## 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. Several net benefits**

**First is decision making, debate over a controversial point of action creates argumentative stasis—the resolution is key to decision making**

**Steinberg and Freely 08**

(David L., lecturer of communication studies – University of Miami, and Austin J.,Boston based attorney who focuses on criminal, personal injury and civil rights law, “Argumentation and Debate: Critical Thinking for Reasoned Decision Making” p. 45//wyoccd)

**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.¶ Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." **Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step**. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.¶ **To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument**. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose**.¶ Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument**. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." **Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution.** This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. **The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.**

**Debate needs middle of the road constraints; unbridled affirmation destroys dialogue that are key to political discussion**

**Hanghoj 08**

(Thorkild Hanghøj, Phd, DREAM (Danish Research Centre on Education and Advanced Media Materials at the Institute of Literature, Media and Cultural Studies at the University of Southern Denmark. 2008 http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf//wyoccd)

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

#### There’s no way to meet their role of the ballot- using narratives in academic spaces are detrimental to political change. The aff ultimately leaves no way for a critic to adjudicate between competing narrative

Hyman 98

(David, Associate Professor, University of Maryland School of Law. B.A. 1983, J.D. 1989, M.D. 1991, University of Chicago Indiana law Journal, “Lies, Damned lies, and Narrative” 73 Ind. L.J. 797, Summer 1998)

As EMTALA demonstrates, an effective narrative can transform the legal landscape.247 However, the EMTALA narratives raise serious questions about the substantial potential for abuse inherent in this form of discourse.248 Narrative turns out to be exceedingly effective at transmitting untruthful, incomplete, and unrepresentative anecdotes-particularly those that trigger a "flash of recognition" because they confirm preexisting suspicions or stereotypes-or are themselves simply stereotypes.249 Consider the impact of similar narratives, endlessly repeated, on the prevalence of belief in "black helicopters" and other conspiracy theories among various fringe groups on the far right.250 At the other end of the political spectrum, what of the belief in some sectors of the African-American community that AIDS was created by European-American (usually Jewish) doctors as a tool for racial warfare, and that the government's drug policies are designed to the same effect?251 And what of the belief that UFOs visited Roswell, New Mexico in 1947, which crosses all political boundaries?252 Only blind optimism can explain the enthusiasm with which narrative has been embraced, and the degree to which its hazards have been discounted.253 Mark Twain attributed to Benjamin Disraeli the insight that there are three kinds of lies: "lies, damned lies, and statistics."254 Unfortunately, as this Article makes clear, both anecdotes and statistics can lie-but do so in different ways. Significant adverse consequences can follow when laws are based on falsehoods, half-truths, and truths that are not generalizable-whether the source of such information is anecdotal or statistical.255 The problem was nicely framed by Professor Saks: The trouble with legislation by anecdote is not just that some of them are false or misleading. Even if true and accurate, anecdotes contribute little to developing a meaningful picture of the situation about which we are concerned. It makes a difference if for every ten anecdotes in which an undeserving plaintiff bankrupts an innocent defendant, one, ten, one hundred, or one thousand equal and opposite injustices are done to innocent plaintiffs. The proportion of cases that results in one or the other error, and the ratio of one kind of error to the other, ought to be of greater interest to serious policy-makers than a handful of anecdotes on either side of the issue. Reforms are intended to change that ratio and the tens of thousands of anecdotes the ratio summarizes.256 Narrativists gloss over such difficulties, but that strategy is likely to be ineffective-and costly. Because narrative does not aspire to neutrality or typicality, its use in the public sphere is fraught with peril. "Good" narrative appeals directly to our passions and prejudices-and the better it is at doing so, the more likely it is to be credited as truthful and representative-whether it is or not. When statistics disagree, there are ways of sorting out matters-and experts to provide assistance in doing so.257 When narratives disagree, there is no appeal, except to innate persuasiveness (i.e., the degree to which the narrative coincides with our passions and prejudice).258 As the EMTALA narratives demonstrate, the predictable consequence is a tremendous gap between "narrative appeal" and empirical reality. Barring the unlikely development of a generalized sense of "statistical compassion,"259 anecdotal evidence will continue to play a major role in the formulation of public policy.260 As such, we need to develop strategies for dealing with the infirmities of both statistics and narrative. Although it is beyond the scope of this Article to suggest an optimal response, some tentative guidelines may be helpful. For anecdotes, the short version is "be exceedingly skeptical," "consider the source," and "don't generalize without additional (nonanecdotal) evidence." For empirical scholarship, "be skeptical," "consult the experts," and "consider the source" are probably sufficient safeguards. These simple rules should help minimize the tendency toward distorted decisionmaking which would otherwise result. Of course, the full effect of these checks and balances will only be felt if the academic community (re)developed a more skeptical stance toward anecdotal advocacy, instead of engaging in it themselves, and calling it "narrative."

**d. Vote neg**

**Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent**

**Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role**

**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

#### Cullen and I affirm only non-violent Jihad.

#### Competes via the net benefit-

#### Justifications for extremist violence in response to American imperialism spills over to justifying violence against women in the home

WISE Muslim Women’s Council 2009

[The following women are members of the WISE Muslim Women’s Shura Council: Afra Jalabi, ¶ Asma Afsaruddin, Daisy Khan, Fawzia Afzal-Khan, Gonca Aydin, Hedieh Mirahmadi, Irfana ¶ Hashmi, Laleh Bakhtiar, Margot Badran, Necva Solak, Nevin Reda, Sabeeha Rehman, Sumbul Ali- Karamali, Tayyibah Taylor and Ziba Mir-Hosseini, July 2009, Jihad Against Violence: Muslim Women’s Struggle for Peace , [http://www.wisemuslimwomen.org/images/uploads/Jihad\_against\_Violence\_Digest(color).pdf](http://www.wisemuslimwomen.org/images/uploads/Jihad_against_Violence_Digest%28color%29.pdf), uwyo//amp]

 Violence can be imagined like a wheel with a center and numerous spokes. The center of the wheel ¶ is the home. The circumference of wheel, the outer circle, represents the community and society. ¶ The spokes represent the many factors that keep this "circle of violence" turning. These factors ¶ include: androcentric interpretations of the primary sources of Islam, ineffective leadership, continual reliance on militaristic solutions, and the disempowerment of women. Violence ¶ moves back and forth between the center (home) and the circumference (community) through ¶ these spokes. For example, domestic violence in the home travels through the spoke of non egalitarian interpretation to the community, where it sets a model for a misogynistic community. In ¶ reverse, a misogynistic societal model travels back from the circumference to the home center and ¶ inspires domestic violence. ¶ As the WISE Muslim Women’s Shura Council, we are committed to stopping such violence – in our ¶ homes, our communities, and in our world. We are committed to replacing the destructive spokes ¶ of the wheel of violence with those representing non-violent solutions, equitable and representative leadership, and interpretations of Islam that are not constrained by patriarchal culture. We must ¶ all work together to find such alternative solutions and redraw the circle.

#### Peace is not possible in a world where women’s bodies are continuously beaten, raped, tortured, and murdered-proves any articulation of the aff always collapses to violent politics and is never open to peaceful Jihad AND locks in misogynistic institutions that perpetuate violence against women

Ray 1997

[E. Ray “The Shame of it: gender-based terrorism in the former Yugoslavia and the failureof international human rights law to comprehend the injuries.” The American University Law Review. Vol 46. ]

