United States of America is engaged in armed conflict and has been since September 11, 2001. The September 18, 2001, Authorization for Use of Military Force, relied upon by both the Bush and Obama administrations, gives our military the legal authority to engage the enemy under appropriate circumstances. Under the law of armed conflict, also called the law of war, engaging the enemy includes killing or capturing the enemy. This age-old principle -- detention of the enemy during wartime for the duration of hostilities -- is just as applicable to al Qaeda as it was to Nazi POWs in World War II or other enemies in previous wars. This principle has been upheld by our courts, including the United States Supreme Court. Shortly after September 11, it became evident that this war would be different from all previous wars in the sense that we would need to rely more on tactical and strategic intelligence to thwart and defeat the enemy than traditional military might. To defeat al Qaeda and its affiliates, we needed to know what they knew; one of the obvious ways to learn their intentions was through lawful interrogation at a safe detention facility. Guantanamo, used as a detention facility since the Clinton administration, was just such a place. There have been 779 detainees at Guantanamo. Today, there are only 171. But over the past decade, we have not only kept dangerous terrorists at Guantanamo and thus away from the battlefield, we have learned a great deal from them during long-term, lawful interrogations. Without a safe, secure detention and interrogation facility, we would not have gained the tactical and strategic intelligence needed to degrade and ultimately defeat the enemy.

#### [C] Intel thwarts plots--empirics

Thiessen, 9

Marc, columnist for Washington Post and visiting fellow of the American Enterprise Institute, former speechwriter for George W. Bush and Donald Rumsfield, The CIA's Questioning Worked, The Washington Post, 4/21/2009, http://articles.washingtonpost.com/2009-04-21/opinions/36894735\_1\_ksm-interrogations-abu-zubaydah

Specifically, interrogation with enhanced techniques "led to the discovery of a KSM plot, the 'Second Wave,' 'to use East Asian operatives to crash a hijacked airliner into' a building in Los Angeles." KSM later acknowledged before a military commission at Guantanamo Bay that the target was the Library Tower, the tallest building on the West Coast. The memo explains that "information obtained from KSM also led to the capture of Riduan bin Isomuddin, better known as Hambali, and the discovery of the Guraba Cell, a 17-member Jemmah Islamiyah cell tasked with executing the 'Second Wave.' " In other words, without enhanced interrogations, there could be a hole in the ground in Los Angeles to match the one in New York. The memo notes that "[i]nterrogations of [Abu] Zubaydah -- again, once enhanced techniques were employed -- furnished detailed information regarding al Qaeda's 'organizational structure, key operatives, and modus operandi' and identified KSM as the mastermind of the September 11 attacks." This information helped the intelligence community plan the operation that captured KSM. It went on: "Zubaydah and KSM also supplied important information about al-Zarqawi and his network" in Iraq, which helped our operations against al-Qaeda in that country.

## nternals

#### Terrorists want to attack the US And can get nuclear weapons—this is backed by the US-russia threat assessment and Seoul summit of nuke terrorism—material is lost very often, and it’s easy to build a nuke—that’s matthew 10/2

## Impact

### 2NC Impact OV

#### Terrorists will use nuclear weapons against the US—this creates enough nuclear fallout and kicks enough dust up to blot out the sun, causing nuclear winter and killing everyone—this comes first—without any life, mourning is impossible

### Turns case

**Nuclear Terror turns the case because civil-liberties crackdowns**

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “**dirty bombs**” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of **panic and socio-economic destabilization**.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that **well-trained terrorists may be able to penetrate nuclear facilities**.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. **Theft of weapons-grade uranium is also possible**. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is **comparable to the yield of the bomb dropped on Hiroshima**. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. **The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order**.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

### Motives

**Al Qaeda’s actions, statements, and internal documents prove they want nuclear weapons and mass casualty attacks---\*\*if the US relents, it guarantees nuclear attacks**

Larry J. **Arbuckle 8**, Naval Postgraduate School, "The Deterrence of Nuclear Terrorism through an Attribution Capability", Thesis for master of science in defense analysis, approved by Professor Robert O'Connell, and Gordon McCormick, Chairman, Department of Defense Analysis, Naval Postgraduate School, June

However, there is evidence that a small number of terrorist organizations in recent history, and at least one presently, have nuclear ambitions. These groups include Al Qaeda, Aum Shinrikyo, and Chechen separatists (Bunn, Wier, and Friedman; 2005). Of these, Al Qaeda appears to have made the most serious attempts to obtain or otherwise develop a nuclear weapon. Demonstrating these intentions, in 2001 Osama Bin Laden, Ayman al Zawahiri, and two other al Qaeda operatives met with two Pakistani scientists to discuss weapons of mass destruction development (Kokoshin, 2006). Additionally, Al Qaeda has made significant efforts to justify the use of mass violence to its supporters. Sulaiman Abu Ghaith, an al Qaeda spokesman has stated that al Qaeda, “has the right to kill 4 million Americans – 2 million of them children,” in retaliation for deaths that al Qaeda links to the U.S. and its support of Israel (as cited in Bunn, Wier, and Friedman; 2005). Indeed Bin Laden received a fatwa in May 2003 from an extreme Saudi cleric authorizing the use of weapons of mass destruction against U.S. civilians (Bunn, Wier, and Friedman; 2005). Further evidence of intent is the following figure taken from al Qaeda documents seized in Afghanistan. **It depicts a workable design for a nuclear weapon.** Additionally, the text accompanying the design sketch includes some **fairly advanced weapons design parameters** (Boettcher & Arnesen, 2002). Clearly **maximizing the loss of life is key among al Qaeda’s goals**. Thus their use of conventional means of attack presently appears to be a **result of their current capabilities** and not a function of their pure preference (Western Europe, 2005).

### Means

**the risk is real—they can get material and build a bomb**

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 106-7

For all these reasons, jihadists seem less intent on acquiring a finished nuclear weapon than on acquiring weapons- grade uranium and building the bomb themselves. In the early 1990s, Al Qaeda bought a 3- foot- long cylinder from a Sudanese military officer who said it contained South African highly enriched uranium. It turned out to be a hoax. Jihadists have reportedly made other failed attempts as well. Eventually, however, they could succeed. Moscow may adequately protect its nuclear weapons, but the National Academy of Sciences has warned that “large inventories of SNM [fissile material] are stored at many sites that apparently lack inventory controls.” And the Russians reportedly experience one or two attempted thefts of that material a year—that they know of. ¶ If Al Qaeda obtained 50 kilograms of weapons-g rade uranium, the hardest part would be over. The simplest nuke to build is the kind the United States dropped on Hiroshima, a “gun- type,” in which a mass of highly enriched uranium is fired down a large gun barrel into a second uranium mass. Instructions for how to make one are widely available. Just how widely available became clear to an elderly nuclear physicist named Theodore Taylor in 2002, when he looked up “atomic bomb” in the World Book Encyclopedia in his upstate New York nursing home, and found much of the information you’d need. ¶ Even with directions, building a nuclear bomb would still be a monumental task. According to a New York Times Magazine article by Bill Keller, in 1986 five Los Alamos nuke builders wrote a paper called “Can Terrorists Build Nuclear Weapons?” They concluded that it would require people who understood “the physical, chemical and metallurgical proper-¶ 107¶ ties of the various materials to be used, as well as characteristics affecting their fabrication; neutronic properties; radiation effects, both nuclear and biological; technology concerning high explosives and/or chemical pro- pellants; some hydrodynamics; electrical circuitry.” That sounds daunting. **Yet, at the end of the paper, the scientists answered their question: “Yes, they can.”** ¶Finally, once terrorists built a nuclear weapon, they’d still have to smuggle it into the United States. The best way might be to put it in a shipping container, on one of the many supertankers that bring oil into American ports every day. The containers are huge, more than big enough to fit a gun-t ype nuke, which could be as small as 6 feet in length and 6 inches in diameter. Highly enriched uranium emits much less radiation than plutonium, and inside a supertanker’s thick double-steel hull it would be hard for sensors to detect. What’s more, a single ship can carry several thousand containers, most of which are never searched. On September 11, 2002, ABC News smuggled a 15- pound cylinder of depleted uranium in a cargo container past U.S. customs. On September 11, 2003, they performed the same exercise—and got the uranium past customs again.

