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#### Text: the United States federal government should add every country to the list of countries governed by Section 6(j) of the Export Administration Act. The United States federal government should cease current and ban future projects of regime change, economic sanctions, military base expansion, military occupation, military assistance for strategic partners, isolation of disapproved political movements, and counterterrorism operations to countries governed by Section 6(j) of the Export Administration Act.

#### Counterplan solves – the aff takes Cuba off the list of state sponsors of terrorism, the counterplan adds every country to the list of state sponsors of terrorism but says being on the list of state sponsors of terrorism prevents the US from being able to militarily or coercively intervene in that country’s affairs. Your author concludes the only reason the list is problematic is it allows neoconservative approaches towards those countries, but we solve that better

**Jackson 7 -** Professor in International Politics at Aberystwyth University (Richard, “Critical reflection on counter-sanctuary discourse”, In: M. Innes, ed. Denial of sanctuary: understanding terrorist safe havens, p. 30-33) //RGP

A related problem for the "terrorist sanctuaries" discourse is that it has always been characterized by a certain political bias and selectivity. For example, an analysis of the mainstream terrorism literature during the Cold War demonstrates that terrorism experts regularly identified Iran, Libya, Cuba, the Soviet Union and many other mainly communist countries as "state sponsors" of "international terrorism," but failed to include countries like Israel or South Africa—despite the fact that South Africa, for example, not only engaged in numerous acts of terrorism against dissidents in neighbouring states but also sponsored movements like Unita and Renamo who engaged in extensive terrorism. The "terrorist sanctuaries" literature from this period also focused heavily on the assistance provided by states like Libya and Syria to groups like the PLO, but failed to discuss U.S. support for groups like the Afghan Mujahaddin. anti-Castro groups, and the Contras, despite the fact these groups engaged in numerous acts of terrorism, including planting car bombs in markets, kidnappings, civilian massacres, and blowing up civilian airliners.51 Many would argue that from this perspective, the "terrorist sanctuaries" discourse has functioned ideologically to distract from and deny the long history of the West's direct involvement in state terrorism and its support and sanctuary for a number of anticommunist terrorist groups. Western involvement in terrorism has a long but generally ignored history, which includes: the extensive use of official terror by Britain, France, Germany, Portugal, the United States, and other colonial powers in numerous countries throughout the colonial period; U.S. support and sanctuary for a range of right-wing insurgent groups like the Contras and the Mujahideen during the Cold War 53; U.S. tolerance of Irish Republican terrorist activity in the United States54: U.S. support for systematic state terror by numerous right-wing regimes across the world, perhaps most notoriously El Salvador, Chile, Guatemala, Indonesia. and Iran 55; British support for Loyalist terrorism in Northern Irelands 56 and various other "Islamist" groups in Libya and Bosnia, among others57; Spanish state terror during the "dirty war" against ETA58; French support for terror in Algeria and against Greenpeace in the Rainbow Warrior bombing; Italian sponsorship of right-wing terrorists; and Western support for accommodation with terrorists following the end of several high profile wars59—among many other examples. In short. there is no denying that the discourse has often been used in a highly selective manner to highlight some acts of terror whilst selectively ignoring others. Arguably, this political bias continues today: the Taliban forces in Afghanistan are more often described as terrorists than insurgents, while various warlords, including General Rashid Dostum, are rarely,' called terrorists. despite overwhelming evidence of their use of terror and intimidation against civilians. This situation is mirrored in Somalia, where the Islamist Al Itihad Al Islam iya group is typically described as a terrorist organization with links to al Qaeda, while U.S.-supported Somali warlords who also use violence against civilians arc exempted from the terrorist label.61 Similarly, Cuba remains on the State Department's list of "state sponsors of terrorism," but continued U.S. sanctuary and support of anti-Castro terrorists,62 former Latin American state terrorists63 and other assorted Asian anticommunist groups64 is completely ignored. Most glaringly, the state terror of countries like Uzbekistan, Colombia, and Indonesia—and continued tolerance and support for it from the U.S.65—is hardly ever discussed in the mainstream "terrorist sanctuaries" literature. From a discourse analytic perspective, it can further be argued that the "terrorist sanctuaries" discourse often functions to promote a set of partisan political projects. For example, the discourse describes an almost infinite number of potential "terrorist sanctuaries" or "havens," including: all failed, weak, or poor states; the widely accepted list of state sponsors of terrorism: a much longer list of passive state sponsors of terrorism; states with significant Muslim populations; Islamic charities and NGOs; informal, unregulated banking and economic systems; the media; the Internet; diasporas in Western countries; groups and regions characterized by poverty and unemployment; the criminal world; radical Islamist organizations; mosques and Islamic schools; insurgent and revolutionary movements; and "extremist" ideologies—among others. The identification of these groups and domains as "terrorist sanctuaries" or "havens" then functions to permit a range of restrictive and coercive actions against them—all in the name of counterterrorism. The point is that there may be other political reasons for taking action against such groups which the "terrorist sanctuary" label obscures. From this perspective, the "terrorist sanctuaries" discourse can be shown to support a range of discrete political projects and interests, including: limiting expressions of dissent; controlling the media; centralizing executive power; creating a surveillance society; expanding state regulation of social life; retargeting the focus of military force from dissident groups and individuals (which privileges law enforcement) to states (which privileges the powerful military-industrial complex); legitimating broader counterinsurgency programmes where the real aims lie in the maintenance of a particular political-economic order66; de-legitimizing all forms of counterhegemonic or revolutionary struggle, thereby functioning as a means of maintaining the liberal international order; and selectively justifying projects of regime change**,67** economic sanctions, military base expansion, military occupation, military assistance for strategic partners, and the isolation of disapproved political movements. In short, the discourse functions—in its present form—to permit the extension of Western state hegemony both internationally and domestically. I Ineffectual Policies A final criticism of the "terrorist sanctuaries" discourse is that it has proved in its prescriptions to be largely ineffectual and in many cases, counterproductive. In particular. the policy of employing military force against "terrorist sanctuaries" or "havens," a reasonable policy within the confines of the discourse, actually has an astonishing record of failure. For example, Israel has mounted military strikes and targeted assassination against "terrorist sanctuaries" in the Palestinian territories and surrounding states for over fifty years without any significant reduction in the overall level of terrorism. The apartheid regime in South Africa adopted a similarly futile policy against its neighbours during the 1980s. U.S. military strikes on Libya in 1986, Sudan and Afghanistan in 1998, and the use of force in the current War on Terror against Afghanistan and Iraq, have also failed to noticeably reduce the overall number of terrorist attacks against U.S. interests. More broadly, the use of military force against "terrorist sanctuaries" in Colombia, Chechnya, Kashmir, Sri Lanka. the Philippines, Turkey, and elsewhere has in every case failed to appreciably affect the level of antistate terrorist violence. It could be argued that the attempts since September 11 to eliminate "terrorist sanctuaries" in Afghanistan. Iraq, and South Lebanon in particular, have in fact, had the opposite effect. In many respects, these military interventions have solidified and greatly strengthened various Middle Eastern insurgent and "terrorist" groups, reinforced new militant movements and coalitions, provided new regions of conflict where dissident groups can gain military experience and greatly in creased overall levels of anti-Western sentiment across the region." It is probable that the price of these policies will be many more years of insurgency in Iraq and Afghanistan, and an ongoing international terrorist campaign against U.S. interests and its allies. The main problem of course, is that the discourse focuses on the symptoms and enablers of dissident terrorism, rather than its underlying drivers and poses a palliative remedy rather than a curative one. From this viewpoint, it is actually an impediment to dealing with terrorism because it functions as a closed system of discourse, preventing discussion of the political grievances which cause individuals and groups to seek out places of sanctuary from where they can launch attacks in the first place. CONCLUSION There is a need for researchers and public officials to be far more reflective and critical of the language they employ and the "knowledge" they produce, because discourse and knowledge is never neutral; it always works for someone and for something. In this case, the language and knowledge of the "terrorism sanctuaries" discourse frequently works to maintain the hegemony of certain powerful states and a particular international order which is beneficial to a few, but violent and unjust to many more. It also works to obscure the much greater violence and suffering caused by current Western counterterrorism policies (which have cost the lives of well over 40,000 civilians69 and caused incalculable material destruction since September 11. 2001), the double standards and selectivity of Western approaches to terrorism and the ongoing problem of civilian-directed state terror.

#### Aff frees up resources to be used for the War on Terror

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So, let me discuss the first issue, why including Cuba on the terrorist list harms American ¶ efforts and leadership in the Global War against terrorism. Cuba’s inclusion on the list is based on bogus allegations that undermine its credibility. By ¶ lumping Cuba together with Iran, Syria, and Sudan, a potentially effective foreign policy tool for ¶ warning Americans and the international community against countries that “repeatedly provide ¶ support for international terrorism” becomes a list of governments that some South Floridians ¶ don’t like. Foreign policy is not about therapy. If the goal is to provide right wing Cuban ¶ Americans a venue for catharsis, there are other ways less harmful to US national security for ¶ them to vent their frustrations.¶ The list of terrorism sponsoring nations should be a bargaining tool for dealing with, well, ¶ countries that engage in or sponsor terrorism. The misuse of a first level national security ¶ concern must give pause to responsible members of the Washington Foreign Policy community. ¶ First, it distracts efforts and resources in the wrong direction, taking eyes and dollars from ¶ where the real threats are. Second, it sends the wrong messages to other countries, diminishing ¶ the appeal of the list as a warning against countries such as Iran or Syria, in which the threat of ¶ cooperation with and sponsorship of terrorist groups such as Hamas and Hezbollah against the ¶ United States and our allies is really serious. Third, it weakens the capacity of US allies like Israel ¶ or India, who are real targets of terrorist threats, to make a case for sanctioning or monitoring ¶ of countries or entities such as Iran whose presence on the list is justified. ¶ The three Cuba Reports (2008, 09, and 10) by the State Department Office of the Coordinator ¶ for Counterterrorism written under the Obama Administration are more an argument for ¶ removing rather than for keeping the island on the list. This is particularly evident in the ¶ discussion of Cuba’s alleged links with three groups connected to international terrorist ¶ activities: The FARC and the ELN from Colombia, and the Spanish ETA. In addition to ETA’s ¶ recent announcement of its demobilization, making this a non issue, the presence of members

