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#### Interpretation and violation - Engagement is the attempt to influence the political behavior of a state by increasing contacts with that state – economic engagement means using exclusively economic contacts like trade, loans and grants – they are cultural engagement

**Resnik, 1** – Assistant Professor of Political Science at Yeshiva University (Evan, Journal of International Affairs, “Defining Engagement” v54, n2, political science complete)

A REFINED DEFINITION OF ENGAGEMENT¶ In order to establish a more effective framework for dealing with unsavory regimes, I propose that we define engagement as the attempt to influence the political behavior of a target state through the comprehensive establishment and enhancement of contacts with that state across multiple issue-areas (i.e. diplomatic, military, economic, cultural). The following is a brief list of the specific forms that such contacts might include:**¶** DIPLOMATIC CONTACTS**¶** Extension of diplomatic recognition; normalization of diplomatic relations¶ Promotion of target-state membership in international institutions and regimes¶ Summit meetings and other visits by the head of state and other senior government officials of sender state to target state and vice-versa¶ MILITARY CONTACTS**¶** Visits of senior military officials of the sender state to the target state and vice-versa¶ Arms transfers**¶** Military aid and cooperation¶ Military exchange and training programs**¶** Confidence and security-building measures**¶** Intelligence sharing**¶** ECONOMIC CONTACTS**¶** Trade agreements and promotion**¶** Foreign economic and humanitarian aid in the form of loans and/or grants¶ CULTURAL CONTACTS**¶** Cultural treaties**¶** Inauguration of travel and tourism links**¶** Sport, artistic and academic exchanges(n25)¶ Engagement is an iterated process in which the sender and target state develop a relationship of increasing interdependence, culminating in the endpoint of "normalized relations" characterized by a high level of interactions across multiple domains. Engagement is a quintessential exchange relationship: the target state wants the prestige and material resources that would accrue to it from increased contacts with the sender state, while the sender state seeks to modify the domestic and/or foreign policy behavior of the target state. This deductive logic could adopt a number of different forms or strategies when deployed in practice.(n26) For instance, individual contacts can be established by the sender state at either a low or a high level of conditionality.(n27) Additionally, the sender state can achieve its objectives using engagement through any one of the following causal processes: by directly modifying the behavior of the target regime; by manipulating or reinforcing the target states' domestic balance of political power between competing factions that advocate divergent policies; or by shifting preferences at the grassroots level in the hope that this will precipitate political change from below within the target state.¶ This definition implies that three necessary conditions must hold for engagement to constitute an effective foreign policy instrument. First, the overall magnitude of contacts between the sender and target states must initially be low. If two states are already bound by dense contacts in multiple domains (i.e., are already in a highly interdependent relationship), engagement loses its impact as an effective policy tool. Hence, one could not reasonably invoke the possibility of the US engaging Canada or Japan in order to effect a change in either country's political behavior. Second, the material or prestige needs of the target state must be significant, as engagement derives its power from the promise that it can fulfill those needs. The greater the needs of the target state, the more amenable to engagement it is likely to be. For example, North Korea's receptivity to engagement by the US dramatically increased in the wake of the demise of its chief patron, the Soviet Union, and the near-total collapse of its national economy.(n28)¶ Third, the target state must perceive the engager and the international order it represents as a potential source of the material or prestige resources it desires. This means that autarkic, revolutionary and unlimited regimes which eschew the norms and institutions of the prevailing order, such as Stalin's Soviet Union or Hitler's Germany, will not be seduced by the potential benefits of engagement.¶ This reformulated conceptualization avoids the pitfalls of prevailing scholarly conceptions of engagement. It considers the policy as a set of means rather than ends, does not delimit the types of states that can either engage or be engaged, explicitly encompasses contacts in multiple issue-areas, allows for the existence of multiple objectives in any given instance of engagement and, as will be shown below, permits the elucidation of multiple types of positive sanctions.

#### **Voting issue –**

#### 3. precision – it’s key to effective policy analysis

**Resnik, 1** – Assistant Professor of Political Science at Yeshiva University (Evan, Journal of International Affairs, “Defining Engagement” v54, n2, political science complete)

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

The refined definition I propose as a substitute for existing descriptions of engagement is different in two important ways: First, it clarifies the menu of choices available for policymakers by allowing engagement to be distinguished from related approaches such as appeasement, containment and isolation. Second, it lays the groundwork for systematic and objective research on historical cases of engagement in order to discern the conditions under which it can be used effectively. Such research will, in turn, help policymakers acquire the information necessary to better manage the rogue states of the 21st century.

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#### Obama will hold off sanctions – capital is key

**Dennis 11/23**

Steven, Roll Call, Obama Faces Skeptical Congress as Iran Nuclear Deal Reached (Updated), 11/23/13, http://blogs.rollcall.com/wgdb/obama-announces-iran-nuclear-deal/

President Barack Obama has a sales job to do with Congress after he announced an interim deal Saturday night that will halt Iran’s nuclear program — although not dismantle it — in return for a partial rollback of sanctions.¶ Obama said in a statement from the White House that the agreement would “cut off Iran’s most likely paths to a bomb” and said Iran must work toward a comprehensive solution over the next six months or the full sanctions would resume.¶ “The burden is on Iran that its nuclear program will be used exclusively for peaceful purposes,” Obama said.¶ He urged Congress to hold back on plans for a new round of sanctions, which lawmakers in both chambers have been pushing and could receive a vote after Thanksgiving.¶ “We will comtinue to work closely with Congress,” he said. “However, now is not the time to move forward on new sanctions, because doing so would derail this promising first step, alienate us from our allies and risk unraveling the coalition that enabled our sanctions to be enforced in the first place.”¶ Secretary of State John Kerry, speaking from Geneva, said that while the deal is a serious first step, it is not a triumphal moment and there is much work yet to do. But he said that he expects to be able to convince Congress to give the administration’s strategy a chance to work.¶ “I have great confidence in my colleagues in the Congress,” he said.¶ Senior administration officials on a conference call emphasized the limited benefits to Iran – of st most $6 or $7 billion over six months.¶ “Iran is not back in business,” one official said. The benefits “will not move the needle economically for Iran.”¶ Instant reaction from Republicans was skeptical.

#### Empirically proven – human trafficking legislation is partisan – GOP backlash

**Lidane 13** (Citing the Senate Judiciary Chairman 2/22/13 Senate Dems Condemn House GOP Version of Violence Against Women Act [http://littlegreenfootballs.com/page/294226\_Senate\_Dems\_Condemn\_House\_GOP\_ //](http://littlegreenfootballs.com/page/294226_Senate_Dems_Condemn_House_GOP_%20//) OP )

Senate Judiciary Chairman Patrick Leahy (D-VT), the author of VAWA, derided the legislation as “partisan” and said it omits critical measures designed to protect vulnerable populations like Native Americans, immigrants and the gay and lesbian community.¶ “Next week, the House of Representatives plans to revert back to its partisan version of the Violence Against Women Reauthorization Act,” Leahy said in a statement. “The Republican House leadership has decided to replace the Senate-passed version with a substitute that will not provide critical protections for rape victims, domestic violence victims, human trafficking victims, students on campuses, or stalking victims. This is simply unacceptable and it further demonstrates that Republicans in the House have not heard the message sent by the American people and reflected in the Senate’s overwhelming vote earlier this month to pass the bipartisan Leahy-Crapo bill. A majority of Republican Senators — and every woman serving in the United States Senate — supported it.”¶ I would act surprised and/or outraged by this, but I’m not. The GOP’s war on women continues unabated.¶ What’s most amazing to me is that the House GOP strip out the protections for human trafficking victims. To give you an idea of just how deranged that is, consider that the very same protections passed in the Senate with a rare 100-0 vote.

#### Capital key – prevents deal rollback

**Cockburn 11/11**

Patrick, author of Muqtada: Muqtada Al-Sadr, the Shia Revival, and the Struggle for Iraq, Why Iran’s Concessions Won’t Lead to a Nuclear Agreement, 11/11/13, http://www.counterpunch.org/2013/11/11/why-irans-concessions-wont-lead-o-a-nuclear-agreement/

On the other hand, the decision by President Obama not to launch airstrikes against Syria, Iran’s crucial Arab ally, after the use of chemical weapons on 21 August, has to a degree demilitarised the political atmosphere. This could go into reverse if Congress adds even tougher sanctions and threats of military action by Israel resume. Much will depend on how much political capital President Obama is willing spend to prevent prospects for a deal being extinguished by those who believe that confrontation with Iran works better than diplomacy.

#### Successful deal key to prevent war with Iran

**Shank and Gould 9/12**

Michael Shank, Ph.D., is director of foreign policy at the Friends Committee on National Legislation. Kate Gould is legislative associate for Middle East policy at FCNL, No Iran deal, but significant progress in Geneva, 9/12/13, http://communities.washingtontimes.com/neighborhood/cause-conflict-conclusion/2013/nov/12/no-iran-deal-significant-progress-geneva/

Congress should welcome, not stubbornly dismiss, diplomatic efforts to finalize the interim accord and support the continued conversation to reach a more comprehensive agreement. The sanctions that hawks on the Hill are pushing derail such efforts and increase the prospects of war. ¶ There is, thankfully, a growing bipartisan contingent of Congress who recognizes that more sanctions could undercut the delicate diplomatic efforts underway. Senator Carl Levin, D-Mich., chair of the Senate Armed Services Committee, cautioned early on that, “We should not at this time impose additional sanctions.” ¶ Senator Tim Johnson, D-S.D., chair of the Banking Committee, is still weighing whether to press forward with new sanctions in his committee. Separately, as early as next week, the Senate could vote on Iran sanctions amendments during the chamber’s debate on the must-pass annual defense authorization bill.¶ This caution against new sanctions, coming from these more sober quarters of the Senate, echoes the warnings from a wide spectrum of former U.S. military officials against new sanctions. There is broad recognition by U.S. and Israeli security officials that the military option is not the preferred option; a diplomatic one is. ¶ This widespread support for a negotiated solution was highlighted last week when 79 national security heavyweights signed on to a resounding endorsement of the Obama Administration’s latest diplomatic efforts.¶ Any member of Congress rejecting a diplomatic solution moves the United States toward another war in the Middle East. Saying no to this deal-in-the-works, furthermore, brings the world no closer toward the goal of Iran giving up its entire nuclear program. Rather, it would likely result in an unchecked Iranian enrichment program, while the United States and Iran would teeter perilously close on the brink of war. ¶ A deal to prevent war and a nuclear-armed Iran is within reach and it would be dangerous to let it slip away. Congress can do the right thing here, for America’s security and Middle East’s stability, and take the higher diplomatic road. Pandering to harsh rhetoric and campaign contributors is no way to sustain a foreign policy agenda. It will only make America and her assets abroad less secure, not more. The time is now to curb Iran’s enrichment program as well as Congress’s obstructionism to a peaceful path forward.

#### US-Iran war causes global nuclear war and collapses the global economy

**Avery 11/6**

John Scales, Lektor Emeritus, Associate Professor, at the Department of Chemistry, University of Copenhagen, since 1990 he has been the Contact Person in Denmark for Pugwash Conferences on Science and World Affairs, An Attack On Iran Could Escalate Into Global Nuclear War, 11/6/13, http://www.countercurrents.org/avery061113.htm

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences.¶ As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems.¶ The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy.¶ In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result.¶ Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

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#### The affirmative’s concept of violence as external from their own lives allows individuals to abdicate their responsibility. Denial of our individual culpability with violence forecloses the possibility of meaningful change; in the process, violence becomes more likely.

Kappeler in 1995 [Susanne Kappeler, *The Will To Violence: The Politics of Personal Behavior,* pg 1-4]

What is striking is that the violence which is talked about is always the violence committed by someone else: women talk about the violence of men, adults about the violence of young people; the left, liberals and the centre about the violence of right extremists; the right, centre and liberals about the violence of leftist extremists; political activists talk about structural violence, police and politicians about violence in the `street', and all together about the violence in our society. Similarly, Westerners talk about violence in the Balkans, Western citizens together with their generals about the violence of the Serbian army. Violence is recognized and measured by its visible effects, the spectacular blood of wounded bodies, the material destruction of objects, the visible damage left in the world of `objects'. In its measurable damage we see the proof that violence has taken place, the violence being reduced to this damage. The violation as such, or invisible forms of violence - the non-physical violence of threat and terror, of insult and humiliation, the violation of human dignity - are hardly ever the issue except to some extent in feminist and anti-racist analyses, or under the name of psychological violence. Here violence is recognized by the victims and defined from their perspective - an important step away from the catalogue of violent acts and the exclusive evidence of material traces in the object. Yet even here the focus tends to be on the effects and experience of violence, either the objective and scientific measure of psychological damage, or the increasingly subjective definition of violence as experience. Violence is perceived as a phenomenon for science to research and for politics to get a grip on. But violence is not a phenomenon: it is the behaviour of people, human action which may be analysed. What is missing is an analysis of violence as action - not just as acts of violence, or the cause of its effects, but as the actions of people in relation to other people and beings or things. Feminist critique, as well as other political critiques, has analysed the preconditions of violence, the unequal power relations which enable it to take place. However, under the pressure of mainstream science and a sociological perspective which increasingly dominates our thinking, it is becoming standard to argue as if it were these power relations which cause the violence. Underlying is a behaviourist model which prefers to see human action as the exclusive product of circumstances, ignoring the personal decision of the agent to act, implying in turn that circumstances virtually dictate certain forms of behaviour. Even though we would probably not underwrite these propositions in their crass form, there is nevertheless a growing tendency, not just in social science, to explain violent behaviour by its circumstances. (Compare the question, `Does pornography cause violence?') The circumstances identified may differ according to the politics of the explainers, but the method of explanation remains the same. While consideration of mitigating circumstances has its rightful place in a court of law trying (and defending) an offender, this does not automatically make it an adequate or sufficient practice for political analysis. It begs the question, in particular, `What is considered to be part of the circumstances (and by whom)?' Thus in the case of sexual offenders, there is a routine search - on the part of the tabloid press or professionals of violence - for experiences of violence in the offender's own past, an understanding which is rapidly solidifying in scientific model of a `cycle of violence'. That is, the relevant factors are sought in the distant past and in other contexts of action, e a crucial factor in the present context is ignored, namely the agent's decision to act as he did. Even politically oppositional groups are not immune to this mainstream sociologizing. Some left groups have tried to explain men's sexual violence as the result of class oppression, while some Black theoreticians have explained the violence of Black men as the result of racist oppression. The ostensible aim of these arguments may be to draw attention to the pervasive and structural violence of classism and racism, yet they not only fail to combat such inequality, they actively contribute to it. Although such oppression is a very real part of an agent's life context, these `explanations' ignore the fact that not everyone experiencing the same oppression uses violence, that is, that these circumstances do not `cause' violent behaviour. They overlook, in other words, that the perpetrator has decided to violate, even if this decision was made in circumstances of limited choice. To overlook this decision, however, is itself a political decision, serving particular interests. In the first instance it serves to exonerate the perpetrators, whose responsibility is thus transferred to circumstances and a history for which other people (who remain beyond reach) are responsible. Moreover, it helps to stigmatize all those living in poverty and oppression; because they are obvious victims of violence and oppression, they are held to be potential perpetrators themselves.' This slanders all the women who have experienced sexual violence, yet do not use violence against others, and libels those experiencing racist and class oppression, yet do not necessarily act out violence. Far from supporting those oppressed by classist, racist or sexist oppression, it sells out these entire groups in the interest of exonerating individual members. It is a version of collective victim-blaming, of stigmatizing entire social strata as potential hotbeds of violence, which rests on and perpetuates the mainstream division of society into so-called marginal groups - the classic clienteles of social work and care politics (and of police repression) - and an implied `centre' to which all the speakers, explainers, researchers and careers themselves belong, and which we are to assume to be a zone of non-violence. Explaining people's violent behaviour by their circumstances also has the advantage of implying that the `solution' lies in a change to circumstances. Thus it has become fashionable among socially minded politicians and intellectuals in Germany to argue that the rising neo-Nazi violence of young people (men), especially in former East Germany, needs to be countered by combating poverty and unemployment in these areas. Likewise anti-racist groups like the Anti. Racist Alliance or the Anti-Nazi League in Britain argue that `the causes of racism, like poverty and unemployment, should be tackled and that it is `problems like unemployment and bad housing which lead to racism'.' Besides being no explanation at all of why (white poverty and unemployment should lead specifically to racist violence (and what would explain middle- and upper-class racism), it is more than questionable to combat poverty only (but precisely) when and where violence is exercised. It not only legitimates the violence (by `explaining' it), but constitutes an incentive to violence, confirming that social problems will be taken seriously when and where `they attract attention by means of violence - just as the most unruly children in schools (mostly boys) tend to get more attention from teachers than well-behaved and quiet children (mostly girls). Thus if German neo-Nazi youths and youth groups, since their murderous assaults on refugees and migrants in Hoyerswerda, Rostock, Dresden etc., are treated to special youth projects and social care measures (to the tune of DM 20 million per year), including `educative' trips to Morocco and Israel,' this is am unmistakable signal to society that racist violence does indeed 'pay off'.

#### Political violence is sustained by organized thinking that looks at violence through meta-analysis. We need to have deeper insight that realizes that each of us is culpable for violence. This is integral to ending the cycle of violence and reclaiming agency.

Kappeler in 1995 [Susanne Kappeler, *The Will To Violence: The Politics of Personal Behavior,* pg 8-11]

Moreover, personal behaviour is no alternative to `political' action; there is no question of either/or. My concern, on the contrary, is the connection between these recognized forms of violence and the forms of everyday behaviour which we consider `normal' but which betray our own will to violence - the connection, in other words, between our own actions and those acts of violence which are normally the focus of our political critiques. Precisely because there is no choice between dedicating oneself either to `political issues' or to `personal behaviour', the question of the politics of personal behaviour has (also) to be moved into the centre of our politics and our critique. Violence - what we usually recognize as such - is no exception to the rules, no deviation from the normal and nothing out of the ordinary, in a society in which exploitation and oppression are the norm, the ordinary and the rule. It is no misbehaviour of a minority amid good behaviour by the majority, nor the deeds of inhuman monsters amid humane humans, in a society in which there is no equality, in which people divide others according to race, class, sex and many other factors in order to rule, exploit, use, objectify, enslave, sell, torture and kill them, in which millions of animals are tortured, genetically manipulated, enslaved and slaughtered daily for `harmless' consumption by humans. It is no error of judgement, no moral lapse and no transgression against the customs of a culture which is thoroughly steeped in the values of profit and desire, of self-realization, expansion and progress. Violence as we usually perceive it is `simply' a specific - and to us still visible - form of violence, the consistent and logical application of the principles of our culture and everyday life. War does not suddenly break out in a peaceful society; sexual violence is not the disturbance of otherwise equal gender relations. Racist attacks do not shoot like lightning out of a non-racist sky, and the sexual exploitation of children is no solitary problem in a world otherwise just to children. The violence of our most commonsense everyday thinking, and especially our personal will to violence, constitute the conceptual preparation, the ideological armament and the intellectual mobilization which make the `outbreak' of war, of sexual violence, of racist attacks, of murder and destruction possible at all. 'We are the war', writes Slavenka Drakulic at the end of her existential analysis of the question, `what is war?': I do not know what war is, I want to tell [my friend], but I see it everywhere. It is in the blood-soaked street in Sarajevo, after 20 people have been killed while they queued for bread. But it is also in your non-comprehension, in my unconscious cruelty towards you, in the fact that you have a yellow form [for refugees] and I don't, in the way in which it grows inside ourselves and changes our feelings, relationships, values - in short: us. We are the war ... And I am afraid that we cannot hold anyone else responsible. We make this war possible, we permit it to happen. ' `We are the war' - and we also `are' the sexual violence, the racist violence, the exploitation and the will to violence in all its manifestations in a society in so-called `peacetime', for we make them possible and we permit them to happen. `We are the war' does not mean that the responsibility for a war is shared collectively and diffusely by an entire society - which would be equivalent to exonerating warlords and politicians and profiteers or, as Ulrich Beck says, upholding the notion of `collective irresponsibility', where people are no longer held responsible for their actions, and where the conception of universal responsibility becomes the equivalent of a universal acquittal.' On the contrary, the object is precisely to analyse the specific and differential responsibility of everyone in their diverse situations. Decisions to unleash a war are indeed taken at particular levels of power by those in a position to make them and to command such collective action. We need to hold them clearly responsible for their decisions and actions without lessening theirs by any collective `assumption' of responsibility. Yet our habit of focusing on the stage where the major dramas of power take place tends to obscure our sight in relation to our own sphere of competence, our own power and our own responsibility - leading to the well-known illusion of our apparent `powerlessness' and its accompanying phenomenon, our so-called political disillusionment. Single citizens - even more so those of other nations - have come to feel secure in their obvious non-responsibility for such large-scale political events as, say, the wars in Croatia and Bosnia-Hercegovina or Somalia - since the decisions for such events are always made elsewhere. Yet our insight that indeed we are not responsible for the decisions of a Serbian general or a Croatian president tends to mislead us into thinking that therefore we have no responsibility at all, not even for forming our own judgement, and thus into underrating the responsibility we do have within our own sphere of action. In particular, it seems to absolve us from having to try to see any relation between our own actions and those events, or to recognize the connections between those political decisions and our own personal decisions. It not only shows that we participate in what Beck calls `organized irresponsibility', upholding the apparent lack of connection between bureaucratically, institutionally, nationally and also individually organized separate competences. It also proves the phenomenal and unquestioned alliance of our personal thinking with the thinking of the major powermongers. For we tend to think that we cannot `do' anything, say, about a war, because we deem ourselves to be in the wrong situation; because we are not where the major decisions are made. Which is why many of those not yet entirely disillusioned with politics tend to engage in a form of mental deputy politics, in the style of `What would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defence?' Since we seem to regard their mega spheres of action as the only worthwhile and truly effective ones, and since our political analyses tend to dwell there first of all, any question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as `virtually no possibilities': what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN - finding expression in ever more prevalent formulations like `I want to stop this war', `I want military intervention', `I want to stop this backlash', or `I want a moral revolution.' 7 , We are this war', however, even if we do not command the troops or participate in so-called peace talks, namely as Drakulic says, in our 'non-comprehension': our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we `are' the war in our `unconscious cruelty towards you', our tolerance of the `fact that you have a yellow form for refugees and I don't' - our readiness, in other words, to build identities, one for ourselves and one for refugees, one of our own and one for the `others'. We share in the responsibility for this war and its violence in the way we let them grow inside us, that is, in the way we shape `our feelings, our relationships, our values' according to the structures and the values of war and violence. So if we move beyond the usual frame of violence, towards the structures of thought employed in decisions to act, this also means making an analysis of action. This seems all the more urgent as action seems barely to be perceived any longer. There is talk of the government doing `nothing', of its `inaction', of the need for action, the time for action, the need for strategies, our inability to act as well as our desire to become `active' again. We seem to deem ourselves in a kind of action vacuum which, like the cosmic black hole, tends to consume any renewed effort only to increase its size. Hence this is also an attempt to shift the focus again to the fact that we are continually acting and doing, and that there is no such thing as not acting or doing nothing.