### Onto FW Bad

#### Ontology or epistemology first frameworks abdicate responsibility for solving real world problems

Jarvis 2K (D.S.L., Lecturer n Government - U of Sydney, INTERNATIONAL RELATIONS AND THE CHALLENGE OF POSTMODERNISM, p. 128-9)

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. But to suppose that this is the only task 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 tight 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 rarionality 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. Holsti argues, we need ask of these theorists and these theories tne 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.

### Conseq

#### Consequentialism is key to ethical decision making, because it ensures beings are treated as equal—any other approach to ethics is arbitrary because it considers one’s preferences as more important than others

Lillehammer, 2011

[Hallvard, Faculty of Philosophy Cambridge University, “Consequentialism and global ethics.” Forthcoming in M. Boylan, Ed., Global Morality and Justice: A Reader, Westview Press, Online, http://www.phil.cam.ac.uk/teaching\_staff/lillehammer/Consequentialism\_and\_Global\_Ethics-1-2.pdf] /Wyo-MB

Contemporary discussions of consequentialism and global ethics have been marked by a focus on examples such as that of the shallow pond. In this literature, distinctions are drawn and analogies made between different cases about which both the consequentialist and his or her interlocutor are assumed to have a more or less firm view. One assumption in this literature is that progress can be made by making judgements about simple actual or counterfactual examples, and then employing a principle of equity to the effect that like cases be treated alike, in order to work out what to think about more complex actual cases. It is only fair to say that in practice such attempts to rely only on judgements about simple cases have a tendency to produce trenchant stand-offs. It is important to remember, therefore, that for some consequentialists the appeal to simple cases is neither the only, nor the most basic, ground for their criticism of the ethical status quo. For some of the historically most prominent consequentialists the evidential status of judgements about simple cases depends on their derivability from basic ethical principles (plus knowledge of the relevant facts). Thus, in The Methods of Ethics, Henry Sidgwick argues that ethical thought is grounded in a small number of self-evident axioms of practical reason. The first of these is that we ought to promote our own good. The second is that the good of any one individual is objectively of no more importance than the good of any other (or, in Sidgwick’s notorious metaphor, no individual’s good is more important ‘from the point of view of the Universe’ than that of any other). The third is that we ought to treat like cases alike. Taken together, Sidgwick takes these axioms to imply a form of consequentialism. We ought to promote our own good. Yet since our own good is objectively no more important than the good of anyone else, we ought to promote the good of others as well. And in order to treat like cases alike, we have to weigh our own good against the good of others impartially, all other things being equal. iv It follows that the rightness of our actions is fixed by what is best for the entire universe of ethically relevant beings. To claim otherwise is to claim for oneself and one’s preferences a special status they do not possess. When understood along these lines, consequentialism is by definition a global ethics: the good of everyone should count for everyone, no matter their identity, location, or personal and social attachments, now or hereafter. v Some version of this view is also accepted by a number of contemporary consequentialists, including Peter Singer, who writes that it is ‘preferable to proceed as Sidgwick did: search for undeniable fundamental axioms, [and] build up a moral theory from them’ (Singer 1974, 517; Singer 1981). For these philosophers the question of our ethical duties to others is not only a matter of our responses to cases like the shallow pond. It is also a matter of whether these responses cohere with an ethics based on first principles. If you are to reject the consequentialist challenge, therefore, you will have to show what is wrong with those principles.

#### Conflicting moral claims are inevitable – this necessitates utilitarianism.

Mulholland, 86

**prof. of philosophy at the University of Newfoundland, 1986** (Leslie, *Journal of Philosophy*, June, p. 328)

For many, the persuasiveness of utilitarianism as a moral theory lies in its power to provide a way out of difficulties arising from the conflict of moral principles. The contention that utilitarianism permits people to override rights in case of conflict of principles or in those cases where some recognized utility requires that a right be disregarded, is then not an internal objection to utilitarianism. Nor does it even indicate a plausible alternative to the convinced utilitarian. For him, utilitarianism has its force partly in the coherence and simplicity of the principle in explaining the morality of such cases.

## AT Impact Turns

### Good epis

#### Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. Boyle '8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

 Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological** **problems**. In fact**, terrorism scholars are not only well aware of these problems, but also have provided their own** searching **critiques** of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). **Some of those scholars most associated with the critique of empiricism** implied in ‘Orthodox Terrorism Studies’ **have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism**. For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke’s** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

#### Jackson and critical terror studies are wrong – no evidence to substantiate their claims and no viable alternative

Jones and Smith, 9 - \* University of Queensland, Queensland, Australia AND \*\* King's College, University of London, London, UK (David and M.L.R.,“We're All Terrorists Now: Critical—or Hypocritical—Studies “on” Terrorism?,” Studies in Conflict & Terrorism, Volume 32, Issue 4 April 2009 , pages 292 **–** 302**,** Taylor and Francis)