#### Anti-terror efforts are only a symptom of a neoliberal domestic agenda

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If the war in Iraq is really about something other than weapons, what is the domestic “war on terror” about? At ﬁrst glance, the war at home appears to be more straightforward: a genuine if heavy-handed effort to prevent a repeat of anything like the attacks of September 11, 2001. But here too, the administration’s actions point to motives that are mixed at best. On the one hand, genuine security measures are often treated with a surprising degree of laxity. Whistleblowers within the federal intelligence community complain that problems identiﬁed two years ago have remained unresolved. The multicolored national security alerts have produced great public drama but, as far as the public has been told, have never had any relationship to major terrorist attacks either committed or deterred. Critical needs such as preparing the public health system to cope with potential bioterrorist attacks, or supporting the anti-terrorism work of state and local police, have gone unfunded as the monies were diverted to tax cuts.34 At the same time, a wide range of initiatives apparently unrelated to anything to do with terrorism—including the tax cuts, “fast track” authority, and deunionization of federal jobs, have all been advanced as critical components of the war on terror.35 I assume that the government is genuinely interested in preventing terrorism. Nevertheless, these facts suggest that the administration’s agenda is more complex, and much more ambitious than simply that of protecting the population from future attacks. And while any one of these items may be viewed as an individual case of cronyism or opportunism, the broader pattern points to the need for a deeper theory of what is driving the regime’s domestic agenda. I believe that the domestic agenda, too, can only be understood in the context of neoliberal globalization. One of the axioms of globalization is that capital accumulation has become disconnected from the nation-state. Before “global city” became the mantra of Chamber of Commerce boosters everywhere, it was geographer SaskiaSassen’s term for the locales that are home to the administrative headquarters of far-ﬂung corporate empires.36 As corporate production, distribution and services have grown into complex, worldwide networks, those at the top need ever greater capacity at central headquarters in order to coordinate these global empires. A handful of cities have come to serve as the central hubs of ﬁnancial, legal, accounting, marketing and telecommunicationsfunctions for global capital. These cities are “global” because their dominant industries participate in an economy that is increasingly disconnected from the fortunes of any particular nation. The functional colleagues of New York lawyers and stockbrokers are London lawyers and brokers. By contrast, both have increasingly little economic connection to normal manufacturing and service workers. The latter are stuck in a parallel economy that, while sharing the same physical and political space, has no means of participating in the growing fortunes of corporate empires. It may never have been true that what was good for GM was good for America, but over the past 20 years the connection between the success of “American” companies and the prosperity of Americans has grown threadbare.

#### This neoliberalism and imperialist conquest inevitably results in extinction, every modern war has been a byproduct of the spread of colonialism

**Harvey 6** - Distinguished Professor of Anthropology and Geography at the Graduate Center of the City University of New York (David, “Spaces of Global Capitalism: A Theory of Uneven Geographical Development,” Chapter 13, 5/7/2013) //RGP

At times of savage devaluation, interregional rivalries typically degenerate into struggles over who is to bear the burden of devaluation. The export of unemployment, of inflation, of idle productive capacity become the stakes in the game. Trade wars, dumping, interest rate wars, restrictions on capital flow and foreign exchange, immigration policies, colonial conquest, the subjugation and domination of tributary economies, the forced reorganization of the division of labour within economic empires, and, finally, the physical destruction and forced devaluation of a rival's capital through war are some of the methods at hand. Each entails the aggressive manipulation of some aspect of economic, financial or state power. The politics of imperialism, the sense that the contradictions of capitalism can be cured through world domination by some omnipotent power, surges to the forefront. The ills of capitalism cannot so easily be contained. Yet the degeneration of economic into political struggles plays its part in the long-run stabilization of capitalism, provided enough capital is destroyed en route. Patriotism and nationalism have many functions in the contemporary world and may arise for diverse reasons; but they frequently provide a most convenient cover for the devaluation of both capital and labour. We will shortly return to this aspect of matters since it is, I believe, by far the most serious threat, not only to the survival of capitalism (which matters not a jot), but to the survival of the human race. Twice in the twentieth century, the world has been plunged into global war through inter-imperialist rivalries. Twice in the space of a generation, the world experienced the massive devaluation of capital through physical destruction, the ultimate consumption of labour power as cannon fodder. Class warfare, of course, has taken its toll in life and limb, mainly through the violence daily visited by capital upon labour in the work place and through the violence of primitive accumulation (including imperialist wars fought against other social formations in the name of capitalist 'freedoms'). But the vast losses incurred in two world wars were provoked by inter-imperialist rivalries. How can this be explained on the basis of a theory that appeals to the class relation between capital and labour as fundamental to the interpretation of history? This was, of course, the problem with which Lenin wrestled in his essay on imperialism. But his argument, as we saw in chapter 10, is plagued by ambiguity. Is finance capital national or international? What is the relation, then, between the military and political deployment of state power and the undoubted trend within capitalism to create multinational forms and to forge global spatial integration? And if monopolies and finance capital were so powerful and prone in any case to collusion, then why could they not contain capitalism's contradictions short of destroying each other? What is it, then, that makes inter-imperialist wars necessary to the survival of capitalism? The 'third cut' at crisis theory suggests an interpretation of inter-imperialist wars as constitutive moments in the dynamics of accumulation, rather than as abberations, accidents or the simple product of excessive greed. Let us see how this is so. When the 'inner dialectic' at work within a region drives it to seek external resolutions to its problems, then it must search out new markets, new opportunities for capital export, cheap raw materials, low-cost labour power, etc. All such measures, if they are to be anything other than a temporary palliative, either put a claim on future labour or else directly entail an expansion of the proletariat. This expansion can be accomplished through population growth, the mobilization of latent sectors of the reserve army, or primitive accumulation. The insatiable thirst of capitalism for fresh supplies of labour accounts for the vigour with which it has pursued primitive accumulation, destroying, transforming and absorbing pre-capitalist populations wherever it finds them. When surpluses of labour are there for the taking, and capitalists have not, through competition, erroneously pinned their fates to a technological mix which cannot absorb that labour, then crises are typically of short duration, mere hiccups on a general trajectory of sustained global accumulation, and usually manifest as mild switching crises within an evolving structure of uneven geographical development. This was standard fare for nineteenth-century capitalism. The real troubles begin when capitalists, fating shortages of labour supply and as ever urged on by competition, induce unemployment through technological innovations which disturb the equilibrium between production and realization, between the productive forces and their accompanying social relations. The closing of the frontiers to primitive accumulation, through sheer exhaustion of possibilities, increasing resistance on the part of pre-capitalist populations, or monopolization by some dominant power, has, therefore, a tremendous significance for the long-run stability of capitalism. This was the sea-change that began to be felt increasingly as capitalism moved into the twentieth century. It was the sea-change that, far more than the rise of monopoly or finance forms of capitalism, played the crucial role in pushing capitalism deeper into the mire of global crises and led, inexorably, to the kinds of primitive accumulation and devaluation jointly wrought through inter-capitalist wars. The mechanisms, as always, are intricate in their details and greatly confused in actual historical conjunctures by innumerable cross-currents of conflicting forces. But we can construct a simple line of argument to illustrate the important points. Any regional alliance, if it is to continue the process of accumulation, must maintain access to reserves of labour as well as to those 'forces of nature' (such as key mineral resources) that are otherwise capable of monopolization. Few problems arise if reserves of both exist in the region wherein most local capital circulates. When internal frontiers close, capital has to look elsewhere or risk devaluation. The regional alliance feels the stress between capital embedded in place and capital that moves to create new and permanent centres of accumulation elsewhere. Conflict between different regional and national capitals over access to labour reserves and natural resources begins to be felt. The themes of internationalism and multilaterialism run hard up against the desire for autarky as the means to preserve the position of some particular region in the face of internal contradictions and external pressures - autarky of the sort that prevailed in the 193Os, as Britain sealed in its Commonwealth trade and Japan expanded into Manchuria and mainland Asia, Germany into eastern Europe and Italy into Africa, pitting different regions against each other, each pursuing its own 'spatial fix'. Only the United States found it appropriate to pursue an 'open door' policy founded on internationalism and multilateral trading. In the end the war was fought to contain autarky and to open up the whole world to the potentialities of geographical expansion and unlimited uneven development. That solution, pursued single-mindedly under United States's hegemony after 1945, had the advantage of being super-imposed upon one of the most savage bouts of devaluation and destruction ever recorded in capitalism's violent history. And signal benefits accrued not simply from the immense destruction of capital, but also from the uneven geographical distribution of that destruction. The world was saved from the terrors of the great depression not by some glorious 'new deal' or the magic touch of Keynesian economics in the treasuries of the world, but by the destruction and death of global war.

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#### Interpretation – engagement requires sustained government-to-government interaction

**Sheen, 2** – associate professor at the Graduate School of International Studies, Seoul National University (Seongho, The Korean Journal of Defense Analysis, Vol. XIV, No. 1, Spring 2002, “US Strategy of Engagement During the Cold War and Its Implication for Sunshine Policy” <http://www.kida.re.kr/data/2006/04/14/seongho_sheen.pdf>)

Can the sunshine policy really bring positive changes within the North Korean regime and peace to the Korean peninsula? The logic behind Kim Dae-jung’s policy is a refinement of one of the major strategies of economic statecraft and military competition. In his discussion of US economic statecraft towards the Soviet Union during the Cold War, Michael Mastanduno provides a useful framework for understanding President Kim’s engagement policy towards the North. In general, engagement promotes positive relations with an enemy as a means of changing the behavior or policies of a target government. It accepts the legitimacy of that government and tries to shape its conduct. Engagement also requires the establishment and continuance of political communication with the target. In engaging the enemy, the state sees political polarization with target or isolation of the target country as undesirable.

#### ‘Its’ is a possessive pronoun showing ownership

**Glossary of English Grammar Terms, 2005** – (“Term: Possessive Pronoun,”

http://www.usingenglish.com/glossary/possessive-pronoun.html)

Mine, yours, his, hers, its, ours, theirs are the possessive pronouns used to substitute a noun and to show possession or ownership.

EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

#### Violation – the plan does not increase government contacts but rather decreases sanctions which may result in engagement

#### **Vote neg**

#### **1. Ground – positive engagement with the state is what all links are based on – lifting sanctions doesn’t guarantee any interaction which kills all disads**

#### **2. Predictable limits – they allow infinite tiny sanctions affs that could interact with the private sector – this makes topic prep impossible**

#### **3. Effects t is a voter – we can’t predict the internal link chain that makes them topical**

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#### Labeling Cuba a “state sponsor of terror” hurts US credibility – removing Cuba is an attempt to free resources and increase international trust. The CP ensures US credibility remains low.