#### The alternative is to vote negative --- their analysis of violence is insufficient and you should punish their failure by politicizing the way we think about violence can we find ways to end the cycle of violence.

**Kappeler in 1995** [Susanne Kappeler, *The Will To Violence: The Politics of Personal Behavior,* pg 4-5]

If we nevertheless continue to explain violence by its ‘circumstances’ and attempt to counter it by changing these circumstances, it is also because in this way we stay in command of the problem. In particular, we do not complicate the problem by any suggestions that it might be people who need to change. Instead, we turn the perpetrators of violence into the victims of circumstances, who as victims by definition, cannot act sensibly (but in changed circumstances will behave differently. ‘We,’ on the other hand, are the subjects able to take in hand the task of changing the circumstances. Even if changing the circumstance – combating poverty, unemployment, injustice, etc. – may not be easy, it nevertheless remains within ‘our’ scope at least theoretically and by means of state power. Changing people, on the other hand, is neither within our power nor, it seems, ultimately in our interest: we prefer to keep certain people under control, putting limits on their violent behavior, but we apparently have no interest in a politics that presupposes people's ability to change and aims at changing attitudes and behavior. For changing (as opposed to restricting) other people's behavior is beyond the range and in­fluence of our own power; only they themselves can change it. It requires their will to change, their will not to abuse power and not to use violence. A politics aiming at a change in people's behavior would require political work that is very much more cumbersome and very much less promising of success than is the use of state power and social control. It would require political consciousness-raising — politicizing the way we think — which cannot be imposed on others by force or compulsory educational measures. It would require a view of people which takes seriously and reckons with their will, both their will to violence and their will to change. To take seriously the will of others however would mean recognizing one's own, and putting people's will, including our own, at the centre of political reflection. A political analysis of violence needs to recognize this will, the personal decision in favour of violence - not just to describe acts of violence, or the conditions which enable them to take place, but also to capture the moment of decision which is the real impetus for violent action. For without this decision there will be no violent act, not even in circumstances which potentially permit it. It is the 3decision to violate, not just the act itself, which makes a person a perpetrator of violence - just as it is the decision not to do so which makes people not act violently and not abuse their power in a situation which would nevertheless permit it. This moment of decision, there­fore, is also the locus of potential resistance to violence. To understand the structures of thinking and the criteria, by which such decisions are reached, but above all to regard this decision as an act of choice, seems to me a necessary precondition for any political struggle against violence and for a non-violent society.

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#### Interpretation - “United States Federal Government should” means the debate is solely about the outcome of a policy established by governmental means

**Ericson 3** (Jon M., 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 though 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 reasons for an audience to perform the future action that you propose.

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#### The United States federal government should establish an economic bilateral partnership toward the government of Mexico for the prevention of trafficking.

#### CP solves the aff and eliminates the human/non-human binary

**Deckha, 10** – Associate Professor at the University of Victoria Faculty of Law in Victoria (Maneesha, 12/13/10, “It’s time to abandon the idea of ‘human’ rights”, http://www.thescavenger.net/animals/its-time-to-abandon-the-idea-of-human-rights-77234-536.html)//VP

While the intersection of race and gender is often acknowledged in understanding the etiology of justificatory narratives for war, the presence of species distinctions and the importance of the subhuman are less appreciated. Yet, the race (and gender) thinking that animates Razack’s argument in normalizing violence for detainees (and others) is also centrally sustained by the subhuman figure. As Charles Patterson notes with respect to multiple forms of exploitation: Throughout the history of our ascent to dominance as the master species, our victimization of animals has served as the model and foundation for our victimization of each other. The study of human history reveals the pattern: first, humans exploit and slaughter animals; then, they treat other people like animals and do the same to them. Patterson emphasizes how the human/animal hierarchy and our ideas about animals and animality are foundational for intra-human hierarchies and the violence they promote. The routine violence against beings designated subhuman serves as both a justification and blueprint for violence against humans. For example, in discussing the specific dynamics of the Nazi camps, Patterson further notes how techniques to make the killing of detainees resemble the slaughter of animals were deliberately implemented in order to make the killing seem more palatable and benign. That the detainees were made naked and kept crowded in the gas chambers facilitated their animalization and, in turn, their death at the hands of other humans who were already culturally familiar and comfortable with killing animals in this way. Returning to Razack’s exposition of race thinking in contemporary camps, one can see how subhuman thinking is foundational to race thinking. One of her primary arguments is that race thinking, which she defines as “the denial of a common bond of humanity between people of European descent and those who are not”, is “a defining feature of the world order” today as in the past. In other words, it is the “species thinking” that helps to create the racial demarcation. As Razack notes with respect to the specific logic infusing the camps, they “are not simply contemporary excesses born of the west’s current quest for security, but instead represent a more ominous, permanent arrangement of who is and is not a part of the human community”. Once placed outside the “human” zone by race thinking, the detainees may be handled lawlessly and thus with violence that is legitimated at all times. Racialization is not enough and does not complete their Othering experience. Rather, they must be dehumanized for the larger public to accept the violence against them and the increasing “culture of exception” which sustains these human bodily exclusions. Although nonhumans are not the focus of Razack’s work, the centrality of the subhuman to the logic of the camps and racial and sexual violence contained therein is also clearly illustrated in her specific examples. In the course of her analysis, to determine the import of race thinking in enabling violence, Razack quotes a newspaper story that describes the background mentality of Private Lynndie England, the white female soldier made notorious by images of her holding onto imprisoned and naked Iraqi men with a leash around their necks. The story itself quotes a resident from England’s hometown who says the following about the sensibilities of individuals from their town: To the country boys here, if you’re a different nationality, a different race, you’re sub-human. That’s the way that girls like Lynndie England are raised. Tormenting Iraqis, in her mind, would be no different from shooting a turkey. Every season here you’re hunting something. Over there they’re hunting Iraqis. Razack extracts this quote to illustrate how “race overdetermined what went on”, but it may also be observed that species “overdetermined what went on”. Race has a formative function, to be sure, but it works in conjunction with species difference to enable the violence at Abu Ghraib and other camps. Dehumanization promotes racialization, which further entrenches both identities. It is an intertwined logic of race, sex, culture and species that lays the foundation for the violence. b) Present-day slavery and/or slavery-like practices While humans may not legally be property of other humans in any country, many human rights scholars and activists largely argue that non-legal slavery and its trappings still exist in a wide variety of industries where children and adults are kept imprisoned to perform labour of some sort against their will and for little or no remuneration. Kevin Bales is at the foreground of this area of activism and scholarship. He is President of the American-based Free the Slaves organization, a sister organization of the Anti-Slavery International based in the United Kingdom. In his book, Ending Slavery: How We Free Today’s Slaves, Bales identifies three core components of slavery today: “control through violence, economic exploitation, and the loss of free will”. Again, it is the denial of humanity that is identified as the dynamic that exposes individuals to being perceived and treated violently as slaves. This is not to deny, of course, that the causes of slavery are multiple; poverty, extreme capitalism, international debt policies, greed, state corruption and apathy, and armed conflict are just some of the causes Bales identifies. Yet, the subhuman figure highlights the conceptual vehicle, a denial of equal humanity, which facilitates violence against humans to compel their labour. c) Laws of war The resonance of the subhuman figure may also be found in western jurisprudence relating to the conduct of war. As the title of his recent article, ‘Species War: Law, Violence and Animals’, intimates, law lecturer Tarik Kochi argues that a species war is at the root of war and violence generally. He notes that the “laws of war” that describe how nations may engage each other in combat differentiate between two categories of violence: legitimate and non-legitimate violence. He insists that the human-nonhuman distinction is the primary political distinction organizing the laws on war and not, as many would believe, the notion of friend-enemy as Carl Schmidt espoused. Kochi locates the war of humans against nonhumans as lying at the crux of race war and western political and legal theory. In making this claim, Kochi’s argument joins posthumanist, postcolonial and feminist theory by locating species difference as intricately connected to the axes of gender, race, and cultural difference. He adds to Razack’s “race thinking”, which incorporates gender and religious/cultural difference, but misses adverting to species difference. From our treatment of nonhumans we learn that only certain deaths are valued in our cultural and legal order as “genocide” or “murder” while others are comparatively diminished through their representations as “slaughter”, “culling” or “harvest”. Kochi’s emphasis on legitimate violence and life value explains this approach to the human/animal distinction, a binary which goes on to inform what humans may do to other humans in executing war. Whether it is the laws of war on what counts as legitimate violence, the logic of the camps as to which bodies may be subject to violence without legal rights and protection, or the flourishing of contemporary slavery and/or slavery-like practices, the subhuman figure is critical to producing violence against humans. Doing away with the subhuman If this role of contributing to contemporary manifestations of violence played by subhumanization is accurate, a pressing question presents itself: should we continue to rely on anti-violence discourses (i.e., human rights or other “human” justice campaigns) that entrench the subhuman category? In other words, human rights discourses do not instruct us to purge the subhuman category or the human/nonhuman divide from our critical repertoire. Instead, they seek to convince us that we should see all human beings as definitely human and not subhumanize them. This approach does not effectively achieve its aims of protecting vulnerable human groups from violence because it leaves the subhuman category intact, a category that humanized humans can always assert should convictions sway about the relative moral worth of a particular human group. The subhuman category is then poised to “animalize” or dehumanize the targeted group and generate corresponding justifications as to why the human group does not deserve better than subhuman treatment. A better strategy would be to eliminate the subhuman category from the outset by impugning the human/nonhuman boundary itself and thus the claim to human superiority. Time for a new discourse That the human/subhuman binary continues to inhabit so much of western experience raises the question of the continuing relevance of anthropocentric concepts (such as “human rights” and “human dignity”) for effective theories of justice, policy and social movements. Instead of fighting dehumanization with humanization, a better strategy may be to minimize the human/nonhuman boundary altogether. The human specialness claim is a hierarchical one and relies on the figure of an Other – the subhuman and nonhuman – to be intelligible. The latter groups are beings, by definition, who do not qualify as “human” and thus are denied the benefits that being “human” is meant to compel. More to the point, however, a dignity claim staked on species difference, and reliant on dehumanizing Others to establish the moral worth of human beings, will always be vulnerable to the subhuman figure it creates. This figure is easily deployed in inter-human violent conflict implicating race, gender and cultural identities as we have seen in the context of military and police camps, contemporary slavery and slavery-like practices, and the laws of war – used in these situations to promote violence against marginalized human groups. A new discourse of cultural and legal protections is required to address violence against vulnerable humans in a manner that does not privilege humanity or humans, nor permit a subhuman figure to circulate as the mark of inferior beings on whom the perpetration of violence is legitimate. We need to find an alternative discourse to theorize and mobilize around vulnerabilities for “subhuman” humans. This move, in addressing violence and vulnerabilities, should be productive not only for humans made vulnerable by their dehumanization, but nonhumans as well.

#### Rejection of the “human” is a pre-requisite to an analysis of gender and disposability- solves the root cause of the aff

**Best, 07** – Chair of Philosophy (Steven Best, Chair of Philosophy at UT-EP, 2007 [JCAS 5.2])//VP

While a welcome advance over the anthropocentric conceit that only humans shape human actions, the environmental determinism approach typically fails to emphasize the crucial role that animals play in human history, as well as how the human exploitation of animals is a key cause of hierarchy, social conflict, and environmental breakdown. A core thesis of what I call “animal standpoint theory” is that animals have been key driving and shaping forces of human thought, psychology, moral and social life, and history overall. More specifically, animal standpoint theory argues that the oppression of human over human has deep roots in the oppression of human over animal. In this context, Charles Patterson’s recent book, The Eternal Treblinka: Our Treatment of Animals and the Holocaust, articulates the animal standpoint in a powerful form with revolutionary implications. The main argument of Eternal Treblinka is that the human domination of animals, such as it emerged some ten thousand years ago with the rise of agricultural society, was the first hierarchical domination and laid the groundwork for patriarchy, slavery, warfare, genocide, and other systems of violence and power. A key implication of Patterson’s theory is that human liberation is implausible if disconnected from animal liberation, and thus humanism -- a speciesist philosophy that constructs a hierarchal relationship privileging superior humans over inferior animals and reduces animals to resources for human use -- collapses under the weight of its logical contradictions. Patterson lays out his complex holistic argument in three parts. In Part I, he demonstrates that animal exploitation and speciesism have direct and profound connections to slavery, colonialism, racism, and anti-Semitism. In Part II, he shows how these connections exist not only in the realm of ideology – as conceptual systems of justifying and underpinning domination and hierarchy – but also in systems of technology, such that the tools and techniques humans devised for the rationalized mass confinement and slaughter of animals were mobilized against human groups for the same ends. Finally, in the fascinating interviews and narratives of Part III, Patterson describes how personal experience with German Nazism prompted Jewish to take antithetical paths: whereas most retreated to an insular identity and dogmatic emphasis on the singularity of Nazi evil and its tragic experience, others recognized the profound similarities between how Nazis treated their human captives and how humanity as a whole treats other animals, an epiphany that led them to adopt vegetarianism, to become advocates for the animals, and develop a far broader and more inclusive ethic informed by universal compassion for all suffering and oppressed beings. The Origins of Hierarchy"As long as men massacre animals, they will kill each other" –PythagorasIt is little understood that the first form of oppression, domination, and hierarchy involves human domination over animals Patterson’s thesis stands in bold contrast to the Marxist theory that the domination over nature is fundamental to the domination over other humans. It differs as well from the social ecology position of Murray Bookchin that domination over humans brings about alienation from the natural world, provokes hierarchical mindsets and institutions, and is the root of the long-standing western goal to “dominate” nature. In the case of Marxists, anarchists, and so many others, theorists typically don’t even mention human domination of animals, let alone assign it causal primacy or significance. In Patterson’s model, however, the human subjugation of animals is the first form of hierarchy and it paves the way for all other systems of domination such as include patriarchy, racism, colonialism, anti-Semitism, and the Holocaust.As he puts it, “the exploitation of animals was the model and inspiration for the atrocities people committed against each other, slavery and the Holocaust being but two of the more dramatic examples.” Hierarchy emerged with the rise of agricultural society some ten thousand years ago. In the shift from nomadic hunting and gathering bands to settled agricultural practices, humans began to establish their dominance over animals through “domestication.” In animal domestication (often a euphemism disguising coercion and cruelty), humans began to exploit animals for purposes such as obtaining food, milk, clothing, plowing, and transportation. As they gained increasing control over the lives and labor power of animals, humans bred them for desired traits and controlled them in various ways, such as castrating males to make them more docile. To conquer, enslave, and claim animals as their own property, humans developed numerous technologies, such as pens, cages, collars, ropes, chains, and branding irons. The domination of animals paved the way for the domination of humans. The sexual subjugation of women, Patterson suggests, was modeled after the domestication of animals, such that men began to control women’s reproductive capacity, to enforce repressive sexual norms, and to rape them as they forced breeding in their animals. Not coincidentally, Patterson argues, slavery emerged in the same region of the Middle East that spawned agriculture, and, in fact, developed as an extension of animal domestication practices. In areas like Sumer, slaves were managed like livestock, and males were castrated and forced to work along with females. In the fifteenth century, when Europeans began the colonization of Africa and Spain introduced the first international slave markets, the metaphors, models, and technologies used to exploit animal slaves were applied with equal cruelty and force to human slaves. Stealing Africans from their native environment and homeland, breaking up families who scream in anguish, wrapping chains around slaves’ bodies, shipping them in cramped quarters across continents for weeks or months with no regard for their needs or suffering, branding their skin with a hot iron to mark them as property, auctioning them as servants, breeding them for service and labor, exploiting them for profit, beating them in rages of hatred and anger, and killing them in vast numbers – all these horrors and countless others inflicted on black slaves were developed and perfected centuries earlier through animal exploitation. As the domestication of animals developed in agricultural society, humans lost the intimate connections they once had with animals. By the time of Aristotle, certainly, and with the bigoted assistance of medieval theologians such as St. Augustine and Thomas Aquinas, western humanity had developed an explicitly hierarchical worldview – that came to be known as the “Great Chain of Being” – used to position humans as the end to which all other beings were mere means. Patterson underscores the crucial point that the domination of human over human and its exercise through slavery, warfare, and genocide typically begins with the denigration of victims. But the means and methods of dehumanization are derivative, for speciesism provided the conceptual paradigm that encouraged, sustained, and justified western brutality toward other peoples. “Throughout the history of our ascent to dominance as the master species,” Patterson writes, “our victimization of animals has served as the model and foundation for our victimization of each other. The study of human history reveals the pattern: first, humans exploit and slaughter animals; then, they treat other people like animals and do the same to them.” Whether the conquerors are European imperialists, American colonialists, or German Nazis, western aggressors engaged in wordplay before swordplay, vilifying their victims – Africans, Native Americans, Filipinos, Japanese, Vietnamese, Iraqis, and other unfortunates – with opprobrious terms such as “rats,” “pigs,” “swine,” “monkeys,” “beasts,” and “filthy animals.” Once perceived as brute beasts or sub-humans occupying a lower evolutionary rung than white westerners, subjugated peoples were treated accordingly; once characterized as animals, they could be hunted down like animals. The first exiles from the moral community, animals provided a convenient discard bin for oppressors to dispose the oppressed. The connections are clear: “For a civilization built on the exploitation and slaughter of animals, the `lower’ and more degraded the human victims are, the easier it is to kill them.” Thus, colonialism, as Patterson describes, was a “natural extension of human supremacy over the animal kingdom. For just as humans had subdued animals with their superior intelligence and technologies, so many Europeans believed that the white race had proven its superiority by bringing the “lower races” under its command. There are important parallels between speciesism and sexism and racism in the elevation of white male rationality to the touchstone of moral worth. The arguments European colonialists used to legitimate exploiting Africans – that they were less than human and inferior to white Europeans in ability to reason – are the very same justifications humans use to trap, hunt, confine, and kill animals. Once western norms of rationality were defined as the essence of humanity and social normality, by first using non-human animals as the measure of alterity, it was a short step to begin viewing odd, different, exotic, and eccentric peoples and types as non- or sub-human. Thus, the same criterion created to exclude animals from humans was also used to ostracize blacks, women, and numerous other groups from “humanity.” The oppression of blacks, women, and animals alike was grounded in an argument that biological inferiority predestined them for servitude. In the major strain of western thought, alleged rational beings (i.e., elite, white, western males) pronounce that the Other (i.e., women, people of color, animals) is deficient in rationality in ways crucial to their nature and status, and therefore are deemed and treated as inferior, subhuman, or nonhuman. Whereas the racist mindset creates a hierarchy of superior/inferior on the basis of skin color, and the sexist mentality splits men and women into greater and lower classes of beings, the speciesist outlook demeans and objectifies animals by dichotomizing the biological continuum into the antipodes of humans and animals. As racism stems from a hateful white supremacism, and sexism is the product of a bigoted male supremacism, so speciesism stems from and informs a violent human supremacism -- namely, the arrogant belief that humans have a natural or God-given right to use animals for any purpose they devise or, more generously, within the moral boundaries of welfarism and stewardship, which however was Judaic moral baggage official Chistianithy left behind.

