# 1NC

#### Capitalism makes the construction of borders inevitable—without eliminating structural inequality they will just be created in new ways in times of conflict

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[Kimberly, May/June, Red Critique, “Whither Borders?”, <http://www.redcritique.org/MayJune02/whitherborders.htm>, accessed 7-19-13, GSK]

What is at stake in the new emphasis on reinstituting borders (whether through the "crisis" of the INS, the new surveillance technologies, the rolling back of civil rights, the exclusion and incarceration of non-citizens…) has little to do with actually securing the US border or ensuring the security of citizens. Rather, it is aimed at concealing the fundamental class conflict by targeting as "other" any who do not conform to the US corporate agenda. It is primarily aimed at diverting attention from what lies at the core of the global economic crisis—namely that it is a system built on the ever-widening gap between rich and poor worldwide—while scaring working people into accepting the suspension of the rights of some so that capital can better exploit the labor of the entire working class. The return of the border is, in short, a cynical alibi for restructuring the national security state and reorganizing the workforce to make up for the lost profits in the wake of the recession which began well before 9-11.

After all, despite billions of dollars that have gone into stepping-up airport security, a recent report revealed that the new security measures had failed miserably in nation-wide testing. Similarly, while Ashcroft recently heralded a vast new computer system for tracking foreign students as representing a major step forward in protecting American citizens (since, he argued, foreign students represent a serious "national security concern"), even an editorial in the New York Times responded by pointing out that "[t]hirteen of the 19 hijackers entered the country on tourist visas" and that in fact "[f]oreign students account for only 2 percent of foreign visitors". In other words, if it is really non-citizens who are most threatening to American citizens, the new computer system technically covers only a tiny fraction of the so-called "threats" to US security. I leave aside the mounting evidence not only that US officials knew about the September attacks, but that the war on Afghanistan was planned by US officials and the oil interests they serve long before September 11.

Moreover, it has become increasingly clear that the military tribunals and other policies which eradicate democratic rights and which were supposedly established "only" for the specific targeting of non-citizens are being used to target all people in the US, and especially those deemed in any way a threat to US corporate interests. While thousands of Arab and Muslim citizens have been investigated, and many remain incarcerated without any rights in secret detention, a recent article by Daniel Pipes and Jonathan Schanzer in the New York Post goes so far as to demand that "stakeholders" of universities "take back the universities as institutions of civilized discourse". That is, they suggest, get rid of "left-wing extremists" who teach "seemingly harmless theories about 'deconstruction,' 'post-modernism,' 'race, gender and class' while venting against the United States, its government and its allies"—thus criminalizing any who question the policies of the US government.

In other words, as aggressively as the border has returned to dominant discourse, it also appears to be "ambiguous": some non-citizens are not subject to investigation, while some citizens remain in jail because they have been deemed suspicious.

In fact, the apparent incoherence of who is considered dangerous and who is considered safe has led many liberal commentators to conclude that the policies are simply inconsistent and show that the Bush Administration does not have a "clear" or "consistent" agenda. Or they use these apparent inconsistencies to point to the "stupidity" of Bush's policies. But such arguments miss the point. And in doing so, they alibi the practices his administration is unleashing on people throughout the world.

The very notion of who is considered "other" and who is not, who can legitimately cross the border and who cannot, has never been static but shifts to meet the needs of capital. Its "ambiguity" in other words is an effect of the shifting borders of capital accumulation.

**Even if they win our alt doesn’t solve you vote negative – neoliberalism frames decision making – radically breaking away from the way the status quo produces knowledge is key to solving oppression**

**De Angelis 3** (Massimo, Dept of Economics at East London, The commoner, <http://www.ainfos.ca/03/jan/ainfos00479.html>)

Once we acknowledge the existence of the galaxy of alternatives as they emerge from concrete needs and aspirations, we can ground today's new political discourse in the thinking and practice of the actualization and the coordination of alternatives, so as each social node and each individual within it has the power to decide and take control over their lives. It is this actualization and this coordination that rescues existing alternatives from the cloud of their **invisibility**, because alternatives, as with any human product, are social products, and they need to be **recognized** and **validated socially**. Our political projects must push their way through beyond the existing forms of coordination, beyond the visible fist of the state, beyond the invisible hand of competitive markets, and beyond the hard realities of their interconnections that express themselves in today forms of neoliberal governance, promoting cooperation through competition and community through disempowerment. As I will argue, this new political discourse is based on the project of defending and extending the space of commons, at the same time building and strengthening communities through the social fields.

#### Racism was born out of capitalism to justify the suppression, exploitation of the working class and oppression of slaves

Taylor, doctoral candidate in the department of African American Studies at Northwestern University, 2011 (Keeanga-Yamahtta. January 4th 2011. The Socialist Worker “Race, Class and Marxism” http://socialistworker.org/2011/01/04/race-class-and-marxism NMS)

Marxists argue that capitalism is a system that is based on the exploitation of the many by the few. Because it is a system based on gross inequality, it requires various tools to divide the majority--racism and all oppressions under capitalism serve this purpose. Moreover, oppression is used to justify and "explain" unequal relationships in society that enrich the minority that live off the majority's labor. Thus, racism developed initially to explain and justify the enslavement of Africans--because they were less than human and undeserving of liberty and freedom.¶ Everyone accepts the idea that the oppression of slaves was rooted in the class relations of exploitation under that system. Fewer recognize that under capitalism, wage slavery is the pivot around which all other inequalities and oppressions turn. Capitalism used racism to justify plunder, conquest and slavery, but as Karl Marx pointed out, it also used racism to divide and rule--to pit one section of the working class against another and thereby blunt class consciousness.¶ To claim, as Marxists do, that racism is a product of capitalism is not to deny or diminish its importance or impact in American society. It is simply to explain its origins and the reasons for its perpetuation. Many on the left today talk about class as if it is one of many oppressions, often describing it as "classism." What people are really referring to as "classism" is elitism or snobbery, and not the fundamental organization of society under capitalism.¶ Moreover, it is popular today to talk about various oppressions, including class, as intersecting. While it is true that oppressions can reinforce and compound each other, they are born out of the material relations shaped by capitalism and the economic exploitation that is at the heart of capitalist society. In other words, it is the material and economic structure of society that gave rise to a range of ideas and ideologies to justify, explain and help perpetuate that order. In the United States, racism is the most important of those ideologies.