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My second point is that this really bad U.S. policy. When we treat Cuba as a state that sponsors ¶ terror –when it is not –we waste our tax dollars and undermine the credibility of our efforts ¶ against genuine threats.¶ We also alarm and anger our allies. They object to the reach of our sanctions across borders. ¶ This forms the basis of their complaints against the U.S. embargo when the U.N. condemns our ¶ sanctions every year. All of this is likely to get worse, not better, as our enforcement of anti-terror and anti-moneylaundering laws become more aggressive. ¶ Already, these enforcement trends are causing foreign banks with interests in the U.S. to ¶ terminate their banking relationships with Cuba. They are deciding that the risk of doing ¶ business with Cuba that could trip them up with U.S. authorities is greater than the benefit of ¶ maintaining those relationships. They are cutting ties as a matter of business discretion, not U.S. ¶ law.¶ Britain’s ambassador to Cuba told me in a meeting last June that the reach of our sanctions make ¶ it impossible for many small and medium sized businesses in the U.K. to make legal investments ¶ or legal transactions because of the risks involved. That’s a loss for Cuba and a loss for British ¶ firms and workers.¶ This is serious business, but it sometimes reveals itself in farcical ways. Clif Burns at the Export ¶ Law Blog reported recently on this incident. An obscure office inside the S.E.C. wrote the ¶ United Parcel Service and challenged the fact that they delivered packages to Cuba because it is ¶ subject to economic sanctions and export controls. UPS wrote them back explaining they were ¶ allowed to deliver packages that contained lawful deliveries. The complexity and reach of our ¶ laws, at times, exceeds the ability of our enforcement agencies to apply them rationally.¶ Cuba’s presence on the state sponsors’ list is emblematic of our political dilemma. The ¶ definition of a self-licking ice cream cone is this: it is a process or thing that offers few benefits ¶ and exists primarily to justify its own existence. Cuba’s designation is perfect for the hardliners ¶ in Congress to block otherwise rational policy changes or initiatives – because, after all, U.S. law ¶ says we’d be helping a state sponsor of terror. Let me give you three examples.¶ Congressman David Rivera uses it to justify trying to stop Repsol and Cuba from drilling ¶ together for oil. He said his legislation to block drilling was necessary to – and I quote – “ensure that Florida taxpayers are not made to pay for an environmental disaster caused by a terrorist ¶ regime.”¶ When Senators Menendez and Rubio sought to stop President Obama from increasing the ¶ number of airports allowed to serve the Cuban market, their legislation sought to prevent the ¶ expansion of direct flights to state sponsors of terrorism.

#### This pursuit of credibility primes the pump for intervention and crisis escalation

**Tang** January-March **2005** (Shiping, Associate Research Fellow and Deputy Director of the Center for Regional Security Studies at the Chinese Academy of Social Sciences in Beijing, Co-director of the Sino-American Security Dialogue, “Reputation, Cult of Reputation, and International Conflict,” Security Studies, Volume 14, Number 1)

DECISIONMAKERS’ PERSISTENT CONCERN for losing reputation has brought unnecessary bloodiness to international politics: too many wars have been waged for the sake of defending honor, prestige, reputation, and credibility. During the cold war alone, the two superpowers fought at least three large- scale wars (Korea, Vietnam, and Afghanistan) and were involved in countless proxy conﬂicts for the sake of reputation (or prestige, honor, and credibility).42 On many occasions, politicians’ only justiﬁcation for plunging into conﬂicts was defending reputation and credibility. Consider Ronald Reagan’s justiﬁcation for U.S. involvement in Central America: “If we cannot defend ourselves (in Central America)...our credibility will collapse and our alliance will crumble....If Central America were to fall,...which ally, which friend would trust us then?” (Type I-a).43 This peril of overinvolvement is widely recognized. The cult of reputation, however, brings three additional perils to international politics. First and fore- most, concern for reputation exposes states to manipulation by allies. Under the inﬂuence of the cult, while states fear appeasing adversaries the most, they are more likely to appease allies and thereby fall into entrapment. States have often ended up with commitments in places in which they were initially reluctant to commit, because their allies were extremely difﬁcult to impress and often pretended to be unimpressed (which they found advantageous to do).44 For example, during the second crisis over the islands of Quemoy and Matsu in 1958, Chinese premier Zhou Enlai was able to force Khrushchev into pledging full nuclear deterrence against the United States. When China indicated that it expected Soviet nuclear retaliation only when attacked by U.S. strategic but not tactical nuclear weapons, Khrushchev feared the possible loss of Soviet reputation among its adversaries and allies.45 Across the Taiwan Strait, Chiang Kai-shek’s exploitation of the U.S. commitment to Quemoy and Matsu was equally remarkable.46 In fact, Alexander George and Richard Smoke were so impressed by Chiang’s manipulation that their study of U.S. deterrence behavior soberly warned of “one of the major risks and limitations of deterrence policies: namely, the opportunities [such policies] may give a weak ally to manipulate the nature of the commitment made to it.”47 Similar tactics were effective in ancient Greece and China. Trying to drag Sparta into its vengeful war against Athens, Corinth argued, “If we managed to stand up to Athenian aggression, it was more because of Athenian mistakes than because of any help we got from you. Indeed, we can think of instances already where those who have relied on you and remained unprepared have been ruined by the conﬁdence they placed in you.”48 During China’s warring period (475∼221 B.C.), one of the most effective arguments used to persuade another state to come to one’s help was “if you do not join us this time, you will be ﬁghting alone next time.”49 Second, the cult adds still another ingredient for escalation: it exacerbates hostilities between two adversaries in a conﬂict and makes them less willing to compromise, thus prolonging the rivalry. Indeed, the fear of losing reputation has been a major factor behind states’ reluctance to end conﬂicts.50 Israel’s unwillingness to stop its bleeding in southern Lebanon sooner, like the earlier U.S. reluctance to cut its losses in Vietnam, was in large part due to its fear of losing “the deterrent image,” prestige, reputation, and credibility.51 The same holds true for the Soviet Union’s reluctance to pull out of Afghanistan’s mountains and Vietnam’s reluctance to get out of Cambodia’s jungle.52 Furthermore, prolonging a crisis or rivalry can cause a state to believe that it has already invested too much reputation to back down. When a second crisis erupts between two previous foes, both sides will be even less willing to compromise, whatever the outcome of the previous conﬂict might have been. If the previous conﬂict ended in a draw, both sides now have even more reason to avoid losing. If the previous round ended in one side’s defeat, the antagonism may become even more severe: the side that won is unwilling to lose its supposedly hard-won reputation, while the side that lost may stand ﬁrm in an attempt to regain its “lost” reputation. Each additional round makes both sides feel that they have more and more reputation at stake in the confrontation, so they are even more reluctant to compromise. Hence, the “lock-in effect” is far more serious in rivalries than in random conﬂicts.53 The arrival of the second conﬂict also makes both sides believe that the conﬂict between them is unresolvable and will remain so for the foreseeable future. This will lead both sides to fear that the other side will deem any slight concession as a sign of weakness, and the fear induces states to believe that even the tiniest compromise at the least signiﬁcant place might have far-reaching consequences.54 The result is a “paradox of credibility”: “in order to buttress its credibility, a nation should intervene in the least signiﬁcant, the least compelling, and the least rewarding cases, and its reaction should be disproportionate to the immediate provocation or the particular interest at stake.”55 The third cult-derived peril is that the cult increases the probability of misperception during crisis bargaining. States in crisis bargaining often try to communicate their resolve by claiming that, although they may not be ready to defend a place for its intrinsic interest, they nonetheless are ready to defend it for the sake of their reputation.56 The rationale behind such posturing is that staking one’s reputation is an effective means of making one’s commitment credible.57 At the same time, however, states almost never judge an adversary’s resolve based on their calculation of how much the adversary values its reputation or credibility. Instead, states judge an adversary’s resolve based on their calculation of the adversary’s interest and capability.58 These dynamics lead to a scenario in which both sides in a conﬂict seek to convey resolve by staking their reputations, while both sides also heavily discount signals based on such rhetoric. Thus, cult-based signals tend to make the two sides in crisis bargaining talk past each other. For instance, the United Kingdom’s cult-based signal that it had to stand ﬁrm because its reputation (and prestige) was at stake was largely ignored in Argentina during the crisis bargaining preceding the Falklands/Malvinaswar,59 just as U.S. leaders’ repeated warnings to the North Vietnamese that the United States would ﬁght to the end to defend its reputation and prevent the domino effect fell on deaf ears. As a result, the cult makes it more difﬁcult for the two sides in a conﬂict to read how much the other side values the issue in dispute; signals intended to deter war cannot deter, and preventable war cannot be prevented.60

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#### The affirmative takes the position of the Maoist, critiquing the structures that shape their lives – their knowledge production is necessarily homogenizing and draws capital from the others’ deprivation

**Chow 93** - Anne Firor Scott Professor of Literature at Duke (Rey, Indiana University of Press, “Writing Diaspora,” 1993, p12-15, Google Books accessed 12/9/2013) //RGP \*edited for ablest language

In the “cultural studies” of the American academy in the 1990s. The Maoist is reproducing with prowess. We see this in the way ¶ terms such as "oppression," "victimization," and "subalternity" are now being used. Contrary to Orientalist disdain for contemporary native cultures of the non-West, the Maoist turns precisely the "dis-dained" other into the object of his/her study and, in some cases, identification. In a mixture of admiration and moralism, the Maoist sometimes turns all people from non-Western cultures into a gen-eralized "subaltern" that is then used to flog an equally generalized "West. "21 Because the representation of "the other" as such ignores (1) the class and intellectual hierarchies within these other cultures, which are usually as elaborate as those in the West, and (2) the discursive power relations structuring the Maoist's mode of inquiry and valo-rization, it produces a way of talking in which notions of lack, subal-ternity, victimization, and so forth are drawn upon indiscriminately, often with the intention of spotlighting the speaker's own sense of alterity and political righteousness. A comfortably wealthy white American intellectual I know claimed that he was a "third world intellectual," citing as one of his credentials his marriage to a West-ern European woman of part-Jewish heritage; a professor of English complained about being "victimized" by the structured time at an Ivy League institution, meaning that she needed to be on time for classes; a graduate student of upper-class background from one of the world's poorest countries told his American friends that he was of poor peasant stock in order to authenticate his identity as a rad-¶ ical "third world" representative; male and female academics across the U.S. frequently say they were "raped" when they report expe-riences of professional frustration and conflict. Whether sincere or delusional, such cases of self-dramatization all take the route of self-subalternization, which has increasingly become the assured means to authority and power. What these intellectuals are doing is robbing the terms of oppression of their critical and oppositional import, and thus depriving the oppressed of even the vocabulary of protest and rightful demand. The oppressed, whose voices we seldom hear, are robbed twice—the first time of their economic chances, the second time of their language, which is now no longer distinguishable from those of us who have had our consciousnesses " raised. " In their analysis of the relation between violence and representation, Armstrong and Tennenhouse write: "[The] idea of violence as representation is not an easy one for most academies to accept. It implies that whenever we speak for someone else we are inscribing her with our own (implicitly masculine) idea of order."22 At present, this process of "inscribing" often means not only that we "represent" certain historic others because they are/were "oppressed"; it often means that there is interest in representation only when what is represented can in some way be seen as lacking. Even though the Maoist is usually contemptuous of Freudian psychoanalysis because it is "bourgeois," her investment in oppression and victimization fully partakes of the Freudian and Lacanian notions of "lack." By attributing "lack," the Maoist justifies the "speaking for someone else" that Armstrong and Tennenhouse call "violence as representation." As in the case of Orientalism, which does not necessarily belong only to those who are white, the Maoist does not have to be racially "white" either. The phrase "white guilt" refers to a type of discourse which continues to position power and lack against each other, while the narrator of that discourse, like Jane Eyre, speaks with power but identifies with powerlessness. This is how even those who come from privilege more often than not speak from/of/as its "lack." What the Maoist demonstrates is a circuit of productivity that draws its capital from others' deprivation while refusing to acknowledge its own presence as endowed. With the material origins of her own discourse always concealed, the Maoist thus speaks as if her charges were a form of immaculate conception. The difficulty facing us, it seems to me, is no longer simply the "first world" Orientalist who mourns the rusting away of his treasures, but also students from privileged backgrounds Western and non-Western, who conform behaviorally in every respect with the elitism of their social origins (e.g., through powerful matrimonial alliances, through pursuit of fame, or through a contemptuous arrogance toward fellow students) but who nonetheless proclaim dedication to "vindicating the subalterns." My point is not that they should be blamed for the accident of their birth, nor that they cannot marry rich, pursue fame, or even be arrogant. Rather, it is that they choose to see in others' powerlessness an idealized image of themselves and refuse to hear in the dissonance between the content and manner of their speech their own complicity with violence. Even though these descendents of the Maoist may be quick to point out the exploitativeness of Benjamin Disraelis "The East is a career,"23 they remain ~~blind~~ to their own exploitativeness as they make "the East" their career. How do we intervene in the productivity of this overdetermined circuit?