### solvency

#### Aff has no net impact on trafficking – push-down pop-up prevents effective engagement

**Van Schendel et al., 12** – (Edited by Willem van Schendel, Professor of Modern Asian History at the University of Amsterdam and Senior Research Fellow at the International Institute of Social History; “Labour Migration and Human Trafficking,” Routledge, 23 April 2012, pages 70-71)//HO

As human trafficking is a de-territorial development challenge, the mismatch between ideal types models and the local unfolding of migration can be glossed over because the notion of a frictionless market allows anomalies to be explained by the model: hence. absence of clear evidence of trafficking-prone villages can be turned into evidence for frictionless and calculating traffickers thus: There is a growing acknowledgement of the displacement, or push-down pop-up (PDPU) effect surrounding trafficking. This name is used to describe a phenomenon whereby the problem is reduced or pushed down in one place, only to emerge somewhere else. Trafficking is a dynamic phenomena and traffickers can quickly adjust to changing environments, in particular, but not only, by shifting geographic focus of their activities. Evidence of PDPU raises questions about the efficacy of a range of current programs and its acknowledgement is fundamental to developing more effective interventions. (Marshall and Thatun 2005: 44-) However, it is not just that ‘this raises questions about the efficacy of a range of current programs" Although the shortcomings of anti-trafficking projects are acknowledged, the assumption that traffickers flit across borders to bring supply to meet demand in a mysterious and prescient manner is sustained, thereby legitimizing the development of more effective interventions. As this exploration of the use of hotspots has shown, it is doubtful whether policy initiated to combat trafficking has significantly influenced migration flows along the Thai—Lao border. Rather, the imagery of hotspots has become central to the programmatic reproduction of anti-trafficking programmes themselves

#### Discourse in the squo offers scapegoats to trafficking conflating it with prostitution and crime – that ignores the other causes of human trafficking like globalization, which victimizes prostitutes and creates more trafficking.

**Wallinger 10** (Caroline S. Wallinger – Professor at Arizona State University, “Media Representation and Human Trafficking: How Anti-Trafficking Discourse Affects Trafficked Persons”, 10-1-10, <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1003&context=humtrafconf2>) MaxL

The field of study developing around human trafficking abounds in complications and confusions. Activists, scholars and governments have struggled to define the problem and its dimensions, and there are still few reliable statistics available indicating its scope. Still—the variety of organizations and strategies on the subject reflect a complexity that belies the simplicity of its most basic definition. Human trafficking is modern day slavery. Subjects are held and forced to work against their will. They are threatened daily, sometimes hourly, with physical or emotional harm. They are treated as less than human. Competing representations in the media have contributed to a general confusion on its significance as a social phenomenon. Various social and political groups have, over the years, divided, delineated and classified trafficking into a series of categories including sex trafficking, labor trafficking and child exploitation (Bales 1999; Aronowitz 2009; Kempadoo 2005; Lee 2007). These categories have become an integral part of the collective understanding of human trafficking and they have played a key role in the crafting of national and international antitrafficking legislation (Jahic and Finckenauer 2005). This paper is extracted in part from a master‘s thesis: Discursive Divisions in Human Trafficking: Political Violence and Media Misrepresentation (Wallinger 2010). While the thesis undertook a broader analysis of political violence and its manifestations through power relations within and outside the human trafficking movement, this paper focuses more closely on the U.S. media‘s role in defining discourse on trafficking and shaping legislation and services provided to trafficked persons. The paper identifies misrepresentations and misestimations in the media that have undermined the efficacy of these laws and services as well as some models for improvement. It is hoped that this research might expose the consequences of a divided discourse on trafficking as well as the benefits of a more carefully nuanced approach to addressing the problem. Understanding Human Trafficking At its heart, human trafficking is relatively simple to define. Though it has taken many forms, historically (chattel slavery, debt bondage, forced marriage, contract slavery, etc.), trafficking in human beings has always involved the procurement and maintenance of free labor by use of force (Bales 1999). Modern analyses, though, have tended toward the complex, and human trafficking has come to mean many different things to many different groups and individuals. At this contemporary moment, it may be fair to say that there is no single movement against human trafficking, but rather a collection of efforts against sex trafficking of adults and children, labor trafficking, the use of child soldiers in international conflict and many other practices that are, at their most basic definition, trade in human beings. All of these different forms of trafficking are equally distressing. The splintered approach to prosecuting, publicizing and raising awareness about them, however, has led to a colossal misrepresentation and misunderstanding of the size, scope and nature of the core problem. Competing and contradictory legal definitions of human trafficking have rendered data and statistics unreliable. A 2005 study reveals: Most countries have only recently, if at all, adopted legislation criminalizing trafficking. Consequently, reliable criminal justice data are practically unavailable.... In a 2001 Europol report, only Germany, Greece, and Sweden submitted statistics on trafficking, out of 15 European Union member countries. The situation in less developed countries is even more dismal…. Some countries base their reports on border crossing data, and others on arrest data. Some countries do not differentiate between trafficking and smuggling, nor specifically delineate foreign prostitution in their data. All this makes reaching meaningful conclusions about the scope of the problem practically impossible. (Jahic and Finckenauer 2005, 27-28) Of more concern than the method of statistical collection in Eastern Europe is the lack of attention paid in popular media and on the policy level to trafficking in developing countries. Trafficking gained salience as a social issue for industrialized nations in the 1990s as a direct result of the increased public awareness of exploitation of women from former Soviet countries. Gendered and racialized perceptions of the crime and its dimensions were upset, and people began to see trafficked persons more as ―girls next door,‖ and not just people of other nationalities and ethnicities (Jahic and Finckenauer 2005, 26). Simply put, media in predominantly white and wealthy nations only began generating mass interest in human trafficking when they presented the crime as one that affects primarily white persons (26). Contrary to popular presentations of subjects of trafficking as a mostly white phenomenon, the vast majority of today‘s slaves live in the developing world, and the heaviest concentration are thought to be in debt bondage in India, Pakistan, Bangladesh and Nepal (Bales 1999, 9). Southeast Asia, northern and western Africa and South America are also known as slavery hotbeds, and the problem is vastly understated in developing nations. Bales writes that there are ―at least some slaves in almost every country in the world, including the United States, Japan, and many European Countries‖ (9). However, even the scant statistical evidence that is available indicates large numbers of trafficking cases in the industrialized world—and more and more research points to industrialized nations as a source and destination for human trafficking (Logan, Walker, and Hunt 2009). This growing collection of information reinforces the need for a better assessment of the complicity of capitalist networks and other institutions within industrialized nations in the trade in human beings (Desyllas 2007; Chang and Kim 2007). These indications of the broad scope of trafficking demand an analysis on why the media has focused so heavily on isolated occurrences of trafficking and so little on the sociopolitical forces behind them. There is ample evidence that the rise in global capitalism and the spread of the corporate manufacturing supply chain into some of the poorest regions of the world has fueled the rise in transnational human trafficking (Bales 1999; Chang and Kim 2007; Cameron and Newman 2008; Kempadoo 2005). The following sections will discuss why there is so little analysis of this connection in the popular media. Media1 and Agenda Setting Theory For most people in the United States, information on national issues is relayed through media. Political elections, wars, sporting events and even natural disasters occur in spaces that the average citizen cannot directly or regularly access. They look to the media therefore— newspapers, television, magazines and internet blogs—to attend and interpret these events. The media serve this function in powerful ways, influencing which issues the public comes to learn about, when, why and in what ways (Maxwell E. McCombs and Shaw 1972; Ghanem 1997; Hartley 1982; Wanta 1997). A 1972 study on the agenda-setting function of mass media shows a strong correlation between media and voter emphasis on issues during political elections, suggesting that media not only provide information but also influence what information becomes important to consumers (Maxwell E. McCombs and Shaw 1972). This function is not specific to political elections alone. Because most people have such limited access to the events they follow on the news, ―the information flowing in interpersonal communication channels is primarily relayed from, and based upon, mass media news coverage‖ (Maxwell E. McCombs and Shaw 1972, 185). This coverage is limited – there is not enough time in even a 24-hour news cycle to cover every issue in the world. There is therefore an ―emphasis by the media, over time on a relatively small number of issues, lead[ing] the public into perceiving these issues as more important than other issues. The more an issue gets covered, the more it will be perceived as being important by members of the public‖ (Wanta 1997, 2). This manipulation of issue salience has a significant effect on the public‘s understanding of various issues, as we will see later in this chapter. In agenda-setting theory, the process of interpreting the limited selection of events that receive coverage in the media is known as the ―second level‖ of agenda setting, dealing with the ―specific attributes of a topic and how this agenda of attributes also influences public opinion‖ (M. McCombs and Evatt 1995; Ghanem 1997, 3). This theory divides issues into sets of objects and states that ―the way an issue or other object is covered in the media... affects the way the public thinks about that object, [and] the way an issue or other object is covered in the media... affects the salience of that object on the public agenda‖ (Ghanem 1997, 4). It is thus acknowledged that media influence which events have importance over other events (Wanta 1997). It is further acknowledged that media shape the public interpretation of such events through a series of decisions on how long and often to cover them and how. Indeed, John Hartley observes in Understanding News, the control that media exercise over information results in a situation where ―it is not the event which is reported that determines the form, content, meaning or `truth‘ of the news, but rather the news that determines what it is that the event means‖ (1982, 15). There are a number of factors which problematize the media‘s role in shaping and defining discourse on social issues. Media are generally characterized as independent, fair and balanced and to exist within a ―culture of objectivity‖ (Ettema and Whitney 1997, 37). In reality, though, there are a number of institutional forces which have a powerful effect on the choices that individual news organizations make every day. It is for this reason, perhaps, that some of the most volatile issues of the day receive the least coverage in mainstream media outlets. For most people, media provide the only source of information on social justice issues. Media dependency theory supports the notion that ―if individuals have a goal of gaining information on the important issues of the day, they will become highly dependent on the media because the media control access to a variety of information‖ (Wanta 1997, 57). By this principle, someone living in Oregon might not have a way to learn about genocide in Rwanda unless they read about it in a newspaper or see a special on television. Many issues never make it to this stage of representation and therefore do not gain the notoriety or attention that other issues receive. Dependence as constituted through media reliance causes ―some happenings in the world [to] become public events [while] others are condemned to obscurity as the personal experience of a handful of people‖ (Fishman 1997, 210). A 2004 study on social justice issues in media explores a number of issues related to low media coverage of controversial issues (Roth 2004). Challenges include a heavy focus on bureaucratic and institutionalized sources over others, a reluctance to ―go after‖ those in positions of power and a belief amongst many reporters that certain issues will not ―resonate‖ well enough with the public to publish (Roth 2004, 6). All of these issues play into the ―newsworthiness‖ of an event and, consequently, its existence within the public discursive sphere. A reasonable extension of this line of thinking might suggest that corporate and governmental sources on human trafficking provide the media with information and approaches to the issue which obscure the root causes of the problem (including corporate and governmental practices that drive a demand for slavery around the world) and instead turn the general public‘s interest to the effects of slavery and the various laws and strategies that they have in place to react to its existence. The media, for their part, provide these sources with a large amount of space and time to disseminate this message, and tend not to challenge the intricacies of the message very rigorously. Organization of the media also plays an important role in shaping discourse. The way that the traditional media align themselves within public and private sectors has an effect on how the news is reported. The newsworthiness of any given event or occurrence is generally determined ―according to a system of beats and bureaus that locates reporters almost exclusively in legitimated institutions of society‖ (Fishman 1997, 210), and this alignment has serious discursive implications. Mark Fishman‘s 1997 study of a California newspaper and its routine coverage of various events reveals, Crime was covered through the police and court bureaucracies. Local politics were covered through the meetings of the city council, county board of supervisors, and a host of other commissions, committees, and departments. Even nature is covered through a formally constituted organization (the U.S. Forestry Service). Whatever the sphere of human activities or natural occurrences (as long as it was covered through a beat) the newsworker knew it through officials and authorities, their files and their meetings. (Fishman 1997, 214) This bureaucratization of information can and does result in the definition on the part of journalists of various happenings as ―non-events.‖ For those events which do receive coverage, the organization of media around specific, legitimized and bureaucratized beats tends to limit the quality and quantity of information provided. Human Trafficking: The Dominant Paradigm Although human trafficking has become a more publicized issue in the past several years, no cohesive message on it has emerged. On the contrary, ―issues of migration, trafficking and sex work are peppered with constructs of sexuality, gender and vulnerability, threaded through with categories of victim and agent, consent and coercion, and stirred together in a cauldron by cooks, who are far too many in number‖ (Sanghera 2005, 3). At the research, policy and advocacy levels, there is a significant amount of concern over issue framing and representation and over the reliability of information on the topic as a whole. On this, Jyoti Sanghera writes: The dominant discourse of trafficking is based upon a set of assumptions…. [that] flow from unexamined hypotheses, shoddy research, anecdotal information or strong moralistic positions. The issue is not whether they are true or false, but simply one of pushing conclusions that are not supported by rigorous empirical research and a sound evidence base. This faulty methodology of disseminating a flow of information and data whose origins are questionable contributes to the construction of both the dominant paradigm or discourse of trafficking, as well as the mythologies of trafficking. (2005, 5) This dominant paradigm ―emphasizes sex trafficking over other forms of labor... [and] detrimentally impact[s] the lives of trafficked persons (Chang and Kim 2007, 1-2). The bulk of legislation passed on the national and international stages over the past two centuries has served to racialize and gender the problem in ways that are discursively violent toward women and persons of color (Kempadoo 2005). A strict focus on law enforcement and anti-prostitution has led to a frenzied prosecutorial approach to sex traffic and a general lack of enthusiasm regarding investigation of the broader phenomenon of trafficking into agriculture, domestic service, restaurants, hotels, manufacturing, and construction (Chang and Kim 2007, 2). Moreover, the classification of trafficking by the United Nations as a transnational organized crime has indelibly linked the discourse around trafficking to the discourse of irregular migration and ―a war on international crime[s]... that defy or circumvent legal boundaries and borders‖ (Kempadoo 2005, xiii). In the human rights field, there is substantial concern that ―the framework adopted by the UN supports the neoliberal economic interests of corporations, multilateral agencies, policy experts and national governments, rather than those of the world‘s working and poor people‖ (Kempadoo 2005, xiv). Data used and disseminated by the U.S. government, in particular the George W. Bush administration, links prostitution to trafficking ―as a cause and an effect‖ (Chang and Kim 2007, 3). The data is dramatically unsubstantiated, and Grace Chang and Kathleen Kim argue it ―has diverted attention away from an assessment of structural factors that facilitate trafficking such as poverty, discrimination, and civil and political unrest of certain developing regions (Chang and Kim 2007, 3). The Bush administration developed similar dubious parallels between terrorism and human trafficking following September 11, 2001. Notably, the bottom tier of the 2002 Trafficking in Persons Report was made up largely of Arab and Muslim countries including Indonesia, the United Arab Emirates, Afghanistan, Bahrain, Lebanon, Sudan, Qatar, Turkey, and Saudi Arabia (Kempadoo 2005, xxi). Kempadoo argues that this ―coincidence between what The Bush administration declares to be irresponsible countries on the issue of trafficking and those defined by the same administration as ―rogue states‖ or supporters of terrorism should be reason for acute suspicion of the manner in which ‗facts‘ about trafficking are constructed‖ (2005, xxi). Governmental agencies are not solely responsible for the development of the dominant paradigm—Chang and Kim argue that the ―conflation [of human trafficking and prostitution] appears ideologically driven, arising out of new and emerging alliances between some antiprostitution feminists and right-wing evangelical Christians, who have recently entered HIV/AIDS service provision, human rights, and advocacy worlds‖ (Chang and Kim 2007, 3) Human Trafficking in the Media These mythologies manifest through news stories that fail to communicate the severity and complexity of the problem. Mainstream and informal media outlets have only recently focused on trafficking with very much consistency—and even now the vast majority of stories are tied directly to stories of prostitution and human smuggling. A 2004 study of coverage of human trafficking in the U.S. media found that, on the whole, news outlets provided very little coverage of human trafficking issues and that when they did, coverage was scattered, piecemeal and lacked a focus on solutions. (Roth 2004, 4). In general, the study indicates, ―media tend to write about the human trafficking issue with frames that do not fully communicate the scope and severity of the problem or its relevance to the American people‖ (4). The problem of media representation and human trafficking centers at this stage around an overreliance on bureaucratic and moralistic sources of information. Kempadoo argues that the discourse on trafficking has changed, somewhat, according to ―shifts in understanding among feminists, researchers, activists, and community workers about prostitution, migrant work, and the global political economy‖ (Kempadoo 2005, xiv). Insofar as media largely ―reproduce‖ the U.S. government‘s focus on identifying foreign actors as primary perpetrators of trafficking, though, change has been slow (2005, xvii). Focusing as it does on trafficking as a transnational criminal, migratory and sexual crime, the dominant discourse on trafficking overlooks serious issues of complicity on the part of capitalist governments, corporations and networks. This oversight has had severe consequences for subjects of human trafficking, as can be seen below. Trafficked Persons in the Media: Marginalization Through Misrepresentation In October 2009, the Los Angeles Times reported, ―Prostitution Raids Rescue 52 Youths; Federal Officials Arrest Almost 700 People‖ (Markman 2009). In February 2010 the same newspaper ran a headline with a top deck reading, ―14 Illegal Immigrants Found in a Reseda House‖ (McDonnell 2010). An October 2008 headline in the New York Times declared, simply: ―North Dakota: Immigrants Arrested‖ and the Washington Post reported, in September 2009, ―3 Americans Face Child-Sex Charges‖ (Surdin 2009). Each of these stories reports a separate event, and yet they are connected in various ways. First, they all report on possible subjects of human trafficking. Second, none of them mention trafficking in the headline or report on it very thoroughly or accurately in the body. Finally, all of them rely on widely held stereotypes as a means of drawing the readers‘ attention. Overall, these articles are all representative of the things that are said and left unsaid in the majority of stories reported today on human trafficking as a social phenomenon. This section is dedicated to an examination of the superficiality of media coverage of human trafficking and the impact that this superficiality has on subjects of trafficking. Most news stories that report on human trafficking are published either on the heels of a ―major unplanned event... such as when a boat of people being smuggled sinks off the coast of Florida,‖ or ―as a result of human actors staging events, issuing reports or press releases or convincing editors the story is worth pursuing‖ (Roth 2004, 11). In other words, for a story to make the news, it has to be timely or newsworthy in the eyes of a publication‘s editorial staff. It stands to reason, then, that survivors whose stories are not ―newsworthy‖ according to these few decision-makers receive little to no attention from the media. Even in today‘s new media environment (featuring internet blogs, e-magazines and other online content) this is troubling news. Evidence suggests, ―when the media fails to cover adequately an issue such as human trafficking, it is less likely that the public can or will form opinions about the issue‖ (Roth 2004, 5). In the absence of an informed and mobilized public, resources for fighting human trafficking as a whole become limited, and subjects of trafficking have less hope for escaping the oppressive systems that place them at risk of exploitation. Limited representations of human trafficking affect trafficked persons in serious ways. Considering that women are ―disproportionately represented among the poor, the undocumented, the debt-bonded and the international migrant workforce‖ (Kempadoo 2005, xi), the range of policies and regulations pertaining to prostitution and trafficking has created a social and political battleground of women‘s bodies. Continued victimization and retraumatization of women who participate willingly and unwillingly in the sex industry has reduced women‘s autonomy and contributed to a stereotypical assumption that women—especially poor women from developing countries—lack the agency to seek reasonable solutions to structural problems. This assumption, paired with imposed solutions from outside parties, contributes to a selffulfilling prophecy in which women do face very limited opportunities for improving their conditions in satisfying ways. Women have been arrested for prostitution or deported and denied protection against trafficking unless they were willing to explicitly ―cooperate‖ with law enforcement in the prosecution of traffickers (Chang and Kim 2007, 11; Aradau 2008, 2). Sex workers have been denied services to prevent HIV and AIDS because limitations in U.S. legislation that deny funding to organizations that refuse to adopt a strict stance against the legalization of prostitution (Chang and Kim 2007, 2). Subjects of other forms of trafficking have been overlooked. Agencies that focus on ―criminalizing prostitution as a purported means to stop trafficking‖ overlook other forms of trafficking including ―trafficking into agriculture, domestic service, restaurants, hotels, manufacturing, and construction‖ (Chang and Kim 2007, 2). Even statistics have been overblown: In 2005, the Department of Justice reported that over two-thirds of ninety-one human trafficking cases were cases of sex trafficking. This information directly conflicts with empirical reports from service providers who have found that sex trafficking cases comprise only one-third of their caseload. For example, a recent study by the Coalition to Abolish Slavery and Trafficking reports that clients trafficked to Los Angeles are subject to exploitation in many fields, including domestic work (40 percent), factory work (17 percent), sex work (17 percent), restaurant work (13 percent), and servile marriage (13 percent). These striking numbers refute the government's assertion that most trafficking is for prostitution. (Chang and Kim 2007, 5) Regarding migration, media have so confused issues of trafficking with human smuggling that many people do not know how to separate one issue from the other. Although human trafficking and human smuggling are very different crimes (the former occurs when one person or party pays another to help them cross an international border clandestinely, usually for a set fee, while the latter is defined as the use of force, fraud or coercion by one person or party against another for the purposes exploitation, regardless of location), news stories, and sometimes lawmakers, use the terms interchangeably (Aradau 2008, 23; Dinan 2008, 71). The result can be disadvantageous for foreign and domestic subjects of trafficking, and indeed, migrants in general, in that confusion of the problem leads an imbalance in services, funding and public attention for whole populations. Contrary to typical understandings of the problem, human trafficking does not necessarily involve the crossing of a border. Large numbers of men, women and children are trafficked every year within their own countries, and forced to work against their will. Unfortunately, exact numbers are hard to come by—in part because so much of anti-trafficking policy is focused on migration. Comparisons between trafficking and migration resemble linkages between trafficking and prostitution in several ways. As with prostitution, the consequences of such comparisons have proved harmful for poor people from developing countries. Indeed, some have argued, trafficking policy in the past and present has often manifested primarily as ―thinly disguised battles against illegal immigration‖ (Newman and Cameron 2008, 14), just as it has also mirrored anti-prostitution campaigns.2 Trafficking has been represented in the media as a form of organized crime operating in the shadows and run by mysterious international syndicates (Jahic and Finckenauer 2005; Aronowitz 2009; Lee 2007). This representation has lent itself well to the categorization of trafficking as a migration issue. In the United States, though, ―most of the trafficking occurs not for underground sex industries run by criminal elements, but for sweatshops, farming, service and domestic work that are attached to formal sectors of the economy‖ (Jahic and Finckenauer 2005; Aronowitz 2009; Lee 2007). Contrary to this reality, news networks and law enforcement agencies continue to distract the public from the underlying causes of this exploitation with stories of insidious middle-persons who are held up as the ‗real‘ menaces—recruiting agents and those who assist others to move without legal documents or money—who are commonly identified as greedy, immoral men from the global South and post-socialist states. Thus, the first US government report to document trafficking into the country identifies Mexican, African and Middle Eastern families; Thai and Latin American men; Russian, East European, and Italian organized crime groups and syndicates; Asian, Mexican, and Nigerian smuggling rings; the Canadian ―West Coast Players‖; Chinese triads; Hmong gangs, etc., as the primary agents who profit and benefit from trafficking. (Kempadoo 2005, xvii) As with women and children in the sex industry, ―Trafficked migrants are usually considered vulnerable, infantile, backward, outlaw, in need of protection, and/or a threat to national security...[and] rarely...whole, complex people‖ (Newman and Cameron 2008, 14). This characterization is due in no small part to the superficial and incomplete nature of news coverage on the subject. Gabriela Rodríguez Pizarro, special rapporteur on the human rights of migrants for the United Nations Commission on Human Rights, reports, For the most part the mass media do not collaborate in serious campaigns against human trafficking....The phenomenon of trafficking tied to the process of migration is not taken on adequately by the mass media: trafficking is countermanded/displaced by the fact of migrant status, thus the victim is foreign and is in the territory through irregular means. These sensationalist, contemptuous and discriminatory views reflect, for the most part, the lack of knowledge on the part of the mass media, which fail to project the problem of trafficking as an offence. (Pizarro 2008, 219-220) Although the dominant discourse tends to misrepresent the relationship between migration and trafficking, this should not minimize its reality. Trafficking situations have increased dramatically as border security has tightened between developing and industrialized countries, and trafficking networks have taken advantage of available opportunities to exploit people who migrate across borders in search of economic prosperity (Cameron and Newman 2008). Unfortunately, sensational stories of abuse have taken precedence in the news over informative coverage of the structural forces causing them. Strong analyses of trafficking and migration take into account structural variables including ―historical processes of poverty, economic crises, state dependence on developed countries and scarce opportunities for human development in the local and national spheres‖ (Pizarro 2008, 209) Conclusion Discursive divisions within the human trafficking field have contributed to misrepresentations of the problem that have had harmful effects for women, migrants and the global poor. Presentations of trafficking as a problem of migration, prostitution and organized crime portray only some aspects of the crime and leave out larger issues such as poverty, lack of opportunity and globalization which stem from structural injustices including racism, sexism and economic hegemony. Remedies and interventions that focus only on ―saving victims‖ and not on addressing structural violence as exercised through cultural and political institutions provide unsatisfying results for those who are most at risk of or affected by human trafficking. A better approach is necessary if the movement against trafficking in humans is to take hold in an effective manner. The scattered approach toward human trafficking thus far has proven ineffective for raising awareness about or putting a stop to actual trafficking in humans and has instead resulted in a significant misunderstanding of the problem as a whole. There has been a surge of interest in the field, though, and some have proposed a significant and necessary reconceptualization. Grace Chang and Kathleen Kim suggest a ―rights-based‖ approach to human trafficking—one centered within a ―broader framework of labor migration, human rights, women's rights, sexual and reproductive health rights, and globalization‖ (Chang and Kim 2007, 6). Free from the fallout of ideological warfare over prostitution and irregular migration, such an approach could, they claim, balance policies and practices which inhibit the rights of trafficked persons (6). In addition to policy, the discourse on trafficking must also change. Media must stop covering trafficking in the piecemeal and inadequate manner that they have so far, and antitrafficking agencies must fight for deeper and more thoughtful coverage of the issues than has been provided. Reporters and editors must learn the differences between trafficking and smuggling, prostitution and sex work, illegal immigrant and undocumented (and sometimes unwilling) worker. Stories must not appear as chance occurrences, shocking and unusual and instead as predictable consequences of unjust policies. Various specialized forums have developed in recent years that provide more nuanced approaches to the issue of human trafficking (Change.org and Humantrafficking.org are two examples), but they have yet to gain credibility as mainstream sources of information. The culture of victimization around trafficking must also end and anti-trafficking advocates must acknowledge the agency and self-determination of people in difficult circumstances to find appropriate solutions under just conditions. Those who work to create those conditions will help empower survivors to seek collaborative solutions. Human trafficking is a complicated, far reaching, structural problem within our global society. Until the movement against it can adopt the same characteristics and challenge the institutions which support its existence, it will thrive in the recesses of humanity—and indeed before our very eyes.