The journal, in other words, is not intended, as one might assume, to evaluate critically those state or non-state actors that might have recourse to terrorism as a strategy. Instead, the journal's ambition is to deconstruct what it views as the ambiguity of the word “terror,” its manipulation by ostensibly liberal democratic state actors, and the complicity of “orthodox” terrorism studies in this authoritarian enterprise. Exposing the deficiencies in any field of study is, of course, a legitimate scholarly exercise, but what the symposium introducing the new volume announces questions both the research agenda and academic integrity of journals like *Studies in Conflict and Terrorism* and those who contribute to them. Do these claims, one might wonder, have any substance?¶ Significantly, the original proposal circulated by the publisher Routledge and one of the editors, Richard Jackson, suggested some uncertainty concerning the preferred title of the journal. *Critical Studies on Terrorism* appeared last on a list where the first choice was *Review of Terror Studies*. Evidently, the concision of a review fails to capture the critical perspective the journal promotes. Criticism, then, is central to the new journal's philosophy and the adjective connotes a distinct ideological and, as shall be seen, far from pluralist and inclusive purpose. So, one might ask, what exactly does a critical approach to terrorism involve?¶ What it Means to be Critical¶ The editors and contributors explore what it means to be “critical” in detail, repetition, and opacity, along with an excessive fondness for italics, in the editorial symposium that introduces the first issue, and in a number of subsequent articles. The editors inform us that the study of terrorism is “a growth industry,” observing with a mixture of envy and disapproval that “literally thousands of new books and articles on terrorism are published every year” (pp. l-2). In adding to this literature the editors premise the need for yet another journal on their resistance to what currently constitutes scholarship in the field of terrorism study and its allegedly uncritical acceptance of the Western democratic state's security perspective.¶ Indeed, to be critical requires a radical reversal of what the journal assumes to be the typical perception of terrorism and the methodology of terrorism research. To focus on the strategies practiced by non-state actors that feature under the conventional denotation “terror” is, for the critical theorist, misplaced. As the symposium explains, “acts of clandestine non-state terrorism are committed by a tiny number of individuals and result in between a few hundred and a few thousand casualties *per year over the entire world*” (original italics) (p. 1). The United States's and its allies' preoccupation with terrorism is, therefore, out of proportion to its effects.1 At the same time, the more pervasive and repressive terror practiced by the state has been “silenced from public and … academic discourse” (p. 1).¶ The complicity of terrorism studies with the increasingly authoritarian demands of Western, liberal state and media practice, together with the moral and political blindness of established terrorism analysts to this relationship forms the journal's overriding assumption and one that its core contributors repeat ad nauseam. Thus, Michael Stohl, in his contribution “Old Myths, New Fantasies and the Enduring Realities of Terrorism” (pp. 5-16), not only discovers ten “myths” informing the understanding of terrorism, but also finds that these myths reflect a “state centric security focus,” where analysts rarely consider “the violence perpetrated by the state” (p. 5). He complains that the press have become too close to government over the matter. Somewhat contradictorily Stohl subsequently asserts that media reporting is “central to terrorism and counter-terrorism as political action,” that media reportage provides the oxygen of terrorism, and that politicians consider journalists to be “the terrorist's best friend” (p. 7).¶ Stohl further compounds this incoherence, claiming that “the media are far more likely to focus on the destructive actions, rather than on … grievances or the social conditions that breed [terrorism]—to present episodic rather than thematic stories” (p. 7). He argues that terror attacks between 1968 and 1980 were scarcely reported in the United States, and that reporters do not delve deeply into the sources of conflict (p. 8). All of this is quite contentious, with no direct evidence produced to support such statements. The “media” is after all a very broad term, and to assume that it is monolithic is to replace criticism with conspiracy theory. Moreover, even if it were true that the media always serves as a government propaganda agency, then by Stohl's own logic, terrorism as a method of political communication is clearly futile as no rational actor would engage in a campaign doomed to be endlessly misreported.¶ Nevertheless, the notion that an inherent pro-state bias vitiates terrorism studies pervades the critical position. Anthony Burke, in “The End of Terrorism Studies” (pp. 37-49), asserts that established analysts like Bruce Hoffman “specifically exclude states as possible perpetrators” of terror. Consequently, the emergence of “critical terrorism studies” “may signal the end of a particular kind of traditionally state-focused and directed 'problem-solving' terrorism studies—at least in terms of its ability to assume that its categories and commitments are immune from challenge and correspond to a stable picture of reality” (p. 42).¶ Elsewhere, Adrian Guelke, in “Great Whites, Paedophiles and Terrorists: The Need for Critical Thinking in a New Era of Terror” (pp. 17-25), considers British government-induced media “scare-mongering” to have legitimated an “authoritarian approach” to the purported new era of terror (pp. 22-23). Meanwhile, Joseba Zulaika and William A. Douglass, in “The Terrorist Subject: Terrorist Studies and the Absent Subjectivity” (pp. 27-36), find the War on Terror constitutes “*the* single,” all embracing paradigm of analysis where the critical voice is “not allowed to ask: what is the reality itself?” (original italics) (pp. 28-29). The construction of this condition, they further reveal, if somewhat abstrusely, reflects an abstract “desire” that demands terror as “an ever-present threat” (p. 31). In order to sustain this fabrication: “Terrorism experts and commentators” function as “realist policemen”; and not very smart ones at that, who while “gazing at the evidence” are “unable to read the paradoxical logic of the desire that fuels it, whereby *lack* turns to*excess*” (original italics) (p. 32). Finally, Ken Booth, in “The Human Faces of Terror: Reflections in a Cracked Looking Glass” (pp. 65-79), reiterates Richard Jackson's contention that state terrorism “is a much more serious problem than non-state terrorism” (p. 76).¶ Yet, one searches in vain in these articles for evidence to support the ubiquitous assertion of state bias: assuming this bias in conventional terrorism analysis as a fact seemingly does not require a corresponding concern with evidence of this fact, merely its continual reiteration by conceptual fiat. A critical perspective dispenses not only with terrorism studies but also with the norms of accepted scholarship. Asserting what needs to be demonstrated commits, of course, the elementary logical fallacy *petitio principii*. But critical theory apparently emancipates (to use its favorite verb) its practitioners from the confines of logic, reason, and the usual standards of academic inquiry.¶ Alleging a constitutive weakness in established scholarship without the necessity of providing proof to support it, therefore, appears to define the critical posture. The unproved “state centricity” of terrorism studies serves as a platform for further unsubstantiated accusations about the state of the discipline. Jackson and his fellow editors, along with later claims by Zulaika and Douglass, and Booth, again assert that “orthodox” analysts rarely bother “to interview or engage with those involved in 'terrorist' activity” (p. 2) or spend any time “on the ground in the areas most affected by conflict” (p. 74). Given that Booth and Jackson spend most of their time on the ground in Aberystwyth, Ceredigion, not a notably terror rich environment if we discount the operations of *Meibion Glyndwr* who would as a matter of principle avoid *pob sais* like Jackson and Booth, this seems a bit like the pot calling the kettle black. It also overlooks the fact that *Studies in Conflict and Terrorism* first advertised the problem of “talking to terrorists” in 2001 and has gone to great lengths to rectify this lacuna, if it is one, regularly publishing articles by analysts with first-hand experience of groups like the Taliban, Al Qaeda and *Jemaah Islamiyah*.¶ A consequence of avoiding primary research, it is further alleged, leads conventional analysts uncritically to apply psychological and problem-solving approaches to their object of study. This propensity, Booth maintains, occasions another unrecognized weakness in traditional terrorism research, namely, an inability to engage with “the particular dynamics of the political world” (p. 70). Analogously, Stohl claims that “the US and English [sic] media” exhibit a tendency to psychologize terrorist acts, which reduces “structural and political problems” into issues of individual pathology (p. 7). Preoccupied with this problem-solving, psychopathologizing methodology, terrorism analysts have lost the capacity to reflect on both their practice and their research ethics.¶ By contrast, the critical approach is not only self-reflective, but also and, for good measure, self-reflexive. In fact, the editors and a number of the journal's contributors use these terms interchangeably, treating a reflection and a reflex as synonyms (p. 2). A cursory encounter with the *Shorter Oxford Dictionary* would reveal that they are not. Despite this linguistically challenged misidentification, “reflexivity” is made to do a lot of work in the critical idiom. Reflexivity, the editors inform us, requires a capacity “to challenge dominant knowledge and understandings, is sensitive to the politics of labelling … is transparent about its own values and political standpoints, adheres to a set of responsible research ethics, and is committed to a broadly defined notion of emancipation” (p. 2). This covers a range of not very obviously related but critically approved virtues. Let us examine what reflexivity involves as Stohl, Guelke, Zulaika and Douglass, Burke, and Booth explore, somewhat repetitively, its implications.¶ Reflexive or Defective? ¶ Firstly, to challenge dominant knowledge and understanding and retain sensitivity to labels leads inevitably to a fixation with language, discourse, the ambiguity of the noun, terror, and its political use and abuse. Terrorism, Booth enlightens the reader unremarkably, is “a politically loaded term” (p. 72). Meanwhile, Zulaika and Douglass consider terror “the dominant tropic [sic] space in contemporary political and journalistic discourse” (p. 30). Faced with the “serious challenge” (Booth p. 72) and pejorative connotation that the noun conveys, critical terrorologists turn to deconstruction and bring the full force of postmodern obscurantism to bear on its use. Thus the editors proclaim that terrorism is “one of the most powerful signifiers in contemporary discourse.” There is, moreover, a “yawning gap between the 'terrorism' signifier and the actual acts signified” (p. 1). “[V]irtually all of this activity,” the editors pronounce *ex cathedra*, “refers to the *response* to acts of political violence not the violence itself” (original italics) (p. 1). Here again they offer no evidence for this curious assertion and assume, it would seem, all conventional terrorism studies address issues of homeland security.¶ In keeping with this critical orthodoxy that he has done much to define, Anthony Burke also asserts the “instability (and thoroughly politicized nature) of the unifying master-terms of our field: 'terror' and 'terrorism'” (p. 38). To address this he contends that a critical stance requires us to “keep this radical instability and inherent politicization of the concept of terrorism at the forefront of its analysis.” Indeed, “without a conscious reflexivity about the most basic definition of the object, our discourse will not be critical at all” (p. 38). More particularly, drawing on a jargon-infused amalgam of Michel Foucault's identification of a relationship between power and knowledge, the neo-Marxist Frankfurt School's critique of democratic false consciousness, mixed with the existentialism of the Third Reich's favorite philosopher, Martin Heidegger, Burke “*questions the question*.” This intellectual *potpourri* apparently enables the critical theorist to “question the ontological status of a 'problem' before any attempt to map out, study or resolve it” (p. 38).¶ Interestingly, Burke, Booth, and the symposistahood deny that there might be objective data about violence or that a properly focused strategic study of terrorism would not include any prescriptive goodness or rightness of action. While a strategic theorist or a skeptical social scientist might claim to consider only the complex relational situation that involves as well as the actions, the attitude of human beings to them, the critical theorist's radical questioning of language denies this possibility.