#### The alternative is to reject the aff – key to a historical materialist criticism – voting negative endorses an anti-capitalist methodology that denaturalizes the functions of capital

San Juan, Leuven American Studies lecturer, 6 (Epifanio, Jr., Fulbright Lecturer in American Studies at the Catholic University of Leuven, Belgium, “Crisis and Contradiction in Globalization Discourse” http://www.redcritique.org/WinterSpring2006/crisisandcontradictioninglobalizationdiscourse.htm) APB

In order to probe and analyze the multilayered contradictions of any phenomenon, we need to apply the principle of historical totalizing: connecting spheres of culture, ideology, and politics to the overarching structure of production and reproduction. This is axiomatic for any historical-materialist critique. Consequently, the question of cultural identity cannot be mechanically divorced from the historically determinate mode of production and attendant social relations of any given socioeconomic formation. What is the point of eulogizing hybrid, cyborg-esque, nomadic global citizens—even fluid, ambivalent "subject positions" if you like—when the majority of these postmodernized creatures are dying of hunger, curable epidemics, diseases and psychosomatic illnesses brought about precisely by the predatory encroachment of globalizing transnational corporations, mostly based in the U.S. and Western Europe? But it is not just academic postmodernists suffering from the virus of pragmatist metaphysics who apologize for profit-making globalization. Even a latterly repentant World Bank expert, Joseph Stiglitz, could submit in his well-known Globalization and Its Discontents, the following ideological plea: "Foreign aid, another aspect of the globalized world, for all its faults still has brought benefits to millions, often in ways that have almost gone unnoticed: guerillas in the Philippines were provided jobs by a World Bank financed-project as they laid down their arms" (Stiglitz 420). Any one slightly familiar with the Cold War policies of Washington vis-à-vis a neocolony like the Philippines knows that World Bank funds were then used by the U.S. Pentagon to suppress the Communist Party-led peasant rebellion in the 1950s against the iniquitous semi-feudal system and corrupt comprador regime (Doty; Constantino). It is globalization utilized to maintain direct coercive U.S. domination of the Philippines at a crucial conjuncture when the Korean War was mutating into the Vietnam War, all designed to contain "World Communism" (China, Soviet Union). Up to now, despite nationalist gains in the last decade, the Philippine government plays host every year to thousands of U.S. "Special Forces" purportedly training Filipino troops in the war against "terrorism"—that is, against anti-imperialist forces like the Communist Party-led New People's Army and progressive elements of the Moro Islamic National Liberation Front and the Moro National Liberation Front (International Peace Mission). One needs to repeat again that the present world system, as Hugo Radice argues, remains "both global and national", a contingent and contradictory process (4). Globalization dialectically negates and affirms national entities—pseudo-nations as well as those peoples struggling for various forms of national sovereignty. While a universal "free market" promoted by TNC triumphalism is deemed to be homogenizing and centralizing in effect, abolishing independent states/nationalities, and creating a global public sphere through juxtaposition, syncretic amalgamation, and so on, one perceives a counter-current of fragmentation, increasing asymmetry, unbridgeable inequalities, and particularistic challenges to neoliberal integration—including fundamentalist political Islam, eco-terrorism, drugs, migration, and other movements of "barbarians at the gates" (Schaeffer). Is it a question of mere human rights in representation and life-style, or actual dignity and justice in the everyday lives of whole populations with singular life-forms? Articulating these historical contradictions without theorizing the concept of crisis in capital accumulation will only lead to the short-circuiting transculturalism of Ashcroft and other ideologies waging battle for supremacy/hegemony over "popular common sense" imposing meaning/order/significance on the whole globalization process (Rupert). Indeed, academic inquirers of globalization are protagonists in this unfolding drama of universalization under duress. One may pose the following questions as a heuristic pedagogical maneuver: Can globalized capital truly universalize the world and bring freedom and prosperity to everyone, as its celebrants claim? Globalization as the transnationalized domination of capital exposes its historical limit in the deepening class inequality in a polarized, segregated and policed world. While surplus-value extraction in the international labor market remains basic to the logic of accumulation, the ideology of neoliberal transnationalism has evolved into the discourse of war on terrorism ("extremism") rationalized as "the clash of civilizations". Contradictions and its temporary resolutions constitute the imperialist project of eliding the crisis of unilateral globalism. A historical-materialist critique should seek to highlight the political economy of this recolonizing strategy operating in the fierce competition of the ruling classes of the U.S., Japan, and Europe to impose hegemonic control in an increasingly boundary-destroying space and continue the neocolonial oppression of the rest of the world. What is needed is a radical critique of the ideology of technological determinism and its associated apologetics of the "civilizing mission", the evangelism of "pre-emptive" intervention in the name of Realpolitik "democracy" against resistance by workers, peasants, women, indigenous communities (in Latin America, Africa, the Philippines and elsewhere [see Houghton and Bell; San Juan, "U.S. Imperial Terror"]), and all the excluded and marginalized peoples of the planet.

# 1NC

#### CIR will pass- renewed Boehner commitment

Saenz 13 (Arlette Saenz, December 4th, 2013, ABC News Digital Journalist covering politics & Washington, D.C. “On Immigration, Reid Predicts Boehner Will 'Cave In'” <http://abcnews.go.com/m/blogEntry?id=21097974&ref=http%3A%2F%2Fnews.google.com%2F> MB Accessed: 12/5/13)

Senate Majority Leader Harry Reid still sees hope for an immigration bill to pass the House, telling a local newspaper on Tuesday that he thinks House Speaker John Boehner is "going to cave in." "I think there's going to be so much pressure on the House that they'll have to pass it," Reid told the Las Vegas Sun editorial board Tuesday. "This is an issue that isn't going to go away," he said. "It's here. We have 11 million people here who are not going to be sent back to their country of origin. They can't do that. They can't do it fiscally. They can't do it physically. It's nearly impossible." The Senate passed a comprehensive immigration bill last summer, but the House of Representatives has not acted on the legislation yet. Though it won't see any substantial progress this year, Boehner has said immigration reform is "absolutely not" dead. "Is immigration reform dead? Absolutely not," Boehner said last month. "I believe that Congress needs to deal with this issue. Our committees are continuing to do their work. There are a lot of private conversations that are underway to try to figure out, how do we best move on a common-sense, step-by-step basis to address this very important issue … because it is a very important issue." Just yesterday, Boehner announced the hiring of Rebecca Tallent, director of immigration policy at the Bipartisan Policy Center, as his point person on immigration issues. The addition of Tallent, an immigration policy expert, to the staff could signal a renewed emphasis Boehner intends to place on immigration reform.