In order to reach all of the violence perpetrated against the women of the former Yugoslavia that is not committed by soldiers or other officials of the state, human rights law must move beyond its artificially constructed barriers between "public" and "private" actions: A feminist perspective on human rights would require a rethinking of the notions of imputability and state responsibility and in this sense would challenge the most basic assumptions of international law. If violence against women were considered by the international legal system to be as shocking as violence against people for their political ideas, women would have considerable support in their struggle.... The assumption that underlies all law, including international human rights law, is that the public/private distinction is real: human society, human lives can be separated into two distinct spheres. This division, however, is an ideological construct rationalizing the exclusion of women from the sources of power. 2 6 The international community must recognize that violence against women is always political, regardless of where it occurs, because it affects the way women view themselves and their role in the world, as well as the lives they lead in the so-called public sphere. 2 6 ' When women are silenced within the family, their silence is not restricted to the private realm, but rather affects their voice in the public realm as well, often assuring their silence in any environment. 262 For women in the former Yugoslavia, as well as for all women, extension beyond the various public/private barriers is imperative if human rights law "is to have meaning for women brutalized in less-known theaters of war or in the by-ways of daily life." 63 Because, as currently constructed, human rights laws can reach only individual perpetrators during times of war, one alternative is to reconsider our understanding of what constitutes "war" and what constitutes "peace. " " When it is universally true that no matter where in the world a woman lives or with what culture she identifies, she is at grave risk of being beaten, imprisoned, enslaved, raped, ~~prostituted,~~ physically tortured, and murdered simply because she is a woman, the term "peace" does not describe her existence. 2 5 In addition to being persecuted for being a woman, many women also are persecuted on ethnic, racial, religious, sexual orientation, or other grounds. Therefore, it is crucial that our re-conceptualization of human rights is not limited to violations based on gender." Rather, our definitions of "war" and "peace" in the context of all of the world's persecuted groups should be questioned. Nevertheless, in every culture a common risk factor is being a woman, and to describe the conditions of our lives as "peace" is to deny the effect of sexual terrorism on all women. 6 7 Because we are socialized to think of times of "war" as limited to groups of men fighting over physical territory or land, we do not immediately consider the possibility of "war" outside this narrow definition except in a metaphorical sense, such as in the expression "the war against poverty." However, the physical violence and sex discrimination perpetrated against women because we are women is hardly metaphorical. Despite the fact that its prevalence makes the violence seem natural or inevitable, it is profoundly political in both its purpose and its effect. Further, its exclusion from international human rights law is no accident, but rather part of a system politically constructed to exclude and silence women. 2 6 The appropriation of women's sexuality and women's bodies as representative of men's ownership over women has been central to this "politically constructed reality. 2 6 9 Women's bodies have become the objects through which dominance and even ownership are communicated, as well as the objects through which men's honor is attained or taken away in many cultures.Y Thus, when a man wants to communicate that he is more powerful than a woman, he may beat her. When a man wants to communicate that a woman is his to use as he pleases, he may rape her or prostitute her. The objectification of women is so universal that when one country ruled by men (Serbia) wants to communicate to another country ruled by men (Bosnia-Herzegovina or Croatia) that it is superior and more powerful, it rapes, tortures, and prostitutes the "inferior" country's women. 2 71 The use of the possessive is intentional, for communication among men through the abuse of women is effective only to the extent that the group of men to whom the message is sent believes they have some right of possession over the bodies of the women used. Unless they have some claim of right to what is taken, no injury is experienced. Of course, regardless of whether a group of men sexually terrorizing a group of women is trying to communicate a message to another group of men, the universal sexual victimization of women clearly communicates to all women a message of dominance and ownership over women. As Charlotte Bunch explains, "The physical territory of [the] political struggle [over female subordination] is women's bodies." 7 2

## 3

#### The 1AC’s gestures towards self-expression and emotional consciousness only solidify a Western subjectivity that erases collective resistance to colonialism and justifies mass extermination of the “other”

Smith 13 [Andrea, associate professor in the Department of Media and Cultural Studies at the University of California, Riverside, “The Problem with Privilege,” 14 August 2013, <http://andrea366.wordpress.com/author/andrea366/>] //

My analysis is informed the work of Denise DaSilva. She argues in Toward a Global Idea of Race that the western subject understands itself as self-determining through its ability to self-reflect, analyze and exercise power over others. The western subject knows that it is self-determining because it compares itself to ‘others” who are not. In other words, I know who I am because I am not you. These “others” of course are racialized. The western subject is a universal subject who determines itself without being determined by others; the racialized subject is particular, but is supposed to aspire to be universal and self-determining. Silva’s analysis thus critiques the presumption that the problem facing racialized and colonized peoples is that they have been “dehumanized.” Anti-racist intellectual and political projects are often premised on the notion that if people knew us better, we too would be granted humanity. But, according to Silva, the fundamental issue that does not get addressed, is that “the human” is already a racial project. It is a project that aspires to universality, a project that can only exist over and against the particularity of “the other.” Consequently, two problems result. First, those who are put in the position of racialized and colonized others presume that liberation will ensue if they can become self-determining subjects – in other words, if they can become fully “human.” However, the humanity to which we aspire still depends on the continued oppression of other racialized/colonized others. Thus, a liberation struggle that does not question the terms by which humanity is understood becomes a liberation struggle that depends on the oppression of others. Silva’s analysis implies that “liberation” would require different selves that understand themselves in radical relationality with all other peoples and things. The goal then becomes not the mastery of anti-racist/anti-colonialist lingo but a different self-understanding that sees one’s being as fundamentally constituted through other beings. An example of the political enactment of this critique of the western subject could be glimpsed at the 2008 World Social Forum that I attended. The indigenous peoples made a collective statement calling into question the issue of the nation-state. In addition to challenging capitalism, they called on participants to imagine new forms of governance not based on a nation-state model. They contended that the nation-state has not worked in the last 500 years, so they suspected that it was not going to start working now. Instead, they called for new forms of collectivities that were based on principles of interrelatedness, mutuality and global responsibility. These new collectivities (nations, if you will, for lack of a better world) would not be based on insular or exclusivist claims to a land base; indeed they would reject the contention that land is a commodity that any one group of people should be able to buy, control or own. Rather, these collectivities would be based on responsibility for and relationship with land. But they suggested that these collectivities could not be formed without a radical change in what we perceived ourselves to be. That is, if we understand ourselves to be transparent, self-determining subjects, defining ourselves in opposition to who we are not, then the nations that will emerge from this sense of self will be exclusivist and insular. However, if we understand ourselves as being fundamentally constituted through our relations with other beings and the land, then the nations that emerge will also be inclusive and interconnected with each other. Second, the assumption that we have about liberation is that we will be granted humanity if we can prove their worthiness. If people understood us better, they would see we are “human” just like they are, and would grant us the status of humanity. As a result, anti-racist activist and scholarly projects often become trapped in ethnographic multiculturalism. Ironically, in order to prove our worthiness, we put ourselves in the position of being ethnographic objects so that the white subject to judge our claims for humanity.

#### The alternative is to embrace a decolonial red pedagogy as our ethical first priority

#### Red pedagogy is a praxis which foregrounds Native intellectualism and allows us to create a decolonized space

Grande 8 [Sandy, Associate Professor of Education at Connecticut College, “Red Pedagogy: The Un-Methodology,” *Handbook of Critical and Indigenous Methodologies*, eds. Norman K. Denzin, Yvonna S. Lincoln, and Linda Tuhiwai Smith, p 249-250]

From the standpoint of Red pedagogy, the primary lesson in all of this is pedagogical. In other words, as we are poised to raise yet another generation in a nation at war and at risk, we must consider how emerging conceptions of citizenship, sovereignty, and democracy will affect the (re)formation of our national identity, particularly among young people in schools. As Mitchell (2001) notes, "The production of democracy, the practice of education, and the constitution of the nation-state" have always been interminably bound together. The imperative before us as citizens is to engage a process of unthinking our colonial roots and rethinking democracy. For teachers and students, this means that we must be willing to act as agents of transgression, posing critical questions and engaging dangerous discourse. Such is the basis of Red pedagogy. In particular, Red pedagogy offers the following seven precepts as a way of thinking our way around and through the challenges facing American education in the 21st century and our mutual need to define decolonizing pedagogies: 1. Red pedagogy is primarily a pedagogical project. In this context, pedagogy is understood as being inherently political, cultural, spiritual, and intellectual. 2. Red pedagogy is fundamentally rooted in indigenous knowledge and praxis. It is particularly interested in knowledge that furthers understanding and analysis of the forces of colonization. 3. Red pedagogy is informed by critical theories of education. A Red pedagogy searches for ways it can both deepen and be deepened by engagement with critical and revolutionary theories and praxis. 4. Red pedagogy promotes an education for decolonization. Within Red pedagogy, the root metaphors of decolonization are articulated as equity, emancipation, sovereignty, and balance. In this sense, an education for decolonization makes no claim to political neutrality but rather engages a method of analysis and social inquiry that troubles the capitalist-imperialist aims of unfettered competition, accumulation, and exploitation. 5. Red pedagogy is a project that interrogates both democracy and indigenous sovereignty. In this context, sovereignty is broadly defined as "a people's right to rebuild its demand to exist and present its gifts to the world ... an adamant refusal to dissociate culture, identity, and power from the land" (Lyons, 2000). 6. Red pedagogy actively cultivates praxis of collective agency. That is, Red pedagogy aims to build transcultural and transnational solidarities among indigenous peoples and others committed to reimagining a sovereign space free of imperialist, colonialist, and capitalist exploitation. 7. Red pedagogy is grounded in hope. This is, however, not the future-centered hope of the Western imagination but rather a hope that lives in contingency with the past—one that trusts the beliefs and understandings of our ancestors, the power of traditional knowledge, and the possibilities of new understandings. In the end, a Red pedagogy is about engaging the development of "community-based power" in the interest of "a responsible political, economic, and spiritual society." That is, the power to live out "active presences and survivances rather than an illusionary democracy." Vizenor's (1993) notion of survivance signifies a state of being beyond "survival, endurance, or a mere response to colonization" and of moving toward "an active presence ... and active repudiation of dominance, tragedy and victimry?" In these post-Katrina times, I find the notion of survivance—particularly as it relates to colonized peoples—to be poignant and powerful. It speaks to our collective need to decolonize, to push back against empire, and to reclaim what it means to be a people of sovereign mind and body. The peoples of the Ninth Ward in New Orleans serve as a reminder to all of us that just as the specter of colonialism continues to haunt the collective soul of America, so too does the more hopeful spirit of indigeneity.