¶ The critical approach¶ h to language and its deconstruction of an otherwise useful, if imperfect, political vocabulary has been the source of much confusion and inconsequentiality in the practice of the social sciences. It dates from the relativist pall that French radical post structural philosophers like Gilles Deleuze and Felix Guattari, Foucault, and Jacques Derrida, cast over the social and historical sciences in order to demonstrate that social and political knowledge depended on and underpinned power relations that permeated the landscape of the social and reinforced the liberal democratic state. This radical assault on the possibility of either neutral fact or value ultimately functions unfalsifiably, and as a substitute for philosophy, social science, and a real theory of language.¶ The problem with the critical approach is that, as the Australian philosopher John Anderson demonstrated, to achieve a genuine study one must either investigate the facts that are talked about or the fact that they are talked about in a certain way. More precisely, as J.L. Mackie explains, “if we concentrate on the uses of language we fall between these two stools, and we are in danger of taking our discoveries about manners of speaking as answers to questions about what is there.”2 Indeed, in so far as an account of the use of language spills over into ontology it is liable to be a confused mixture of what should be two distinct investigations: the study of the facts about which the language is used, and the study of the linguistic phenomena themselves.¶ It is precisely, however, this confused mixture of fact and discourse that critical thinking seeks to impose on the study of terrorism and infuses the practice of critical theory more generally. From this confused seed no coherent method grows.¶ What is To Be Done?¶ This ontological confusion notwithstanding, Ken Booth sees critical theory not only exposing the dubious links between power and knowledge in established terrorism studies, but also offering an ideological agenda that transforms the face of global politics. “[*C*]*ritical knowledge*,” Booth declares, “*involves understandings of the social world that attempt to stand outside prevailing structures, processes, ideologies and orthodoxies while recognizing that all conceptualizations within the ambit of sociality derive from particular social/historical conditions*” (original italics) (p. 78). Helpfully, Booth, assuming the manner of an Old Testament prophet, provides his critical disciples with “*big-picture* navigation aids” (original italics) (p. 66) to achieve this higher knowledge. Booth promulgates fifteen commandments (as Clemenceau remarked of Woodrow Wilson's nineteen points, in a somewhat different context, “God Almighty only gave us ten”). When not stating the staggeringly obvious, the Ken Commandments are hopelessly contradictory. Critical theorists thus should “avoid exceptionalizing the study of terrorism,”3 “recognize that states can be agents of terrorism,” and “keep the long term in sight.” Unexceptional advice to be sure and long recognized by more traditional students of terrorism. The critical student, if not fully conversant with critical doublethink, however, might find the fact that she or he lives within “Powerful theories” that are “constitutive of political, social, and economic life” (6th Commandment, p. 71), sits uneasily with Booth's concluding injunction to “stand outside” prevailing ideologies (p. 78).¶ In his preferred imperative idiom, Booth further contends that terrorism is best studied in the context of an “academic international relations” whose role “is not only to interpret the world but to change it” (pp. 67-68). Significantly, academic—or more precisely, critical—international relations, holds no place for a realist appreciation of the status quo but approves instead a Marxist ideology of praxis. It is within this transformative praxis that critical theory situates terrorism and terrorists.¶ The political goals of those non-state entities that choose to practice the tactics of terrorism invariably seek a similar transformative praxis and this leads “critical global theorizing” into a curiously confused empathy with the motives of those engaged in such acts, as well as a disturbing relativism. Thus, Booth again decrees that the gap between “those who hate terrorism and those who carry it out, those who seek to delegitimize the acts of terrorists and those who incite them, and those who abjure terror and those who glorify it—is not as great as is implied or asserted by orthodox terrorism experts, the discourse of governments, or the popular press” (p. 66). The gap “between us/them is a slippery slope, not an unbridgeable political and ethical chasm” (p. 66). So, while “terrorist actions are always—without exception—wrong, they nevertheless might be contingently excusable” (p. 66). From this ultimately relativist perspective gang raping a defenseless woman, an act of terror on any critical or uncritical scale of evaluation, is, it would seem, wrong but potentially excusable.¶ On the basis of this worrying relativism a further Ken Commandment requires the abolition of the discourse of evil on the somewhat questionable grounds that evil releases agents from responsibility (pp. 74-75). This not only reveals a profound ignorance of theology, it also underestimates what Eric Voeglin identified as a central feature of the appeal of modern political religions from the Third Reich to Al Qaeda. As Voeglin observed in 1938, the Nazis represented an “attractive force.” To understand that force requires not the abolition of evil [so necessary to the relativist] but comprehending its attractiveness. Significantly, as Barry Cooper argues, “its attractiveness, [like that of al Qaeda] cannot fully be understood apart from its evilness.”4¶ The line of relativist inquiry that critical theorists like Booth evince toward terrorism leads in fact not to moral clarity but an inspissated moral confusion. This is paradoxical given that the editors make much in the journal's introductory symposium of their “responsible research ethics.” The paradox is resolved when one realizes that critical moralizing demands the “ethics of responsibility to the terrorist other.” For Ken Booth it involves, it appears, empathizing “with the ethic of responsibility” faced by those who, “in extremis” “have some explosives” (p. 76). Anthony Burke contends that a critically self-conscious normativism requires the analyst, not only to “critique” the “strategic languages” of the West, but also to “take in” the “side of the Other” or more particularly “engage” “with the highly developed forms of thinking” that provides groups like Al Qaeda “with legitimizing foundations and a world view of some profundity” (p. 44). This additionally demands a capacity not only to empathize with the “other,” but also to recognize that both Osama bin Laden in his *Messages to the West* and Sayyid Qutb in his Muslim Brotherhood manifesto *Milestones* not only offer “well observed” criticisms of Western decadence, but also “converges with elements of critical theory” (p. 45). This is not surprising given that both Islamist and critical theorists share an analogous contempt for Western democracy, the market, and the international order these structures inhabit and have done much to shape.¶ Histrionically Speaking¶ Critical theory, then, embraces relativism not only toward language but also toward social action. Relativism and the bizarre ethicism it engenders in its attempt to empathize with the terrorist other are, moreover, histrionic. As Leo Strauss classically inquired of this relativist tendency in the social sciences, “is such an understanding dependent upon our own commitment or independent of it?” Strauss explains, if it is independent, I am committed as an actor and I am uncommitted in another compartment of myself in my capacity as a social scientist. “In that latter capacity I am completely empty and therefore completely open to the perception and appreciation of all commitments or value systems.” I go through the process of empathetic understanding in order to reach clarity about my commitment for only a part of me is engaged in my empathetic understanding. This means, however, that “such understanding is not serious or genuine but histrionic.”5 It is also profoundly dependent on Western liberalism. For it is only in an open society that questions the values it promotes that the issue of empathy with the non-Western other could arise. The critical theorist's explicit loathing of the openness that affords her histrionic posturing obscures this constituting fact.¶ On the basis of this histrionic empathy with the “other,” critical theory concludes that democratic states “do not always abjure acts of terror whether to advance their foreign policy objectives … or to buttress order at home” (p. 73). Consequently, Ken Booth asserts: “If terror can be part of the menu of choice for the relatively strong, it is hardly surprising it becomes a weapon of the relatively weak” (p. 73). Zulaika and Douglass similarly assert that terrorism is “always” a weapon of the weak (p. 33).¶ At the core of this critical, ethicist, relativism therefore lies a syllogism that holds all violence is terror: Western states use violence, therefore, Western states are terrorist. Further, the greater terrorist uses the greater violence: Western governments exercise the greater violence. Therefore, it is the liberal democracies rather than Al Qaeda that are the greater terrorists.¶ In its desire to empathize with the transformative ends, if not the means of terrorism generally and Islamist terror in particular, critical theory reveals itself as a form of Marxist unmasking. Thus, for Booth “*terror has multiple forms*” (original italics) and the real terror is economic, the product it would seem of “global capitalism” (p. 75). Only the *engagee* intellectual academic finding in deconstructive criticism the philosophical weapons that reveal the illiberal neo-conservative purpose informing the conventional study of terrorism and the democratic state's prosecution of counterterrorism can identify the real terror lurking behind the “manipulation of the politics of fear” (p. 75).¶ Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, Booth, Burke, and the editors contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.” This, according to Burke, is “the normative end” that critical theory pursues. Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. In other words, the only ethical solution to terrorism is conversation: sitting around an un-coerced table presided over by Kofi Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union pacifist sandalista, a transcendental communicative reason will emerge to promulgate norms of transformative justice. As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46).¶ In the end, un-coerced norm projection is not concerned with the world as it is, but how it ought to be. This not only compounds the logical errors that permeate critical theory, it advances an ultimately utopian agenda under the guise of *soi-disant* cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) and no doubt bursts into spontaneous chanting of Kumbaya.¶ In analogous visionary terms, Booth defines real security as emancipation in a way that denies any definitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, Booth further maintains that universities have a crucial role to play. This also is something of a concern for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision.¶ Overall, the journal's fallacious commitment to emancipation undermines any ostensible claim to pluralism and diversity. Over determined by this transformative approach to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but pragmatic ones that accept the best that may be achieved in the circumstances. Ultimately, to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians and the Western media.6¶ It is the exploitation of this oughtistic style of thinking that leads the critic into a Humpty Dumpty world where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.” However, in order to justify their disciplinary niche they have to insist on the failure of established modes of terrorism study. Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear.¶ Critical Studies and Strategic Theory—A Missed Opportunity¶ Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against 'Critical Terrorism Studies'” (pp. 51-74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors' willingness to acknowledge deficiencies in some terrorism research shows that critical self-reflection is already present in existing terrorism studies. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position.¶ Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved.¶ Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author's distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.”¶ Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke's further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism.¶ Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel's bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.7 The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun.¶ Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate the flawed understandings of those whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin.¶ Conclusion¶ In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory's ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged.¶ At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama *Boston Legal* Judge Brown perennially referred to the vague, irrelevant, jargon-ridden statements of lawyers as “jibber jabber.” The Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of *Critical Studies on Terrorism* are its natural home.