#### Knowledge is always situated and partial – they perpetuate the myth of a non-situated “ego” which conceals epistemic violence – this supports Western claims of a “God-eyed view” reproducing portrayals of the under-developed South

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The first point to discuss is the contribution of racial/ethnic and feminist ¶ subaltern perspectives to epistemological questions. The hegemonic Eurocentric ¶ paradigms that have informed western philosophy and sciences in the ¶ “modern/colonial capitalist/patriarchal world-system” (Grosfoguel 2005; 2006b) for ¶ the last 500 hundred years assume a universalistic, neutral, objective point of view. ¶ Chicana and black feminist scholars (Moraga and Anzaldúa 1983; Collins 1990) as ¶ well as Third World scholars inside and outside the United States (Dussel 1977) ¶ reminded us that we always speak from a particular location in the power structures. ¶ Nobody escapes the class, sexual, gender, spiritual, linguistic, geographical, and ¶ racial hierarchies of the “modern/colonial capitalist/patriarchal world-system“. As ¶ feminist scholar Donna Haraway (1988) states, our knowledges are always situated. ¶ Black feminist scholars called this perspective “afro-centric epistemology” (Collins ¶ 1990) (which is not equivalent to the afrocentrist perspective) while Latin American ¶ Philosopher of Liberation Enrique Dussel called it “geopolitics of knowledge” (Dussel ¶ 1977) and, following Fanon (1967) and Anzaldúa (1987), I will use the term “body-politics of knowledge.” This is not only a question about social values in knowledge production or the ¶ fact that our knowledge is always partial. The main point here is the locus of ¶ enunciation, that is, the geo-political and body-political location of the subject that ¶ speaks. In Western philosophy and sciences the subject that speaks is always ¶ hidden, concealed, erased from the analysis. The “ego-politics of knowledge” of ¶ Western philosophy has always privilege the myth of a non-situated “Ego”. ¶ Ethnic/racial/gender/sexual epistemic location and the subject that speaks are ¶ always decoupled. By delinking ethnic/racial/gender/sexual epistemic location from ¶ the subject that speaks, Western philosophy and sciences are able to produce a myth ¶ about a Truthful universal knowledge that covers up, that is, conceals who is speaking as well as the geo-political and body-political epistemic location in the ¶ structures of colonial power/knowledge from which the subject speaks.¶ It is important here to distinguish the ‘epistemic location’ from the ‘social location’. The fact that one is socially located in the oppressed side of power relations, does not automatically mean that he/she is epistemically thinking from a subaltern epistemic location. Precisely, the success of the modern/colonial world-system consist in making subjects that are socially located in the oppressed side of the colonial difference, to think epistemicaly like the ones on the dominant positions. Subaltern epistemic perspectives are knowledge coming from below that produces a critical perspective of hegemonic knowledge in the power relations involved. I am not claiming an epistemic populism where knowledge produced from below is automatically an epistemic subaltern knowledge. What I am claiming is that all knowledges are epistemically located in the dominant or the subaltern side of the power relations and that this is related to the geo- and body-politics of knowledge. The disembodied and unlocated neutrality and objectivity of the ego-politics of knowledge is a Western myth. Rene Descartes, the founder of Modern Western Philosophy, inaugurates a new moment in the history of Western thought. He replaces God, as the foundation of knowledge in the Theo-politics of knowledge of the European Middle Ages, with (Western) Man as the foundation of knowledge in European Modern times. All the attributes of God are now extrapolated to (Western) Man. Universal Truth beyond time and space, privilege access to the laws of the Universe, and the capacity to produce scientific knowledge and theory is now placed in the mind of Western Man. The Cartesian ‘ego-cogito’ (‘I think, therefore I am’) is the foundation of modern Western sciences. By producing a dualism between mind and body and between mind and nature, Descartes was able to claim non-situated, universal, God-eyed view knowledge. This is what the Colombian philosopher Santiago Castro-Gomez called the ‘point zero’ perspective of Eurocentric philosophies (Castro-Gomez 2003). The ‘point zero’ is the point of view that hides and conceals itself as being beyond a particular point of view, that is, the point of view that represents itself as being without a point of view. It is this ‘god-eye view’ that always hides its local and particular perspective under an abstract universalism. Western philosophy privileges ‘ego politics of knowledge’ over the ‘geopolitics of knowledge’ and the ‘body-politics of knowledge’. Historically, this has allowed Western man (the gendered term is intentionally used here) to represent his knowledge as the only one capable of achieving a universal consciousness, and to dismiss non-Western knowledge as particularistic and, thus, unable to achieve universality. This epistemic strategy has been crucial for Western global designs. By hiding the location of the subject of enunciation, European/Euro-American colonial expansion and domination was able to construct a hierarchy of superior and inferior knowledge and, thus, of superior and inferior people around the world. We went from the sixteenth century characterization of ‘people without writing’ to the eighteenth and nineteenth century characterization of ‘people without history’, to the twentieth century characterization of ‘people without development’ and more recently, to the early twenty-first century of ‘people without democracy’. We went from the sixteenth century ‘rights of people’ (Sepulveda versus de las Casas debate in the school of Salamanca in the mid-sixteenth century), to the eighteenth century ‘rights of man’ (Enlightment philosophers), and to the late twentieth century ‘human rights’. All of these are part of global designs articulated to the simultaneous production and reproduction of an international division of labor of core/periphery that overlaps with the global racial/ethnic hierarchy of Europeans/non-Europeans. However, as Enrique Dussel (1994) has reminded us, the Cartesian ‘ego cogito’ (‘I think, therefore I am’) was preceded by 150 years (since the beginnings of the European colonial expansion in 1492) of the European ‘ego conquistus’ (‘I conquer, therefore I am’). The social, economic, political and historical conditions of possibility for a subject to assume the arrogance of becoming God-like and put himself as the foundation of all Truthful knowledge was the Imperial Being, that is, the subjectivity of those who are at the center of the world because they have already conquered it. What are the decolonial implications of this epistemological critique to our knowledge production and to our concept of world-system?

#### The alternative is to vote negative to engage in academic exile – we must disengage the structures they critique and question our privilege to speak in the first place – rejection of the academy is a prerequisite to solvency

**Biswas 7** – politics at Whitman (Shampa, “Empire and Global Public Intellectuals: Reading Edward Said as an International Relations Theorist,” Millennium 36)

Said has written extensively and poignantly about his own exilic conditions as a Palestinian schooled in the Western literary canon and living in the heart of US empire.27 But more importantly, he has also articulated exile as a ‘style of thought and habitation’ which makes possible certain kinds of ontological and epistemological openings. Speaking of exile as a ‘metaphorical condition’,28 Said describes it as ‘the state of never being fully adjusted’, of ‘always feeling outside’, of ‘restlessness, movement, constantly being unsettled, and unsettling others’, of ‘a kind of curmudgeonly disagreeableness’. Exile, he says, ‘is the condition that characterizes the intellectual as someone who is a marginal figure outside the comforts of privilege, power, being-at-homeness’.29 Not just ‘foreigners’ but ‘lifelong members of a society’, can be such ‘outsiders’, so that ‘(e)ven if one is not an actual immigrant or expatriate, it is still possible to think as one, to imagine and investigate in spite of barriers, and always to move away from the centralizing authorities towards the margins, where you see things that are usually lost on minds that have never traveled beyond the conventional and comfortable’.30 What Said privileges here is an intellectual orientation, rather than any identarian claims to knowledge; there is much to learn in that for IR scholars. In making a case for the exilic orientation, it is the powerful hold of the nation-state upon intellectual thinking that Said most bemoans.31 The nation-state of course has a particular pride of place in the study of global politics. The state-centricity of International Relations has not just circumscribed the ability of scholars to understand a vast ensemble of globally oriented movements, exchanges and practices not reducible to the state, but also inhibited a critical intellectual orientation to the world outside the national borders within which scholarship is produced. Said acknowledges the fact that all intellectual work occurs in a (national) context which imposes upon one’s intellect certain linguistic boundaries, particular (nationally framed) issues and, most invidiously, certain domestic political constraints and pressures, but he cautions against the dangers of such restrictions upon the intellectual imagination.32 Comparing the development of IR in two different national contexts – the French and the German ones – Gerard Holden has argued that different intellectual influences, different historical resonances of different issues, different domestic exigencies shape the discipline in different contexts.33 While this is to be expected to an extent, there is good reason to be cautious about how scholarly sympathies are expressed and circumscribed when the reach of one’s work (issues covered, people affected) so obviously extends beyond the national context. For scholars of the global, the (often unconscious) hold of the nation-state can be especially pernicious in the ways that it limits the scope and range of the intellectual imagination. Said argues that the hold of the nation is such that even intellectuals progressive on domestic issues become collaborators of empire when it comes to state actions abroad.34 Specifically, he critiques nationalistically based systems of education and the tendency in much of political commentary to frame analysis in terms of ‘we’, ‘us’ and ‘our’ - particularly evident in coverage of the war on terrorism - which automatically sets up a series of (often hostile) oppositions to ‘others’. He points in this context to the rather common intellectual tendency to be alert to the abuses of others while remaining blind to those of one’s own.35 It is fair to say that the jostling and unsettling of the nation-state that critical International Relations scholars have contributed to has still done little to dislodge the centrality of the nation-state in much of International Relations and Foreign Policy analyses. Raising questions about the state-centricity of intellectual works becomes even more urgent in the contemporary context in which the hyperpatriotic surge following the events of 11 September 2001 has made considerable inroads into the US academy. The attempt to make the academy a place for the renewal of the nation-state project is troubling in itself; for IR scholars in the US, such attempts can only limit the reach of a global sensibility precisely at a time when such globality is even more urgently needed. Said warns against the inward pull of patriotism in times of emergency and crisis, and argues that even for an intellectual who speaks for a particular cause, the task is to ‘universalize the crisis, to give greater human scope to what a particular race or nation suffered, to associate that experience with the sufferings of others’.36 He is adamant that this is the case even for beleaguered groups such as the Palestinians whose very survival is dependent on formulating their demands in a nationalist idiom.37 American intellectuals, as members of a superpower with enormous global reach and where dissension in the public realm is noticeably absent, carry special responsibility in this regard.38 What the exilic orientation makes possible is this ability to universalise by enabling first, ‘a double perspective that never sees things in isolation’ so that from the juxtaposition of ideas and experiences ‘one gets a better, perhaps even more universal idea of how to think, say, about a human rights issue in one situation by comparison with another’,39 and second, an ability to see things ‘not simply as they are, but as they have come to be that way’, as contingent ‘historical choices made by men and women’ that are changeable.40 The second of these abilities displaces the ontological givenness of the nation-state in the study of global politics; for the intellectual who feels pulled by the demands of loyalty and patriotism, Said suggests, ‘[n]ever solidarity before criticism’, arguing that it is the intellectual’s task to show how the nation ‘is not a natural or god-given entity but is a constructed, manufactured, even in some cases invented object, with a history of struggle and conquest behind it’.41 The first of these abilities interjects a comparativist approach as critical to the study of global politics, locating one’s work in a temporal and spatial plane that is always larger than one’s immediate (national) context and in the process historicising and politicising what may appear naturalised in any particular (national) context. The now famous passage from Hugo of St Victor, cited by Auerbach, appears in Said’s writings on at least four different occasions: The man who finds his homeland sweet is still a tender beginner; he to whom every soil is as his native one is already strong; but he is perfect to whom the entire world is as a foreign land. The tender soul has fixed his love on one spot in the world; the strong man has extended his love to all places; the perfect man has extinguished his.