## Case

#### Trading autobiographical narrative for the ballot commodifies one’s identity and has limited impact on the culture that one attempt’s to reform – when autobiographical narrative “wins,” it subverts its own most radical intentions by becoming an exemplar of the very culture under indictment

Coughlin 95—associate Professor of Law, Vanderbilt Law School. (Anne, REGULATING THE SELF: AUTOBIOGRAPHICAL PERFORMANCES IN OUTSIDER SCHOLARSHIP, 81 Va. L. Rev. 1229)

Although Williams is quick to detect insensitivity and bigotry in remarks made by strangers, colleagues, and friends, her taste for irony fails her when it comes to reflection on her relationship with her readers and the material benefits that her autobiographical performances have earned for her. n196 Perhaps Williams should be more inclined to thank, rather than reprimand, her editors for behaving as readers of autobiography invariably do. When we examine this literary faux pas - the incongruity between Williams's condemnation of her editors and the professional benefits their publication secured her - we detect yet another contradiction between the outsiders' use of autobiography and their desire to transform culture radically. Lejeune's characterization of autobiography as a "contract" reminds us that autobiography is a lucrative commodity. In our culture, members of the reading public avidly consume personal stories, n197 which surely explains why first-rate law journals and academic presses have been eager to market outsider narratives. No matter how unruly the self that it records, an autobiographical performance transforms that self into a form of "property in a moneyed economy" n198 and into a valuable intellectual [\*1283] asset in an academy that requires its members to publish. n199 Accordingly, we must be skeptical of the assertion that the outsiders' splendid publication record is itself sufficient evidence of the success of their endeavor. n200Certainly, publication of a best seller may transform its author's life, with the resulting commercial success and academic renown. n201 As one critic of autobiography puts it, "failures do not get published." n202 While writing a successful autobiography may be momentous for the individual author, this success has a limited impact on culture. Indeed, the transformation of outsider authors into "success stories" subverts outsiders' radical intentions by constituting them as exemplary participants within contemporary culture, willing to market even themselves to literary and academic consumers. n203 What good does this transformation do for outsiders who are less fortunate and less articulate than middle-class law professors? n204 Although they style themselves cultural critics, the [\*1284] storytellers generally do not reflect on the meaning of their own commercial success, nor ponder its entanglement with the cultural values they claim to resist. Rather, for the most part, they seem content simply to take advantage of the peculiarly American license, identified by Professor Sacvan Bercovitch, "to have your dissent and make it too." n205

#### Resistance via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce structural violence

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 21-3)

For some, fueled by opprobrium toward regulatory norms or other mo- dalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes on the other, it is at best politically rebellious; at worst, politically amorphous. Resistance stands against, not for; it is re-action to domination, rarely willing to admit to a desire for it, and it is neutral with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this resistance is never in a position of exteriority to power. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly located on some- thing of an other worldly plane vis-a-vis social and political power. In this regard, despite its apparent locution of resistance to subjection, contem- porary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, in its almost exclusive focus on subjects’ emotionalbearing and self-regard, empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, contemporary deployments of that notion also draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.

#### Muslim culture fuels homophobia and heterosexism

Economist, 2-4-12

[Straight but narrow, Feb 4th 2012 | From the print edition, http://www.economist.com/node/21546002] /Wyo-MB

ONE leaflet showed a wooden doll hanging from a noose and suggested burning or stoning homosexuals. “God Abhors You” read another. A third warned gays: “Turn or Burn”. Three Muslim men who handed out the leaflets in the English city of Derby were convicted of hate crimes on January 20th. One of them, Kabir Ahmed, said his Muslim duty was “to give the message”.¶ That message—at least in the eyes of religious purists— is uncompromising condemnation. Of the seven countries that impose the death penalty for homosexuality, all are Muslim. Even when gays do not face execution, persecution is endemic. In 2010 a Saudi man was sentenced to 500 lashes and five years in jail for having sex with another man. In February last year, police in Bahrain arrested scores of men, mostly other Gulf nationals, at a “gay party”. Iranian gay men are typically tried on other trumped-up charges. But in September last year three were executed specifically for homosexuality. (Lesbians in Muslim countries tend to have an easier time: in Iran they are sentenced to death only on the fourth conviction.)

#### Impact causes violence

Yep et al in 2003

(Gust, Karen Lovass, and John Elia, Professors @ San Francisco University, Journal of Homosexual Studies, Vol. 45, No. 2/3/4,, pp. 18)

In this passage, Simmons vividly describes the devastating pervasiveness of hatred and violence in her daily life based on being seen, perceived, labeled, and treated as an “Other.” This process of othering creates individuals, groups, and communities that are deemed to be less important, less worthwhile, less consequential, less authorized, and less human based on historically situated markers of social formation such as race, class, gender, sexuality, ability, and nationality. Othering and marginalization are results of an “invisible center” (Ferguson, 1990, p. 3). The authority, position, and power of such a center are attained through normalization in an ongoing circular movement. Normalization is the process of constructing, establishing, producing, and reproducing a taken-for-granted and all-encompassing standard used to measure goodness, desirability, morality, rationality, superiority, and a host of other dominant cultural values. As such, normalization becomes one of the primary instruments of power in modern society (Foucault, 1978/1990). Normalization is a symbolically, discursively, psychically, psychologically, and materially violent form of social regulation and control, or as Warner (1993) more simply puts it, normalization is “the site of violence” (p. xxvi). Perhaps one of the most powerful forms of normalization in Western social systems is heteronormativity. Through heteronormative discourses, abject and abominable bodies, souls, persons, and life forms are created, examined, and disciplined through current regimes of knowledge and power (Foucault, 1978/1990). Heteronormativity, as the invisible center and the presumed bedrock of society, is the quintessential force creating, sustaining, and perpetuating the erasure, marginalization, disempowerment, and oppression of sexual others.

#### God doesn’t exist—paradox of causation prove

Russell no date

Bertrand, philosopher, http://members.aol.com/JAlw/joseph\_alward.html

"If everything must have a cause, then God must have a cause. If there can be anything without a cause, it may just as well be the world as God, so that there cannot be any validity in that argument. It is exactly of the same nature as the Hindu's view, that the world rested upon an elephant and the elephant rested upon a tortoise; and when they said, "How about the tortoise?" the Indian said, "Suppose we change the subject." The argument is really no better than that. There is no reason why the world could not have come into being without a cause; nor, on the other hand, is there any reason why it should not have always existed. There is no reason to suppose that the world had a beginning at all. The idea that things must have a beginning is really due to the poverty of our imagination. Therefore, perhaps, I need not waste any more time upon the argument about the First Cause."

#### There is no transcendence and there is no existence beyond this one. Our atoms break down, and we die, end of story.