# 1Nr

### Smith

#### Squo solves- Current media solves

#### No torture or abuse at Gitmo—better off than a supermax prison

Chasmar 13

[Chasmar, Jessica: journalist for the Washington Times. "Rep. Frank Wolf on Guantanamo tour: ‘There is no torture’." *Washington Times*. Washington Times, 30 Jul 2013. Web. 29 Sep 2013. <http://www.washingtontimes.com/news/2013/jul/30/rep-frank-wolf-guantanamo-tour-there-no-torture/>. //Wyo-BF]

As lawmakers on Capitol Hill battle over whether to close the detention facility in Guantanamo Bay, Cuba, a four-member congressional delegation from Virginia, led by Democratic Rep. Jim Moran, traveled there Friday. Rep. Frank Wolf, a Republican, released a statement Tuesday saying that upon touring the facility, he has determined there is no torture or abuse going to warrant its closure. “On Friday, I travelled to Guantanamo Bay at the request of my colleague Congressman Moran, who also invited Senator Kaine and Congressman Connolly to join,” he said. “The American service men and women working at Guantanamo Bay are doing an outstanding job, despite the constant threat of physical and verbal attacks, mass disturbances and ‘splashing,’ when detainees mix urine and feces with milk and throw it in the guards’ faces.” Mr. Wolf insisted that prisoners at Guantanamo are “still in the fight” and direct that aggression at the men and women serving as guards. “Despite these challenges, the center is run in a safe, humane, transparent and, above all, legal manner,” he added. “There is no torture. There is no abuse. The detainees are treated with respect. In fact, the detainees live in better conditions than they would at a supermax prison.” Upon touring the facility, Mr. Wolf remains firmly opposed to shutting down Guantanamo Bay. “The individuals being held at Guantanamo Bay are dangerous people who continue to want to harm Americans,” he continued. “It is also worth noting that of the detainees who have already been released, nearly one-third have returned to the fight, according to unclassified reports issued by the administration.”

#### Status squo solves heteronormativity and invisibility- their impact is empirically denied

Becker ‘06

[Susan, Professor of Law, Cleveland State University, 14 Am. U.J. Gender Soc. Pol'y & L. 177, American University Journal of Gender, Social Policy & the Law “Many Are Chilled, But Few Are Frozen: How Transformative Learning in Popular Culture, Christianity, and Science Will Lead to the Eventual Demise of Legally Sanctioned Discrimination Against Sexual Minorities in the United States” <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1269&context=jgspl>//wyo-hdm]