#### The plan is unpopular – border security

Bogda director of USC Political Student Assembly 13 (Justin, July 8, 2013, USDA, “Economic Costs of Border Wait Times on the U.S. Agricultural Sector”, p.2, <http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Economic%20Costs%20of%20Border%20Wait%20Times%20on%20the%20U.S.%20Agricultural%20Sector_Mexico%20ATO_Mexico_7-8-2013.pdf>, Accessed: 9/17/13, TM)

Executive Summary: **The border between the United States and Mexico is widely recognized as one of the busiest in the world. There are 43 points of entry** (POE’s) along the border, and **counties** and municipalities **on both** the U.S. and Mexican **side of the border**, with the exception of San Diego, **have** relatively **higher rates of poverty** than counties and municipalities not directly on the border. **Issues such as poverty and drug trafficking make many of these border towns high security risks,** and accordingly, **regulations of border crossings are of the highest priority**. Every day at least 800,000 people travel between the United States and Mexico, and within a year, more than 300 million of these two-way border crossings occur. Mexico is the third largest trading partner of the United States, and trade between the two countries amounts to over $1 billion U.S. dollars (USD) a day. **However, due to border security measures and the congestion that they create, a great deal of revenue can be lost,** and many exporters run the risk of damaging their product with prolonged border wait times. **Several measures to bolster the rate of flow between the two nations could be implemented, but are often limited by security concerns such as undocumented immigration and drug trafficking**

#### Immigration key to the economy – competitiveness, growth, jobs, innovation

Palomarez 3-6-13 [Javier, President & CEO of the United States Hispanic Chamber of Commerce., "The pent up entreprenuership that immigration reform woudl unleash" Forbes -- www.forbes.com/sites/realspin/2013/03/06/the-pent-up-entrepreneurship-that-immigration-reform-would-unleash/]

Out of countless conversations with business leaders in virtually every sector and every state, a consensus has emerged: our broken and outdated immigration system hinders our economy’s growth and puts America’s global leadership in jeopardy.¶ Innovation drives the American economy, and without good ideas and skilled workers, our country won’t be able to transform industries or to lead world markets as effectively as it has done for decades.¶ Consider some figures: Immigrant-owned firms generate an estimated $775 billion in annual revenue, $125 billion in payroll and about $100 billion in income. A study conducted by the New American Economy found that over 40 percent of Fortune 500 companies were started by immigrants or children of immigrants.¶ Leading brands, like Google, Kohls, eBay, Pfizer, and AT&T, were founded by immigrants. Researchers at the Kauffman Foundation released a study late last year showing that from 2006 to 2012, one in four engineering and technology companies started in the U.S. had at least one foreign-born founder — in Silicon Valley it was almost half of new companies.¶ There are an estimated 11 million undocumented workers currently in the U.S. Imagine what small business growth in the U.S. would look like if they were provided legal status, if they had an opportunity for citizenship. Without fear of deportation or prosecution, imagine the pent up entrepreneurship that could be unleashed. After all, these are people who are clearly entrepreneurial in spirit to have come here and risk all in the first place.¶ Immigrants are twice as likely to start businesses as native-born Americans, and statistics show that most job growth comes from small businesses.¶ While immigrants are both critically-important consumers and producers, they boost the economic well-being of native-born Americans as well.¶ Scholars at the Brookings Institution recently described the relationship of these two groups of workers as complementary. This is because lower-skilled immigrants largely take farming and other manual, low-paid jobs that native-born workers don’t usually want.¶ For example, when Alabama passed HB 56, an immigration law in 2012 aimed at forcing self-deportation, the state lost roughly $11 billion in economic productivity as crops were left to wither and jobs were lost.¶ Immigration reform would also address another important angle in the debate – the need to entice high-skilled immigrants. Higher-skilled immigrants provide talent that high-tech companies often cannot locate domestically. High-tech leaders recently organized a nationwide “virtual march for immigration reform” to pressure policymakers to remove barriers that prevent them from recruiting the workers they need.¶ Finally, and perhaps most importantly, fixing immigration makes sound fiscal sense. Economist Raul Hinojosa-Ojeda calculated in 2010 that comprehensive immigration reform would add $1.5 trillion to the country’s GDP over 10 years and add $66 billion in tax revenue – enough to fully fund the Small Business Administration and the Departments of the Treasury and Commerce for over two years.¶ As Congress continues to wring its hands and debate the issue, lawmakers must understand what both businesses and workers already know: The American economy needs comprehensive immigration reform.

#### Prevents global decline

Caploe ‘9

(David Caploe is CEO of the Singapore-incorporated American Centre for Applied Liberal Arts and Humanities in Asia., “Focus still on America to lead global recovery”, April 7, The Strait Times, lexis)=