Myers 2009

(PZ, biologist and associate professor at the University of Minnesota, “[The dead are dead](http://scienceblogs.com/pharyngula/2009/12/the_dead_are_dead.php)” Morris<http://scienceblogs.com/pharyngula/2009/12/the_dead_are_dead.php> December 10, 2009 //wyo-KB)

I have heard that first argument so many times, and it is facile and dishonest. We are not just "energy". We are a pattern of energy and matter, a very specific and precise arrangement of molecules in movement. That can be destroyed. When you've built a pretty sand castle and the tide comes in and washes it away, the grains of sand are still all there, but what you've lost is the arrangement that you worked to generate, and which you appreciated. Reducing a complex functional order to nothing but the constituent parts is an insult to the work. If I were to walk into the Louvre and set fire to the Mona Lisa, and afterwards take a drive down to Chartres and blow up the cathedral, would anyone defend my actions by saying, "well, science says matter and energy cannot be created or destroyed, therefore, Rabid Myers did no harm, and we'll all just enjoy viewing the ashes and rubble from now on"? No. That's crazy talk. We also wouldn't be arguing that the painting and the architecture have transcended this universe to enter another, nor would such a pointless claim ameliorate our loss in this universe. The rest of his argument is quantum gobbledy-gook. The behavior of subatomic particles is not a good guide to what to expect of the behavior of large bodies. A photon may have no rest mass, but I can't use this fact to justify my grand new weight loss plan; quantum tunnelling does not imply that I can ignore doors when I amble about my house. People are not particles! We are the product of the aggregate behavior of the many particles that constitute our bodies, and you cannot ignore the importance of these higher-order relationships when talking about our fate. The rational atheist view is simpler, clearer, and I think, more true. Lanza's sister is dead, and so is mine; that means the features of their independent existence that were so precious to us, that made them interesting, thinking, behaving human beings, have ceased to exist. The 20-watts of energy are dissipating as heat, and can't be brought back. They are lost to us, and someday we will end, too. We should feel grief. Pretending that they have 'transcended' into some novel quantum mechanical state in which their consciousness persists, or that they are shaking hands with some anthropomorphic spiritual myth in never-never land, does a disservice to ourselves. The pain is real. Don't deny it. Use it to look at the ones you love who still live and see what you can do to make our existence now a little better, and perhaps a little more conducive to keeping our energies patterned usefully a little longer.

#### Violence against muslims decreasing now- comparative evidence shows the 70s/80s were far worse- disproves connection to the WOT

\*problematic language has been struck through

Daily Mail 05

[Daily Mail, 2005, Filmmaker warns of 'Islamaphobia ~~myth',~~ PRoQuest,uwyo//amp]

FEARS about antagonism towards Muslims ~~were overblown and Islamaphobia largely a 'myth'~~, a leading Muslim writer and filmmaker said yesterday.¶ Kenan Malik warned that Muslim leaders risked creating a siege mentality in their community ~~by 'exaggerating' the harassment~~ it faced.¶ The respected antiracist campaigner said that it could play into the hands of religious extremists by making British Muslims more inward looking.¶ Mr Malik will set out his case tonight in a Channel 4 documentary 'Are Muslims Hated?' He cited an EU report which found there had been just a dozen serious physical attacks on Muslims in Britain in the four months after September 11. This was very different from the 'vicious, visceral and often fatal violence' Muslims had faced in the Seventies and Eighties, he added.¶ He said the Muslim leaders who helped to created a siege mentality were stoking up resentment. 'It also creates a climate of censorship in which any criticism of Islam can be dismissed as Islamaphobic,' he added.

#### The aff is a good gesture of complex politics- but any dependence on qital collapses into antagonistic intercommunal relations that prevent the peaceful side of jihad from ever coming forward-means your strategy collapses back into the militaristic representations of Jihad that your solvency evidence says is coopted to justify American intervention

Moniruzzaman 08

[M. Moniruzzaman, International Islamic University, Malaysia, Jihad and Terrorism, Journal of Religion & Society Volume 10 (2008), The Kripke Center, <http://moses.creighton.edu/JRS/2008/2008-40.pdf>, uwyo//amp]

[16] However, the Islamic jurists increasingly preferred to use qital instead of jihad. For ¶ instance, two of the most classical Islamic texts, al Umm (Al Shafi’i) and al-Mabsut (Al ¶ Sarakhsi), used the term jihad most of the time implying qital. This can be explained from ¶ three perspectives. First, during the initial period of expansion of Islam, it faced persistent ¶ security threats from strong powers such as the Byzantine Empire that led to increased ¶ warfare and the routinization of military engagement. And the basic principles of military ¶ engagement in the systemic practice of inter-power relations during that time were ¶ characterized by expansion, resistance, domination, and subjugation. So, Islamic jihad in this ¶ situation became more militaristic. Second, the Byzantine Empire not only considered Islam ¶ as a rising political threat but also depicted Islam as misguided heresy and the enemy of ¶ Christianity, the struggle against which was a religious responsibility of the Christians ¶ (Vasiliev). This fostered a warlike mentality in the Muslim world. And finally, the Islamic ¶ territories were also facing internal security threats from rebellious Muslim groups against ¶ whom military actions were necessary. Therefore, under such circumstances jihad toned with ¶ moral-ideological purpose was replaced with qital toned with active combat. ¶ [17] An important aspect of the Islamic concept of jihad is whether it is offensive or ¶ defensive. Many argue that jihad is essentially an offensive and hawkish policy that led to ¶ numerous wars in history and is still generating terrorist groups and movements in Muslim ¶ countries. An-Na’im claims that the classical theory of jihad developed in “an extremely ¶ harsh and violent environment, where the use of force in intercommunal relations was the ¶ unquestioned norm. It was simply conceptually incoherent and practically impossible for ¶ Shariah regulation of intercommunal (international) relations to have been based on ¶ principles of peaceful coexistence . . .” (166).

# 2NC

#### Rendering marginalized identities visible to the debate community doesn’t resolve racism- rather, it becomes part and parcel of a project to aspire to universal humanity which is predicated on a white, western, male, heterosexual universal subject

Smith 2013

[Andrea Smith, 2013, The Problem with “Privilege”, <http://andrea366.wordpress.com/2013/08/14/the-problem-with-privilege-by-andrea-smith/>, uwyo//amp]

My analysis is informed the work of Denise DaSilva. She argues in Toward a Global Idea of Race that the western subject understands itself as self-determining through its ability to self-reflect, analyze and exercise power over others. The western subject knows that it is self-determining because it compares itself to ‘others” who are not. In other words, I know who I am because I am not you. These “others” of course are racialized. The western subject is a universal subject who determines itself without being determined by others; the racialized subject is particular, but is supposed to aspire to be universal and self-determining.¶ Silva’s analysis thus critiques the presumption that the problem facing racialized and colonized peoples is that they have been “dehumanized.” Anti-racist intellectual and political projects are often premised on the notion that if people knew us better, we too would be granted humanity. But, according to Silva, the fundamental issue that does not get addressed, is that “the human” is already a racial project. It is a project that aspires to universality, a project that can only exist over and against the particularity of “the other.”¶ Consequently, two problems result. First, those who are put in the position of racialized and colonized others presume that liberation will ensue if they can become self-determining subjects – in other words, if they can become fully “human.” However, the humanity to which we aspire still depends on the continued oppression of other racialized/colonized others. Thus, a liberation struggle that does not question the terms by which humanity is understood becomes a liberation struggle that depends on the oppression of others.¶ Silva’s analysis implies that “liberation” would require different selves that understand themselves in radical relationality with all other peoples and things. The goal then becomes not the mastery of anti-racist/anti-colonialist lingo but a different self-understanding that sees one’s being as fundamentally constituted through other beings. An example of the political enactment of this critique of the western subject could be glimpsed at the 2008 World Social Forum that I attended. The indigenous peoples made a collective statement calling into question the issue of the nation-state. In addition to challenging capitalism, they called on participants to imagine new forms of governance not based on a nation-state model. They contended that the nation-state has not worked in the last 500 years, so they suspected that it was not going to start working now. Instead, they called for new forms of collectivities that were based on principles of interrelatedness, mutuality and global responsibility. These new collectivities (nations, if you will, for lack of a better world) would not be based on insular or exclusivist claims to a land base; indeed they would reject the contention that land is a commodity that any one group of people should be able to buy, control or own. Rather, these collectivities would be based on responsibility for and relationship with land. But they suggested that these collectivities could not be formed without a radical change in what we perceived ourselves to be. That is, if we understand ourselves to be transparent, self-determining subjects, defining ourselves in opposition to who we are not, then the nations that will emerge from this sense of self will be exclusivist and insular. However, if we understand ourselves as being fundamentally constituted through our relations with other beings and the land, then the nations that emerge will also be inclusive and interconnected with each other.