#### Anti-trafficking legislation is overemphasized on eradicating sex work – turns the case and marginalizes sex workers

**Kim and Chang 7** (Kathleen Kim and Grace Chang – Professors at Loyola Law School, Loyola Law School, “Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s)”, Legal Studies Paper No. 2007-47, Stanford Journal of Civil Rights and Civil Liberties, <http://www.sacramentosect.org/uploads/5/0/9/5/5095098/reconceptualizing_approaches_to_ht.pdf>) MaxL

A. U.S. Anti-Trafficking Policies and Practices: A Narrow Conceptual Focus Organizations throughout the world report that U.S. anti-trafficking policies and practices operate with a narrow conceptual focus. As a consequence, advocates and other commentators have observed the erosion of trafficked persons' rights and diminishing service provisions for trafficked persons in a variety of sectors. n3 Specifically, U.S. anti-trafficking policies have increased the criminalization of prostitution while neglecting the broader reality of trafficking into farms, homes, restaurants, and other sites. The result is the conflation of human trafficking with prostitution. This conflation appears ideologically driven, arising out of new and emerging alliances between some anti-prostitution feminists and right-wing evangelical Christians, who have recently entered HIV/AIDS service provision, human rights, and advocacy worlds. As a result, anti-trafficking advocates and service providers, particularly those working with clients in the sex sector, report negative consequences on their ability to serve clients, on the health and status of clients and on the rights of women in the sex sector in the U.S. and internationally. n4 Several examples indicate an emerging conflation of human trafficking and prostitution by the U.S. government. First, recent policy measures under the Bush Administration purport a unique "link" between prostitution and trafficking. A recent State Department publication entitled "The Link Between Prostitution and Sex Trafficking" suggests this perspective. n5 This document states that trafficking is both a cause and effect of prostitution, yet makes this assertion based on reports that are unsubstantiated by valid research methods and data. A number of scholars have contested these assertions and challenged the research upon which the claims are based, and have called upon the [\*321] government to support more reliable research in the formulation of public policy. n6 Even a Government Accountability Office (GAO) study released in July 2006 reports that U.S. government estimates of global human trafficking are "questionable" and "in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies." n7 The purported "link" between prostitution and trafficking damages on-going efforts to prevent trafficking and protect the rights of trafficked persons. This unproven "link," which lends support to the Bush Administration's focus on abolishing prostitution as the cornerstone to its anti-trafficking approach, has diverted attention away from an assessment of structural factors that facilitate trafficking such as poverty, discrimination, and civil and political unrest of certain developing regions. The Bush Administration has also employed this misguided policy to de-fund organizations that refuse to adopt a policy statement against prostitution. In February of 2002, President Bush authorized National Security Presidential Directive 22 (NSPD 22), identifying trafficking as an important national security issue. n8 According to the Bush Administration, the relationship between trafficking and organized crime poses a transnational threat and raises terrorism concerns. n9 Though NSPD 22 is a classified document, and therefore, unavailable to the public, a Department of Justice report on anti-trafficking efforts cites to NSPD 22 and asserts without empirical evidence that prostitution is "the driving force behind sex trafficking." n10 The report emphasizes official presidential policy to heighten criminalization and enforcement against prostitution as the primary method to reduce human trafficking and further states: "The United States opposes prostitution and any related activities... as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States government's position is that these activities should not be regulated as a legitimate form of work for any human being." n11 In 2003, the U.S. Congress amended the Trafficking Victims Protection Act of 2000 to prohibit international non-governmental organizations (NGO) receiving governmental funding to support their anti-trafficking work, from [\*322] using the funds to "promote, support or advocate for the legalization or practice of prostitution." n12 The funding restriction requires organizations to "state in either a grant application, a grant agreement, or both, that it does not promote, support or advocate the legalization or practice of prostitution." n13 A similar restriction applies to international organizations receiving governmental funding to combat HIV/AIDS, requiring organizations, as a condition of receiving funding, "to have a policy explicitly opposing prostitution and sex trafficking." n14 Initially, the restriction applied only to foreign NGOs. In 2004, however, the Department of Justice issued an opinion letter supporting the application of these restrictions to U.S. grantees. n15 Accordingly, in 2005, Congress again amended the TVPA, expanding the restriction to domestic NGOs. n16 The restriction, now known as the "gag rule" or "anti-prostitution pledge" by antitrafficking human rights activists, raised immediate First Amendment concerns from advocates and lawmakers. n17 First, the "pledge" compels U.S. NGOs to affirmatively adopt a government viewpoint. Simply having "no position" on the issue is not permissible under the rule. This conflicts with Supreme Court precedent disallowing the government from compelling speech in support of its viewpoint as a condition of participating in a government program. n18 Second, by requiring recipients of government funding to take the "pledge" as an organization-wide policy, the "pledge" restricts the way in which the organization chooses to utilize their non-governmental and private funding. As decided by the Supreme Court in Rust v. Sullivan, though the government may attach conditions to the disbursement of subsidies, funding schemes must "leave the grantee unfettered in its other activities." n19 [\*323] The ambiguity of the words "promote, support or advocate" and the lack of concrete guidance from administration officials about their meaning led concerned NGOs to change their policies and practices. Many organizations even curtailed services and support for sex workers. n20 Other NGOs refused to comply with the "gag rule" and chose to forego U.S. funding, in recognition of the damaging impacts that policies and public statements against prostitution have on their abilities to serve those in the sex sector. A letter addressed to President Bush in May 2005, signed by public health, human rights, faith-based and community-based organizations, stated that such policies will "exacerbate stigma and discrimination against already marginalized groups" and make it "difficult or impossible to provide services or assistance to those at risk ... further driving them underground and away from lifesaving services." n21 Thus, organizations in Brazil rejected $ 40 million of U.S. global AIDS funds, declaring that the restrictions would counter the very programs that have proven effective in reducing the spread of HIV in Brazil. n22 Such programs include rightsbased and harm reduction approaches to prostitution that are designed to de-stigmatize and empower women as they move towards better health and self-sufficiency. Two lawsuits have challenged the constitutionality of the anti-prostitution pledge: Alliance for Open Society International, Inc. and Open Society Institute v. United States Agency for International Development, n23 filed in the U.S. District Court for the Southern District of New York, and DKT International, Inc. v. United States Agency for International Development, n24 filed in the U.S. District Court for the District of Columbia. Both lawsuits alleged that the pledge violates the organizations' First Amendment right to free speech by requiring them to adopt the government's point of view in order to receive funding. n25 The lawsuits also charged that the pledge is unconstitutionally [\*324] vague, thereby permitting arbitrary enforcement. n26 Moreover, the suits pointed to the public health danger presented by the pledge because it undermines efforts to provide preventative health information and services to sex workers who are at high risk of contracting and spreading HIV/AIDS. n27 Both courts agreed that the pledge requirement was an unconstitutional violation of free speech rights under the First Amendment. Judge Victor Marrero of the Southern District of New York and Judge Emmet G. Sullivan of the District Court of Washington, D.C. granted the respective plain- tiffs' preliminary injunctions against the enforcement of the pledge in order to prevent irreparable harm. The pledge, Judge Sullivan wrote, implied a "demand that the organization become a mouthpiece for government policy" even if using its own funds. n28 Judge Marrero of the Southern District, moreover, opined that "the Supreme Court has repeatedly found that speech, or an agreement not to speak, cannot be compelled or coerced as a condition of participation in a government program." n29 In spite of recent court rulings, these policies have already caused significant damage. The court rulings do not apply to foreign NGOs receiving U.S. funding for anti-trafficking work. n30 Domestically, funding has shifted to more right-wing, religious organizations who support the U.S. government's policy; resources for U.S. NGOs that do not subscribe to these policies remain scarce. The shift in funding detrimentally impacted the work of organizations experienced in serving victims of trafficking but unable or unwilling to comply with the federal restrictions. Some progressive advocates witnessed the removal of funding from their organizations, while more conservative, church-based agencies, less-experienced in anti-trafficking work but willing to adopt the federal anti-prostitution stance received new funding. Domestic and international groups that oppose current U.S. policies often face vicious attack and fear blacklisting by the U.S. government and other sources of funding. The conflation of human trafficking with prostitution also resulted in the narrow application of the federal Trafficking Victims Protection Act (TVPA) to sex trafficking cases. In 2005, the Department of Justice reported that over two-thirds of ninety-one human trafficking cases were cases of sex trafficking. n31 [\*325] This information directly conflicts with empirical reports from service providers who have found that sex trafficking cases comprise only one-third of their caseload. For example, a recent study by the Coalition to Abolish Slavery and Trafficking reports that clients trafficked to Los Angeles are subject to exploitation in many fields, including domestic work (40 percent), factory work (17 percent), sex work (17 percent), restaurant work (13 percent), and servile marriage (13 percent). n32 These striking numbers refute the government's assertion that most trafficking is for prostitution. Many advocates questioned the effectiveness of the government's anti-trafficking policy and practice in serving all human trafficking victims. These advocates note that in the period since the passage of the TVPA in 2000 to 2004, only 616 people benefited from the law through receipt of a T visa. n33 Notably, a 2006 Government Accountability Office study found: "There is also a considerable discrepancy between the numbers of observed and estimated victims of human trafficking." n34 Advocates speculate that trafficking victims in industries other than the sex sector could account for this gap. Law enforcement agents who equate trafficking with prostitution often do not view those in other industries as victims of trafficking. Furthermore, the prosecutorial focus of sex trafficking cases alienates migrant rights advocates, who fear that anti-trafficking work invites excessive prosecution in immigrant communities while ignoring the harm these communities face as exploited workers in domestic work, agricultural work, and in industrial and factory work. For example, leaders from Domestic Workers United, a collective of migrant-rights organizations supporting domestic workers in New York, expressed alienation from the anti-trafficking movement. n35 The focus on sex trafficking also alienates women's rights and human rights advocates, who are increasingly concerned with the stigmatizing and rights-depriving impact these anti-prostitution policies have on women around the world. For example, Sex Workers Across Borders (SWAB), a grassroots group of sex workers and allies, states a concern that anti-trafficking measures are used to police and punish female, male, and transgender migrants and sex workers, and to restrict their freedom. n36 [\*326] B. Reconceptualizing Human Trafficking: A Broader Framework **Reconceptualizing human trafficking within a broader framework** of labor migration, human rights, women's rights, sexual and reproductive health rights, and globalization **may counteract the negative impacts of U.S. polices and advance the rights of trafficked persons. The development of a field of understanding around the subject of human trafficking has progressed through various stages. The notion that only women were trafficked into prostitution was expanded** in the 1990s with the realization that both men and women were being trafficked into other labor sectors. Both the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) n37 and the Trafficking Victims Protection Act (TVPA) n38 address the larger phenomenon of trafficking in persons. Anti-trafficking and human rights advocates, however, agree that an effective conceptual framework to combat human trafficking, must consider trafficking as inextricably linked to globalization and trends in labor migration. n39 Anti-trafficking and human rights advocates now consider it absolutely essential for antitrafficking service providers to expand their work beyond the "3 Ps" of prevention, prosecution and protection. n40 While the "3 Ps" approach assisted many potential and actual lives of victims, it does not address underlying social structures that facilitate human trafficking. These advocates recognize that governments, whose agendas conflict with the goals of advocates, support the "3 P" approach and the prevailing discourse on human trafficking. Thus, civil society must actively seek the means to lead in developing new understandings and a new discourse on human trafficking. This new discourse must be grounded in understandings of the processes of globalization, and the coercive nature of most migration within this context. The new discourse supports a framework that views trafficking as coerced migration or exploitation of migrant workers for all forms of labor, including a broad spectrum of work often performed by migrants, such as manufacturing, agriculture, construction, service work, servile marriage and sex work. This definition of trafficking rests upon an understanding that many migrant workers [\*327] are coerced to migrate because of economic devastation caused by neoliberal policies in their home countries. While this displacement does not imply physical force or deception, it recognizes coercion created by the destruction of subsistence economies and social service states through neoliberal policies imposed on indebted sending countries by wealthy creditor nations. n41 The new discourse encompasses an understanding of migrant workers' experiences as inclusive of many forms of labor, either simultaneously or in sequence. In Canada, for example, women recruited and trafficked as domestic workers have often faced pressure to enter servile marriages within their employers' households and families. In the United States, it is not uncommon for workers engaged in manufacturing to hold second and third jobs in service work. Finally, people's experiences of being trafficked may span a broad spectrum from consent to coercion. While a person may initially participate with ostensible "knowledge and consent" to being transported for work, she may later wish to leave the work or particular employment site, yet be held captive by an employer. Within the new discourse, such a person would be recognized as a victim of trafficking. n42 The focus on "sex trafficking" obscures the U.S. government's responsibility for compelling people to leave their countries. For example, structural adjustment and other neoliberal policies imposed on the Philippines has forced the mass migration of women and men. International financial institutions such as the World Bank and International Monetary Fund impose structural adjustment policies as preconditions for indebted nations to obtain loans. n43 The ravages of these policies have destroyed subsistence economies and social services; as a result, over 3,100 people leave the Philippines each day. Government agencies in sending countries such as the Philippine Overseas Employment Administration facilitate this mass migration in such explicit, concrete ways that it is difficult to view this movement as anything short of government-sponsored human export. In turn, receiving countries such as the United States and Canada fashion immigration, labor, and welfare laws in such a way that migrant workers remain super-exploitable as temporary workers, ineligible for most rights and protections afforded to citizens in these "host" countries. n44 Through these policies, the U.S. government and many other nations promote human trafficking and labor exploitation, while simultaneously creating the conditions of poverty through neoliberal economic policies that [\*328] compel people to migrate. The selective criminalization of "sex trafficking" ensures that the root causes of all forms of human trafficking, and state responsibility for or complicity in these structural causes, remain unchallenged. n45 In sum, the underlying root causes for rendering human beings vulnerable to human trafficking are complex and regionally diverse and cannot be addressed by a "one size fits all" strategy. The development of a new discourse on trafficking, therefore, requires a critical analysis of the current U.S. policy and its consequences that integrates multiple perspectives from varied fields of human rights, women's rights, labor rights and health rights. An integrated and cross-disciplinary framework launches a reconceptualization of trafficking that considers root causes and the role of U.S. policies in hampering efforts to combat trafficking. II. A New Discourse on Trafficking U.S. anti-trafficking policies significantly impact three distinct areas: prostitution, labor migration, and sexual and reproductive health. A new discourse on trafficking seeks to understand the consequences of U.S. policies within each area on efforts to prevent trafficking and to protect the rights of trafficked persons. A. Prostitution and Sex Work As discussed in Part I, U.S. governmental policies and practices addressing human trafficking conflate trafficking with prostitution. This characterization severely hampers the work of antitrafficking advocates and damages the rights of trafficking survivors. The negative consequences of this conflation on anti-trafficking efforts is visible both domestically and internationally. 1. Impacts of Policies Various policy measures contribute to the conflation of trafficking and prostitution, in definition and in subsequent practice. In addition, administrative agencies substantively and procedurally utilize these policies to enforce the criminalization of prostitution, rather than to combat human traf- ficking. Examples include the definition of trafficking in persons pursuant to the Trafficking Victims Protection Act (TVPA); the Trafficking in Persons annual report issued by the U.S. State Department; and the End Demand legislation. First, a historical tension exists with regard to the relationship of trafficking to sex work. The TVPA, the chief U.S. anti-trafficking statute, defines "human [\*329] trafficking" more narrowly than the established international definition. As discussed earlier, the TVPA focuses on sex trafficking, which conflicts with the broader definition created under international agreements such as the 2000 Palermo Protocol. The Palermo Protocol defines trafficking as follows: (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability n46 or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; n47 The definition in the Palermo Protocol is perhaps the first international definition or reformulation of "trafficking in persons" since the 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others. The 1949 Convention focused exclusively on prostitution and considered all prostitution, whether voluntary or forced, to be trafficking. The Palermo Protocol recognizes the existence and possibilities of both voluntary and forced prostitution and indeed leaves "prostitution" intentionally ambiguous to allow for different interpretations. Participants noted that the Palermo Protocol includes but does not define the phrase "exploitation of prostitution of others or other forms of sexual exploitation" because delegates to the Palermo negotiations could not reach a consensus on the meaning of this phrase. While all delegates agreed that involuntary participation in prostitution constitutes trafficking, the majority of delegates rejected the idea that voluntary participation by adults in prostitution amounts to trafficking. Thus, the language of the Palermo Protocol emerged from a compromise reached by the delegates to ensure the greatest number of signatories. Delegates agreed to leave the phrase undefined but included the following explanation in interpretive note 64: The travaux preparatoires should indicate that the Protocol addresses the exploitation of the prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms "exploitation of the prostitution of others" or "other forms of sexual exploitation" are not defined in the Protocol, which is therefore [\*330] without prejudice to how States Parties address prostitution in their respective domestic laws. n48 The strength of this language and the lack of an explicit definition of the "exploitation of prostitution of others or other forms of sexual exploitation" allows for governments to develop their own approaches and definitions with respect to prostitution and sexual exploitation. The Global Alliance Against Trafficking in Women (GAATW) has suggested that "if a government insists on using language such as "sexual exploitation,' we should encourage them to use the following definition so that sexual exploitation, like any other form of labour exploitation, requires the use of force or coercion... ." For example: "Sexual exploitation" means the participation by a person in prostitution, sexual servitude, or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage or fraud. Even in the absence of any of these factors, where the person participating in prostitution, sexual servitude or the production of pornographic materials is under the age of 18, sexual exploitation shall be deemed to exist. n49 The language of the TVPA does not allow for such broad interpretation and autonomy of other states in defining trafficking. This raises the concern that the TVPA overrides the possibilities allowed for and intended by the delegates in creating the terms of the Palermo Protocol. Furthermore, the TVPA language supplants these more expansive definitions of trafficking through concrete means such as international "prevention" measures mandated, monitored and enforced by the U.S. State Department's Trafficking in Persons (TIP) report. n50 The TIP report ranks countries' performance in preventing trafficking at Tier 1, 2, or 3, based on their compliance with U.S. approved anti-trafficking measures. The U.S. government sanctions countries with lower tier rankings, while higher tier countries may receive funding from the U.S. to aid their anti-trafficking efforts. The strongest determinants for rankings include a country's level of focus on prostitution, endorsement of the prostitution/trafficking conflation and emphasis on prosecution. One example of the U.S. government's bias exists in the case of Korea. Advocates reported that in legal terms, the Korean government understands human trafficking only to mean prostitution. This interpretation did not change with the introduction of the Palermo Protocol, and only grew worse after introduction of the TVPA, and Korea's initial ranking as a Tier 3 country in [\*331] 2001. The Korean government responded by establishing an inter-ministry task force to combat trafficking and subsequently introduced a prostitution prevention law. Despite protests by sex worker rights groups, Korea has instituted a sweeping anti-prostitution law, the first of its kind since 1961. The reform includes prison sentences and fines for traffickers and for women in the sex industry. The Korean government, encouraged by its subsequent ranking at Tier 1, claims it will eliminate prostitution by 2007. This illustrates the large-scale negative impact of the antiprostitution and prosecution-oriented framework ofthe TVPA and other U.S. trafficking policy globally. n51 2. Impacts of "End Demand" Legislation and Practices The conflation of prostitution and trafficking has also led to the faulty idea that ending "demand" for commercial sex will lead to a reduction in or eradication of trafficking. This concept has been incorporated into proposed legislation such as the "Bill to End Demand for Sex Trafficking Act" of 2005. n52 While this bill failed to pass through Congress by itself, sections of it were included in the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. n53 The "End Demand" section of the TVPRA 2005 diverts attention and federal funds to programs aimed at the prosecution, shaming, and "re-education" of clients of sex workers. Specifically, the TVPRA 2005 provides funds to states and local jurisdictions for programs to "investigate and prosecute persons who purchase commercial sex acts" n54 and to "educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts." n55 The latter is to be accomplished largely through "john schools," such as those established in 1995 in San Francisco, where clients of street prostitutes attend courses about the purported negative effects of prostitution on sex workers, their customers, and society. n56 Research has revealed that john schools have not been effective in [\*332] discouraging clients from continuing to purchase commercial sex and have only resulted in moving sex work from one area to another. n57 Advocates critique the underlying premises of "end demand" policies as well as their negative impacts on both trafficked persons and sex workers. For example, the Sex Workers Project of the Urban Justice Center and the Network of Sex Work Projects states: "Demand" for sex work is not a predominant driving factor for trafficking, which is driven by poverty, race, and gender inequities. The term "demand" also refers to the legitimate concerns raised by migrants and labor rights advocates who address the issues relating to the need in the global north for exploitable labor and services. However, this narrow focus of the term in the context of sex work represents a dangerous move towards policies that, under the guise of protecting sex workers, is another way of undermining sex workers' autonomy and causing more harm to them. n58 Thus, advocates criticize "end demand" as misguided and ineffective in targeting the true causes of trafficking, i.e., the demand of states and employers in the global north for low-wage migrant labor, as well as diverting attention and services from trafficked persons while undermining the rights of sex workers. Advocates note that the "end demand" sections of the TVPRA of 2005 provide little funding for services and support for trafficked persons, while authorizing most of the funding for law enforcement and "end demand" programs not yet proven to be effective. n59 Advocates also suggest that the "end demand" focus does not serve to curtail commercial sex or trafficking, nor help to identify those who may be vulnerable in either or both groups: "A decrease in the number of people in the unlawful commercial sex sector, including those who are trafficked, can only be achieved with an increase in services to vulnerable groups and victims, and in research on causes and prevention methods." n60 Moreover, critics of the end demand focus observe that it does not serve the rights and needs of trafficked persons, yet it severely hinders those of sex workers in a number of ways: moving sex workers off the streets to the underground, making them more vulnerable to violence and abuses and less likely to have access to health and outreach services, including critical [\*333] HIV/AIDS and STI education and prevention. n61 Sex workers in the United States identify not only clients as a source of violence but law enforcement agents as abusers, commonly violating their human rights through harassment and assault. n62 Thus, advocates such as the Urban Justice Center's Working Group on Sex Work and Human Rights argue that "giving law enforcement more power [through end demand policies] makes sex workers even more vulnerable." n63 3. Impacts of "Raid and Rescue" Practices Government practices, particularly the dominant model of "raid and rescue" tactics in and outside of the United States, negatively impact both survivors of trafficking and migrant workers voluntarily engaged in sex work. A recent "raid and rescue" case in the United States, dubbed Operation Gilded Cage, n64 clearly illustrates these concerns. The incident was reported as the largest "sex trafficking" case in the history of the United States. In July of 2005, law enforcement agents raided ten brothels in San Francisco they had identified as suspected trafficking sites and "rescued" over 120 women. Authorities then detained the women at a military base in California; federal officials questioned the women to determine their status as possible victims of trafficking before calling in trained service providers twenty-four hours later. By the time advocates arrived, federal officials had already decided that the majority of the women were not legal victims of trafficking, and placed them in immigration detention. Advocates struggled to convince officials to interpret the law more broadly in screenings of the remaining women, in direct conflict with the narrow federal framework. In this case and others, advocates report that when clients identify themselves as voluntary or consenting participants in their migration or employment at any point, authorities deem them ineligible for benefits under T-visas as legal victims of trafficking. If clients do not fit traditional conceptions of involuntary or nonconsenting victims, they may instead face deportation, like many of the women "rescued" in the Operation Gilded Cage case. n65 Advocates also comment that often they can only secure certifications from law enforcement agents enabling their clients to apply for T-visas if their [\*334] clients cooperate exactly with law enforcement during the investigation and prosecution process. n66 Authorities deprived one woman "rescued" in Operation Gilded Cage of trafficking victim status, citing that she was "uncooperative," after she decided that she did not wish to cooperate with law enforcement and instead, return to Korea. Authorities also denied her the ability to return to Korea and held her in jail as a material witness for the case. n67 4. Conclusion These examples raise a number of concerns and suggestions regarding the conflation of prostitution and trafficking by US governmental anti-trafficking policies and practices: a) The U.S. government's focus on trafficking for prostitution; its assumption that it must be involuntary in all cases; and the explicit, exclusive goal of prosecuting trafficking when equated with prostitution denies protection to exploited laborers who are consenting adults in sex work and many other industries. Those who migrate for work may participate voluntarily in any industry yet still face unlawful exploitation through labor rights abuses, poor working conditions and debt bondage. U.S. and international anti-trafficking policies and practices must recognize this exploitation consistently in the identification and treatment of all victims of trafficking. b) Victims of trafficking face many threats to their safety and encounter numerous challenges to their livelihoods, health, and rights not necessarily addressed or secured through cooperation with law enforcement agents in the prosecution of trafficking. Thus, law enforcement should offer victims of trafficking autonomy, greater rights, and increased protections if they choose to cooperate with prosecution efforts. Victims of trafficking also need greater access to benefits, regardless of their cooperation or the form of trafficking they have survived. B. Labor Migration This section discusses the role of labor migration within the U.S. anti-trafficking framework. U.S. policies and practices focusing on sex trafficking marginalize the rights of workers trafficked into non-sex-related industries. The emphasis on sex trafficking and criminalization of prostitution perpetuates the widespread exploitation of migrant workers by failing to reform restrictive immigration policies that deny migrant workers the labor protections afforded to citizen workers. [\*335] 1. Impact of policies As a starting premise, it is important to recall the original intent of the TVPA to not only protect victims of forced or coerced prostitution, but to also guarantee legal relief to migrant workers subjected to slave-like working conditions in factories, farms, private homes, restaurants, hotels and any other labor industry. Several noteworthy cases prompted the passage of the Trafficking Victims Protection Act, including the 1995 El Monte, California case involving seventy-two Thai garment workers forced and coerced to labor in sweatshops, some for up to seventeen years. n68 A 1997 case convicted eighteen traffickers for forcing hearing-impaired Mexicans to peddle trinkets in New York City, Los Angeles and Chicago. n69 In light of these types of forced labor cases, the TVPA recognizes in its Purposes and Findings that: "Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide." n70 Furthermore, the TVPA's expansion of the law's definition of forced labor protects all migrant workers coerced to endure exploitive labor conditions through physical or non-physical means, including a trafficker's threats to deport a worker or to harm a worker's family members. Such non-physical means also include the use of psychological and "non-violent" coercion. n71 For example, the TVPA's conference report encompasses the protection of domestic workers compelled to work under threats that their family members may suffer "banishment, starvation, or bankruptcy." n72 The TVPA has succeeded in the prosecution of several high profile trafficking cases involving non-sex industries. For example, United States. v. Kil Soo Lee, n73 commonly known as the Daewoosa case, involved approximately 250 Vietnamese women and men forced to work in a garment factory in American Samoa, under threats of deportation, severe economic hardship, and constant employer surveillance. n74 In another case, U.S. v. Ramos, farmworkers from Mexico were forced to labor in Florida agricultural fields through threats of violence and debt bondage. n75 [\*336] Despite the occurrence of these labor trafficking prosecutions, however, the Department of Justice reports that from the years 2001-2005, it pursued a total of only twenty-three labor trafficking cases as compared with sixty-eight sex trafficking cases. The Department of Justice further reports that the sixty-eight sex trafficking prosecutions represent an 871 percent increase from fiscal years 1996-2000 when only seven sex trafficking cases were filed. n76 In contrast, the twenty-three labor trafficking cases filed between 2001-2005 show only a 109 percent increase from the eleven labor trafficking cases filed between 1996-2000. n77 These numbers are disproportionate to estimates from non-governmental organizations and academic researchers asserting that approximately one-half to two-thirds of all trafficking in the U.S. occurs in non-sex related industries. A 2004 report from Free the Slaves and the Human Rights Center at University of California Berkeley indicates that 46.4 percent of trafficking cases are for forced prostitution while 46.2 percent of trafficking cases are for domestic service, agricultural labor, sweatshops and food service. n78 Anecdotal evidence from anti-trafficking service providers estimate that only one-third of their cases are related to the sex industry, while the clear majority of their trafficking cases occur in non-sex industries. n79 Service providers contend that the U.S. government's focus on sex trafficking results in the rejection of labor trafficking cases for investigation and prosecution. The Forced Labor report indicates that NGOs observe federal law enforcement "downplaying of the severity of crimes involving forced labor." n80 The government's lack of attention to labor trafficking cases results in the denial of law enforcement protection to trafficked workers who may fear employer retaliation for escaping the abusive work environment and reporting the incidents to the authorities. The neglect of labor trafficking cases has the additional consequence of condoning employer abuses in non-sex industries, thereby hindering long-term prevention efforts to deter labor exploitation in any industry. 2. Impacts of Current Policies on Labor and Immigration Other examples of current U.S. laws, highlight the perpetuation of migrant worker vulnerability despite the TVPA's original intent to protect these workers from exploitation. For instance, the 2002 Supreme Court case, [\*337] Hoffman Plastic Compounds, Inc. v. NLRB, n81 determined that an undocumented worker, wrongfully terminated from his job for union organizing, was not entitled to compensation for back pay due to his status as an illegal immigrant. As a result of this decision, all undocumented workers asserting their right to associate under the National Labor Relations Act (NLRA), n82 were deprived of certain labor remedies for employer retaliation. Employers can fire undocumented workers who organize without providing reinstatement or compensation for lost work. The case has had a pervasive effect on the immigrant worker community, as employers defending labor violations attempt to use the ruling to curtail worker organizing in non-NLRA matters such as wage and hour and employment discrimination cases. n83 Domestic workers, who, according to reports from advocates and the Department of Justice, constitute a large percentage of trafficking cases, n84 continue to lack sufficient employment and labor protections. The NLRA does not include domestic workers under the definition of employee under the NLRA and therefore, provides no protection for domestic workers from employer retaliation for striking or collective bargaining. n85 Individual domestic workers working in private homes are ineligible to assert violations of sex, race or national origin discrimination under Title VII. n86 Live-in domestic workers are not entitled to overtime pay under the Fair Labor Standards Act (FLSA). n87 Finally, domestic workers employed by foreign diplomats cannot hold their employers accountable for workplace violations as diplomats enjoy immunity from civil, criminal, or administrative liability within the United States. n88 While an exception to immunity exists for "any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions," n89 the 4th Circuit ruled in Tabion v. Mufti n90 that "commercial activity" includes only activities for personal profit, explicitly stating that domestic workers are not "commercial activity." Thus, pursuant to Tabion, domestic workers are denied claims against their diplomat employers in the civil justice system. [\*338] Farmworkers, comprising a sizeable percentage of known trafficking cases in the U.S. are similarly deprived of full labor protections. n91 Under federal law, farmworkers are not entitled to overtime pay. In some cases, special agriculture exemptions for employers who, in a single calendar quarter during a year, do not use more than 500 man days of farm labor, exclude farmworkers from receiving the federal minimum wage of $ 5.15 per hour. The NLRA does not protect farmworkers for organizing activities. Finally, guestworkers under the H-2A program are excluded from the Agricultural and Seasonal Workers Protection Act, n92 the principal federal labor law for farmworkers. Consequently, H-2A workers are not entitled to disclosure of job terms during recruitment, transportation safety requirements, or access to federal courts. 3. Impacts of Proposed Immigration Policies Moreover, the introduction of new policy measures designed to "reform" immigration policy in the United States, if passed, would exacerbate the exploitation of migrant workers. Introduced by James Sensenbrenner, HR 4437 n93 passed in the House of Representatives on December 16, 2005. This enforcement-only bill criminalizes all undocumented immigrants, expands the definition of "alien smuggling" to hold criminally liable those who assist undocumented immigrants, and expands employment authorization verification requirements to "recruit and refer" entities such as day labor centers and other workers centers. The Comprehensive Immigration Reform Act of 2006, S 2611, n94 passed in the Senate on May 25, 2006. It is designed to drastically revamp the U.S. immigration system and proposes some positive changes, such as a path to legal status for undocumented immigrants and a reduction in immigration backlogs. However, the bill also expands border and interior enforcement, further criminalizing immigrants, by increasing the number of Border Patrol officers, mandating expedited removal for non-citizens detained within 100 miles of the border and within two weeks of entry, and broadening the definition of "aggravated felony" for purposes of deportation. 4. Conclusion In order to advance the rights of trafficked persons and effectively prevent human trafficking, it is necessary to dismantle the existing and proposed immigration and labor policies that facilitate trafficking. Reconceptualizing [\*339] trafficking as an issue of labor migration takes a step toward this goal by understanding trafficking as a gross violation of migrants' rights to live and work where they choose, with freedom from abusive working conditions. A migrant labor rights paradigm, recognizes that labor rights violations remain at the core of trafficking. Globalization and neoliberal polices have led to a lack of economic opportunity that allow individuals to support themselves and their families in their sending countries. A demand for cheap and expendable labor increases the vulnerability of migrant workers susceptible to trafficking. The migrant labor rights approach to trafficking encourages safe migration for workers as well as worker empowerment through organizing in order for workers to claim their own labor rights. C. Sexual and Reproductive Health This section discusses the role of sexual and reproductive health ("SRH") within the U.S. antitrafficking framework. As a starting premise, it is significant to note that similar ideologies of the Christian evangelical right fuel U.S. governmental policies regulating both SRH and trafficking. The anti-prostitution pledge restricting grants to anti-trafficking organizations also limits funding to domestic and international SRH organizations focusing on HIV/AIDS prevention, women's health and family planning. Such policies hinder the work of these organizations, and more importantly, stigmatize and marginalize their clients who are predominantly poor women of color from the developing world. 1. Impact of Policy on SRH Work in the Field The 1995 Fourth World Conference on Women in Beijing, China developed a Platform for Action published by the United Nations Educational, Scientific and Cultural Organization. n95 The Platform for Action stated an agenda for women's empowerment that called on nations to take action promoting and respecting women's human rights. Among other things, the Platform for Action defined women's human rights as extending to sexual and reproductive health. It asked nations to "remove legal and regulatory and social barriers, where appropriate, to sexual and reproductive health education within formal education regarding women's health issues..." n96 Despite these international recommendations, over the past decade, public health organizations note a rise in political and religious conservatism. This conservatism is reflected in U.S. policy initiatives that resist an individual's right to determine his or her own reproductive and sexual health options. [\*340] The impact of right wing ideologically driven policies on SRH work is most visible in governmental funding strategies that support faith-based organizations promoting abstinence, while excluding alternative prevention approaches to SRH. For example, in 2003, President Bush implemented an "emergency plan" for AIDS relief. The $ 15 billion appropriated, spends one-third of prevention funds on abstinence until marriage programs. Further, the program opposes condom use and discourages sex education. n97 The Department of Health and Human Services also increased funding for "abstinence only" programs. n98 The propaganda of these programs criticizes the use of contraception and condoms as having high failure rates and as ineffective due to the "reality" that individuals do not use them. Such propaganda leads to a decrease in condom supplies and a decrease in the usage of condoms, consequently risking the sexual and reproductive health of both men and women. Additional policy measures restrict SRH. Pharmacists may now deny contraception for religious reasons thereby circumventing access to contraception. In 2001, the U.S. government reintroduced the "Global Gag Rule" which prohibits the distribution of USAID funding to family planning agencies abroad that provide or promote abortions or even give abortion information in counseling sessions. Finally, policy constraints on SRH impact the LGBT community. For example, the Center for Disease Control and National Institute of Health drastically reduced funding for research on health issues specific to the LGBT population. These policies are similar to measures that prevent access to contraception, privilege traditional heterosexual married men and women, and marginalize alternative lifestyles and sexual orientations. 2. Sex Work and HIV/AIDS Prevention The Trafficking Victims Protection Reauthorization Acts of 2003 and 2005, which incorporated the anti-prostitution pledge and gag rule, highlight the connection between policy restrictions on SRH and trafficking. The Trafficking Act and the U.S. government's "s Global AIDS Act of 2003 both forbid funding to any group that does not explicitly oppose prostitution and sex trafficking. This exclusion includes organizations that collaborate with sex workers to perform outreach work on HIV prevention and sexual health. The moralistic ideology driving the government's SRH policies alienates sex workers from the fight against HIV/AIDS and prevents sex workers from protecting their own sexual health. The antiprostitution pledge requiring health [\*341] care and social service providers to denounce prostitu- tion has the effect of depriving sex workers of safer sex education and contraception. It also prevents the mobilization of sex workers to control the spread of HIV/AIDS by demanding condom use by their clients. Advocates agree that any successful effort to combat HIV/AIDS should involve sex workers. Yet, governmental policies vilify sex workers as the source of HIV/AIDS, rather than viewing them as people impacted by the disease, entitled to treatment, and uniquely positioned to impact HIV/AIDS prevention and education. n99 The anti-prostitution pledge forces SRH organizations to "take sides." By accepting funding from the government, these organizations must condemn their clients who may choose to engage in sex work, thereby denying sex workers of their fundamental human right to healthcare. 3. Conclusion According to advocates, the ideologically driven policies that currently regulate SRH deny medical services and preventive health care to populations marginalized by poverty, race, gender, sexual orientation, and social stigma. n100 Instead, a rights-based approach to SRH promotes universal access to health care by individuals susceptible to trafficking such as migrant women, sex workers, and others who experience discrimination due to social, economic and political factors. Human rights advocates also support harm reduction methodologies, recognizing that some individuals may continue to engage in risky behavior. The harm reduction approach seeks to mitigate health risks by equipping individuals with preventative education and the tools to protect themselves while remaining non-judgmental of their independent lifestyle choices. In contrast, the ideologically driven "abstinence only" approach to SRH takes a moral stance on access to healthcare, impeding health services to individuals who lead alternative lifestyles. Such an approach limits the autonomy of individuals to make their own reproductive and sexual health choices. III. A Revitalized Anti-Trafficking Movement Based on ongoing discussions between anti-trafficking and human rights advocates from diverse sectors, there are at least three overarching objectives of a revitalized anti-trafficking movement: identification of guiding principles; [\*342] expansion of a broad anti-trafficking coalition; and a fundamental shift in the current anti-trafficking rhetoric. These objectives may serve to unify the distinct subject areas of prostitution, labor migration and reproductive and sexual health. n101 A. Guiding Principles Guiding principles provide the foundation for a consistent platform to build a cross-sectoral movement advancing trafficked persons' rights, migrant labor rights, and reproductive and sexual health rights. At a minimum, core principles should include extending comprehensive labor protections to all migrant and non-migrant workers in all labor sectors including commercial sex, domestic service, agriculture, construction, restaurants, hotels, factories, and any other type of work. Other core principles may include ending law enforcement rescue raids, and replacing this tactic with community-based responses to assisting trafficked persons and preventing trafficking; developing immigration laws that protect migrant workers and account for the reality of labor migration; recognizing the autonomy and self-determination of all individuals; protecting and promoting the freedom to organize for migrant, labor, reproductive and sexual health rights; and actively addressing race, ethnicity, class, gender, sex, sexual orientation, and other factors affecting trafficking. B. Expanded Coalitions A new coalition committed to the above principles may include groups that have not previously worked with anti-trafficking organizations or with each other. Such groups include public health advocacy organizations, grassroots organizations that encourage migrant worker organizing, formal and informal unions of domestic workers, sex workers and agricultural workers, and anti-border enforcement groups that advocate for safe migration across international borders for all individuals. Building alliances between these seemingly disparate groups requires identifying the intersecting issues that connect them with each other and with anti-trafficking advocacy. For example, antitrafficking groups share with domestic workers, sex workers and agricultural workers, the goal of fair labor conditions. These groups, in turn, connect to public health advocacy by supporting the right to safe and healthy work environments and the right to access healthcare that respects individual lifestyle choices. Alliances between these groups should also consider potential points of fragmentation. For example, the prevailing trafficking framework has created implicit categories of trafficking victims, giving preference and protection to victims of sexual slavery, while denying protection to trafficked persons [\*343] viewed as migrant laborers. Arbitrary determinations by officials that consider some workers trafficked based on the egregiousness of their working conditions and others not, create "levels" of exploitation that could divide the workers' rights community. For example, the illicit nature of prostitution may alienate sex workers from a broader migrant worker rights movement. The migrant labor rights approach emphasizes worker organizing to enforce fair working conditions and to advocate for increased labor protections. Because sex work is not legally recognized as a form of labor,, sex workers' rights groups, such as the Sonagachi project in Calcutta, must organize to not only enforce fair working conditions, but to also advocate for the decriminalization of prostitution. n102 C. A Change in Rhetoric A cross-sectoral coalition **broadening the conceptual framework of trafficking may facilitate the rejection of the current rhetoric of trafficking**. The expansive legal definitions of "trafficking" in the Palermo Protocol and the TVPA resulted from advocacy of human rights groups to comprehensively define "trafficking," to include men, women, and children compelled to work in any labor industry. However, the U.S. government's narrow focus on sex trafficking and cooptation of trafficking as a tool for the criminalization of prostitution distorts the meaning of "trafficking." Media images mirror the conflation of trafficking with prostitution with sensationalized stories of sex slaves. n103 Symbolically, "trafficking" has regressed to stereotyped images of poor, uneducated, and helpless young women and girls, forced into prostitution, reminiscent of historical conceptions of "white sexual slavery" at the turn of the twentieth century. These stereotypes are used to rationalize the U.S. government's criminal enforcement approach to trafficking through "raid and rescue" practices, which operate on the presumption that brothels imprison passive sex slaves who need to be rescued by law enforcement. Such perceptions of "trafficking" **divert attention away from issues of globalization** and labor migration that drive trafficking and distort the profile of "trafficking victim" to exclude many other migrant workers. "Trafficking," connoting only "sex," has polluted the efforts of many advocates in accessing protection for their clients trafficked into non-sex related industries. The disposal of the term "trafficking" altogether could revitalize anti-trafficking advocacy to advance the rights of trafficked workers [\*344] in all industries by refocusing anti-trafficking work on reforming the underlying migration and labor policies that perpetuate the exploitation of all migrant workers. Anti-trafficking advocates have begun this process through public education efforts and interactions with the media. By using alternate language to describe trafficking, such as forced or coerced migrant labor, the reconceptualization of trafficking as a migrant labor rights issue can evolve. Conclusion In order to protect the rights of trafficked persons and to work toward the elimination of trafficking, human rights advocates across multiple sectors should advance a movement based on shared goals. Current U.S. policies and procedures addressing trafficking divert attention away from underlying root causes and deprive certain trafficked persons of full access to immigration and labor protections. Moreover, related U.S. policies on labor migration, reproductive, and sexual health rights operate to restrict the rights of not only trafficked persons, but more generally migrant workers and women. New understandings of trafficking as it impacts and is affected by a broad spectrum of issues connect advocates in different but related fields. This reconceptualization can serve to build an inter-sectoral movement for the labor and reproductive and sexual health rights of all individuals, regardless of occupation, citizenship or immigration status. Developing new approaches to human trafficking to better serve the needs and rights of survivors of trafficking and migrant workers in all industries will entail collaborations among organizations and movements that have been largely divided against each other until recently. The very goal of centering the needs and rights of migrant workers runs counter to the current U.S. federal agenda of criminalizing prostitution. While compliance with this agenda has been enforced through the anti-prostitution pledge and many other U.S. government measures that have created suspicions and divisions among groups, perspectives from the field(s) indicate that many advocates have transcended the government's divisive tactics, and are beginning to forge effective alliances in the broader movement against human trafficking. Certainly more work is needed to counter these divisions and facilitate the critical and logical links between immigrant rights, labor rights, sex worker rights, sexual and reproductive health, and anti-trafficking advocacy, organizing and scholarship. Yet there are already several emerging models of U.S. and international organizations working against, within and around the constraints of the U.S. federal approach towards more effective responses. These groups provide social services, support organizing, create analyses and inform policies that can better meet the needs of survivors of trafficking, all exploited migrant workers and the victims of other harmful U.S.-sponsored "antitrafficking" activities.