### ptx

#### Do not evaluate their value system without first assessing the consequences of its actual implementation. Viewing ethics in isolation is irresponsible & complicit with the evil they criticize.

**Issac** **2002**.,( Jeffery C. Professor of political science at Indiana-Bloomington & Director of the Center for the Study of Democracy and Public Life. PhD Yale University. From “Ends, Means, and Politics.” Dissent Magazine. Volume 49. Issue # 2. Available online @ subscribing institutions using Proquest. Herm

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### The 1ac’s ethical insistence on the abolition of otherization produces a universal standard that all societies must conform to – this causes exclusion to resurface as it projects enemies to humanity, justifying total war and dehumanization.

**Odysseos 08,** Dr. Louiza Odysseos, University of Sussex Department of International Relations, “Against Ethics? Iconographies of Enmity and Acts of Obligation in Carl Schmitt’s Theory of the Partisan,” Practices of Ethics: Relating/Responding to Difference in International Politics Annual Convention, International Studies Association, 2008//MC

In The Concept of the Political Schmitt had already indicted the increased usage of the terminology of ‘humanity’ by both theorists and institutional actors such as the League of Nations (1996a). His initial critique allows us to illuminate four distinct criticisms against contemporary world politics’ ethical recourse to the discourse of humanity (cf. Odysseos 2007b). The first objection arises from the location of this discourse in the liberal universe of values. By using the discourse of humanity, the project of a universal ethics reverberates with the nineteenth century ‘ringing proclamations of disinterested liberal principle’ (Gowan 2003: 53) through which ‘liberalism quite successfully conceals its politics, which is the politics of getting rid of politics**’** (Dyzenhaus 1998: 14). For Schmitt, the focus of liberal modernity on moral questions aims to ignore or surpass questions of conflict altogether: it is therefore ‘the battle against the political - as Schmitt defines the political’, in terms of the permanency of social antagonism in politics (Sax 2002: 501). The second criticism argues that ‘humanity is not a political concept, and no political entity corresponds to it. The eighteenth century humanitarian concept of humanity was a polemical denial of the then existing aristocratic feudal system and the privileges accompanying it’ (Schmitt 1996a: 55). Outside of this historical location, where does it find concrete expression but in the politics of a politically neutral ‘international community’ which acts, we are assured, in the interest of humanity? (cf. Blair 1999). The ‘international community is coextensive with humanity…[it]possesses the inherent right to impose its will…and to punish its violation, not because of a treaty, or a pact or a covenant, but because of an international need’, a need which it can only determine as the ‘secularized “church” of “common humanity”’ (Rasch 2003: 137, citing James Brown Scott).2 A third objection, still, has to do with the imposition of particular kind of monism: despite the lip-service to plurality, taken from the market (Kalyvas 1999), ‘liberal pluralism is in fact not in the least pluralist but reveals itself to be an overriding monism, the monism of humanity’ (Rasch 2003: 136). Similarly, current universalist perspectives, while praising ‘customary’ or cultural differences, think of them ‘but asethical or aesthetic material for a unified polychromatic culture – a new singularity born of a blending and merging of multiple local constituents’ (Brennan 2003: 41).One oft-discussed disciplining effect is that, politically, the ethics of a universal humanity shows little tolerance for what is regarded as ‘intolerant’ politics, which is any politics that moves in opposition to its ideals, rendering political opposition to it illegitimate (Rasch 2003: 136). This is compounded by the fact that liberal ethical discourses are also defined by a claim to their own exception and superiority. They naturalise the historical origins of liberal societies, which are no longer regarded as ‘contingently established and historically conditioned forms of organization’; rather, they ‘become the universal standard against which other societies are judged. Those found wanting are banished, as outlaws, from the civilized world. Ironically, one of the signs of their outlaw status is their insistence on autonomy, on sovereignty’ (ibid.:141; cf. Donnelly 1998). Most importantly, and related to this concern, there is the relation of the concept of humanity to ‘the other’, and to war and violence. In its historical location, the humanity concept had critical purchase against aristocratic prerogatives; yet its utilisation by liberal ethical discourses within a philosophy of an ‘absolute humanity’**,** Schmitt feared, could bring about new and unimaginable modes of exclusion (1996a,2003,2004/2007): By virtue of its universality and abstract normativity, it has no localizable polis, no clear distinction between what is inside and what is outside. Does humanity embrace all humans? Are there no gates to the city and thus no barbarians outside? If not, against whom or what does it wage its wars? (Rasch2003: 135). ‘Humanity as such’, Schmitt noted, ‘cannot wage war because it has no enemy’,(1996a: 54), indicating that humanity ‘is a polemical word that negates its opposite’ (Kennedy 1998: 94; emphasis added). In The Concept of the Political Schmitt argued that humanity ‘excludes the concept of the enemy, because the enemy does not cease to be a human being’ (1996a: 54). However, in his 1950 book with an international focus, The Nomos of the Earth, Schmitt noted how only when ‘man appeared to be the embodiment of absolute humanity, did the other side of this concept appear in the form of a new enemy: the inhuman’ (2003a: 104). It becomes apparent that, historically examined, the concept of humanity engenders a return to a ‘discriminatory concept of war’, by which Schmitt meant that it reintroduces the legitimacy and need for substantive causes of justice in war (Schmitt 2003b: 37-52). This in turn disallows the notion of justus hostis, of a ‘just enemy’ – explored in section three – associated with the notion of non-discriminatory interstate war which took the shape of guerreen for me (Schmitt 2003a: 142-144). The concept of humanity, therefore, shatters the formal concept of justus hostis, allowing the enemy to now be designated substantively as an enemy of humanity as such. This leaves the enemy of humanity with no value and open to dehumanisation and political and physical annihilation(Schmitt 2004: 67). In discussing the League of Nations, Schmitt highlights that, compared to the kinds of wars that can be waged on behalf of humanity, the interstate European wars from 1815 to 1914 in reality were regulated; they were bracketed by the neutral Great Powers and were completely legal procedures in comparison with the modern and gratuitous police actions against violators of peace, which can be dreadful acts of annihilation (Schmitt2003a: 186). Enemies of humanity cannot be considered ‘just and equal’. Moreover, they cannot claim neutrality: one cannot remain neutral in the call to be for or against humanity or its freedom; one cannot, similarly, claim a right to resist or defend oneself, in the sense we understand this right to have existed in the international law of Europe (the jus publicum Europeaum). Such a denial of self-defence and resistance ‘can presage a dreadful nihilistic destruction of all law’ (ibid.: 187). When the enemy is not accorded a procedural justice and formal equality, the notion that peace can be made with him is unacceptable, as Schmitt detailed through his study of the League of Nations, which had declared the abolition of war, but in rescinding the concept of neutrality only succeeded in the ‘dissolution of “peace”’ (ibid.: 246). It is with the dissolution of peace that total wars of annihilation become possible, where ‘the other’ cannot be assimilated, or accommodated, let alone tolerated: the friend/enemy distinction is not longer taking place with a justus hostis but rather between good and evil, human and in human, where ‘the negative pole of the distinction is to be fully and finally consumed without remainder’ (Rasch 2003: 137). Finally, the ethical discourse of a universal humanity can be discerned in the tendency to normalise diverse peoples through legalisation and individualisation. The paramount emphasis placed on legal instruments and entitlements such as human rights transforms diverse subjectivities into ‘rights-holders’. ‘[T]he other is stripped of his otherness and made to conform to the universal ideal of what it means to be human’, meaning that ‘the term “human” is not descriptive, but evaluative. To be truly human, one needs to be corrected’ (Rasch 2003: 140 and 137; cf. Young 2002;Hopgood 2000). What does this correction in its ‘multiform tactics’, which include Michel Foucault’s proper terms of discipline and training, aim to produce? The answer may well be the proper, free (masterful), equal and rational (in its self-interest)subject of rights, of capitalism and the governmentalised state (Foucault 2001a). As Gil Anidjar notes, the operation of the traditional binary ‘sovereign/enemy’ is transformed ‘in the disciplinary society (which signals, according to Foucault, the dissolution of sovereign power) into “disciplinary regime/criminality” (or, for that second term, legal subject, subject of the law, and, of course, “man”)’ (Anidjar 2004:42; emphasis added). Of equally great importance is transformation that follows in the transition from a disciplinary to a governmental economy of power: this is what we are at the moment confronting and must analyse: what are the paths towards which the other as enemy is directed by (a global) governmentality and, moreover, what forms, subjectivities, etc., is the ‘enemy’ encouraged to take in the form of an unavoidable freedom, along the lines articulated by Foucault under the heading of ‘self government’(2007b).