#### their appeal to “real suffering” abandons the flux of politics in favor their survival tactic

Wendy Brown 95, prof at UC Berkely, States of Injury, 37-8

When these precepts “without which we cannot survive” issue from the intellectual or political Right, they are easy enough to identify as both reactionary and fundamentalist.It is fairly clear what they oppose and seek to foreclose: inter alia, democratic conversation about our collective condition and future. But when they issue from feminists or others on the "Left,” they are more slippery, especially insofar as they are posed in the name of caring about political things, caring about “actual women\*’ or about women's ‘'actual condition in the world.” and are lodged against those who presumably do not or cannot care, given their postmodern or poststructurahst entanglements.¶The remainder of’ this essay turns this argument on its head. I will suggest that feminist wariness about postmodernism may ultimately be coterminous with a wariness about politics, when politics is grasped as a terrain of struggle without fixed or metaphysical referents and a terrain of power's irreducible and pervasive ce in human affairs. Contrary to its insistence that it speaks in name of the political, much feminist anti-postmodernism betrays a preference for extrapolitical terms and practices: for Truth (unchanging, incontestable) over politics (flux, contest. instability): for certainty and security (safety, immutability, privacy) over freedom (vulnerability, publicity); for discoveries (science) over decisions (judgments);for separable subjects armed with established rights and identities over unwieldy and shifting pluralities adjudicating for themselves and their future on the basis of nothing more than their own habits and arguments.This particular modernist reaction to postmoder- nism makes sense if we recall that the promise of the Enlightenment was a revision of the old Platonic promise to put an end to politics by supplanting it with Truth. In its modern variant, this promise was tendered through the multiple technologies of nature's rationality in human affairs (Adam Smith); science, including the science of administration (Hobbes); and universal reason (Kant. Hegel. Marx). Modernity could not make goud on this promise, of course, but modernists do not surrender thc dream it instilled of a world governed by reason divested of power.\*\*• Avowed ambivalence about Western reason and rationality notwith- standing. feminist modernists are no exception, but the nature of our ¶ 38¶ attachment to this ironically antipolitical vision is distinctively colored by feminist projects. To thc particulars of this attachment wc now turn.

#### The politics of identity is reactionary which ultimately creates an attachment to the status of oppression---the affirmative’s emphasis on exclusion from Whiteness perversely recreate those as valorized ideals

Bhambra 10—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

2 The Reification of Identity We wish to turn now to a related problem within identity politicsthat can be best described as the problem of the reiﬁcation of politicised identities. Brown (1995) positions herself within thedebate about identity politics by seeking to elaborate on “the wounded character of politicised identity’s desire” (ibid: 55); thatis, the problem of “wounded attachments” whereby a claim to identity becomes over-invested in its own historical suffering and perpetuates its injury through its refusal to give up its identity claim. Brown’s argument is that where politicised identity is founded upon an experience of exclusion, for example, exclusion itself becomes perversely valorised in the continuance of that identity. In such cases, group activity operates to maintain and reproduce the identity created by injury (exclusion) rather than– and indeed, often in opposition to – resolving the injurious social relations that generated claims around that identity in the ﬁrst place. If things have to have a history in order to have af uture, then the problem becomes that of how history is con-structed in order to make the future. To the extent that, for Brown, identity is associated primarily with (historical) injury, the future for that identity is then already determined by the injury “as both bound to the history that produced it and as a reproach to the present which embodies that history” (ibid 1995: 73). Brown’s sug-gestion that as it is not possible to undo the past, the focus back- wards entraps the identity in reactionary practices, is, we believe,too stark and we will pursue this later in the article. Politicised identity, Brown maintains, “emerges and obtains its unifying coherence through the politicisation of exclusion from an ostensible universal, as a protest against exclusion” (ibid: 65). Its continuing existence requires both a belief in the legitimacy of the universal ideal (for example, ideals of opportunity, and re- ward in proportion to effort) and enduring exclusion from those ideals. Brown draws upon Nietzsche in arguing that such identi-ties, produced in reaction to conditions of disempowerment andinequality, then become invested in their own impotence through practices of, for example, reproach, complaint, and revenge. These are “reactions” in the Nietzschean sense since they are substitutes for actions or can be seen as negative forms of action. Rather than acting to remove the cause(s) of suffering, that suf-fering is instead ameliorated (to some extent) through “the estab-lishment of suffering as the measure of social virtue” (ibid 1995:70), and is compensated for by the vengeful pleasures of recrimnation. Such practices, she argues, stand in sharp distinction to –in fact, provide obstacles to – practices that would seek to dispel the conditions of exclusion. Brown casts the dilemma discussed above in terms of a choicebetween past and future, and adapting Nietzsche, exhorts theadoption of a (collective) will that would become the “redeemer of history” (ibid: 72) through its focus on the possibilities of creat-ing different futures. As Brown reads Nietzsche, the one thingthat the will cannot exert its power over is the past, the “it was”.Confronted with its impotence with respect to the events of thepast, the will is threatened with becoming simply an “angry spec-tator” mired in bitter recognition of its own helplessness. The onehope for the will is that it may, instead, achieve a kind of mastery over that past such that, although “what has happened” cannotbe altered, the past can be denied the power of continuing to de-termine the present and future. It is only this focus on the future, Brown continues, and the capacity to make a future in the face of human frailties and injustices that spares us from a rancorous decline into despair. Identity politics structured by ressentiment – that is, by suffering caused by past events – can only break outof the cycle of “slave morality” by remaking the present againstthe terms of the past, a remaking that requires a “forgetting” of that past. An act of liberation, of self-afﬁrmation, this “forgettingof the past” requires an “overcoming” of the past that offers iden-tity in relationship to suffering, in favour of a future in whichidentity is to be deﬁned differently. In arguing thus, Brown’s work becomes aligned with a posi-tion that sees the way forward for emancipatory politics as re-siding in a movement away from a “politics of memory” (Kilby 2002: 203) that is committed to articulating past injustices andsuffering. While we agree that investment in identities prem-ised upon suffering can function as an obstacle to alleviating the causes of that suffering, we believe that Brown’s argument as outlined is problematic. First, following Kilby (2002), we share a concern about any turn to the future that is ﬁgured as a complete abandonment of the past. This is because for those who have suffered oppression and exclusion, the injunction to give up articulating a pain that is still felt may seem cruel and impossible to meet. We would argue instead that the “turn to the future” that theorists such as Brown and Grosz callfor, to revitalise feminism and other emancipatory politics, need not be conceived of as a brute rejection of the past. Indeed, Brown herself recognises the problems involved here, stating that [since] erased histories and historical invisibility are themselves suchintegral elements of the pain inscribed in most subjugated identities[then] the counsel of forgetting, at least in its unreconstructedNietzschean form, seems inappropriate if not cruel (1995: 74). She implies, in fact, that the demand exerted by those in painmay be no more than the demand to exorcise that pain throughrecognition: “all that such pain may long for – more than revenge– is the chance to be heard into a certain release, recognised intoself-overcoming, incited into possibilities for triumphing over, and hence, losing itself” (1995: 74-75). Brown wishes to establish the political importance of remembering “painful” historical events but with a crucial caveat: that the purpose of remembering pain is to enable its release . The challenge then, according to her,is to create a political culture in which this project does not mutate into one of remembering pain for its own sake. Indeed, if Brown feels that this may be “a pass where we ought to part with Nietzsche” (1995: 74), then Freud may be a more suit-able companion. Since his early work with Breuer, Freud’s writ-ings have suggested the (only apparent) paradox that remember-ing is often a condition of forgetting. The hysterical patient, who is doomed to repeat in symptoms and compulsive actions a past she cannot adequately recall, is helped to remember that trau-matic past in order then to move beyond it: she must remember inorder to forget and to forget in order to be able to live in the present. 7 This model seems to us to be particularly helpful for thedilemma articulated by both Brown (1995) and Kilby (2002),insisting as it does that “forgetting” (at least, loosening the holdof the past, in order to enable the future) cannot be achieved without ﬁrst remembering the traumatic past. Indeed, this wouldseem to be similar to the message of Beloved , whose central motif of haunting (is the adult woman, “Beloved”, Sethe’s murderedchild returned in spectral form?) dramatises the tendency of theunanalysed traumatic past to keep on returning, constraining, asit does so, the present to be like the past, and thereby, disallow-ing the possibility of a future different from that past. As Sarah Ahmed argues in her response to Brown, “in order to break the seal of the past, in order to move away from attach-ments that are hurtful, we must ﬁrst bring them into the realm of political action” (2004: 33). We would add that the task of analys-ing the traumatic past, and thus opening up the possibility of political action, is unlikely to be achievable by individuals on their own, but that this, instead, requires a “community” of participants dedicated to the serious epistemic work of rememberingand interpreting the objective social conditions that made up thatpast and continue in the present. The “pain” of historical injury is not simply an individual psychological issue, but stems from objective social conditions which perpetuate, for the most part, forms of injustice and inequality into the present. In sum, Brown presents too stark a choice between past andfuture. In the example of Beloved with which we began thisarticle, Paul D’s acceptance of Sethe’s experiences of slavery asdistinct from his own, enable them both to arrive at new under-standings of their experience. Such understanding is a way of partially “undoing” the (effects of) the past and coming to terms with the locatedness of one’s being in the world (Mohanty 1995). As this example shows, opening up a future, and attending to theongoing effects of a traumatic past, are only incorrectly under-stood as alternatives. A second set of problems with Brown’s critique of identity poli-tics emerge from what we regard as her tendency to individualise social problems as problems that are the possession and theresponsibility of the “wounded” group. Brown suggests that the problems associated with identity politics can be overcome through a “shift in the character of political expression and politi-cal claims common to much politicised identity” (1995: 75). She deﬁnes this shift as one in which identity would be expressed in terms of desire rather than of ontology by supplanting the lan-guage of “I am” with the language of “I want this for us” (1995:75). Such a reconﬁguration, she argues, would create an opportu-nity to “rehabilitate the memory of desire within identiﬁcatory processes…prior to [their] wounding” (1995: 75). It would fur-ther refocus attention on the future possibilities present in theidentity as opposed to the identity being foreclosed through its attention to past-based grievances.