While this country’s historically chilly reception to lesbian, gay and bisexual persons cannot be denied, contemporary evidence of warming trends abound. The six developments summarized immediately below and more fully articulated throughout this article represent some of those trends. First, decades of momentum garnered by the civil rights movements for sexual minorities, paired with the movement’s proven ability to weather setbacks and adversity, suggest that contemporary challenges will not deter the movement. Second, while the political clout of Christian and secular conservatives should not be underestimated, it is nothing new. More importantly, emerging Christian voices now advocate greater acceptance of sexual minorities within denominations and throughout society. Third, medical researchers and social scientists continue to build an impressive body of empirical data that confronts the tradition of reserving “normalcy” solely for heterosexuals who fit the classic malefemale dichotomy. These scientific discoveries directly influence courts and legislatures faced with issues related to biological sex, gender roles and sexual identity, and affect the public’s perception of sexual minorities. Fourth, gay, lesbian, bisexual and transgender people have become highly visible within their own families and in political, academic, workplace, community and multi-media venues. This openness and exposure, in turn, destroys stereotypes and facilitates positive perceptions of sexual minorities as ordinary and generative members of society. Fifth, globalization has moved from the realm of political theory to fact. The extension of rights to sexual minorities in other countries will continue to influence social and legal trends in this country. Finally, all of these factors are coalescing to create a climate that encourages transformative learning, a cognitive process that inspires adults to reassess individual beliefs in a manner that ultimately effectuates social change. Medical and social scientists have experienced significant transformation of thought about sexual minorities while Christianity is just starting this process. The transformative growth originating in these areas is percolating into the general populace in a way that will eventually instigate changes to laws, regulations and policies that treat sexual minorities inequitably. I more fully support my assertions that legally sanctioned discrimination against sexual minorities is on its deathbed, and that transformative learning is hastening its demise, as follows. Following this introduction, I compare in Part I the current status of sexual minorities in the United States to their standing in the late 1970s. I then juxtapose these advancements with the many challenges the movement has encountered. In Part II, I explain the mechanics conservatives employ to fictionalize the lives of sexual minorities, a process I name “behavior-identity compression,” and I also expose its many flaws. I then enlist transformative learning theory to explain how and why adults are willing to revise and sometimes reverse longheld, negative views about sexual minorities. In Part III, I more closely examine three societal instruments that are both experiencing and facilitating this transformative learning process: (a) increased visibility of sexual minorities; (b) an emerging tradition in Christianity that embraces sexual minorities; and (c) scientific developments that reject the traditional heterosexual, binary norm in favor of much broader definitions of normalcy related to sex, sexuality and sexual identity

### Chern

#### 4. Turn, the ethics of mourning are disastrous for the Other:

#### a) Mourning the injustice of harm done to the Other does not challenge the authority of the power that committed that harm – in fact, it confirms it. The ethics of the Other are a feel-good way to escape from having to make tough political choices. Yet, refusing to negotiate the political is actually the foundation of ultimate violence done to the Other.

Gillian Rose, Professor of Cultural Geography at the Open University, 1996, Mourning Becomes the Law, p. 35-38

Let us return to the boundary wall of the city of Athens – here, just outside the boundary we find mourning women: Antigone, burying the body of her fratricidal brother in defiance of Creon’s decree, witnessed by her reluctant sister, Ismene, who urges her to desist in the name of conformity to the law of the city; and the wife of Phocion, gathering the ashes of her disgraced husband, with her trusted woman companion, who, as the look-out, bears the political risk in her own contorted posture. What is the meaning of these acts? Do they represent the transgression of the law of the city – women as the irony of the political community, as its ruination? Do they bring to representation an immediate ethical experience, ‘women’s experience’, silenced and suppressed by the law of the city, and hence expelled outside its walls? No. In these delegitimate acts of tending the dead, these acts of justice, against the current will of the city, women reinvent the political life of the community. By insisting on the right and rites of mourning, Antigone and the wife of Phocion carry out that intense work of the soul, that gradual rearrangement of its boundaries, which must occur when a loved one is lost – so as to let go, to allow the other fully to depart, and hence fully to be regained beyond sorrow. To acknowledge and to re-experience the justice and the injustice of the partner’s life and death is to accept the law, it is not to transgress it – mourning becomes the law. Mourning draws on transcendent but representable justice, which makes the suffering of immediate experience visible and speakable. When completed, mourning returns the soul to the city, renewed and reinvigorated for participation, ready to take on the difficulties and injustices of the existing city. The mourner returns to negotiate and challenge the changing inner and outer boundaries of the soul and of the city; she returns to their perennial anxiety. To oppose new ethics to the old city, Jerusalem to Athens, is to succumb to loss, to refuse to mourn, to cover persisting anxiety with the violence of a New Jerusalem masquerading as love. The possibility of structural analysis and of political action are equally undermined by the evasion of the anxiety and ambivalence inherent in power and knowledge. Why, I asked myself, did the large audience applaud so vigorously at the conference to celebrate the Century of Walter Benjamin’s birth, held at University College London, last July, when told by a speaker that the masses have been anaesthetized by mass culture and mass media? What satisfaction, intellectual and political, is there in hearing the affirmation of total control? The active investment in power and anxious projection of it are exhibited in the response of that angry, anarchic audience to the proclamation of their own ineluctable disempowerment. This is to exhibit the same phantasied desire for political community without boundary walls at which to mourn, and without a soul, with its vulnerable and renegotiable boundaries, to bring to wail at those walls. The hope of evading the risks of political community explains the appeal of one widespread version of the new ethics – the ethics of the other. The thought of the French Jewish philosopher, Emmanuel Levinas, has fast acquired the canonicity in modern philosophy that Maimonides has in medieval Jewish philosophy. His thinking, above all, has made Judaism available to the end of philosophy – philosophy which has discovered that it has no ethics, which turns to Judaism as the sublime other of modernity. Levinas’s Buddhist Judaism offers an extreme version of Athens versus Jerusalem. Knowledge, power and practical reason are attributed to the model of the autonomous, bounded, separate, individual self, the self within the city, ‘the alliance of logic and politics’. The self, according to this new ethics, cannot experience truly transforming loss, but plunders the world for the booty of its self-seeking interest. To become ethical, this self is to be devastated, traumatized, unthroned, by the commandment to substitute the other for itself. Responsibility is defined in this new ethics as ‘passivity beyond passivity’, which is inconceivable and not representable, because it takes place beyond any city – even though Levinas insists that it is social and not sacred. This new ethics denies identity to the other as it denies identity to the actor, now passive beyond passivity, more radically passive, that is, than any simple failure to act. But the other, too, is distraught and searching for political community – the other is also bounded and vulnerable, enraged and invested, isolated and interrelated. To command me to sacrifice myself in sublime passivity for the other, with no political expression for any activity, is to command in *ressentiment* an ethics of waving, whereas, as Stevie Smith put it in her poem Not Waving but Drowning, ¶ Nobody heard him the dead man¶ But still he lay moaning¶ I was much further out than you thought¶ And not waving but drowning¶ Stevie Smith drew a picture of him, too: with long, bedraggled tresses falling forward over his torso, erect above the indifferent waves. Without the soul and without the city, we cannot help anyone.

#### b) Mourning requires the assimilation and cannibalism of the Other – memory and mourning of the Other instrumentalize and incorporate the Other within the self. Instead, we should refuse to mourn the Other as a testament to absolute alterity.

Jack Reynolds, Professor of Philosophy at the University of Tasmania, Spring 2004, Philosophy Today, Vol. 48, No. 1