#### Embrace the call for ethics through the lens of enmity. This is critical to a reflexive political identity – only rejecting the obligation to the Other prevents annihilation of difference and unending violence.

**Odysseos 08,** Dr. Louiza Odysseos, University of Sussex Department of International Relations, “Against Ethics? Iconographies of Enmity and Acts of Obligation in Carl Schmitt’s Theory of the Partisan,” Practices of Ethics: Relating/Responding to Difference in International Politics Annual Convention, International Studies Association, 2008//MC

The paper ends with a discussion of obligation. Outlining the contours of a notion of political, rather, than ethical obligation, however, may require some explicit distancing from the now-familiar accounts that have oriented critical ‘ethical’ endeavours for some time. So we ask again the ethical question which has haunted us: from whence does obligation originate? Were we to be still enthralled by a Levinasian or generally any ‘other-beholden’ thought of being ‘hostage’ to the other, we might say that the face to face encounter installs obligation before representation, knowledge and other ‘Greek’ relationalities (Levinas 1989: 76–77; Odysseos 2007a: 132-151).Caputo, however, warns us off this kind of commitment to a notion of perfectible or total obligation. He asks that we recognise that ‘one is always inside/outside obligation, on its margins. On the threshold of foolishness. Almost a perfect fool for the Other. But not quite; nothing is perfect’ (1993: 126). The laudable but impossible perfectibility of ethics and ethical obligation to the other must be rethought. This is because ‘one is hostage of the Other, but one also keeps an army, just in case’ (ibid.).Caputo is not speaking as a political realist in this apparently funny comment. He is pointing, I suggest, to the centrality of politics and enmity. Obligation is not to the other alone; it is also to the radical possibility of openness of political order, which allows self and other to be ‘determined otherwise’ (Prozorov 2007a). Analytically, we also want to know the tactics and subjective effects of being directed towards enforced freedom. In this way, we might articulate a political and concrete act obligation that is inextricably tied to freedom that is not ‘enforced’, that is not produced for us, or as ‘us’.With Schmitt, one might say that obligation points practically (i.e. politically**)** to the‘relativisation of enmity’. Obligation may not, however, be towards the enemy as such, for the enemy is the pulse of the political – so long as the enemy is relative (yet can be killed) in the order, the openness of the order can be vouched safe in the disruption of the absolutism of its immanence (Ojakangas 2007; Schmitt 1995a). We might, then, recast Schmitt’s conception of the political (which he regards as coming into being in the decision which distinguishes between friend and enemy) through his later emphasis in Theory of the Partisan on the politically normative significance of the relativisation of enmity. In other words, we might say that what needs to remain possible is the constant struggle ‘between constituent and constituted power’(Beasley-Murray 2005: 221) in both society and also world order.It is important to identify the ethical and governmental project of enforced freedom because doing so allows us to think of obligation as related to a different freedom: freedom as resistance (not freedom as an attribute). Prozorov suggests that an ‘ontology of concrete freedom’ relies on ‘freedom of potentiality of being other wise’,of being able to ‘to assert one’s power as a living being against the power, whose paradigm consists in the “care of the living”’ (2007a: 210-211). This assumes, however, first, that resistance lies in the ‘refusal of biopolitical care that affirms the sovereign power of bare life’ ((Prozorov 2007a: 20) and, second, that there is a sort of ‘radical freedom of the human being that precedes governmental care**’** (Prozorov2007a: 110). I argue in conclusion, however, that freedom as resistance is still too limited; it may still be, despite all attempts, lured back to a thinking of an essence: of that prior state of pre-governmental production of subjectivity, which in actuality does not exist. Rather, Foucault’s brief intervention on the issue of obligation (2001b) through the International Committee against Piracy points to ‘a radically interdependent relationship with practices of governmentality’ (Campbell 1998: 516) to which we are all subjected, here understood in the proper Greek sense of our subjectivity being predicated on governmental practice (cf. Odysseos 2007a: 4). ‘We are all members of the community of the governed and thereby obliged to show mutual solidarity’, Foucault had argued, as against obligation understood within modern humanism (Foucault 2001b: 474; emphasis added). This obligation which he invokes simply exists (es gibt), as Heidegger might say. We would add that Schmitt’s account of the transition from ‘real’ to ‘absolute’ enmity in the twentieth century and his demand that ‘the enemy is not something to be eliminated out of a particular reason, something to be annihilated as worthless..’ must be read in this way (Schmitt2004: 61): as speaking for the need to ward off the shutting down of politics. That is why Schmitt’s two iconographies rest precisely on two extremes: the mythic narratives of an order open to enmity as its exteriority, which guarantees pluriversal openness, on the one hand, and the absolute immanence of order where ‘absolute enmity driv[es] the political universe’ on the other hand (Goodson 2004b: 151).This is a notion of a world-political obligation that ‘is a kind of *skandalon* for ethics, which makes ethics blush, which it must reject or expel in order to maintain its good name…’ (Caputo 1993: 5). This obligation is articulated for the openness that enmity brings; it attends to the other as enemy by allowing, against ethics, for the continued but changeable structurations of the field of politics, of politics as pluriverse.

### epist

#### The displacement of our ethics onto external political institutions culminates in genocidal violence. Once we accept that our ethics are contingent on the political all atrocities becomes possible.

**Zupancic 2k,** ethics of the real: kant and lacan, march 2000, p. 96-7

“another problem still remains, however: the question of the possibility of (performing) an ethical act. Is it at all possible for a human subject to accomplish an (ethical) act - or, more precisely, is it possible that something like an act actually occurs in (empirical) reality? Or does it exists only in a series of failures which only some supreme being can see as a whole, as an act? If we are to break. Out of the `logic of fantasy', framed by the postulates of immortality and god (the point of view of the supreme being), we have to assert that acts do in fact occur in reality. In other words, we have to `attack' kant on his exclusion of the `highest good' and the `highest (or diabolical) evil' as impossible for human agents. But does this not mean that we thereby give in to another fantasy, and simply substitute one fantasy for another? Would this kind of claim not imply that we have to `phenomenalize' the law, abolish the internal division or alienation of human will, and assert the existence of devilish and/or angelic beings? This point was in fact made by joan copjec,16 who defends kant against critics who reproach him for - as she puts it - `lack of intellectual nerve,' for not having enough courage to admit the possibility of diabolical evil. The attempt to think diabolical evil (as a real possibility) turns out, according to this argument, to be another attempt to deny the will's self-alienation, and to make of the will a pure, positive force. This amounts to a voluntarist reading of kant's philosophy, combined with the romantic notion of the possibility of a refusal of the law. We do not contest the validity of this argument per se. But the problem is that it leaves us with an image of kantian ethics which is not very far from what we might call an `ethics of tragic resignation': a man is only a man; he is finite, divided in himself - and therein lies his uniqueness, his tragic glory. A man is not god, and he should not try to act like god, because if he does, he will inevitably cause evil. The problem with this stance is that it fails to recognize the real source of evil (in the common sense of the word). Let us take the example which is most frequently used, the holocaust: what made it possible for the nazis to torture and kill millions of jews was not simply that they thought they were gods, and could therefore decide who would live and who would die, but the fact that they saw themselves as instruments of god (or some other idea), who had already decided who could live and who must die. Indeed, what is most dangerous is not an insignificant bureaucrat who thinks he is god but, rather, the god who **pretends to be an insignificant bureaucrat.** One could even say that, for the subject, the most difficult thing is to accept that, in a certain sense, she is `god', that she has a choice. Hence the right answer to the religious promise of immortality is not the pathos of the finite; the basis of ethics cannot be an imperative which commands us to endorse our finitude and renounce our `higher', `impossible' aspirations but, rather, an imperative which invites us to recognize as our own the `infinite' which can occur as something that is `essentially a by-product' of our actions.

#### This is pseudo-progress – it’s a hollow gesture used to pacify the colonized – their endless theorizing is cute but it’s just an intellectual façade designed to avoid having to resolve oppression

**Raskin 99** - Professor of Public Policy at George Washington University (Marcus, Transnational Law & Contemporary Problem, Fall 1999, http://www.uiowa.edu/~tlcp/9\_2.html) //RGP

As I have noted, world social categories and knowledge systems have changed so that they now see the colonized as human beings. The shifting in social categories, often by those who are the radicals and liberals of the privileged groups, created deep divisions between reality and its description. But this has not necessarily resulted in fundamental affirmative change. For those who were consigned to the role of slave, serf and oppressed by imperial Western nations, it may be disconcerting, but pleasantly surprising, that some leading international lawyers and intellectuals stand with those movements that take their strength from the dispossessed, wretched and exploited, whether in war or peace. Even though these idealists are educated in Western and imperial categories of social reality, they have, nonetheless, taken as their task the reconstruction and transformation of international law as it is understood in the United States. The skeptical are permitted their doubts, however. After all, what can those who represent the pain of others, and only indirectly their own, do to ameliorate the pain of misery sanctioned by imperial law? What do such a band of idealists dare to teach to those who suffer, especially when that suffering is often caused, directly or indirectly, by the choices made by the very class of which these Western intellectuals and lawyers are members? Why should the oppressed listen to those educated in a language and thought-pattern which, beneath the honeyed words, are the egocentric and ethnocentric doctrines of the [\*524] dominator? Certainly until decolonization, the abstract meaning of the words were employed as signifiers and killers of the culturally oppressed. The language of description and the mode of argument, the very words themselves, were instruments of the colonizer. Their very rules, laws, precedents and citations acted as a steel-belted noose to stifle the cries of the wretched. And yet, these were the very lessons the colonized needed to learn in order to stand up to the colonizer and survive. Not only did they survive, they pressed on to reform nineteenth and early twentieth century imperial law using the UN, and the International Court of Justice. Most importantly, they effected the consciousness of nations. Nevertheless, the wretched must wonder why, behind claims of universality and universal human rights, our actions and thoughts have an often indeterminate or contradictory effect. For Americans, the reason is a complex one. Americans seek identification with the victim in their dreams, but the reality for the American political and legal class is somewhere between carelessness and negligence of the oppressed worker, toleration for the destruction of other people's cultures for purposes of extraction and commodification, exploiter of their lands, and executioner in counter-revolutions which rain bombs of state and financial terror around the world. So even when some in the United States stand with the victim, they must always wonder, "Who are we that come forward with our notions that speak of human affirmation? Who are we to tell the colonized when independence is a drag on themselves and on others as well, possibly leading to war and internecine conflict?" And the wretched can go further and say, "You have recognized our struggle, taken away our language and substituted your words of understanding, but now what? How is freedom to be sustained? We, the formerly marginalized, the indigenous and the merely wretched, have come to recognize that what is presented by the West to humanity as conventional knowledge is a betrayal." In truth, it was a betrayal by intellectuals and all those who dared to suggest that the twentieth century could be a time of liberation and freedom. Education and knowledge as mediated through the colonizer's strainer has left humanity in worse shape than at the beginning of the twentieth century. For some, the god that really failed them was education/knowledge, which, through its institutions, set itself up as the emancipator. This failure, this sense of futility where knowledge is an instrument of domination for the few, demands recognition.