#### Performance is not a mode of resistance – it gives too much power to the audience because the performer is structurally blocked from controlling the (re)presentation of their representations. Appealing to the ballot is a way of turning over one’s identity to the same reproductive economy that underwrites liberalism

Peggy Phelan 96, chair of New York University's Department of Performance Studies, Unmarked: the politics of performance, 146-9

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Performance’s only life is in the present. Performance cannot be saved, recorded, documented, or otherwise participate in the circulation of representations of representations: once it does so, it becomes something other than performance. To the degree that performance attempts to enter the economy of reproduction it betrays and lessens the promise of its own ontology. Performance’s being, like the ontology of subjectivityproposed here, becomes itself through disappearance.¶ The pressures brought to bear on performance to succumb to thelaws of the reproductive economy are enormous. For only rarely in this culture is the “now” to which performance addresses its deepest questions valued. (This is why the now is supplemented and buttressedby the documenting camera, the video archive.) Performance occursover a time which will not be repeated. It can be performed again, butthis repetition itself marks it as “different.” The document of a performance then is only a spur to memory, an encouragement of memory to become present.¶ The other arts, especially painting and photography, are drawnincreasingly toward performance. The French-born artist Sophie Calle,for example, has photographed the galleries of the Isabella StewartGardner Museum in Boston. Several valuable paintings were stolen fromthe museum in 1990. Calle interviewed various visitors and membersof the muse um staff, asking them to describe the stolen paintings. She then transcribed these texts and placed them next to the photographs of the galleries. Her work suggests that the descriptions and memories of the paintings constitute their continuing “presence,” despite the absence of the paintings themselves. Calle gestures toward a notion of the interactive exchange between the art object and the viewer. While such exchanges are often recorded as the stated goals of museums and galleries, the institutional effect of the gallery often seems to put the masterpiece under house arrest, controlling all conflicting and unprofessional commentary about it. The speech act of memory and description (Austin’s constative utterance) becomes a performative expression when Calle places these commentaries within the¶ 147¶ representation of the museum. The descriptions fill in, and thus supplement (add to, defer, and displace) the stolen paintings. The factthat these descriptions vary considerably—even at times wildly—onlylends credence to the fact that the interaction between the art objectand the spectator is, essentially, performative—and therefore resistantto the claims of validity and accuracy endemic to the discourse of reproduction. While the art historian of painting must ask if thereproduction is accurate and clear, Calle asks where seeing and memoryforget the object itself and enter the subject’s own set of personalmeanings and associations. Further her work suggests that the forgetting(or stealing) of the object is a fundamental energy of its descriptiverecovering. The description itself does not reproduce the object, it ratherhelps us to restage and restate the effort to remember what is lost. Thedescriptions remind us how loss acquires meaning and generatesrecovery—not only of and for the object, but for the one who remembers.The disappearance of the object is fundamental to performance; itrehearses and repeats the disappearance of the subject who longs alwaysto be remembered.¶ For her contribution to the Dislocations show at the Museum of Modern Art in New York in 1991, Calle used the same idea but this time she asked curators, guards, and restorers to describe paintings that were on loan from the permanent collection. She also asked them to draw small pictures of their memories of the paintings. She then arranged the texts and pictures according to the exact dimensions of the circulating paintings and placed them on the wall where the actual paintings usually hang. Calle calls her piece Ghosts, and as the visitor discovers Calle’s work spread throughout the museum, it is as if Calle’s own eye is following and tracking the viewer as she makes her way through the museum.1 Moreover, Calle’s work seems to disappear because it is dispersed throughout the “permanent collection”—a collection which circulates despite its “permanence.” Calle’s artistic contribution is a kind of self-concealment in which she offers the words of others about other works of art under her own artistic signature. By making visible her attempt to offer what she does not have, what cannot be seen, Calle subverts the goal of museum display. She exposes what the museum does not have and cannot offer and uses that absence to generate her own work. By placing memories in the place of paintings, Calle asks that the ghosts of memory be seen as equivalent to “the permanent collection” of “great works.” One senses that if she asked the same people over and over about the same paintings, each time they would describe a slightly different painting. In this sense, Calle demonstrates the performative quality of all seeing.¶ 148¶ I Performance in a strict ontological sense is nonreproductive. It is this quality which makes performance the runt of the litter of contemporary art. Performance clogs the smooth machinery of reproductive representation necessary to the circulation of capital. Perhaps nowhere was the affinity between the ideology of capitalism and art made more manifest than in the debates about the funding policies for the National Endowment for the Arts (NEA).2 Targeting both photography and performance art, conservative politicians sought to prevent endorsing the “real” bodies implicated and made visible by these art forms. Performance implicates the real through the presence of living bodies. In performance art spectatorship there is an element of consumption: there are no left-overs, the gazing spectator must try to take everything in. Without a copy, live performance plunges into visibility—in a maniacally charged present—and disappears into memory, into the realm of invisibility and the unconscious where it eludes regulation and control. Performance resists the balanced circulations of finance. It saves nothing; it only spends. While photography is vulnerable to charges of counterfeiting and copying, performance art is vulnerable to charges of valuelessness and emptiness. Performance indicates the possibility of revaluing that emptiness; this potential revaluation gives performance art its distinctive oppositional edge.3 To attempt to write about the undocumentable event of performance is to invoke the rules of the written document and thereby alter the event itself. Just as quantum physics discovered that macro-instruments cannot measure microscopic particles without transforming those particles, so too must performance critics realize that the labor to write about performance (and thus to “preserve” it) is also a labor that fundamentally alters the event. It does no good, however, to simply refuse to write about performance because of this inescapable transformation. The challenge raised by the ontological claims of performance for writing is to re-mark again the performative possibilities of writing itself. The act of writing toward disappearance, rather than the act of writing toward preservation, must remember that the after-effect of disappearance is the experience of subjectivity itself. This is the project of Roland Barthes in both Camera Lucida and Roland Barthes by Roland Barthes. It is also his project in Empire of Signs, but in this book he takes the memory of a city in which he no longer is, a city from which he disappears, as the motivation for the search for a disappearing performative writing. The trace left by that script is the meeting-point of a mutual disappearance; shared subjectivity is possible for Barthes because two people can recognize the same Impossible. To live for a love whose goal is to share the Impossible is both a humbling project and an exceedingly ambitious one, for it seeks to find connection only in that which is no longer there. Memory. Sight. Love. It must involve a full seeing of the Other’s absence (the ambitious part), a seeing which also entails the acknowledgment of the Other’s presence (the humbling part). For to acknowledge the Other’s (always partial) presence is to acknowledge one’s own (always partial) absence. In the field of linguistics, the performative speech act shares with the ontology of performance the inability to be reproduced or repeated. “Being an individual and historical act, a performative utterance cannot be repeated. Each reproduction is a new act performed by someone who is qualified. Otherwise, the reproduction of the performative utterance by someone else necessarily transforms it into a constative utterance.”4 ¶ 149¶ Writing, an activity which relies on the reproduction of the Same(the three letters cat will repeatedly signify the four-legged furry animalwith whiskers) for the production of meaning, can broach the frame of performance but cannot mimic an art that is nonreproductive. Themimicry of speech and writing, the strange process by which we put words in each other’s mouths and others’ words in our own, relies on a substitutional economy in which equivalencies are assumed and re-established. Performance refuses this system of exchange and resists the circulatory economy fundamental to it. Performance honors the idea that a limited number of people in a specific time/space frame can have an experience of value which leaves no visible trace afterward. Writing about it necessarily cancels the “tracelessness” inaugurated within this performative promise. Performance’s independence from mass reproduction, technologically, economically, and linguistically, is its greatest strength. But buffeted by the encroaching ideologies of capitaland reproduction, it frequently devalues this strength. Writing aboutperformance often, unwittingly, encourages this weakness and falls inbehind the drive of the document/ary. Performance’s challenge to writingis to discover a way for repeated words to become performative utterances, rather than, as Benveniste warned, constative utterances.