IN THE aftermath of the G-20 summit, most observers seem to have missed perhaps the most crucial statement of the entire event, made by United States President Barack Obama at his pre-conference meeting with British Prime Minister Gordon Brown: 'The world has become accustomed to the US being a voracious consumer market, the engine that drives a lot of economic growth worldwide,' he said. 'If there is going to be renewed growth, it just can't be the US as the engine.' While superficially sensible, this view is deeply problematic. To begin with, it ignores the fact that the global economy has in fact been 'America-centred' for more than 60 years. Countries - China, Japan, Canada, Brazil, Korea, Mexico and so on - either sell to the US or they sell to countries that sell to the US. This system has generally been advantageous for all concerned. America gained certain historically unprecedented benefits, but the system also enabled participating countries - first in Western Europe and Japan, and later, many in the Third World - to achieve undreamt-of prosperity. At the same time, this deep inter-connection between the US and the rest of the world also explains how the collapse of a relatively small sector of the US economy - 'sub-prime' housing, logarithmically exponentialised by Wall Street's ingenious chicanery - has cascaded into the worst global economic crisis since the Great Depression. To put it simply, Mr Obama doesn't seem to understand that there is no other engine for the world economy - and hasn't been for the last six decades. If the US does not drive global economic growth, growth is not going to happen. Thus, US policies to deal with the current crisis are critical not just domestically, but also to the entire world. Consequently, it is a matter of global concern that the Obama administration seems to be following Japan's 'model' from the 1990s: allowing major banks to avoid declaring massive losses openly and transparently, and so perpetuating 'zombie' banks - technically alive but in reality dead. As analysts like Nobel laureates Joseph Stiglitz and Paul Krugman have pointed out, the administration's unwillingness to confront US banks is the main reason why they are continuing their increasingly inexplicable credit freeze, thus ravaging the American and global economies. Team Obama seems reluctant to acknowledge the extent to which its policies at home are failing not just there but around the world as well. Which raises the question: If the US can't or won't or doesn't want to be the global economic engine, which country will? The obvious answer is China. But that is unrealistic for three reasons. First, China's economic health is more tied to America's than practically any other country in the world. Indeed, the reason China has so many dollars to invest everywhere - whether in US Treasury bonds or in Africa - is precisely that it has structured its own economy to complement America's. The only way China can serve as the engine of the global economy is if the US starts pulling it first. Second, the US-centred system began at a time when its domestic demand far outstripped that of the rest of the world. The fundamental source of its economic power is its ability to act as the global consumer of last resort. China, however, is a poor country, with low per capita income, even though it will soon pass Japan as the world's second largest economy. There are real possibilities for growth in China's domestic demand. But given its structure as an export-oriented economy, it is doubtful if even a successful Chinese stimulus plan can pull the rest of the world along unless and until China can start selling again to the US on a massive scale. Finally, the key 'system' issue for China - or for the European Union - in thinking about becoming the engine of the world economy - is monetary: What are the implications of having your domestic currency become the global reserve currency? This is an extremely complex issue that the US has struggled with, not always successfully, from 1959 to the present. Without going into detail, it can safely be said that though having the US dollar as the world's medium of exchange has given the US some tremendous advantages, it has also created huge problems, both for America and the global economic system. The Chinese leadership is certainly familiar with this history. It will try to avoid the yuan becoming an international medium of exchange until it feels much more confident in its ability to handle the manifold currency problems that the US has grappled with for decades. Given all this, the US will remain the engine of global economic recovery for the foreseeable future, even though other countries must certainly help. This crisis began in the US - and it is going to have to be solved there too.

#### Nuclear war

**Auslin ‘9**

(Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and global chaos followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would **dramatically raise tensions** inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang.

# 1NC

#### Text: The President of the United States should issue an executive order to end the practice of determining who has legal right to occupancy and entitlements in the United States and completely open the U.S. Mexico border

#### XO has supreme law of the land.

Nelson 2009

[Anne E. J.D. Candidate, University of Arizona James E. Rogers College of Law, 2010, “Muddled to Medellin: A Legal History of Sole Executive Agreements”, <http://www.arizonalawreview.org/pdf/51-4/51arizlrev1035.pdf>, 1036-1027, accessed 9/21, CC]

Can the President of the United States unilaterally make federal law? For most students of American Government, the knee-jerk reaction to this question is an emphatic "no," as they are taught that it is the legislature's role to create laws and the President's role to see that the laws are faithfully executed. n1 Indeed, the United States' political identity depends on a delicate separation of powers that prevents the President from accumulating too much power. n2 Over time, however, the delicate separation of powers balance has shifted, and this emphatic "no" has [\*1036] transformed into a more muddled "maybe," with the President's use of sole executive agreements.¶ Sole executive agreements present a unique challenge to traditional separation of powers principles. These agreements are legal tools the President can use to unilaterally resolve foreign disputes with other countries. The Supreme Court has upheld the President's authority to enter into sole executive agreements and has broadly held that these agreements, being analogous to treaties, are fit to preempt conflicting state law. Thus, sole executive agreements are a means by which the President can sideline the legislature and unilaterally create federal law.¶ Sole executive agreements have been used since the early days of the Republic. n3 Since the turn of the twentieth century and the rise of the United States as a global power, Presidents have aggressively used sole executive agreements to resolve significant matters of foreign policy. The expansive use of sole executive agreements has attracted debate amongst scholars as to their constitutional validity, why they have been held to preempt federal law, and, most importantly, how the preemptive effect of these agreements could be limited to better harmonize with the Supremacy Clause and traditional separation of powers principles. n4¶ Until recently, the Supreme Court has not provided much guidance to this debate. In a series of decisions, n5 the Supreme Court has sanctioned the use of sole executive agreements and concluded that such agreements can be considered "the supreme Law of the Land." n6 In doing so, the Court has granted sweeping power to the President to effectively create federal law through sole executive agreements without any meaningful limitations.

#### Net benefit –

#### Obama needs strong presidential powers to pass climate agreements.

Sassoon 9

[David, December 7, founder and publisher of InsideClimate News, the non-partisan and non-profit news organization that won the Pulitzer Prize for National Reporting in 2013, Inside Climate News, “Obama's Treaty-Making Powers Broader Than Recognized”, <http://insideclimatenews.org/news/20091207/obamas-treaty-making-powers-broader-recognized>, accessed 9/20, CC]

Though arguably the most powerful man on the planet, U.S. President Barack Obama heads to Copenhagen later this month wearing handcuffs. The failure of Congress to pass domestic climate legislation has meant the president has had to advance slowly, lest he get ahead of lawmakers in the Capitol. After all according to the Constitution, international treaties must be ratified by 67 "yes" votes in the Senate.¶ Also still fresh in everybody's mind is the 95-0 vote the Senate cast in opposition to US participation in the Kyoto Protocol, though that vote happened more than a decade ago.¶ But a working paper just posted at the Center for Climate Change Law at Columbia University's law school takes a fresh look at the legal basis of the president’s independent power to enter into internationally binding commitments related to climate change, and it finds that the president has broader powers than commonly recognized. It also identifies an intriguing possibility backed by historical and legal precedent.¶ The president could submit a climate treaty for passage in both houses of Congress by a simple majority, rather than before the Senate alone for passage by a super-majority. In other words, it is possible for Obama to get a global deal ratified by securing a filibuster-proof 60 "yes" votes in the Senate, rather than 67.¶ "Every vote is blood," Michael Gerrard, executive director of the center, told SolveClimate. "And there's a century's worth of practice that provides the legal basis."¶ The working paper is a reassuring bit of legal sleuthing. Even if the U.S. passes domestic climate legislation, genuine concern remains that in the polarized politics inside the beltway, a global treaty could still fail to garner 67 votes needed for U.S. ratification. Now, with Obama announcing that he will travel to Copenhagen on the summit's closing day, when deals are customarily finalized, the idea of needing seven fewer votes in the Senate to secure passage of an eventual treaty is a tantalizing prospect that could fortify his ambition.¶ The center's paper opens a legal discussion with important political implications for the president to consider.¶ It points to a suite of broad presidential powers to conduct foreign affairs that could loosen his handcuffs as international climate negotiations proceed in Copenhagen and beyond. There's a legal basis for Obama to exercise more global leadership in spite of a laggard Congress.