#### Can’t solve human trafficking – the aff doesn’t resolve trafficking in Asia which contains the main hotspots

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<http://blog.heritage.org/2013/06/26/human-trafficking-still-a-major-concern-in-asia/>)//AY

The release of the State Department’s latest Trafficking in Persons Report (TIP) revealed that Asia is home to some of the worst perpetrators of illegal human trafficking. China has now joined the ranks of Russia, North Korea, Iran, and a handful of other countries as Tier 3 violators of human trafficking laws. Afghanistan, Burma, Cambodia, Malaysia, Maldives, Micronesia, Sri Lanka, and Thailand were placed on the Tier 2 Watch List for their lack of compliance with human trafficking laws. China’s designation as a Tier 3 country authorizes the U.S. to place sanctions on non-humanitarian and non-trade-related aid. Whether President Obama imposes such sanctions will be determined over the next 90 days. Sanctions could impact U.S. support for aid from the World Bank and the International Monetary Fund as well as some aid coming directly from the U.S. to China. China has been on the Tier 2 Watch List for nine years. The past two years, China has a received a waiver and maintained its Tier 2 Watch List status due to efforts at implementing new anti-human trafficking laws. This year, due to its failure to take remedial action, it slipped to Tier 3. **China is a source, transit point, and destination** for trafficking victims. Forced labor has been documented at an estimated 320 state-controlled Chinese re-education camps. According to the TIP report, Chinese women were trafficked to every continent. North Korea has long been designated as a Tier 3 country due to its labor camps that imprison 200,000 or more people. These prisoners are subjected to both forced labor and unimaginable brutality. Women and children trying to escape into neighboring countries are often trafficked as sex workers or brides, making freedom nearly unattainable. Worldwide, there are an estimated 27 million people caught in the mire of human trafficking—including an estimated 1.2 million children. From persecuted religious minorities in Burma (such as the Rohingya) to sex slaves in Cambodia, the atrocities are innumerable

### gender

#### Patriarchy doesn’t cause war—their evidence can’t explain variations in the outbreak of conflict.

**Levy, 98** (Jack S. LEVY, Governors' Professor of Political Science at Rutgers University, 98

[“The Causes Of War And The Conditions Of Peace,” *Annual Review of Political Science*, Volume 1, June, Available Online to Subscribing Institutions via Annual Reviews Full Text *// BATMAN*]) SP

Another exception to the focus on variations in war and peace can be found in some feminist theorizing about the outbreak of war, although most feminist work on war focuses on the consequences of war, particularly for women**,** rather than on the outbreak of war(Elshtain 1987, Enloe 90, Peterson 92, Tickner 92, Sylvester 94). The argument is that the gendered nature of states, cultures, and the world system contributes to the persistence of war in world politics. This might provide an alternative (or supplement) to anarchy as an answer to the first question of why violence and war repeatedly occur in international politics, **although** the fact that peace is more common than war makes it difficult to argue that patriarchy **(or anarchy)** causes war. Theories of patriarchy might **also** help answer the **second** question of variations in war and peace**,** if they identified differences in the patriarchal structures and gender relations in different international and domestic political systems in different historical contexts**,** and if they incorporated these differences into empirically testable hypotheses about the outbreak of war. This is a promising research agenda, and one that has engaged some anthropologists. Most current feminist thinking in political science about the outbreak of war, however, treats gendered systems and patriarchal structures in the same way that neorealists treat anarchy—as a constant**—**and consequently it cannot explain variations in war and peace**.**

### dispose

#### Too many structural barriers to solve disposability

**Lindberg-Aganga, 11 –** (Amanda, Washington College of Law, “Disposable Victims: How the TVPA Fails to Protect Victims of Human Trafficking,” ExpressO, 2011, http://works.bepress.com/amanda\_lindberg-aganga/1)//HO

Despite naming victim protection as one of the three major goals of the TVPA, the reality has fallen far short of the kinds of protections that should and can be made available to victims in the United States. Victims who are identified and whose traffickers face prosecution may sometimes not be eligible for long-term T-visa status and other protections. Authorities fail to identify thousands of victims each year. Those that are identified still face red tape, and victims who have committed crimes or been forced to commit crimes through their trafficking experience may be prosecuted for those crimes, creating tension between the priority of prosecuting perpetrators of trafficking and often coerced immigration offences.¶ This paper argues that Congress’ approach to and subsequent execution of victim protection through the TVPA and reauthorization bills has undermined one of the foundational purposes of the TVPA: to provide protection and assistance to victims of trafficking. This shortfall is the result of multiple factors, including insufficient training of immigration and law enforcement officials, unnecessary barriers between victims and services, and a tension between immigration policy and the aims of the TVPA vis-à-vis assisting victims. First, I will frame the issue of human trafficking in the United States today, and then will discuss the TVPA’s legislative background and text. Part IV will argue that mechanisms for gathering data and refining victim identification are insufficient. Part V proposes that even once victims are identified, there are unnecessary and unconscionable barriers to assisting many victims. Part VI concludes with recommendations to improve victim identification and services throughout the victim’s contact with United States authorities and service providers, recalling that a victim’s experience does not end with the conviction of his or her trafficker.

# 2nc

#### Too much information processing is bad

**Bukatko and Daehler 12** (Danuta Bukatko, Marvin W. Daehler, workers at Gengage learning center in Canada citing work done by Robbie Case- professor emeritus of education and a highly respected researcher in the field of child cognitive development director of the University of Toronto's Institute of Child Study, “Child Development:A Thematic Approach”, pg. 286)//JM

Other theorist in this field have advanced a limited-resource model of the cognitive system that emphasizes a finite amount of available genitive energy that can be deployed in numerous ways, but only with certain trade-offs. Limited-resource models emphasize the allocation of energy for various cognitive activities rather than the mental structures themselves. The basic assumption is that the pool of resources available for processing, retaining, and reporting information is finite (Bjorklund & Harnishfeger 1990). In one such model, Robbie Case proposes an inverse relationship between the amount of space available for operating on information and that available for storage (Case, 1985; Case, Kurland & Goldberg, 1982). Operations include processes such as identifying the stimuli and recognizing relations among them; storage refers to the retention of information for use at a later time. If a substantial amount of mental effort is expended on operations, less space is available for storage or retention. In the simple memory experiment we just examined, the effort used to identify the words and notice the categorical relationships among them will determine the space left over for storing those words. If we are proficient at recognizing words and their relationships, storage space will be available. If these tasks cost us substantial effort, however, our resources will be taxed and little will be left for the task of remembering. As children grow older, they can mentally

#### Roleplaying fetishizes the state and cause structural violence.

Shepherd 2008 (Laura J., Lecturer in IR and International Law @ U Birmingham, Gender, Violence and Security: Discourse as Practice, p 166-168, MT)

Fetishizing the state as a form of political authority in this way  precludes the conceptualization of alternative forms of political authority that might deliver the radical reforms of social/political order that the Resolution and associated documents purport to seek.  Compatible with a liberal narrative of (international) community and  a neoliberal emphasis on bounded individuality and the productivity  of so-constituted individuals, this configuration of political authority functions as what Matthew sparke refers to as ‘a hidden handcuffing of democracy: hidden in part because … the disciplinary effect is  market mediated; but also because the reforms … slowly clos[e]  down the possibilities for democratic governance’ (2005: 151).3 The  state is constituted as the legitimate form of political authority, but  the international is the repository of knowledge concerning the  procedures and practices necessary to achieve and consolidate this authority. This is compatible with spivak’s comment that there exists  an ‘unspoken assumption [at] the UN that the south is not capable  of governing itself’ (cited in bergeron 2001: 1000). These concerns, regarding the ways in which social/political order  is (re)produced through UNsCR 1325, lead to further questions about  the centrality of the concept of sovereignty within the discipline of  International Relations. suzanne bergeron argues that ‘the abandonment of state-led national development policies and the adoption of  a neoliberal, export-oriented approach … often marks the decline of  national sovereignty’ (2001: 987). However, whether or not sovereignty  is ‘declining’ or debates over what sovereignty means are of less  interest in the context of this study (and for future research) than  the ways in which sovereignty functions in relations international. That  is, when do exercises of sovereign power constitute social/political  actions that function to decrease rather than increase violence? Why  is it that the myth of the sovereign state continues to hold such sway  in the discipline of IR, and why are alternative forms of political  authority not recognized in the international domain? These questions  are beyond the scope of this book, but are central to the context  within which the violent reproduction of the international makes  sense within contemporary global politics. Furthermore, while the form of the ‘state’ is predetermined by the  ways in which the international is (re)produced through UNsCR 1325,  the inhabitants of the state are similarly constituted as productive individuals. on this view,  ‘integrating’ gender and ‘empowering’ women occur within a discursive terrain bounded, in the last instance, by a  discourse of neoliberal development and liberal social/political order.  In an analysis of World bank policy on ‘women in development’,  bergeron argues that  feminists should recognize and seize the opportunities for challenging  the neoliberal and colonial logic of the World bank opened up by  its recent social turn, working within these spaces where appropriate toward the construction of their own alternative agendas. (2003: 415) In engaging critically with the violent reproduction of the international  as enabled in UNsCR 1325 and related documentation, it was never my intention to dismiss entirely the strategic gains achieved through  the plans for action and implemented policies. However, it is vital to remember that the logics that organize the United Nations system  and related development institutions (re)produce a social/political  order that could benefit from sustained critique, for the amelioration  of the lives of the ‘isolated, disciplined, receptive and industrious political subject[s]’ (Mitchell 1991: 93) constituted as inhabitants of  the spaces I discuss here. In short, the subjects discussed in the section below are constituted such that they inhabit state-bound spaces within an international  system. The ‘international’ is conceived as corollary to the sovereign  state, according to conventional narratives of sovereignty. Through the dominant discourse of security I discuss in this text, the international is (re)produced as the space of authority over the recognition and configuration of political community. In turn, the discursive horizons  of possibility prescribed in UNsCR 1325 limit the appropriate form of  political community to the liberal, democratic state, which functions  to (re)produce the discourses of (international) security and (gender) violence under discussion here by institutionalizing efficiency, equality  and empowerment.