#### The 1AC’s gesture of recognition toward the subaltern leaves UNTOUCHED the basic structures of oppression — this re-inscribes and legitimizes the coloniality of power.

**Maldonado-Torres 8** – Nelson Maldonado-Torres 8, associate professor of comparative literature at Rutgers, ‘8 [Against War: Views from the Underside of Modernity, p. 148-50] //DDI13

It is not possible to understand fully the difference between Fanon's and Honneth's critical takes on Hegel without considering their divergent views on the human subject and on the subjective motivations behind the struggle for recognition. Honneth correctly argues that when Hegel articulated the notion of a struggle for recognition he was definitely leaving behind a tradition of social and political thought that went back to Machiavelli and Hobbes, according to which self-preservation played the primary motivating role in leading humans to form states, political bodies, and institutions. According to Hegel, conflicts among humans were not to be traced back to a motive of self-preservation, but, as Honneth describes them, to moral impulses-that is, to the recognition of one's identity and personality. What Hegel, however, continues to hold, in line with dominant trends of political theory in his time, and what Honneth does not examine in his critical reflections on Hegel, is the extent to which the "right of property" functions as the primary marker of self-identity and personality. As a result, the struggle for recognition becomes primarily a struggle to be recognized as a proprietor. Hegel inherits this idea from a liberal tradition that defined human fraternity in terms of the coexistence in a "civil society" of autonomous individuals with rights of property--Locke's felicitous definition. Consider that for the Hegel of the Jena writings what initiated the struggle between persons was "theft," which made it clear that a violation of property was viewed as a violation of the person. Honor could only be regained in a life-and-death struggle. What changes in the Phenomenology of Spirit is that the life-and-death struggle, now subsumed in the dialectics of Spirit, gives rise to two modes of consciousness: one is independent and for-itself, while the other is dependent and takes the form of an object or thing; the former is lord, the latter is bondsman. Property becomes now a more complex category since even subjects can collapse into the category of objects, things, and possessions. The slave works on the property of the master and objectifies himself in it, while the master enjoys the product of the slave's work--from here comes the Marxist theory of alienation, which Marx later applied to economics and came up with the notion of surplus value. We have seen all of this already. What I want to add now is that there is a presumption that the relation between the subject and property is basic. Freedom is the objectification of the subjectivity of the individual. The end result of this is that the freedom and equality of the subject tend to collapse frequently into the claim for freedom and equality in the process of coming to possess something. We are free to possess what we want and equal in our chances to get what we want." This gives a dangerous self-referential character to the politics of recognition that threatens coalition politics and that more often than not leads only to minimal structural changes at the political and economic levels. The problem with the politics of recognition is therefore not so much that it dissolves questions of redistribution into questions of recognition as some have argued." The problem, in contrast, resides in self-centered claims for redistribution. In other words, the danger is w hen the struggle for recognition is reduced to questions about the respect, freedom, and equality of subjects who aim to overturn the system of lordship and bondage by coming finally to possess something of their own and to be recognized as proprietors. This conception of the struggle for recognition is fated to leave untouched the basic structure of the oppressive system that creates pathological modes of recognition and to hinder the chances for the formation of what has been aptly called "a coalition politics of receptive generosity.” In contrast to conceptions of the struggle for recognition articulated in terms of cultural identity or in terms of claims for possession and access to goods, Fanon discovered in his exploration of the lived experience of the black that one of the main challenges confronted by blacks in a racial society is not only that they are not recognized as people who can possess things, but that they are not recognized as people who can give things. Demands to be able to give are, in this respect, more radical than demands for possession. The master, under pressure, can allow the slave to have "things," but he will not recognize that he needs what the slave has. For the master, whatever the slave touches decreases in quality and value. Thus, even ifhe enters into commerce with the slave, the master will devalue the extent of the slave's contributions. Fanon was well aware of this dimension of the system of lordship and bondage. It was always the Negro teacher, the Negro doctor; brittle as I was becoming, I shivered at the slightest pretext. I knew, for instance, that if the physician made a mistake it would be the end of him and of all those who came after him. What could one expect, after all, from a Negro physician? As long as everything went well, he was praised to the skies, but look out, no nonsense, under any conditions! The black physician can never be sure how close he is to disgrace. I tell you, I was walled in: No exception was made for my refined manners, or my knowledge of literature, or my understanding of the quantum theory. (BSWM 1l7). Fanon suggests here that while coming to possess things or gaining abilities may be a necessary condition of the process of achieving liberation, it is certainly not sufficient and it should not become in itself the telos or goal of the process. The problem is that the logic of lordship and bondage may very well continue after formal concessions of rights of property. The master still resists opening himself to the Other and entering into the logic of ordinary ethical intersubjective contact. But why is it that the master resists accepting the gift or recognizing the Other as someone who can give? The answer should be clear by now: it makes evident the incompleteness of the master. Lordship requires impenetrability, while giving necessitates openness and receptivity. Giving in this sense represents the paradigmatic transgressive act. If giving is so dangerous it is not so much because it puts the other in debt, but because in the colonial context it requires an original act of openness that the master fundamentally resists." The master can easily pay any debt; what he cannot do is to open himself and to be receptive to the gift of the slave. This transaction violates the very meaning and purpose of the logic of lordship and bondage.

# 2nc

#### Here’s a case list – they can be government contacts like trade agreements, aid, loans, or grants

**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.¶

#### Normalizing trade relations with Cuba would be topical

**French 9** – editor of and a frequent contributor to The Havana Note. She has led more than two dozen research trips to Cuba (Anya, “Options for Engagement A Resource Guide for Reforming U.S. Policy toward Cuba” <http://www.lexingtoninstitute.org/library/resources/documents/Cuba/USPolicy/options-for-engagement.pdf>)

the path to “normal” trade relations If the United States were to lift its trade embargo against Cuba, this would not automatically confer “normal” status to the bilateral trade relationship. It would mean that the United States and Cuba have the opportunity to begin trading in more goods and services than they have in the last fifty years. Whether much expanded trade actually occurs depends on whether the United States were to take additional steps beyond lifting the embargo: the most important of which is the provision of Normal Trade Relations (NTR). NTR is a technical term which refers to the provision of nondiscriminatory treatment toward trading partners. Cuba and North Korea are the only two countries to which the United States continues to deny “normal trade relations.” All other countries either have permanent normal trade relations or temporary, renewable normal trade relations with the United States.161 Assuming that the Cuba-specific trade sanctions contained in the Cuban Assets Control Regulations (the continuity of which was codified by the 1996 Helms-Burton Act) were to be eliminated, achieving normal trade relations between Cuba and the United States would not be a simple matter. A first stumbling block could be the 1974 Trade Act provision dubbed “Jackson-Vanik,” which prohibits non-market economy countries from receiving normal tariff treatment, entering into a bilateral commercial agreement, or receiving any U.S. government credits or loan guarantees, until the President has reported to Congress that such a country does not: 1) deny its citizens the right to emigrate, 2) impose an unreasonable tax or fine for emigrating, and 3) impose more than a “nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.”162 Thus, Cuba’s restrictions on its citizens’ emigration rights pose an obstacle to normalization of bilateral trade. Only once the requirements set forth by the Jackson-Vanik amendment have been met, (and absent any other Cuba-specific sanctions, such as the Export Administration Act controls on countries found to be supporting international terrorism), could the United States begin negotiations of a bilateral commercial agreement with Cuba. To begin to extend normal trade relations to Cuba, the United States would need to enter into a reciprocal trade agreement with Cuba (not equivalent to a “free trade agreement”) that would provide a balance of trade benefits and protections to U.S. exports and commercial entities doing business with Cuba, at the same time it would provide such benefits to Cuba. Such an agreement would need to include protection for U.S. patents and trademarks and for “industrial rights and processes,” include a safeguard mechanism to prevent market disruptions due to trade, and provide that the agreement, and its continuation, be subject to the national security interests of both parties.163 Assuming bilateral relations had reached the appropriate milestones to begin discussing two-way trade, negotiating such an agreement could potentially take years, as both countries would need to adopt statutory and regulatory changes.

#### Refers to the Cuban government and its political subdivisions, agencies and instrumentalities

**11th Circuit 99** [183 F.3d 1277 (11th Cir. 1999), MARLENE ALEJANDRE, individually and as personal representative of the Estate of Armando Alejandre, deceased, MIRTA MENDEZ, as personal representative of the estate of Carlos Alberto Costa, deceased, et al., Plaintiffs-Appellees, v. TELEFONICA LARGA DISTANCIA DE PUERTO RICO, INC.; MCI INTERNATIONAL, INC.; et al., Garnishees-Appellants, https://bulk.resource.org/courts.gov/c/F3/183/183.F3d.1277.99-10225.html]