#### Warming causes extinction – consensus it's real, anthropogenic, and outweighs other threats

Deibel 7 (Terry, "Foreign Affairs Strategy: Logic of American Statecraft," Conclusion: American Foreign Affairs Strategy Today)

Finally, there is one major existential threat to American security (as well as prosperity) of a nonviolent nature, which, though far in the future, demands urgent action. It is the threat of global warming to the stability of the climate upon which all earthly life depends. Scientists worldwide have been observing the gathering of this threat for three decades now, and what was once a mere possibility has passed through probability to near certainty. Indeed not one of more than 900 articles on climate change published in refereed scientific journals from 1993 to 2003 doubted that anthropogenic warming is occurring. “In legitimate scientific circles,” writes Elizabeth Kolbert, “it is virtually impossible to find evidence of disagreement over the fundamentals of global warming.” Evidence from a vast international scientific monitoring effort accumulates almost weekly, as this sample of newspaper reports shows: an international panel predicts “brutal droughts, floods and violent storms across the planet over the next century”; climate change could “literally alter ocean currents, wipe away huge portions of Alpine Snowcaps and aid the spread of cholera and malaria”; “glaciers in the Antarctic and in Greenland are melting much faster than expected, and…worldwide, plants are blooming several days earlier than a decade ago”; “rising sea temperatures have been accompanied by a significant global increase in the most destructive hurricanes”; “NASA scientists have concluded from direct temperature measurements that 2005 was the hottest year on record, with 1998 a close second”; “Earth’s warming climate is estimated to contribute to more than 150,000 deaths and 5 million illnesses each year” as disease spreads; “widespread bleaching from Texas to Trinidad…killed broad swaths of corals” due to a 2-degree rise in sea temperatures. “The world is slowly disintegrating,” concluded Inuit hunter Noah Metuq, who lives 30 miles from the Arctic Circle. “They call it climate change…but we just call it breaking up.” From the founding of the first cities some 6,000 years ago until the beginning of the industrial revolution, carbon dioxide levels in the atmosphere remained relatively constant at about 280 parts per million (ppm). At present they are accelerating toward 400 ppm, and by 2050 they will reach 500 ppm, about double pre-industrial levels. Unfortunately, atmospheric CO2 lasts about a century, so there is no way immediately to reduce levels, only to slow their increase, we are thus in for significant global warming; the only debate is how much and how serous the effects will be. As the newspaper stories quoted above show, we are already experiencing the effects of 1-2 degree warming in more violent storms, spread of disease, mass die offs of plants and animals, species extinction, and threatened inundation of low-lying countries like the Pacific nation of Kiribati and the Netherlands at a warming of 5 degrees or less the Greenland and West Antarctic ice sheets could disintegrate, leading to a sea level of rise of 20 feet that would cover North Carolina’s outer banks, swamp the southern third of Florida, and inundate Manhattan up to the middle of Greenwich Village. Another catastrophic effect would be the collapse of the Atlantic thermohaline circulation that keeps the winter weather in Europe far warmer than its latitude would otherwise allow. Economist William Cline once estimated the damage to the United States alone from moderate levels of warming at 1-6 percent of GDP annually; severe warming could cost 13-26 percent of GDP. But the most frightening scenario is runaway greenhouse warming, based on positive feedback from the buildup of water vapor in the atmosphere that is both caused by and causes hotter surface temperatures. Past ice age transitions, associated with only 5-10 degree changes in average global temperatures, took place in just decades, even though no one was then pouring ever-increasing amounts of carbon into the atmosphere. Faced with this specter, the best one can conclude is that “humankind’s continuing enhancement of the natural greenhouse effect is akin to playing Russian roulette with the earth’s climate and humanity’s life support system. At worst, says physics professor Marty Hoffert of New York University, “we’re just going to burn everything up; we’re going to het the atmosphere to the temperature it was in the Cretaceous when there were crocodiles at the poles, and then everything will collapse.” During the Cold War, astronomer Carl Sagan popularized a theory of nuclear winter to describe how a thermonuclear war between the Untied States and the Soviet Union would not only destroy both countries but possible end life on this planet. Global warming is the post-Cold War era’s equivalent of nuclear winter at least as serious and considerably better supported scientifically. Over the long run it puts dangers form terrorism and traditional military challenges to shame. It is a threat not only to the security and prosperity to t

# Case

#### Nuclear war outweighs- the risk of extinction means it is prohibited absolutely

Kateb 92 (George, prof. of politics at Princeton, THe Inner Ocean, pg. 111-112)