Moreover, in his essay "Fors: The Anglish Words of Nicolas Abraham and Maria Torok," Derrida again considers two models of the type of encroachment between self and other that is regularly associated with mourning. Borrowing from post-Freudian theories of mourning, he posits (although later undermines) a difference between introjection, which is love for the other person in me, and incorporation, which involves retaining the other person as a pocket, or a foreign body within one's own body. For Freud, as well as for the psychologists Abraham and Torok whose work Derrida considers, successful mourning is primarily about the introjection of the other person, and where they are consumed within us. The preservation of a discrete and separate other inside the self, as is the case in incorporation, is considered to be where mourning ceases to be a "normal" response and instead becomes pathological. Typically, Derrida reverses this hierarchy and order of Subordination by highlighting that there is a sense in which the supposedly pathological condition of incorporation is actually more respectful of the other's alterity. After all, incorporation means that one has not totally assimilated or digested the other, as there is still a difference and heterogeneity (EO 57). On the other hand, Abraham and Torok's "normal" mourning can be accused of interiorizing the other to such a degree that they have become assimilated and even metaphorically cannibalized.16 Derrida considers this introjection to be an infidelity to the other, although it will be argued that this type of mourning has more to recommend it than he allows. Indeed, it will be shown that Merleau-Ponty's notion of responsibility towards alterity is more "digestive" and appropriative, and it will also be argued that this is not necessarily a bad thing. Before we get ahead of ourselves, however, it is worth recognizing that Derrida's account is not so simple as to unreservedly valorize the incorporation of the other, even if he consistently emphasizes this paradigm in an effort to refute the canonical interpretation of successful mourning. he also acknowledges that the more the self "keeps the foreign element inside itself, the more it excludes it" (Fors xvii). Refusing to engage with the other, we exclude their foreignness from ourselves and hence prevent any transformative interaction with it. When fetishized in their externality in such a manner, the dead other really is lifeless and it is significant that Derrida describes the death of de Man in terms of the loss of exchange and of the transformational opportunities that he presented (MDM xvi).17 Derrida's point hence seems to be that in mourning we must oscillate between introjection and incorporation, but the "otherness of the other" nevertheless resists both the process of incorporation as well as the process of introjection. The other can neither be preserved as a foreign entity, nor introjected fully within. Instead, the other must always resist my memory and interiorization of them, and remains outside the grasp of subjectivity-that is, wholly other (tout autre). Towards the end of Memoires: for Paul de Man, Derrida suggests that responsibility towards alterity is precisely about respecting and even emphasizing this resistance of the other, as well as the concomitant impossibility of mourning (MDM 160, 238). It is on this point that he parts company with Merleau-Ponty, and there are again two main responses that Merleau-Ponty's work can help us furnish.

### Wolfe

#### Resistance is inherently conservative and merely stakes claims to the right to resist, but never ends in emancipation

Wolfe 13

[Ross Wolfe, Intellectual focusing on Marxism, Soviet history, critical theory, and avant-garde architecture, “REFLECTIONS ON RESISTANCE, REFORM, AND REVOLUTION”, December 24, 2013, http://philosophersforchange.org/2013/12/24/reflections-on-resistance-reform-and-revolution/, \\wyo-bb]

Of the three terms presently under investigation, “resistance” is the one of the most recent vintage, at least to the extent that it has been conceptualized and self-consciously used on the Left. A couple of preliminary remarks help to focus the discussion. First, as Stephen Duncombe pointed out a few years ago, the concept of “resistance” is inherently conservative.[2] It indicates the ability of something to maintain itself — i.e., to conserve or preserve its present state of existence — against outside influences that would otherwise change it. Resistance signifies not only defiance but also intransigence. As the editors of Upping the Anti put it a couple years back, “resistance” automatically assumes a “defensive posture.”[3] It thus appears to be politically ambivalent: it depends on what is being conserved and what is being resisted.[4] Secondly, beyond its conceptual dimension, the language of “resistance” is linked to conservatism at an historical level as well. At least, this is how recalcitrant elements of society originally understood their opposition to the Left ever since its inception in 1789. Against the rationalism and excesses of the French Revolution, the British statesman and archconservative Edmund Burke praised England for its stubborn “resistance” to radical projects of political modernization. He wrote: Thanks to our sullen resistance to innovation, thanks to the cold sluggishness of our national character, we still bear the stamp of our forefathers…We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvétius has made no progress amongst us…We fear God; we look up with awe to kings; with affection to parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility.[5] As late as 1848, the term “resistance” was chiefly deployed by reactionaries. Under the July Monarchy of Louis Philippe, the conservative theorist and statesman Guizot led le parti de la Résistance against the more progressive Parti du mouvement. The influential anarchist Pierre-Joseph Proudhon reproached his contemporaries, Louis Blanc and Pierre Leroux, along these lines in 1849, for their “resistance to the revolution.”[6] The forces of reaction in Europe were not merely content to “resist” revolution, however. Later, in the struggle for electoral reform in Britain in the 1830s, the Left once again had to contend with the “resistance” of conservative legislators.[7] During the 1860s, when a new Reform Bill threatened to extend the franchise to an even greater proportion of the population, a dissident segment of the Liberal Party — the “Adullamites” — motioned to resist these democratic measures. Engels’ judgment of this move was damning: “These Adullamites really are tremendous jackasses to put up such resistance to this pauvre Reform Bill, the most conservative thing that’s ever been done here [England].”[8] Only in the short twentieth century did “resistance” come to be associated with leftist politics, by virtue of a threefold historical development. First, it was ennobled through movements of opposition by colonial peoples in resisting imperial subjugation. But even here, the emancipatory character of “resistance” to imperialism was not always clear-cut. Lenin, whose theory of imperialism is so commonly invoked by Marxists and anarchists today, was wise enough not to offer unqualified support to just any movement claiming to “resist” imperialist aggression. Uprisings against imperialism led by regressive social elements do not deserve to be cheered along by the Left in lieu of progressive alternatives that may not exist.[9] The concept of “resistance” was romanticized yet further through the experience of La Résistance in France fighting the collaborationist Vichy regime. Quite a few of the resistance’s most prominent heroes and martyrs belonged to the Communist movement. Even this case was not without its problems, however. The French Communists’ much-touted “resistance” to fascist rule bore throughout the indelible imprint of Stalinist pop-frontism. As some perceptive Trotskyist critics noticed already in 1939, the strategy of the Popular Front only siphoned off revolutionary energy from the more militant sections of the French labour movement, diverted into mindless campaigns of coalition building.[10] This is not to denigrate the sacrifice and valour of French resistance fighters, of course. It is only to point out the complex conditions under which such “resistance” took place. Finally, in the hands of postmodern and postcolonial theory, “resistance” received the academy’s authoritative stamp of approval. It became consecrated as the standard mode of dissent under late capitalism. To provide just one example of the kind of needlessly baroque theoretical explanations given to “resistance” by postcolonialists, we need only look at Homi Bhabha’s 1994 work on The Location of Culture: Resistance is not necessarily an oppositional act of political intention, nor is it the simple negation or exclusion of the “content” of another culture, as a difference once perceived. It is the effect of an ambivalence produced within the rules of recognition of dominating discourses as they articulate the signs of cultural difference and re-implicate them within the deferential relations of colonial power — hierarchy, normalization, marginalization and so forth. For colonial domination is achieved through a process of disavowal that denies the chaos of its intervention as Entstellung, its dislocatory presence in order to preserve the authority of its identity in the teleological narratives of historical and political evolutionism.[11] For all his obscurity, Bhabha at least has the merit of elucidating the apolitical dimension of “resistance.” What is unclear from his explanation is whether a subject can actively “resist” forms of foreign, outside cultural domination “in order to preserve the authority” of more familiar, traditional, native, or “indigenous” forms of domination. Postcolonial theory must be understood within the context of the Cold War politics out of which it first emerged. With the decline of revolutionary leftist politics in the most advanced industrial nations of the world, hopes for radical social transformation migrated to what the French demographer Alfred Sauvy dubbed the “Third World.”[12] These hopes eventually reached their ideological apotheosis in what has come to be known as tiers-mondisme [“Third-Worldism”]. That is to say, in the global system divided into blocs between the “First World” (the U.S. and its allies) and the so-called “Second World” (the U.S.S.R. and its allies), the primary site of political struggle now shifted to the “Third World” (the non-affiliated countries, often ex-colonies of European nations). Ironically, such sentiments often survived the actual ideologies that engendered them. Enthusiasm for national liberation movements in formerly colonized regions continued in Western activist circles long after the USSR and PRC in the East ceased funding them — the former following its dissolution in 1991, the latter after the coup d’état that overthrew the “Gang of Four” in 1976. At this point, the streams of postcolonialism (arising from capitalism’s periphery) and postmodernism (arising from its core) converged.[13] All the grand narratives of the past, it seemed, had collapsed. Edward Said’s Orientalism came out in 1978; Jean-François Lyotard’s Postmodern Condition was released a year later. Both works are generally considered seminal within the postcolonial and postmodern canons, respectively. Significantly, however, each tendency — that is, postcolonialism and postmodernism — may be regarded as an outcome of the practical exhaustion and theoretical confusion brought about by the failure of the New Left. Tired, disillusioned, and largely depoliticized, the radicals who comprised the New Left now joined the very institutions they once opposed, becoming full-time academics or professional activists. The transformation of the New Left into the self-proclaimed “post-political” or “post-ideological” Left placed a new premium on the concept of cultural resistance.[14] Sadly, by the late 1970s, postcolonialism’s and postmodernism’s most valuable contributions to radical politics already belonged to the past. The Albert Memmi of The Colonizer and the Colonized and the Frantz Fanon of Black Skin, White Masks (not The Wretched of the Earth)[15] were superior to Said, as well as their own later incarnations. Said himself was vastly preferable to today’s figures, such as Bhabha, Spivak, or Chakrabarty. The same can basically be said of postmodernism. Lyotard the member of Socialisme ou Barbarie or theorist of postmodernism was far more worthwhile than Lyotard the relapsed Kantian aesthetician; the Baudrillard who wrote The Mirror of Production ought to be prioritized over the author who later wrote Simulacra and Simulation. Either way, postcolonial and postmodernist politics never aspired to anything more than “resistance” to a seemingly all-powerful system of neoliberalism and globalization.[16] Such is the genealogy of “resistance” on the Left. Down at Liberty Plaza last fall one would regularly see signs that read (in a perverse Cartesianism): “I resist, therefore I exist.” The real efficacy of such resistance is difficult to ascertain, however. Recently, Marxian theorists such as Moishe Postone and Slavoj Žižek have suggested that politics based on resistance is often unwittingly complicit with the very systems they purport to resist.[17] It remains unclear, moreover, how resistance fits into any broader emancipatory program. As Chris Cutrone observes: “The Left today almost never speaks of freedom or emancipation, but only of ‘resistance’ to the dynamics of change associated with capital and its transformations.”[18] Of course, this is not to deny any and all emancipatory power to acts of “resistance.” But “resistance” can really only be called upon to preserve those freedoms of which one already has possession, against forces that seek to limit them. In this sense, the politics of resistance do not go beyond the “right of resistance” proclaimed by early liberals such as John Locke, who in his Second Treatise on Government wrote that “they who use unjust force may be questioned, opposed, and resisted.”[19] An extension of inalienable bourgeois property, one possessed the right to protect his or her own “life and limbs.”