#### Our alternative is to recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---the affirmative’s focus on subjectivity abdicates the flux of politics and debate for the incontestable truth of identity

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 47-51)

The postmodern exposure of the imposed and created rather than dis- covered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, are once again excluded from the Party of Humanism—this time in its feminist variant. ¶Our alternative to reliance upon such normative claims would seem to be engagement in political struggles in which there are no trump cards such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and nor- mativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they arc protesting, inter' aha, a Nictzschcan analysis of truth and morality as fully implicated in and by power, and thereby dplegiti- mated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether fnninist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nictzschc insisted that extraordinary strengths of character and mind would be necessary to operate in thce domain of epistemological and religious nakedness he heralded. But in this heexcessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"¶Precisely because of its incessant revelation of settled practices and identi- ties as contingent, its acceleration of the tendency to melt all that is solid into air. what is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.”Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections betwreen a com- prehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of oneResistance, the practice most widely associated with postmodern polit- ical discourse, responds to without fully meeting the normativity chal- lenge of postmodernity. A vital tactic in much political w’ork as wrcll as for mere survival, resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts to enact either. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our wrariness about totalizing an- alyses and visions. Insofar as it eschew’s rather than revisesthese problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms. In this respect, like identity politics, and indeed sharing with identity politics an excessively local viewpoint and tendency toward positioning without mapping, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it.Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision; as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.¶What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “the good” for women. Democratic political space is quite undcrtheonzed in contemporary femi- nist thinking, as it is everywhere in latc-twentieth-ccntury political the- ory, primarily bccausc it is so little in evidence. Dissipated by the increasing tcchnologizing of would-be political conversations and pro- cesses, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disori- entation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is su- premely important.¶Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Repub- lic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. jnd given contemporary spin in Jurgen Habermas's theories of ideal speech situations and com- municative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist politi- cal spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, wc can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but wc recognize as a permanent political condition par- tiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be heterogenous, roving, relatively noninstitutionalized, and democratic to the point of exhaustion.¶Such spaces are crucial for developing the skills and practices of post- modern judgment, addressing the problem of “how to produce a discourse on justicc . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶51¶unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”),and from explicitly postulated norms and potential common values rather than false essentialism or unreconstructed private interest.44 Paradoxically, such public and comparatively impersonal arguments carry potential for greater accountability than arguments from identity or interest. While the former may be interrogated to the ground by others, the latter are insulated from such inquiry with the mantle of truth worn by identity-based speech. Moreover, postidentitypolitical positions and conversations potentially replace a politics of difference with a politics of diversity—differences grasped from a perspective larger than simply one point in an ensemble.Postidentity public positioning requires an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that political conversation oriented toward diversity and the common, toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom,offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.¶Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I”that is produced through multiple sites ofpower and subordination. But the very practice so crucial to making these elements of power visible and subjectivity political may be partly at odds with the requisites for developing political conversation among a complex and diverse “we.” We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order to assume responsibility for our situations and to mobilize a collective discourse that will expand them. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

# 1NR

#### Ghana - nonviolent resistance was able to quickly and successfully overthrow imperialist repression

Bartkowski 13, Senior Director at the International Center on Nonviolent Conflict

(Maciej, Recovering Nonviolent History: Civil Resistance in Liberation Struggles, pg. 63)

The newly independent state of Ghana took a leading role in advocating and using civil resistance. In Deember 1958 independent Ghana hosted the All-African Peoples’ Conference, a follow-up to the 1945 Pan-African Congress. Patrice Lumumba and Tom Mboya were there along with a large Algerian contingent. In his opening speech, Nkrumah attributed the success of the Ghanaian independence movement to nonviolent positive action. Kojo Botsio, who led the CPP delegation, told countries still struggle for liberation that, “with the united will of the people behind you, the power of the imperialists can be destroyed without the use of violence.” Some delegations were unhappy with the emphasis on nonviolent resistance, especially the Algerians and Egyptians who “regarded the very word ‘nonviolence’ as an insult to brothers fighting and dying for freedom.” Ultimately, the congress declared its support for peaceful means in territories where democratic means were available but also supported those in circumstances where arms were the only protection from colonial violence. In 1959, after hearing that France planned to test nuclear weapons in the Sahara Desert at Regan, Algeria, a group of eleven Ghanaians along with British and other international activists attempted to intervene nonviolently, but were ejected from French territory in Upper Volta and ended up back in Ghana. Another conference to discuss the way forward for positive action was held in Accra in April 1960, Positive Action for Peace and Security in Africa. While Nkrumah opened the conference with a speech advocating “nonviolent positive action” as the main tactic, after the criticism of Frantz Fanon and pressure from some other African delegates, the conference’s emphasis on continent –wide nonviolent positive action was muted. Nevertheless, Bill Sutherland and Matt Meyer describe positive action as being “a phenomenal success for Gandhian strategy.” Nonviolent tactics were used as part of a self-conscious overall nonviolent strategy that led Ghana quickly to independence with minimal casualities. They included consciousness-raising among the people about their right to self-government, a determination to act in concert with each other through a variety of associations, and a willingness to accept imprisonment. Boycotts and strikes showed the people that withdrawing cooperation leaves colonial forces powerless (and that cooperation reinforces subjection). Many marginalized sectors of society were mobilized in a common cause, including the youth, market women, and elementary school graduates. Newspapers and popular songs spread the message of the movement and the leaders emphasis on the need for nonviolent discipline resonated with people’s deeply held value systems. There was the grace to accept compromise in certain situations as well as the determination to go the harder way of strikes and imprisonment when sacrifice was required. The impact of mass nonviolent civil resistance on shaping Ghanaian nationalism needs further exploration, but it is clear – if rarely acknowledged – that if facilitated this process of nation building.

Poland – Nonviolent resistance was the key to throw off occupation but official histories have covered these success stories up in favor of glorified violent struggle

Bartkowski 13, Senior Director at the International Center on Nonviolent Conflict

(Maciej, Recovering Nonviolent History: Civil Resistance in Liberation Struggles, pg. 274)

A critical attitude toward organic work is particularly perplexing given the extent to which the nineteenth-century nonviolent resistance and its constructive program of creating and running parallel institutions served as an inspiration for future generations of Poles faced with oppression. The conspiratorial experience of organizing and running secret education became ingrained in the collective memory of the national resistance. It was recalled during traumatic events such as the German occupation of 1939 – 1945 and during communist rule, particularly during the 1970s and 1980s when widespread illegal education (including the reestablishment of the flying university) ensured the truthful reading of national history, culture, and tradition. In fact, working at the base of society became the imperative nonviolent strategy of the anticommunist opposition. Solidarity leaders drew parallels between their nonviolent efforts to liberate the society from the control of the communist government and the nonviolent strategies of nineteenth century organicists to undermine the authority of the partitioning powers. Bohdan Cywinski’s influential Genealogy of the Defiant (1971) studied the fin-de-siecle (defiant ones) and made parallels between their nonviolent defiant attitude and practice against the czarist government and the then contemporary resistance to communism. That book inspired thousands of Poles and showed clearly how a century old tradition of nonviolent resistance – although generally underappreciated in the national annals – could play a vital role in shaping the thinking, and determining the strategies and actions, of a new generation of unarmed resisters struggling with no less oppressive autocratic rulers than their indomitable predecessors who lived under partitions. Without nonviolent resistance, Poles could not have taken charge of their national destiny after World War I or changed the geopolitical situation in their favor during the 1980s. It would have been equally implausible to integrate partitioned lands after 1918 and establish statehood so swiftly without the base of social, economic, and cultural development constructed through organic work. Although nonviolent resistance has been widely used by different generations of Poles against both external occupation and domestic dictatorship, this form of struggle is still awaiting much-deserved recognition of its role in not only defending, but essentially reimagining, the Polish nation.