Schell's work attempts to force on us an acknowledgment that sounds far-fetched and even ludicrous, an acknowledgment hat the possibility of extinction is carried by any use of nuclear weapons, no matter how limited or how seemingly rational or seemingly morally justified. He himself acknowledges that there is a difference between possibility and certainty. But in a matter that is more than a matter, more than one practical matter in a vast series of practical matters, in the "matter" of extinction, we are obliged to treat a possibility-a genuine possibility-as a certainty. Humanity is not to take any step that contains even the slightest risk of extinction. The doctrine of no-use is based on the possibility of extinction. Schell's perspective transforms the subject. He takes us away from the arid stretches of strategy and asks us to feel continuously, if we can, and feel keenly if only for an instant now and then, how utterly distinct the nuclear world is. Nuclear discourse must vividly register that distinctiveness. It is of no moral account that extinction may be only a slight possibility. No one can say how great the possibility is, but no one has yet credibly denied that by some sequence or other a particular use of nuclear weapons may lead to human and natural extinction. If it is not impossible it must be treated as certain: the loss signified by extinction nullifies all calculations of probability as it nullifies all calculations of costs and benefits. Abstractly put, the connections between any use of nuclear weapons and human and natural extinction are several. Most obviously, a sizable exchange of strategic nuclear weapons can, by a chain of events in nature, lead to the earth's uninhabitability, to "nuclear winter," or to Schell's "republic of insects and grass." But the consideration of extinction cannot rest with the possibility of a sizable exchange of strategic weapons. It cannot rest with the imperative that a sizable exchange must not take place. A so-called tactical or "theater" use, or a so-called limited use, is also prohibited absolutely, because of the possibility of immediate escalation into a sizable exchange or because, even if there were not an immediate escalation, the possibility of extinction would reside in the precedent for future use set by any use whatever in a world in which more than one power possesses nuclear weapons. Add other consequences: the contagious effect on nonnuclear powers who may feel compelled by a mixture of fear and vanity to try to acquire their own weapons, thus increasing the possibility of use by increasing the number of nuclear powers; and the unleashed emotions of indignation, retribution, and revenge which, if not acted on immediately in the form of escalation, can be counted on to seek expression later. Other than full strategic uses are not confined, no matter how small the explosive power: each would be a cancerous transformation of the world. All nuclear roads lead to the possibility of extinction. It is true by definition, but let us make it explicit: the doctrine of no-use excludes any first or retaliatory or later use, whether sizable or not. No-use is the imperative derived from the possibility of extinction. By containing the possibility of extinction, any use is tantamount to a declaration of war against humanity. It is not merely a war crime or a single crime against humanity. Such a war is waged by the user of nuclear weapons against every human individual as individual (present and future), not as citizen of this or that country. It is not only a war against the country that is the target. To respond with nuclear weapons, where possible, only increases the chances of extinction and can never, therefore, be allowed. The use of nuclear weapons establishes the right of any person or group, acting officially or not, violently or not, to try to punish those responsible for the use. The aim of the punishment is to deter later uses and thus to try to reduce the possibility of extinction, if, by chance, the particular use in question did not directly lead to extinction. The form of the punishment cannot be specified. Of course the chaos ensuing from a sizable exchange could make punishment irrelevant. The important point, however, is to see that those who use nuclear weapons are qualitatively worse than criminals, and at the least forfeit their offices. John Locke, a principal individualist political theorist, says that in a state of nature every individual retains the right to punish transgressors or assist in the effort to punish them, whether or not one is a direct victim. Transgressors convert an otherwise tolerable condition into a state of nature which is a state of war in which all are threatened. Analogously, the use of nuclear weapons, by containing in an immediate or delayed manner the possibility of extinction, is in Locke's phrase "a trespass against the whole species" and places the users in a state of war with all people. And people, the accumulation of individuals, must be understood as of course always indefeasibly retaining the right of selfpreservation, and hence as morally allowed, perhaps enjoined, to take the appropriate preserving steps.

#### Nuclear War Probable

Blackman 09 (Christine Blackman, Science Writer Stanford News Service, Certificate in technical and professional writing San Francisco State University 2009, Chance of nuclear war is greater than you think: Stanford engineer makes risk analysis, July 2009, http://news.stanford.edu/news/2009/july22/hellman-nuclear-analysis-071709.html )

What are the chances of a nuclear world war? What is the risk of a nuclear attack on United States soil? \*The risk of a child born today suffering an early death due to nuclear war is at least 10 percent, according to Martin Hellman, a tall, thin and talkative Stanford Professor Emeritus in Engineering. \*Nuclear tensions in Iran and North Korea are increasing\* the need to take a long look at how the United States handles weapons of mass destruction, Hellman said. Auto manufacturers assess the risk of injury to drivers, and engineers assess potential risks of a new nuclear power plant. So why haven’t we assessed the risk of nuclear conflict based on our current arms strategy? Hellman and a group of defense experts, Nobel laureates and Stanford professors are calling for an

in-depth analysis. \*With more than 25,000 nuclear weapons in existence and the ability to build many times more, the choice is between creating a safer world and having no world at all\*\*,\* Hellman wrote in his paper “Risk Analysis of Nuclear Deterrence.” Weapons from the Cold War still remain, but public concern for nuclear strategy has dissipated, Hellman said. Many of those who do think about it, such as political leaders, say the fantasy of nuclear disarmament is too risky for national defense, he explained. \*“People who are saying change is too risky are implicitly assuming that the current approach is risk free, but no one really knows what the risk is if we don’t change,\*” Hellman said. Hellman first became concerned about nuclear war in the 1980s when Ronald Reagan became president. Reagan brought the nuclear threat into clearer focus by being honest about fighting plans, Hellman said. Also, a fellow Stanford professor, Harry Rathbun, started a group to convince people that nuclear weapons represented more than just scientific progress, but a real threat of global destruction. Hellman credited his wife, Dorothie, for getting him to join the group: “I never would have gotten involved if it wasn’t for her.” In 1982, Hellman took an 18-month, unpaid leave from Stanford to work as a volunteer for the group started by Rathbun. During this time, Hellman became convinced that nuclear destruction not only could happen, but would happen unless we changed some of our fundamental beliefs about national security and war. About fifteen years after Hellman became convinced of impending destruction, he began punching numbers to calculate the probability of such a catastrophe based on events focused around the Cuban Missile Crisis of 1962. According to Hellman’s numbers\*, the risk of a person not living out his or her natural life because of nuclear war is at least 10 percent\*\*.\* Hellman gives another analogy: “\*The risk that each one of us dies as a result of failed deterrence is thousands of times greater than the risk you would bear if a nuclear power plant were built right next to your home.”\* Determining such a risk seems a little like predicting the future, but Hellman is confident about his numbers. He justifies his probability by breaking down a catastrophe into a sequence of smaller failures, incorporating expert opinions, examining history and estimating within a range of numbers.

#### Any risk of extinction via nuclear weapons must be treated as certain

Schell 99 [Jonathan, Harold Willens Peace Fellow at the Nation Institute and acclaimed nuclear expert, Fate of the Earth and the Abolition, Stanford University Press, 1999. p 93-96]