#### 6. Turn, Butler’s understanding of power reproduces bare life:

#### Butler understands power to be totalizing and without an outside – this view of power misses certain subjects, i.e. bare life, that are totally set outside of power relations. Bare life is distinct from people the U.S. refuses to mourn – bare life represents a life totally unintelligible within Butler’s understanding of power. This turns the aff because it means their theory of power makes the production of bare life possible.

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Agamben states the problem like this: "If life, in modern biopolitics, is immediately politics, here this unity, which itself has the form of an irrevocable decision, withdraws from every external decision and appears as an indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of homo sacer, which was the correlate of sovereign power, turns into an existence over which power no longer seems to have any hold" (153). To state this differently, when one ignores the possibility of a sovereign exceptionalism that is both the precondition and epistemological "centre" of power and which has the capability of totally excluding certain subjects from power, you cut off those excluded, or "non-relevant" instances of humanity from recourse to the biopolitical law for protection or for inclusion in community. In other words, those subjects whose "life" exists outside of power cannot be advocated for if your critical lens filters out everything not schematizable in terms of power relations. Can the homo sacer (take, for example, the Jew in the Nazi death camp) exercise power, or ever penetrate the enabling infrastructures of the state or of communities of empowerment, a subversive agency that Foucault and Bulter suggest is always at least a remote possibility? Or is this option sometimes simply not available for those who have had parts or the entirety of their humanity relegated to irrelevant "bare existence?" And what is the effect of this remote(?) possibility when read into Butler's critique? But under what conditions can the law totally exclude some life from the power dynamics of humanity? Agamben's critique of the sovereign exception over "bare life" or the homo sacer seems to suggest that this is always the case, since it is only by the total exclusion of all but certain biopolitically relevant life that a system of power can inaugurate itself into epistemological being. And I will argue here that Agamben's critique allows for differing degrees of a subject's exclusion from biopolitical life through the sovereign exception. Examples of this ongoing negotiation over the shifting limits of "bare life" vs biopolitical life are the ethics around abortion, "brain death," the space of the concentration camp, and Agamben's example of the "wolf man" (Agamben 104-11). The wolf-man is a particularly interesting case due to its embodiment of an ambivalent human/animal subject. A mythical category in ancient Greek law, it was used to identify and apprehend human subjects on the basis that they fall neither into the categories of animality nor of humanity, and thus could not be murdered or sacrificed since they were already judged as "dead" by the law. The juridicial language of the "wolf-man" brings to mind President George W. Bush's vow to bomb terrorists and soldiers hiding in "caves" in Afghanistan "back to the stone age." The ethical implications and political stakes of such a dehumanizing, social Darwinist rhetoric are much more clear to me when I think, by way of Agamben's homo sacer, how the individual lives of these fighters have been rendered almost pre-historic, "animal" or "insect" (as dwelling underground or in caves suggests) and thus exterminatable outside of international human rights law or the Geneva convention, as opposed to Butler's method of straining to hear, within the rhetorical din (where I am in danger of become contained and managed as a critic) for the feint whispers of Butler's precariously human other. I think an important point here is not to dismiss Butler's method as irredeemably "western-centric," nor to discard her performative subject as somehow methodologically ineffective. Clearly this is not the case, and surely the rigorous exercise of "straining to hear" for gaps and absences in such a rhetorical morass as Bush's ethical rhetoric is worth the effort. But in order to better judge what traces of radical otherness we can actually hope to find in such a violent ethical discourse, perhaps it is important to recognize the drastic extent to which certain very powerful sovereign discourses of political exceptionalism can in effect erase the humanity, or the relevance, of certain "publics" within the dominant discourse of humanity, and that this depoliticization, which amounts to dehumanization, is the very condition and operating principle of power. I would argue that such a realization doesn't diminish the effectiveness of Butlerian power as a critical hinge for unpacking the nuances of biopower dynamics, but rather expands the effectiveness of that hinge by identifying the radical potentiality of understanding what it can't account for. The methodological point I am trying to make here is to underline the importance of rethinking the limitations of Butlerian power as a ground by which Precarious Life: The Powers of Mourning and Violence theorizes the power of mourning to discursively produce the ethical limits of the "human" subject. Reading this book more carefully for the ways in which it is in dialogue with Agamben's critique of power demonstrates, for me, that power is not so much a totalizing "ground" by which to measure the operations of all modalities of subjectivity, i.e. class, race, gender, age, but is instead an important yet limited concept that works in, through, and alongside these other modalities of subjectivity. Not recognizing the epistemological limits of power as a concept, as Spivak and Agamben have pointed out, is to blind oneself - as perhaps Butler sometimes does - to the ways in which humanity is constituted by the sovereign exception over that which does not count in the biopolitics of humanity. And surely this is a crucial point to ponder for those interested in negotiating the possibilities of political agency for subjects that may find themselves not subject to power; those who, through the powerful hegemonic exceptionalism of certain sovereign groups - the abused prisoners of Abu Ghraib whose human rights were suspended by the US government come to mind - are either partially or entirely excluded from humanity and thus the rights afforded to humans.