#### Framing is a prior question to implementation.

**Cheeseman and Bruce, ’96** - Graeme Cheeseman, Snr. Lecturer @ New South Wales, and Robert Bruce, ’96 (Discourses of Danger & Dread Frontiers, p. 5-9)

This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated.¶ This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15¶ The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power.¶ In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security.¶ This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years.¶ There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow.¶ As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

#### Our alternative is a precondition for the criticism to bring about any meaningful change. The discussion of the decision to enact violence is a critical component of violence that needs to be analyzed in order to mount an effective political strategy.

KAPPELER IN 1995 [Susanne Kappeler, *The Will To Violence: The Politics of Personal Behavior,* pg 5]

A political analysis of violence needs to recognize this will, the personal decision in favour of violence - not just to describe acts of violence, or the conditions which enable them to take place, but also to capture the moment of decision which is the real impetus for violent action. For without this decision there will be no violent act, not even in circumstances which potentially permit it. It is the decision to violate, not just the act itself, which makes a person a perpetrator of violence -just as it is the decision not to do so which makes people not act violently and not abuse their power in a situation which would nevertheless permit it. This moment of decision, therefore, is also the locus of potential resistance to violence. To understand the structures of thinking and the criteria by which such decisions are reached, but above all to regard this decision as an act of choice, seems to be a necessary precondition for any political struggle against violence and for a non-violent society.'

#### The permutation can’t solve because it emerges from the same paradigm of domination.

**NAYAR IN 1999** [Jayan Nayar,School of Law, University of Warwick, “RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY”, 9 Transnat'l L. & Contemp. Probs. 599, Fall of 1999; L/N]

The mutuality of "professional" sensibilities between the "criticized" and the "critic" brings with it a considerable degree of closure. Primary among the consequences of this familiarity and, therefore, similarity between the "professional" location of both, is that emancipatory imagination is contained within the same aspirational "languages" that are commonly understood. Through this closure of language and, therefore, imagination, emancipation itself becomes absorbed into an enclosed conceptual space for articulation. The standpoint of the same rhetorical devices of civilizational projections become the tools for entitlement claims. Put differently, what we might see as direction for emancipation is itself "ordered" by our own conceptual frameworks that we derive from ourselves as subjects and objects of ordering.

#### The criticism is a prerequisite. The politics of the 1AC are ineffective insofar as they do not attend to their own location in terms of oppression. This causes greater domination.

**NAYAR IN 1999** [Jayan Nayar,School of Law, University of Warwick, “RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY”, 9 Transnat'l L. & Contemp. Probs. 599, Fall of 1999; L/N]

Despite the fixation of the beneficiaries of ordered worlds, even the ordered "critic," with the prescribed languages, visions and possibilities of human socialities, other realities of humanity nevertheless persist. Notwithstanding the globalization of social concern and the transnationalization of professionalized critique and reformatory action, struggles against violence remain energized, persistent and located. They are waged through the bodies of lives lived in experiential locations against real instruments of terror, functioning within embodied sites of violence. Non-information and non-representation of the existence of such struggles, and non-learning of the wisdoms thus generated do not negate their truths or the vibrancy of their socialities. N51 "we" are participants in ordered worlds, not merely observers. The choice is whether we wish to recognize our own locations of ordered violence and participate in the struggle to resist their orderings, or whether we wish merely to observe violence in far-off worlds in order that our interventionary participation "out there" never destabilizes the ground upon which we stand. I suggest that we betray the spirit of transformatory struggle, despite all our expressions of support and even actions of professionalized expertise, if our own locations, within which are ordered and from which we ourselves order, remain unscrutinized. And so, what might i contribute to the present collective exercise toward a futuristic imaging of human possibilities? I am unsure. It is only from my view of the "world," after all, that i can project my visions. These visions do not go so far as to visualize any "world" in its totality; they are uncertain even with regard to worlds closer to home, worlds requiring transformatory actions all the same. Instead of fulfilling this task of imagining future therefore i simply submit the following two "poems."

#### Their analysis starts at the wrong place. We need to look at our personal contribution to violence prior to questions of how to structurally situate ourselves.

KAPPELER IN 1995 [Susanne Kappeler, *The Will To Violence: The Politics of Personal Behavior,* pg 258]

Resistance, i would suggest, does not come with any identity. It is a question of political will and action. It requires the political analysis of systems of oppression through to individual acts of oppression and violence - in terms of agency and its consequences, in terms of agents and beneficiaries and victims - and a corresponding analysis of resistance in terms of actions and their consequences.' only once we know what we are doing, and what our actions actually effect, and what we mean them to achieve, can we begin to act in resistance, knowing what it is resistance to; and only then will we be able to identify and co-operate with those acting for the same political goals.

#### Any inclusion of the state takes out solvency for the alternative.

**Shaffer 2009** (Butler teaches at the Southwestern University School of Law. B.S., Law, 1958, University of Nebraska, Lincoln; B.A., Political Science, 1959, and J.D., 1961, University of Chicago; Member, Colorado and Nebraska State Bars. “Saving Our Brave, New World” August 3rd 2009. <http://www.lewrockwell.com/shaffer/shaffer159.html>, MT)

My understanding of history, economics, and the laws of causation, have long led me to expect the present collapse of Western Civilization. I did not, however, anticipate the culture experiencing a free-fall into an awaiting black-hole. Like T.S. Eliot, I suspected Western society would end "not with a bang but a whimper." I envisioned a more gradual decline, one to which individuals could make the necessary adjustments in their lives that would lessen the impact and help to restore societal order. The symptoms of our decline-and-fall are becoming increasingly evident even to those who, not so many years ago, regarded the outcome of an *American Idol* contest as the most pressing concern. A public-opinion-poll mentality substitutes for thinking in our modern world, creating a collective mindset that insists upon instantaneous answers to questions that few people are capable of asking. As the processes of causation play out the inexorable consequences of premises grounded in utter stupidity, a holiday for the expression of socio-economic fantasies has beset us. Hardly a week goes by without some twit – whether in or out of office – upping the ante in a bull market for runaway imbecility. Such efforts continue to produce an upswing in GDP ("Grotesquely Delusional Programs"), with politicians, academicians, and media hacks jostling one another – like San Francisco cable-car passengers – to be first aboard. Murray Rothbard said, more than once, that there was nothing wrong about a person not fully understanding economics; but that those ignorant of economic principles ought not to be proposing governmental policies to govern economic activity. I have a hard time imagining Murray remaining calm as multitudes of men and women – with nary an understanding of economics – consult their Ouija boards for additional "solutions" to the calculated chaos generated by earlier practitioners of political mysticism. Unable to engage in the economic analysis that would both explain and provide a basis for resolving current crises – an approach that would call into question the entire logic of statism – the established order has been forced to seek other rationales for its authority. The New Deal gave us a proliferation of alphabetized federal agencies to do what Plato envisioned could be done, namely to plan for and direct the course of economic systems. But the study of chaos and complexity – along with the failed histories of state planning – have shown the fallacy of such thinking. As but one glaring example, ordinary people are discovering what Ron Paul and others have long observed: the vaunted, "independent" Federal Reserve system is not only incapable of regularizing the marketplace, but has been a principal agency for sowing confusion into our economic life. The Platonic image of "philosopher kings" sitting atop pyramids of power and directing the lives of hundreds of millions of people to ill-defined ends, is increasingly questioned by those who produce the genuine order in society. Contrary to the basic tenets of all forms of statism, it is the spontaneous order generated by the individual pursuit of self-interests in a marketplace that accounts for both our liberty and material well-being. But in the marbled halls of state, as well as the sycophantic media and academic institutions that are well-paid to propagate a continuing faith in the cult of centralized power, the mantra is still heard, with only the content of the litanies modified to fit new situations. "Save the planet" now substitutes for "save democracy," but the premise of state power structures remains intact. For a culture fast descending into history’s memory hole, and with the illusion of central planning no longer enjoying the intellectual support it once did, the established order has turned to the most desperate of measures: *magical* thinking enforced by undiluted, unprincipled *coercion*. No longer does the pretense of a scientific, rational basis for state planning prevail. Instead, resort is had to a kind of political *sorcery* – wrapped in the behavior-modification terminology of "stimulus." Trillions of dollars are given away to the corporate friends of those in power, and the system waits to see what happens. In what even the vice-president has termed a form of "guesswork," the state has revealed its underlying sophistry. In a society as thoroughly politicized as ours, the booboisie will always react with demands for the state to "do something," a mindset that gives the statists a continuing incentive to identify – or concoct, if necessary – fears that can be used to increase state power. When the civilization, itself, is in collapse, Boobus will insist that *something – anything –* be done, if for no other reason than to keep alive the illusion that the state is still in charge of events in the world, and can act to bring about desired results. An awareness that there is nothing the state *can* do to reverse the fate it has unleashed is as unavailable to most people as would be a physician’s assurances, to family members, that Uncle Willie’s terminal condition cannot be overcome with Dr. Quack’s Cancer Salve! What else could be expected from political systems, whose only distinguishing characteristic is an enjoyment of a monopoly on the use of violence? "Reason" in the mouths of government officials, always reduces to no more than rationalizations to justify whatever it is the statists want to do. When the promised results of economic planning are not forthcoming, the troops – with their tanks, armored personnel carriers, attack helicopters, and machine guns – will be sent in to enforce the state’s will. At that point, Boobus may begin to learn what the German and Russian people learned, namely, that the alleged distinction between "law enforcement" and "national defense" has been but another deception employed to protect the establishment from its own people. And so, we seem to have reached that stage where state violence has become its own raison d’être. Social and economic problems are no longer considered within the sphere of authority of legislative bodies; congress is too slow to act when "we need action, now!," and so the president or governor takes over and appoints – without anyone else’s approval – "czars" to rule over various realms of human activity. My thesaurus advises me that synonyms for "czar" include "despot," "tyrant," "dictator," "slave driver," "duce," "oppressor," and "Führer." One news report informs us that some thirty-two "czars" have been appointed in a number of states. This is what we have become, a consequence that should reveal to all that scribbling words on parchment and calling them a "constitution" is ineffective to prevent any significant number of people from doing whatever they want to do. The response of some mainstream media’s "talking heads" to America’s embrace of "czars" has been *not* to question the statist power implications, but only to suggest calling such officials by a different name! As has become the norm in our world, if we use an alternative word to describe something (e.g., "waterboarding" instead of "torture") it becomes a different act.

# 1nr

#### The crux of education is found in agent and implementation issues – focus should be applied on resolving those issues

**Schuck 99** (Peter H., Professor, Yale Law School, and Visiting Professor, New York Law School, Spring (“Delegation and Democracy” – Cardozo Law Review) http://www.constitution.org/ad\_state/schuck.htm

God and the devil are in the details of policymaking, as they are in most other important things—and the details are to be found at the agency level. This would remain true, moreover, even if the nondelegation doctrine were revived and statutes were written with somewhat greater specificity, for many of the most significant impacts on members of the public would still be indeterminate until the agency grappled with and defined them. Finally, the agency is often the site in which public participation is most effective. This is not only because the details of the regulatory impacts are hammered out there. It is also because the agency is where the public can best educate the government about the true nature of the problem that Congress has tried to address. Only the interested parties, reacting to specific agency proposals for rules or other actions, possess (or have the incentives to ac-quire) the information necessary to identify, explicate, quantify, and evaluate the real-world consequences of these and alternative proposals. Even when Congress can identify the first-order effects of the laws that it enacts, these direct impacts seldom exhaust the laws’ policy consequences. Indeed, first-order effects of policies usually are less significant than the aggregate of more remote effects that ripple through a complex, interrelated, opaque society. When policies fail, it is usually not because the congressional purpose was misunderstood. More commonly, they fail because Congress did not fully appreciate how the details of policy implementation would confound its purpose. Often, however, this knowledge can only be gained through active public participation in the policymaking process at the agency level where these implementation issues are most clearly focused and the stakes in their correct resolution are highest.

#### Their understanding of the "human" perpetuates speciesism and dooms them to failure

**Deckha, 06**– Associate Professor at the University of Victoria Faculty of Law in Victoria (Maneesha, <http://www.animallaw.info/articles/arus17hstwlj1.htm>)//VP
Cultural critics have painstakingly demonstrated the social constructedness of sexual, gender, and racial differences whose naturalness has traditionally been held as objective scientific fact. [FN15] Yet they have remained largely uncritical of and have actually embraced the primacy of the human subject inherent in these sociobiologicalnarratives. As the “human” construct emerged as a political marker of the type of life deserving of the utmostvalue and dignity, marginalized groups sought to claim this status solidly for themselves. The term “human rights,” signifies the belief that all human individuals are entitled to basic assurance and protection of their autonomy, dignity and liberty because of their common humanity. [FN16] Put differently, possessing the species identity “human” is the widely accepted and uncontested rationale for receiving respect and rights. Hence, those who were oppressed by one cultural hierarchy or another often frame their claims to equal worth and dignity in terms of humanization, or, more specifically, dehumanization. The current movement within feminist writing in the international law context is a prime example. This global feminist movement is aimed at criticizing the patriarchal nature of international human rights law by showing how women are excluded systematically from the field's current terms and practices. The prominent slogan of this campaign is that “women's rights are human rights.” [FN17] This discourse is aimed at revealing the male-centeredness of human rights theory to argue that issues that are traditionally seen as “women's issues” are in fact human issues as well. The movement is trying to dislodge the hold androcentric norms have on \*7 the human identity to include abuses that are specific to or disproportionately affect females. [FN18] To take another example, consider a prominent argument about the harmful sexist effects of pornography made by Catherine MacKinnon, arguably the best-known feminist anti-pornography advocate. [FN19] She defines pornography as the graphic, sexually explicit subordination of women through pictures or words that also includes women dehumanized as sexual objects, things, or commodities; enjoying pain or humiliation or rape; being tied up, cut up, mutilated, bruised, or physically hurt; in postures of sexual submission or servility of display; reduced to body parts, penetrated by objects or animals, or presented in scenarios of degradation, injury, torture; shown as filthy or inferior; bleeding, bruised, or hurt in a context that makes these conditions sexual. [FN20] MacKinnon is not alone in objecting to pornography because it depicts women as things. [FN21] Conceivably, there is nothing in the definition of pornography that bars the interpretation that the argument is against commodification of all beings. Yet the resistance to accord dignity and respect to only human bodies was neither the regular motivation nor the common understanding for feminist arguments. Rather, feminists were animated by a concern to include women, and only women (i.e., not nonhuman animals), in this coveted space of personhood occupied by men. Indeed, the “less than full, human person” depiction of women was the “reason MacKinnon and Dworkin argued that pornography can and ought to be controlled as a civil offense, a civil rights violation.” [FN22] Articulated this way, a crucial element of the perceived wrong perpetrated by sexualized forms of violence against women is the dehumanizing effect of the violence on the human subject and not simply the violence in and of itself. Given the enormous privileges that accompany human status, it is not surprising that marginalized groups campaign to reveal the partiality of the common understanding of human and why the term should be broadened to be more inclusive rather than deconstruct the term itself. Nevertheless, it is important to remember that there remains a term to be deconstructed rather than accepted as a natural boundary or concept. What is in need of questioning is why we terminate our deconstruction at the \*8human/nonhuman boundary and why we are not as vigilant in contesting naturalized boundaries between species as we are between sexes, races, classes, cultures, etc. B. Humanities: The Discursive Construction of Human Bodies 1. Humanity as Excluding Other Humans The first way we can begin to understand the human as a constructed category is to recall that it is only very recently, in terms of historical periods, that the word “human” has emerged to apply to all human individuals. As Diana Fuss articulates: Not until the early eighteenth century does the human finally stray from its earlier etymological incarnations . . . . A sign whose history has rarely been examined, the human is a linguistic, cultural, and sociopolitical construct of comparatively recent date. That the human has a history comes as no surprise to those subjects so routinely and so violently excluded from its ideological terrain . . . . Just who counts as human, and why, underwrites a long saga of contentiousdebate within humanist discourse, a discourse mired from the start in the amalgamated histories of imperial expansion, scientific experimentation, and industrial revolution. The human may, in fact, be one of our most elastic fictions. As the dividing lines between humans and “nonhumans” have been historically redrafted to accommodate new systems of classification and new discourses of knowledge, the human has proceeded to mutate many times over. [FN23] Fuss reminds us of a history that is pervasively hidden--the category “human being” is a signifier of a socially constructed group, not a natural stable, universal or a historical fact of science. Its social construction has served to disenfranchise many humans, let alone nonhumans, from the human being status. We need only look to Aristotle's Athens, where non-slave women and slaves were less than human, [FN24] and to American slavery, where blacks were seen as three-fifths human, to confirm Fuss's point. [FN25] Michel Foucault affirmed that the idea of being human, and humanness \*9 as a category, did not firmly emerge until the eighteenth century in his argument that the idea of Man arose with the rise of scientific disciplinary and regulatory power. [FN26] Socio-biological ideas of sameness and difference between humans and other species, and among humans themselves, became the determinants of social ordering through the rise of taxonomic, sexual, and racial classification. [FN27] Biology became destiny with one's destiny changing as more and more empirical “discoveries” were made about animal and human bodies during this time. Further, reigning cultural ideas of difference molded the empirical view. Thomas Laquer, in discussing sexual difference, details how ideas of natural difference are influenced by prior cultural discourse on difference: To be sure, difference and sameness, more or less recondite, are everywhere; but which ones count and for what ends is determined outside the bounds of empirical investigation.The fact that at one time the dominant discourse construed the male and female bodies as hierarchically, vertically, ordered versions of one sex and at another time as horizontally ordered opposites, as incommensurable, must depend on something other than even a great constellation of real or supposed discoveries. [FN28] Laquer provides an instance of the constructedness of bodies and of the political and historic boundedness of the empirical descriptions used to present scientific facts. In his example of representations of sexual difference, dominant Enlightenment thought departed from thousands of years of thinking about human sexual difference such that “[a]n anatomy and physiology of incommensurability replaced a metaphysics of hierarchy in the representation of woman in relation to man.” [FN29] Yet the same scientific evidence that gave rise to pre-Enlightenment understanding had not been proven false, just as there remained a vast amount of unreported data that minimized the difference between males and females. [FN30] The political, economic, and cultural order was explained selectively by these natural “facts.” [FN31] So-called objective sociobiological universal ahistoric truths were “understood to be the epistemic foundation for prescriptive \*10 claims about the social order.” [FN32] From this historical evidence, sexual difference, Laquer argues, “already has in it a claim about gender . . .; it is explicable only within the context of battles over gender and power.” [FN33] Laquer's example helps to understand the synergy between natural and cultural discourses and encourages us to be skeptical of scientific claims about natural differences whether they are cast under the purview of “male nature,” “female nature,” or “human nature.” [FN34] They illuminate the blurred nature of the boundaries demarcating personhood and thing, and therefore property, in our society. Of course, cultural critics would easily acknowledge that historical understandings of humanity have been, and can be still, exclusive of some humans. As social forces coalesced to vilify, alienate, and then elevate social groups, Fuss's point that humans have drawn and redrawn the boundaries of the “human” resonates with concerns regarding intrahuman oppressions. More difficult to accept is the extent to which the “human” may be deconstructed and, more precisely, the proposition that the human/nonhuman border is an artificial one. Surely, a cultural critic might argue, there is a more marked, tangible, knowable difference between species than between subgroups of humans. And this, as our jurisprudence maintains, is the difference that matters. The next section provides an analysis that disrupts the discourse of natural bodily differences between humans and nonhuman animals.