To say that human extinction is a certainty would, of course, be a misrepresentation— just as it would be a misrepresentation to say that extinction can be ruled out. To begin with, we know that a holocaust may not occur at all. If one does occur, the adversaries may not use all their weapons. If they do use all their weapons, the global effects, in the ozone and elsewhere, may be moderate. And if the effects are not moderate but extreme, the ecosphere may prove resilient enough to withstand them without breaking down catastrophically. These are all substantial reasons for supposing that mankind will not be extinguished in a nuclear holocaust, or even that extinction in a holocaust is unlikely, and they tend to calm our fear and to reduce our sense of urgency. Yet at the same time we are compelled to admit that there may be a holocaust, that the adversaries may use all their weapons, that the global effects, including effects of which we are as yet unaware, may be severe, that the ecosphere may suffer catastrophic breakdown, and that our species may be extinguished. We are left with uncertainty, and are forced to make our decisions in a state of uncertainty. If we wish to act to save our species, we have to muster our resolve in spite of our awareness that the life of the species may not now in fact be jeopardized. On the other hand, if we wish to ignore the peril, we have to admit that we do so in the knowledge that the species may be in danger of imminent self-destruction. When the existence of nuclear weapons was made known, thoughtful people everywhere in the world realized that if the great powers entered into a nuclear-arms race the human species would sooner or later face the possibility of extinction. They also realized that in the absence of international agreements preventing it an arms race would probably occur. They knew that the path of nuclear armament was a dead end for mankind. The discovery of the energy in mass— of "the basic power of the universe"—and of a means by which man could release that energy altered the relationship between man and the source of his life, the earth. In the shadow of this power, the earth became small and the life of the human species doubtful. In that sense, the question of human extinction has been on the political agenda of the world ever since the first nuclear weapon was detonated, and there was no need for the world to build up its present tremendous arsenals before starting to worry about it. At just what point the species crossed, or will have crossed, the boundary between merely having the technical knowledge to destroy itself and actually having the arsenals at hand, ready to be used at any second, is not precisely knowable. But it is clear that at present, with some twenty thousand megatons of nuclear explosive power in existence, and with more being added every day, we have entered into the zone of uncertainty, which is to say the zone of risk of extinction. But the mere risk of extinction has a significance that is categorically different from, and immeasurably greater than, that of any other risk, and as we make our decisions we have to take that significance into account. Up to now, every risk has been contained within the frame of life; extinction would shatter the frame. It represents not the defeat of some purpose but an abyss in which all human purposes would be drowned for all time. We have no right to place the possibility of this limitless, eternal defeat on the same footing as risks that we run in the ordinary conduct of our affairs in our particular transient moment of human history. To employ a mathematical analogy, we can say that although the risk of extinction may be fractional, the stake is, humanly speaking, infinite, and a fraction of infinity is still infinity. In other words, once we learn that a holocaust might lead to extinction we have no right to gamble, because if we lose, the game will be over, and neither we nor anyone else will ever get another chance. Therefore, although, scientifically speaking, there is all the difference in the world between the mere possibility that a holocaust will bring about extinction and the certainty of it, morally they are the same, and we have no choice but to address the issue of nuclear weapons as though we knew for a certainty that their use would put an end to our species. In weighing the fate of the earth and, with it, our own fate, we stand before a mystery, and in tampering with the earth we tamper with a mystery. We are in deep ignorance. Our ignorance should dispose us to wonder, our wonder should make us humble, our humility should inspire us to reverence and caution, and our reverence and caution should lead us to act without delay to withdraw the threat we now pose to the earth and to ourselves.

In trying to describe possible consequences of a nuclear holocaust, I have mentioned the limitless complexity of its effects on human society and on the ecosphere— a complexity that sometimes seems to be as great as that of life itself. But if these effects should lead to human extinction, then all the complexity will give way to the utmost simplicity— the simplicity of nothingness. We— the human race— shall cease to be.

#### The affirmative’s utilization of narratives from the oppressed groups saturates the original meaning and distorts the truth – only the original individual truly understands the oppression

Marino, Juris Doctor from the University of Kansas School of Law, 5

(Lauren Marino, Spring 2005, “Speaking for Others”, Malacester Journal of Philosophy, Volume 14, Issue 1, accessed 9/22/13, ST)

The experience of oppression is usually perceived to be a private language. Only an individual knows how she is oppressed and how it affects her. The problem is that because no one else has access to my mind, whatever seems to be the case is the case. As far as my thoughts are concerned, my use of language to describe my internal feelings is the only language that can be used to describe them, and the distinction between correct and incorrect rule following collapses. This is not to say we should doubt a person when she says she feels oppressed. Rather, Wittgenstein believes this form of skepticism is embedded in a Cartesian understanding of the mind. When I speak, I play a language game that no one has been initiated into. I define meaning. This is suspect foundation for a language game, because language is not a private activity. We use language to make connections between individuals. The problem is that oppression takes the form of oppression of individuals. For example, torture is not a common experience within a community. The experience does not gain voice within a community because it is not an experience that others will share. Hence, no language can be developed to speak about it. However, there is hope within Wittgenstein’s arguments if we apply a new political dimension with Rorty and Alcoff. These views of language implicate the philosophical relationship between language and the self. The Cartesian sense of self means that only I can accurately speak for myself, because my thoughts are in a private space no one else can enter. It is not created by speaking, but rather its imply exists as a stable entity. This extends to the problem of speaking for others, because only an oppressed group knows how they are oppressed and how it affects them. The problem is that because no one else outside the group has access to their subjective state of oppression. The language they may use to express it functions as a private language to the rest of society. All specific language games functions this way. However, the language game the oppressed use to express their oppression is one that necessarily needs to transcend its community to spur change. But, no one but the oppressed can play it, and therefore no outside connection can be made. It cannot produce public meaning. However, if language gains meaning from use, then access to the private objects of the oppressed group’s language game is not hopeless. There is no longer a private self but only the public self. We, including the oppressed, become our descriptions of ourselves. Groups can fall into dominant language games and descriptions, but in doing so we allow others to define who we are. We must determine what is true of and for ourselves. I conclude with Rorty that: It was Nietzche who…suggested that we drop the idea of “knowing the truth.”…He hope that once we realized that Plato’s “true world” was just a fable, we would seek consolation…in being that peculiar sort of dying animal who, by describing himself in his own terms, had created himself. More exactly, he would have created the only part of himself that mattered by constructing his own mind. To create one’s mind is to create one’s own language…4 There is no privileged truth but rather truth is relative to our adopted language games. Truth becomes not objective Truth, but something that is agreed upon; it is contingent.

#### That usage of narratives of suffering acts as a commodification of the ballot – this trivializes the other’s suffering and reinforces the domination over the subject

Voparil, Ph.D. Political Theory at the New School for Social Research, 11

(Christopher Voparil, “Rortyan Cultural Politics and the Problem of

Speaking for Others”, 2011, Contemporary Pragmatism Editions Rodopi Vol. 8, No. 1 (June 2011), 115–131, accessed 10/16/13, http://pages.uoregon.edu/koopman/courses\_readings/rorty/voparil\_speaking-for-others.pdf)