#### Turns case- establishes an ethic that stands against oppression and human rights violation by any and all states-leads to powerful incentive to protect human rights

Moniruzzaman 08

[M. Moniruzzaman, Assistant Prof of Political Science at the International Islamic University-Malaysia, scholar, Jihad and Terrorism, Journal of Religion & Society Volume 10 (2008), The Kripke Center, <http://moses.creighton.edu/JRS/2008/2008-40.pdf>, uwyo//amp]

[34] The existing international regimes on human rights are concerned with any type of ¶ oppression, violation of human rights, tyranny, or dictatorial rule. Democratization, rule of ¶ law, and respect for fundamental human rights have become global political and humanist ¶ regimes so much so that injustice anywhere is considered injustice everywhere. Likewise, ¶ since the regime of jihad is based on universal justice, it concerns domestic as well as ¶ international violation of human rights. The Islamic concepts of tughyan (aggression) and ¶ zulm (injustice, violation of rights) are instrumental in the regard of human rights. Tughyan ¶ and zulm are two basic evils according to Islam that the Qur’an vehemently condemns. The ¶ concept of zulm denotes anything that violates human rights, and is considered so anti-social ¶ that the Qur’an seriously condemns it as many as 289 times. Zulm can be violation of ones’ ¶ belief or belief system, freedom, religious affiliation, or political choice (Hossain and Cragg). ¶ [35] The humanist jihad would fight against tyranny, oppression, and the violation of human ¶ rights at the global level. The regime of jihad is under moral obligation to voice out every ¶ abuse of human rights and against all types of tyranny and oppression anywhere in human ¶ society. The Qur’an clearly states: ¶ And why should ye not fight in the cause of God (Allah) and of those who, ¶ being weak, are ill-treated (and oppressed)? Men, women, and children who ¶ cry: “our Lord! Rescue us from this locality, whose people are oppressors; ¶ and send for us from Thee one who will protect; and send for us from Thee ¶ one who will help (4:75). ¶ [36] Such a universal perception of human rights in Islam is certainly in line with the ethos of ¶ modern global political and human rights regimes. So, the humanist jihad can be a powerful ¶ incentive to protect and ensure human rights globally.

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[34] The existing international regimes on human rights are concerned with any type of ¶ oppression, violation of human rights, tyranny, or dictatorial rule. Democratization, rule of ¶ law, and respect for fundamental human rights have become global political and humanist ¶ regimes so much so that injustice anywhere is considered injustice everywhere. Likewise, ¶ since the regime of jihad is based on universal justice, it concerns domestic as well as ¶ international violation of human rights. The Islamic concepts of tughyan (aggression) and ¶ zulm (injustice, violation of rights) are instrumental in the regard of human rights. Tughyan ¶ and zulm are two basic evils according to Islam that the Qur’an vehemently condemns. The ¶ concept of zulm denotes anything that violates human rights, and is considered so anti-social ¶ that the Qur’an seriously condemns it as many as 289 times. Zulm can be violation of ones’ ¶ belief or belief system, freedom, religious affiliation, or political choice (Hossain and Cragg). ¶ [35] The humanist jihad would fight against tyranny, oppression, and the violation of human ¶ rights at the global level. The regime of jihad is under moral obligation to voice out every ¶ abuse of human rights and against all types of tyranny and oppression anywhere in human ¶ society. The Qur’an clearly states: ¶ And why should ye not fight in the cause of God (Allah) and of those who, ¶ being weak, are ill-treated (and oppressed)? Men, women, and children who ¶ cry: “our Lord! Rescue us from this locality, whose people are oppressors; ¶ and send for us from Thee one who will protect; and send for us from Thee ¶ one who will help (4:75). ¶ [36] Such a universal perception of human rights in Islam is certainly in line with the ethos of ¶ modern global political and human rights regimes. So, the humanist jihad can be a powerful ¶ incentive to protect and ensure human rights globally.

#### Violent understandings of Jihad spillover to justifying domestic violence

WISE Muslim Women’s Council 2009

[The following women are members of the WISE Muslim Women’s Shura Council: Afra Jalabi, ¶ Asma Afsaruddin, Daisy Khan, Fawzia Afzal-Khan, Gonca Aydin, Hedieh Mirahmadi, Irfana ¶ Hashmi, Laleh Bakhtiar, Margot Badran, Necva Solak, Nevin Reda, Sabeeha Rehman, Sumbul Ali- Karamali, Tayyibah Taylor and Ziba Mir-Hosseini, July 2009, Jihad Against Violence: Muslim Women’s Struggle for Peace , [http://www.wisemuslimwomen.org/images/uploads/Jihad\_against\_Violence\_Digest(color).pdf](http://www.wisemuslimwomen.org/images/uploads/Jihad_against_Violence_Digest%28color%29.pdf), uwyo//amp]

Although domestic violence, military jihad, and other types of violence may spring from different ¶ jurisprudential sources, they are linked in other ways: societal, sociological, psychological, and ¶ textual (Qur’anic), among others. ¶ ¶ Muslims cannot legitimately rely on Islamic texts to engage in domestic violence or to wage violent ¶ extremism. A fundamental principle of the Qur’an is peace, harmony, and the elimination of all ¶ forms of violence, and Islam restricted cultural norms regarding both domestic violence and violent ¶ extremism. The 7th century right of men to beat their wives was taken for granted, and the Qur’an ¶ restricted, even abolished, the right. Similarly, it decreed “a life for a life” in certain circumstances, ¶ and this was a vast improvement over ten – or even a hundred – lives for a life. These were ¶ limitations on existing violence. Therefore, to take these passages ultimately sought to eliminate ¶ violence and use them to legitimize more violence than our current norms accept, is to greatly ¶ violate the spirit of the Qur’an. ¶ ¶ Furthermore, the principle objectives of the Shari’ah, which provide the Shari’ah’s foundation, ¶ ensure the protection of life, religion, mind, wealth, family, and human dignity. All interpretations ¶ of Islamic law must conform to these maqasid, and clearly, both domestic violence and violent ¶ extremism violate these protections. Muslim jurists understood that violence begets more violence, contravening the maqasid. In the domestic sphere, boys whose fathers abuse their mothers have a ¶ greater probability of growing up to be abusive husbands. Similarly, in the public sphere, violent ¶ acts provoke retaliatory violence, which results in escalating conflict. In this way, modern political ¶ conflicts perpetuate violence in a vicious cycle similar to the pre-Islamic blood feuds of the Hijaz. ¶ This is precisely what the Qur’an and the Prophet sought to eliminate. ¶ ¶

#### qital is violent struggle against oppressors until they are destroyed

Hassan 6 [Fazal Hassan, Adjunct Professor of History Florida International University, “Ending Oppression and Establishing Justice: Examples from Islamic History of Select Muslims and Islamist Groups Justifying the Use of Armed Force” 9-15-2006, http://diginole.lib.fsu.edu/cgi/viewcontent.cgi?article=1792&context=etd, wyo-sc]

The above three verses above are significant in understanding Qutb because of the ¶ use of the term “fight.” It is important to remember that the Arabic word for fight is qital¶ and this has a physical connotation to it. The terms jihad and qital are also closely ¶ linked. While jihad means to strive or struggle, there are two components to it. One is ¶ the non-violent or non-physical struggle, jihad al-akbar. The struggle within each ¶ individual that one must overcome in his or her respective life. This struggle can be ¶ categorized as the fighting of one’s desires or weaknesses. The second use of jihad does ¶ carry a physical sense to it. The smaller jihad or jihad al-saghir means to fight those who ¶ oppress you or turn you out of your homes. One of the points of this dissertation is to ¶ show that the three terms of harb, jihad, and qital can be used interchangeably. ¶ The above verses all allude to fighting. In the first set of verses mentioned, 3:74-¶ 76, evidence points to one who dies a martyr, “and whoever fights in the way of God and ¶ is killed or becomes victorious, to him shall We give a great reward.” There was little ¶ doubt for Qutb that those who being oppressed, as shown in verses 3:74-76, could only ¶ be liberated through a physical struggle, qital. Verses 8:38-40 are interesting because ¶ they state that one should fight unbelievers and if those unbelievers did not desist in their ¶ ways, they would be destroyed. This is deduced by the phrase, “Say to the unbelievers ¶ that if they refrain, then whatever they have done before will be forgiven them; but if ¶ they turn back, then they know what happened to earlier nations.” This reminder is a one ¶ that is repeated in the Qur’an of nations, the nations of Lot or Noah for example, that were destroyed for not following those respective prophets. Though Qutb is not a ¶ prophet, he is just uttering a notion that if God’s way is not followed, then a similar fate ¶ will befall those that oppress Muslims. The last set of verses, 9:29-32, allude to the Jews ¶ and Christians and Muslims.437 These sets of verses have the quote, “Fight against those ¶ among the People of the Book who do not believe in God and the Last Day, who do not ¶ forbid what God and His messenger have forbidden, and who do not consider the true ¶ religion as their way of life, until they are subdued and pay Jizyah.” The part “until they ¶ are subdued” has the connotation of fighting in the physical sense. It was not likely for ¶ Qutb to subdue a people non-violently only to have them pay taxes. This was only going ¶ to be attained through a physical struggle, qital.