#### The impact is an unending political genocide which captures the apparatus of life and death

**Kochi and Ordan 8** (Tarik, lecturer in the School of Law, Queen's University, Belfast, Northern Ireland, and Noam, linguist and translator, conducts research in Translation Studies at Bar Ilan University, Israel, 'An argument for the global suicide of humanity', *Borderlands*, December)//RSW

Within the picture many paint of humanity, events such as the Holocaust are considered as an exception, an aberration. The Holocaust is often portrayed as an example of 'evil', a moment of hatred, madness and cruelty (cf. the differing accounts of 'evil' given in Neiman, 2004). The event is also treated as one through which humanity might comprehend its own weakness and draw strength, via the resolve that such actions will never happen again. However, if we take seriously the differing ways in which the Holocaust was 'evil', then one must surely include along side it the almost uncountable numbers of genocides that have occurred throughout human history. Hence, if we are to think of the content of the 'human heritage', then this must include the annihilation of indigenous peoples and their cultures across the globe and the manner in which their beliefs, behaviours and social practices have been erased from what the people of the 'West' generally consider to be the content of a human heritage. Again the history of colonialism is telling here. It reminds us exactly how normal, regular and mundane acts of annihilation of different forms of human life and culture have been throughout human history. Indeed the history of colonialism, in its various guises, points to the fact that so many of our legal institutions and forms of ethical life (i.e. nation-states which pride themselves on protecting human rights through the rule of law) have been founded upon colonial violence, war and the appropriation of other peoples' land (Schmitt, 2003; Benjamin, 1986). Further, the history of colonialism highlights the central function of 'race war' that often underlies human social organisation and many of its legal and ethical systems of thought (Foucault, 2003). This history of modern colonialism thus presents a key to understanding that events such as the Holocaust are not an aberration and exception but are closer to the norm, and sadly, lie at the heart of any heritage of humanity. After all, all too often the European colonisation of the globe was justified by arguments that indigenous inhabitants were racially 'inferior' and in some instances that they were closer to 'apes' than to humans (Diamond, 2006). Such violence justified by an erroneous view of 'race' is in many ways merely an extension of an underlying attitude of speciesism involving a long history of killing and enslavement of non-human species by humans. Such a connection between the two histories of inter-human violence (via the mythical notion of differing human 'races') and interspecies violence, is well expressed in Isaac Bashevis Singer's comment that whereas humans consider themselves "the crown of creation", for animals "all people are Nazis" and animal life is "an eternal Treblinka" (Singer, 1968, p.750).

#### All forms of exclusion are patterned off the human/non-human divide- de-normalizing the anthropocentric order is critical to challenging the endless war on difference

**Kochi, 09**(Tarik, Sussex law school, Species war: Law, Violence and Animals, Law Culture and Humanities Oct 5.3)//RSW

This reflection need not be seen as carried out by every individual on a daily basis but rather as that which is drawn upon from time to time within public life as humans inter-subjectively coordinate their actions in accordance with particular enunciated ends and plan for the future. 21 In this respect, **the violence and killing of species war is not simply****a question of****survival or bare life, instead, it is bound up with****a****consideration of the good.** For most modern humans in the West the “good life” involves the daily killing of animals for dietary need and for pleasure. At the heart of the question of specieswar, and all war for that matter, resides a question about the legitimacy of violence linked to a philosophy of value. 22 The question of war-law sits within a wider history of decision making about the relative values of different forms of life. “Legitimate” violence is under-laid by cultural, religious, moral, political and philosophical conceptions about the relative values of forms of life. Playing out through history are distinctions and hierarchies of life-value that are extensions of the original human-animal distinction.Distinctions that can be thought to follow from the human-animal distinction are those, for example, drawn between: **Hellenes and barbarians; Europeans and Orientals; whites and blacks;****the “civilized” and the “uncivilized”; Nazis and Jews; Israeli’s and Arabs;****colonizers and the colonized.**Historically these practices and regimes of violence have been culturally, politically and legally normal-ized in a manner that replicates the normalization of the violence carried out against non-humananimals. Unpacking, criticizing and challenging the forms of violence, which in different historical moments appear as “normal,” is one of the ongoing tasks of any critic who is concerned with the question of what war does to law and of what law does to war? The critic of war is thus a critic of war’s norm-alization.

#### Their value system is inherently relational – this collapses in upon itself.

**Henning 09**(Brian; Associate Professor of Philosophy at Gonzaga University; “Trusting in the 'Efficacy of Beauty: A Kalocentric Approach to Moral Philosophy”; Ethics & the Environment- Volume 14, Number 1)//RSW

**Final truths** (whether in religion, morality, or science) **are unattainable**not only due to the finitude and fallibility of human inquirers, but because we live in what the theologian John F. Haught calls an "unfinished universe" (2004). The notion that one could achieve anything like a final or absolute formulation in any field of study presupposes that one's object is static. Thankfully, we do not live in such a universe. Over the last century scientists have consistently discovered that the universe is not a plenum of lifeless, valueless facts mechanistically determined by absolute laws. Rather, we live in a processive cosmos that is a dynamic field of events organized in complex webs of interdependence, rather than a collection of objects interacting via physical laws. The intuition that the universe is fundamentally a clockwork machine successfully guided science in the wake of Newton's inspirational formulation of the laws of mechanics, but this metaphor proved increasingly inadequate as Newton's work was supplanted in the early 20th century by both general relativity and quantum mechanics. Even at its peak, the [End Page 107] mechanical metaphor created difficulties for thinking about human beings, who were never effectively illuminated by the assumption that they were complex machines. At the level of elementary particles, quantum mechanics disclosed a world of wave-like particles spread out in space and inextricably entangled with other particles in the local environment. The notion of autonomous "individual" particles disappeared.Although all metaphors are misleading to some degree, the metaphor of the world as an evolving organism has become more helpful than the old mechanical model of the world as a clock. This, in a sense, is the founding insight of Whitehead's "philosophy of organism," which took as its starting point the view that individuals—particles, plants, and people—are not discrete facts walled off from each other but parts of complex and intersecting wholes. Conceived of as an organic process, every individual is inextricably intertwined and interconnected with every other. The fundamental reality is no longer individual entities but rather the ongoing processes by which they interact and create novel structures. **Once we recognize that every individual—from a subatomic event to a majestic sequoia—brings together the diverse elements in its world in just this way, just here, and just now, we see that****nothing is****entirely****devoid of value****and beauty**. This process whereby many diverse individuals are brought together into the unity of one new individual, which will eventually add its energy to future individuals, characterizes the most basic feature of reality and is what Whitehead calls the "category of creativity." On this view, reality is best characterized not as an unending march of vacuous facts, but as an incessant "creative advance" striving toward ever-richer forms of beauty and value. Noting its emphasis on interdependence and interrelation, many scholars have rightly noted that Whitehead's metaphysics is uniquely suited to provide a basis for making sense of our relationship to the natural world.10 Decades before modern ecologists taught us about ecosystems, Whitehead was describing individuals as interrelated societies of societies. No individual,Whitehead insisted, can be understood apart from its relationship to others.11 Indeed, whereas ecologists only explain how it is that macroscopic individuals are related in interdependent systems, Whitehead's organic metaphysics of process provides a rich account of how individuals at every level of complexity—from subatomic events to ecosystems, and from oak trees to galaxies—arise and are perpetuated.12 [End Page 108] What is more, Whitehead's philosophy of organism places a premium on an individual's dependence on and relationship to the larger wholes of which it is a part without making the mistake of subsuming the individual into that larger whole.13 With the philosophy of organism we need not choose between either the one or the many, "the many become one and are increased by one" (Whitehead [1929] 1978, 21). By providing a robust alternative to the various forms of reductive physicalism and destructive dualism that currently dominate many branches of science and philosophy, the philosophy of organism is an ideal position from which to address the complex social and ecological challenges confronting us. First, if who and what I am isintimately and inextricably linked to everyone and everything else in the universe, then I begin to recognize that my own flourishing and the flourishing of others are not independent. Not only do I intimately and unavoidably depend on others in order to sustain myself, with varying degrees of relevance, **how I relate to my environment is constitutive of who and what I am.**As we are quickly learning, we ignore our interdependence with our wider environment at our own peril. Moreover, in helping us to recognizing our connection to and dependence on our larger environment, an organic model forces us to abandon the various dualisms that have for too long allowed us to maintain the illusion that we are set off from the rest of nature. Adopting an organic metaphysics of process forces us finally to step down from the self-constructed pedestal from which we have for millennia surveyed nature and finally to embrace the lesson so compellingly demonstrated by Darwin: humans are not a singular exception to, but rather a grand exemplification of, the processes at work in the universe.14 In this way we ought finally to reject not only the materialisms of contemporary science, but also the dualisms that often undergird our religious, social, political, and moral understandings of ourselves and our relationship to the natural world. As John Dewey concisely put it, **"man is within nature, not a little god outside"** (1929, 351). Until we shed our self-deluding arrogance and recognize that who and what we are as a species is fundamentally bound up in and dependent on the wider scope of events unfolding in the universe, the ecological crisis will only deepen. Taken seriously, our understanding of realityas composed of vibrant, organically interconnected achievements of beauty and value, has a dramatic effect on how we conceive [End Page 109] of ourselves, of nature, and of our moral obligations—morality can no longer be limited merely to inter-human relations. In rejecting modernity's notion of lifeless matter, we come to recognize that **every form of actuality has value in and for itself, for others, and for the whole.** In aiming at and achieving an end for itself, **every individual—no matter how ephemeral or seemingly insignificant—has intrinsic value for itself****and in achieving this self-value it thereby becomes a value for others and for the whole of reality.** Every individual, from the most fleeting event in deep space to centuries old redwoods, has value for itself, for others, and for the whole of reality and it is from this character of reality that our moral obligations derive (Whitehead 1938, 111). Given that every individual in our universe, no matter how small or seemingly insignificant, has some degree of value, **the scope of our direct moral concern**15 **can exclude nothing.** Thus, in rather sharp contrast to the invidious forms of anthropocentrism that characterize much of western moral thought, our scope of direct moral concern cannot be limited to humans, to sentient beings, or even to all living beings. Morality is not anthropocentric, but neither is it sentientcentric or biocentric. **In affirming****the****value****of every individual,****we****must begin torecognize that every relation is****potentially a****moral****relation.** As Whitehead vividly puts it, "The destruction of a man, or of an insect, or of a tree, or of the Parthenon, may be moral or immoral.… Whether we destroy or whether we preserve, our action is moral if we have thereby safeguarded the importance [or value] of experience so far as it depends on that concrete instance in the world's history" (1938, 14–15). Morality is not merely about how we ought to act toward and among other human beings, other sentient beings, or even other living beings. **Morality is****fundamentally about****how we comport ourselves****in the world, how we relateto****and interact with****every form of existence.**

#### You must reject every instance of racism – the impact is distinct

**Memmi, 97** – Professor Emeritus of Sociology, University of Paris (Albert, RACISM, 1997, p. 163. (DRGCL/B1048)

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet for this very reason, it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism; one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice and violence. It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim (and which [person] man is not [themself] himself an outsider relative to someone else?). Racism illustrates in sum, the inevitable negativity of the condition of the dominated; that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, we cannot fail to rise to the racist challenge

has reduced women‘s autonomy and contributed to a stereotypical assumption that women—especially poor women from developing countries—lack the agency to seek reasonable solutions to structural problems. This assumption, paired with imposed solutions from outside parties, contributes to a selffulfilling prophecy in which women do face very limited opportunities for improving their conditions in satisfying ways. Women have been arrested for prostitution or deported and denied protection against trafficking unless they were willing to explicitly ―cooperate‖ with law enforcement in the prosecution of traffickers (Chang and Kim 2007, 11; Aradau 2008, 2). Sex workers have been denied services to prevent HIV and AIDS because limitations in U.S. legislation that deny funding to organizations that refuse to adopt a strict stance against the legalization of prostitution (Chang and Kim 2007, 2). Subjects of other forms of trafficking have been overlooked. Agencies that focus on ―criminalizing prostitution as a purported means to stop trafficking‖ overlook other forms of trafficking including ―trafficking into agriculture, domestic service, restaurants, hotels, manufacturing, and construction‖ (Chang and Kim 2007, 2). Even statistics have been overblown: In 2005, the Department of Justice reported that over two-thirds of ninety-one human trafficking cases were cases of sex trafficking. This information directly conflicts with empirical reports from service providers who have found that sex trafficking cases comprise only one-third of their caseload. For example, a recent study by the Coalition to Abolish Slavery and Trafficking reports that clients trafficked to Los Angeles are subject to exploitation in many fields, including domestic work (40 percent), factory work (17 percent), sex work (17 percent), restaurant work (13 percent), and servile marriage (13 percent). These striking numbers refute the government's assertion that most trafficking is for prostitution. (Chang and Kim 2007, 5) Regarding migration, media have so confused issues of trafficking with human smuggling that many people do not know how to separate one issue from the other. Although human trafficking and human smuggling are very different crimes (the former occurs when one person or party pays another to help them cross an international border clandestinely, usually for a set fee, while the latter is defined as the use of force, fraud or coercion by one person or party against another for the purposes exploitation, regardless of location), news stories, and sometimes lawmakers, use the terms interchangeably (Aradau 2008, 23; Dinan 2008, 71). The result can be disadvantageous for foreign and domestic subjects of trafficking, and indeed, migrants in general, in that confusion of the problem leads an imbalance in services, funding and public attention for whole populations. Contrary to typical understandings of the problem, human trafficking does not necessarily involve the crossing of a border. Large numbers of men, women and children are trafficked every year within their own countries, and forced to work against their will. Unfortunately, exact numbers are hard to come by—in part because so much of anti-trafficking policy is focused on migration. Comparisons between trafficking and migration resemble linkages between trafficking and prostitution in several ways. As with prostitution, the consequences of such comparisons have proved harmful for poor people from developing countries. Indeed, some have argued, trafficking policy in the past and present has often manifested primarily as ―thinly disguised battles against illegal immigration‖ (Newman and Cameron 2008, 14), just as it has also mirrored anti-prostitution campaigns.2 Trafficking has been represented in the media as a form of organized crime operating in the shadows and run by mysterious international syndicates (Jahic and Finckenauer 2005; Aronowitz 2009; Lee 2007). This representation has lent itself well to the categorization of trafficking as a migration issue. In the United States, though, ―most of the trafficking occurs not for underground sex industries run by criminal elements, but for sweatshops, farming, service and domestic work that are attached to formal sectors of the economy‖ (Jahic and Finckenauer 2005; Aronowitz 2009; Lee 2007). Contrary to this reality, news networks and law enforcement agencies continue to distract the public from the underlying causes of this exploitation with stories of insidious middle-persons who are held up as the ‗real‘ menaces—recruiting agents and those who assist others to move without legal documents or money—who are commonly identified as greedy, immoral men from the global South and post-socialist states. Thus, the first US government report to document trafficking into the country identifies Mexican, African and Middle Eastern families; Thai and Latin American men; Russian, East European, and Italian organized crime groups and syndicates; Asian, Mexican, and Nigerian smuggling rings; the Canadian ―West Coast Players‖; Chinese triads; Hmong gangs, etc., as the primary agents who profit and benefit from trafficking. (Kempadoo 2005, xvii) As with women and children in the sex industry, ―Trafficked migrants are usually considered vulnerable, infantile, backward, outlaw, in need of protection, and/or a threat to national security...[and] rarely...whole, complex people‖ (Newman and Cameron 2008, 14). This characterization is due in no small part to the superficial and incomplete nature of news coverage on the subject. Gabriela Rodríguez Pizarro, special rapporteur on the human rights of migrants for the United Nations Commission on Human Rights, reports, For the most part the mass media do not collaborate in serious campaigns against human trafficking....The phenomenon of trafficking tied to the process of migration is not taken on adequately by the mass media: trafficking is countermanded/displaced by the fact of migrant status, thus the victim is foreign and is in the territory through irregular means. These sensationalist, contemptuous and discriminatory views reflect, for the most part, the lack of knowledge on the part of the mass media, which fail to project the problem of trafficking as an offence. (Pizarro 2008, 219-220) Although the dominant discourse tends to misrepresent the relationship between migration and trafficking, this should not minimize its reality. Trafficking situations have increased dramatically as border security has tightened between developing and industrialized countries, and trafficking networks have taken advantage of available opportunities to exploit people who migrate across borders in search of economic prosperity (Cameron and Newman 2008). Unfortunately, sensational stories of abuse have taken precedence in the news over informative coverage of the structural forces causing them. Strong analyses of trafficking and migration take into account structural variables including ―historical processes of poverty, economic crises, state dependence on developed countries and scarce opportunities for human development in the local and national spheres‖ (Pizarro 2008, 209) Conclusion Discursive divisions within the human trafficking field have contributed to misrepresentations of the problem that have had harmful effects for women, migrants and the global poor. Presentations of trafficking as a problem of migration, prostitution and organized crime portray only some aspects of the crime and leave out larger issues such as poverty, lack of opportunity and globalization which stem from structural injustices including racism, sexism and economic hegemony. Remedies and interventions that focus only on ―saving victims‖ and not on addressing structural violence as exercised through cultural and political institutions provide unsatisfying results for those who are most at risk of or affected by human trafficking. A better approach is necessary if the movement against trafficking in humans is to take hold in an effective manner. The scattered approach toward human trafficking thus far has proven ineffective for raising awareness about or putting a stop to actual trafficking in humans and has instead resulted in a significant misunderstanding of the problem as a whole. There has been a surge of interest in the field, though, and some have proposed a significant and necessary reconceptualization. Grace Chang and Kathleen Kim suggest a ―rights-based‖ approach to human trafficking—one centered within a ―broader framework of labor migration, human rights, women's rights, sexual and reproductive health rights, and globalization‖ (Chang and Kim 2007, 6). Free from the fallout of ideological warfare over prostitution and irregular migration, such an approach could, they claim, balance policies and practices which inhibit the rights of trafficked persons (6). In addition to policy, the discourse on trafficking must also change. Media must stop covering trafficking in the piecemeal and inadequate manner that they have so far, and antitrafficking agencies must fight for deeper and more thoughtful coverage of the issues than has been provided. Reporters and editors must learn the differences between trafficking and smuggling, prostitution and sex work, illegal immigrant and undocumented (and sometimes unwilling) worker. Stories must not appear as chance occurrences, shocking and unusual and instead as predictable consequences of unjust policies. Various specialized forums have developed in recent years that provide more nuanced approaches to the issue of human trafficking (Change.org and Humantrafficking.org are two examples), but they have yet to gain credibility as mainstream sources of information. The culture of victimization around trafficking must also end and anti-trafficking advocates must acknowledge the agency and self-determination of people in difficult circumstances to find appropriate solutions under just conditions. Those who work to create those conditions will help empower survivors to seek collaborative solutions. Human trafficking is a complicated, far reaching, structural problem within our global society. Until the movement against it can adopt the same characteristics and challenge the institutions which support its existence, it will thrive in the recesses of humanity—and indeed before our very eyes.