How to recognize and do justice to excluded groups thus becomes a key dimension of Rorty’s political project; the aim of cultural politics is changing the conversation to make it more inclusive. Based on these assumptions, we get Rorty’s by now familiar account of moral progress, as he puts it in “Justice as a Larger Loyalty,” as “the expansion of the circle of beings who count as ‘us’” P, p. 45n3). For Rorty, to be part of a society is to be taken as a possible conversational partner by those who shape that society’s self-image (ORT, p. 206). Now, by practicing cultural politics, which involves redescription and the generation of linguistic novelty so as to “break through impasses and to make conversation more fruitful,” we can enlarge both our individual and cultural self-descriptions to make them as inclusive as possible (PCP, p. 124). Rorty instructs that “We should stay on the lookout for marginalized people – people whom we still instinctively think of as ‘they’ rather than ‘us’” (CIS, p. 196). . The Problem of Speaking for Others The project of internal reform of Western societies that Rorty advocated since the mid-1980s is attractive and compelling, and perhaps more radical in its implications than has been recognized.15 These moves put Rorty in the somewhat surprising company of recent thinkers who have affirmed the value of dialogue or conversation in the context of historically excluded or muted subjects. For instance, Gayatri Spivak has stressed the need “to learn to speak to (rather than listen to or speak for),” while Linda Alcoff underscores how often “the possibility of dialogue is left unexplored or inadequately pursued by more privileged persons.”16 What I hope to highlight in greater detail here are Rorty’s own efforts to engage in dialogue with marginalized voices from outside the traditional philosophical canon, most notably in the context of feminism. These engagements not only led Rorty to rethink particular stances of his own in response to injustices and exclusions he had not previously considered, but generate key insights of interest to philosophers more broadly. In this respect, Rorty’s openness to moving outside of professional philosophy and engaging in dialogue across disciplines and cultures offers a model for how pragmatism can ensure it remains relevant to the most pressing social and moral problems of the day. A prime example of the kind of critical rethinking prompted by Rorty’s engagement with other voices can be seen in his view of how to respond to the situation of the oppressed. The position he adopts in Contingency is that “victims of cruelty, people who are suffering do not have much in the way of language.” He continues, That is why there is no such things as the ‘voice of the oppressed’ or the ‘language of the victims. The language the victims once used is not working anymore, and they are suffering too much to put new words together. So the job of putting their situation into language is going to have to be done for them by somebody else (CIS, p. 94). Calling for others to put the experience of marginalized groups into language for them is what entangles Rorty in what has been called “the problem of speaking for others.” Spivak, Alcoff, and Said, among others, have compellingly detailed the perils that exist for those attempting to improve the condition of victims of injustice as a result of the way a discourse of “speaking for” can reinforce existing hierarchies and privileges, silencing victims’ own ability to speak and be heard. In his initial stance, Rorty seems to overlook entirely what Gilles Deleuze once referred to as “the indignity of speaking for others.”17 Often the result of well-intentioned and right-minded attempts to bring the voices of oppressed and marginalized groups into the conversation, the problem of speaking for others is informed by Michel Foucault’s claim that when it comes to generating counter-discourses that challenge rather than extend existing constellations of power, “only those directly concerned can speak in a practical way on their own behalf.”18 Rather than speaking for others, which extends the reach of hegemonic discourse, on this view the task is to create the conditions that enable individuals to speak for themselves.

#### That creates the same oppression and domination they attempt to solve

Fielding, Professor in the Centre for Educational Innovation at the University of Sussex 4

(Michael Fielding, April 2004, “Transformative Approaches to Student Voice: Theoretical Underpinnings, Recalcitrant Realities”, accessed 9/26/13, JSTOR, ST)

The dangers of speaking for or on behalf of others have an initial resonance that is widely recognized in many countries and cultures. Perhaps less immediately apparent are the companion dangers of speaking about others. In her seminal paper, 'The problems of speaking for others' (Alcoff, 1991/92), Linda Alcoff argues that there is substantial overlap between speaking for others and speaking about others. Whilst her claim that in speaking for others you are necessarily speaking about others is unproblematic, more contentious, and arguably even more important, is the claim that in speaking about others, even in the sense of describing what you take to be the case, you may, in effect, be speaking in their place, that is, speaking for them. The very language you use in your description is likely to be saturated with values, frequently your own. No descriptive discourse is, or can be, value-free; advocacy or interpretation is thus, to some degree and inevitably, part of your account. For Alcoff: In both the practice of speaking for as well as the practice of speaking about others I am engaging in the act of representing the other's needs, goals, situation, and in fact, who they are. I am representing them as such and such; or, in post-structuralist terms, I am participating in the construction of their subject positions. (Alcoff 1991/92, p. 9) The construction of the research subject is thus a central problematic in social research and it is in helping us to understand three manifestations of its attendant dangers that the work of Beth Humphries (Humphries, 1994) turns out to be so illuminating. Drawing substantially, but by no means exclusively, on the work of Edward Said (Said, 1989), Humphries argues that there are three characteristic forms which the covert construction of the less powerful research subject often takes in the hands of the more powerful. They are what she calls 'accommodation', 'accumulation' and 'appropriation' and between them, severally and in combination, they help us to understand the way oppressive structures are produced and reproduced. Accommodation: reconstruction, reaffirmation, reassurance. One of the most insidious ways in which research undermines rather than enhances empowerment is through 'the accommodation of challenging and "dangerous" (dangerous that is, to the status quo) ideas to ensure they conform to already established vocabularies and beliefs' (Humphries, 1994, p. 191) Citing Hall's research on African-American prejudice towards fellow social workers, Humphries shows how, having purported to establish prejudice among people of colour towards peers with darker skins, blame is internally located and counselling recommended as one of the most fruitful ways of addressing what is seen as essentially a matter of individual pathology. The problem of racism is thus not only conveniently confined to the black community itself, the means of its resolution is both individualistic and professionally self-interested. Said's motifs of 'reconstruction' and 'repetition' are pertinent here: the problem on which the research focused-prejudice about skin color-is reconstructed in such a way that it reaffirms or repeats existing prejudices and forces of domination. Furthermore, as Humphries points out, 'It is the professionals who gain most in all this, by a call for a development of their repertoire of professional skills to include an "understanding" of conflict within black communities' (1994, p. 194). Taking a lead from the insight which underlies Humphries' point, it is interesting to reflect on whether or not such processes of accommodation operate at the macro-level of research trends as well as the micro-level of particular research projects. For example, to what degree are some of those within school effectiveness research engaged in an undertaking in which (a) problems which are essentially to do with the nature of education and the good life are redescribed and redefined in terms of a narrow notion of schooling and a morally thin notion of effectiveness, before (b) the model of education as social control is reaffirmed, and (c) school effectiveness experts are either invited in to sort things out or encouraged to develop strategies and approaches which enable schools to do it for themselves (see Fielding, 1997, p. 12)?