In this garnishment action, the district court permitted the plaintiffs to collect a portion of their judgments against the Republic of Cuba (the "Cuban Government") and the Cuban Air Force by garnishing certain debts owed to a Cuban telecommunications company. Because we conclude that this company is an entity separate from the Cuban Government, we vacate the judgment of the district court and remand this case with instructions to dissolve the writs of garnishment.¶ I.¶ 2¶ This case grows out of a decision by the Cuban Government, carried out by pilots of the Cuban Air Force, to shoot down two unarmed civilian airplanes over international waters on February 24, 1996. Three citizens of the United States and one non-citizen were killed in the attack. On October 31, 1997, the personal representatives of the estates of the three citizens, plaintiffs herein, brought actions in the United States District Court for the Southern District of Florida seeking monetary damages from the Cuban Government and the Cuban Air Force. Although neither defendant entered an appearance, the district court conducted a trial in order to determine whether the plaintiffs had satisfactory evidence to support their claims. See 28 U.S.C. 1608(e) (1994) (prohibiting default judgment against foreign sovereign unless plaintiff establishes claim "by evidence satisfactory to the court").¶ 3¶ On December 17, 1997, the district court entered judgment for the plaintiffs and awarded them compensatory damages of $49,927,911 against the Cuban Government and Cuban Air Force, as well as punitive damages of $137,700,000 against the Cuban Air Force alone.1 See Alejandre v. Republic of Cuba, 996 F. Supp. 1239, 1253-54 (S.D. Fla. 1997) [hereinafter Alejandre I]. In an opinion accompanying the judgment, the court found that the defendants were not immune from the plaintiffs' suits because the Cuban Air Force (as an agent of the terrorist-sponsoring Cuban Government) had committed an act of extrajudicial killing by shooting down the airplanes. See 28 U.S.C. 1605(a)(7) (Supp. II 1996); Alejandre I, 996 F. Supp. at 1247-48. The court also concluded that the defendants were substantively liable to the plaintiffs, under a theory of respondeat superior, for the actions of the Cuban Air Force pilots who shot down the airplanes. See Pub. L. No. 104-208, 589, 110 Stat. 3009-172 (codified at 28 U.S.C.A. 1605 note (West Supp. 1999)); 28 U.S.C.A. 1606 (West Supp. 1999) (providing that a non-immune foreign state "shall be liable in the same manner and to the same extent as a private individual under like circumstances"); Alejandre I, 996 F. Supp. at 1249.¶ In an effort to collect a portion of this judgment against the Cuban Government and the Cuban Air Force, the plaintiffs filed a motion pursuant to Fed. R. Civ. P. 69(a)2 and Fla. Stat. ch. 77.03 (1997) requesting that post-judgment writs of garnishment be issued to the following companies (the "garnishees"): AT&T Corp.; AT&T of Puerto Rico, Inc.; Global One Communications, L.L.C.; IDB WorldCom Services, Inc.; MCI International, Inc.; Telefonica Larga Distancia de Puerto Rico, Inc. ("TLD"); WilTel, Inc.; WorldCom, Inc. (collectively, the "carrier garnishees" or the "carriers"); the Chase Manhattan Corporation and its subsidiaries; and Citigroup Inc. and its subsidiaries. On December 9, 1998, the district court granted the motion and directed the clerk to issue the requested writs. Each writ asked the garnishee to serve an answer stating whether it was indebted to "the Cuban Air Force or the Republic of Cuba (including any of its agencies, entities, or instrumentalities), . . . and in what sum."3 The garnishees answered the writs by stating, inter alia, that they were indebted to Empresa de Telecomunicaciones de Cuba, S.A. ("ETECSA").4 They also claimed that their debts to ETECSA were not subject to garnishment for several reasons, including: (1) that ETECSA was a separate entity not responsible for the debts of the Cuban Government; and (2) that the writs were void because the plaintiffs had failed to get a license to garnish ETECSA's property as required by the Cuban Assets Control Regulations ("CACR"), 31 C.F.R. pt. 515 (1998). See 31 C.F.R. 515.203(e) (1998). The plaintiffs replied by denying the garnishees' claims and by affirmatively asserting that any indebtedness owed to ETECSA constituted an indebtedness to the Cuban Government.¶ 5¶ On February 4, 1999, the carrier garnishees filed a joint motion to dissolve the plaintiffs' writs of garnishment pursuant to Fla. Stat. ch. 77.07(2) (1997).5 ETECSA, which had been served with a notice of garnishment as required by Fla. Stat ch. 77.055 (1997), filed a similar motion to dissolve on February 8. These motions asked the court to dissolve the writs on several grounds, including those raised in the garnishees' answers. The district court conducted a bench trial on these motions and on the garnishment pleadings.6 Rather than calling witnesses, all parties provided the court with factual background information through affidavits.¶ 6¶ These affidavits contained the following relevant information regarding the relationship among ETECSA, the Cuban Government, and the carriers. Prior to a transition period that began in August 1994, the telephone system in Cuba was operated by Empresa de Telecomunicaciones de Cuba ("EMTELCUBA"), a wholly-owned alter ego of the Cuban Government's Ministry of Communications.7 Between March and September 1994, all of the carriers except TLD and AT&T of Puerto Rico signed Operating Agreements with EMTELCUBA to provide international telecommunications services between Cuba and the United States. In November 1994, the Department of the Treasury's Office of Foreign Assets Control ("OFAC") granted these carriers licenses under the CACR that permitted them to make payments to EMTELCUBA as required by the Operating Agreements. See 22 U.S.C.A. 6004(e)(3)(A) (West Supp. 1999) (authorizing the issuance of such licenses); 31 C.F.R. 515.418(a), 515.542(c) (1998) (implementing this authorization). Each license provided, in pertinent part:¶ 7¶ All necessary transactions are hereby authorized incident to the execution and performance of the Operating Agreement [the carrier] has negotiated with Empresa de Telecomunicaciones de Cuba ("EMTELCUBA") for the provision of telecommunications service between the United States and Cuba.¶ 8¶ This license authorizes all necessary transactions in connection with the transfer to Cuba of funds representing Cuba's share of compensation due for its portion of the jointly provided international telecommunications service . . . .¶ 9¶ Meanwhile, on June 28, 1994, ETECSA was incorporated as a mixed enterprise under the provisions of a 1982 Cuban law. ETECSA's stock was held by the following entities at the time of trial: 51% by Telefonica Antillana, S.A. (a Cuban company); 6.68% by Banco Financiero Internacional, S.A. (a Cuban company); 1% by Banco Internacional de Comercia, S.A. (a Cuban company); 29.29% by STET International Netherlands N.V. (a Dutch subsidiary of the publicly-owned company Telecom Italia S.p.A.); and 12.03% by Universal Trade and Management Corporation (a Panamanian company). The three Cuban companies, which together held 58.68% of ETECSA's stock, are apparently owned or controlled by the Cuban Government.8 On August 17, the Executive Committee of the Cuban Council of Ministers granted ETECSA an administrative concession to render public telecommunications services in Cuba. Under the terms of this concession, ETECSA was granted the exclusive right to supply national and international telephone and data transmission services for twelve years.¶ 10¶ One result of this exclusive concession was that, between January and April 1995, each of the carriers that had an Operating Agreement with EMTELCUBA signed a document entitled "Amendment to Transfer Rights and Obligations." Each document, which EMTELCUBA and ETECSA also signed, stated that the signatories agreed to transfer all rights, obligations, and interests of EMTELCUBA under the Operating Agreements to ETECSA. They also agreed to release EMTELCUBA from any future rights, obligations, and interests under the Agreements. ETECSA subsequently negotiated additional Operating Agreements with TLD and AT&T of Puerto Rico; these two carriers received licenses from OFAC that permitted them to make payments to ETECSA9 under the Agreements. These Operating Agreements (whether transferred from EMTELCUBA or negotiated by ETECSA itself) were the source of the carriers' indebtedness to ETECSA.¶ 11¶ After reviewing this factual information and holding a hearing on February 16, 1999, the district court issued an opinion disposing of the motions to dissolve and the issues raised by the garnishment pleadings. See Alejandre v. Republic of Cuba, 42 F. Supp. 2d 1317 (S.D. Fla. 1999) [hereinafter Alejandre II]. As an initial matter, the court concluded that the carriers' debts were owed to ETECSA (rather than directly to the Cuban Government itself) and that the Cuban Government's control over ETECSA was insufficient to render ETECSA responsible for the Government's debt to the plaintiffs. See id. at 1334-39. Nevertheless, the court held ETECSA responsible for the Government's debt on the ground that a contrary holding would unjustly prevent the plaintiffs from collecting their judgment and would override the legislative policy in favor of broadening the assets that may be executed upon to compensate victims of terrorist attacks. See id. at 1339. The court also held that 28 U.S.C.A. 1610(f)(1)(A) (West Supp. 1999), which the President had not waived, permitted the plaintiffs to garnish amounts owed ETECSA without first obtaining a license under the CACR. See id. at 1327-34.10 Therefore, the court denied the motions to dissolve and ordered that all amounts owed ETECSA in the possession or control of the garnishees be garnished in aid of execution of the plaintiffs' judgment against the Cuban Government. See id. at 1343. This appeal followed.¶ II.¶ 12¶ The central question that we must answer on appeal is whether ETECSA is an entity separate from the Cuban Government, and therefore not responsible for the Government's debt to the plaintiffs. Our review of the district court's decision to hold ETECSA responsible for this debt is guided both by the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. 1602-11 (1994), and by principles of Florida garnishment law.¶ A.¶ 1.¶ 13¶ The FSIA is the exclusive source of subject matter jurisdiction over all civil actions against foreign states. See Argentine Republic v. Amerada Hess Shipping Corp., 488 U.S. 428, 434-35, 109 S. Ct. 683, 688, 102 L. Ed. 2d 818 (1989); Hercaire Int'l, Inc. v. Argentina, 821 F.2d 559, 563 (11th Cir. 1987). Under section 1604 of the FSIA,11 a foreign state is immune from the jurisdiction of federal or state courts unless one of the statutory exceptions to immunity applies. See 28 U.S.C. 1605, 1607 (1994) (listing the exceptions); see also 28 U.S.C. 1330(a) (1994) (granting district court jurisdiction over civil action against non-immune foreign state). In addition, section 1609 renders the property in the United States of a foreign state immune from execution or attachment (including garnishment12) unless sections 1610-11 provide otherwise. Because section 1603(a) declares that the term "foreign state" includes an agency or instrumentality of a foreign state as defined in section 1603(b), such agencies and instrumentalities also enjoy immunity from suit and execution. The district court found that ETECSA was a government instrumentality because the Cuban Government owned or controlled the companies that held a majority of ETECSA's stock. See 28 U.S.C. 1603(b)(2) (1994); Alejandre II, 42 F. Supp. 2d at 1336. This ruling is not challenged on appeal. ETECSA's property in the United States is therefore immune from garnishment unless an exception applies.13¶ 14¶ The exception upon which the plaintiffs relied below is 28 U.S.C. 1610(a)(7) (West Supp. 1999),14 which provides:¶ 15¶ The property in the United States of a foreign state, . . . used for a commercial activity in the United States, shall not be immune from attachment in aid of execution . . . upon a judgment entered by a court of the United States . . . [if] the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.¶ 16¶ The last requirement of this exception is clearly met here, as the plaintiffs' underlying judgment against the Cuban Government related to a claim from which the Government was not immune by virtue of section 1605(a)(7). Thus, assuming arguendo that the amounts owed to ETECSA are property in the United States used for a commercial activity therein,15 these amounts are not immune from garnishment if ETECSA constitutes a "foreign state" for purposes of this exception. This question might appear to be easily answered: ETECSA is an instrumentality as defined by section 1603(b), and section 1603(a) declares that the term "foreign state" under the FSIA includes an instrumentality, so ETECSA is a "foreign state" under section 1610(a)(7). The Supreme Court's decision in First National City Bank v. Banco Para El Comercio Exterior de Cuba, 462 U.S. 611, 103 S. Ct. 2591, 77 L. Ed. 2d 46 (1983) [hereinafter Bancec], however, teaches that things are not that simple.16¶ 17¶ According to Bancec, "[t]he language and history of the FSIA clearly establish that the Act was not intended to affect the substantive law determining the liability of a foreign state or instrumentality, or the attribution of liability among instrumentalities of a foreign state." Id. at 620, 103 S. Ct. at 2597. Instead, government instrumentalities enjoy a presumption of separate juridical status vis-a-vis the foreign government to which they are related. While Bancec applied this presumption for purposes of determining whether an instrumentality could be held substantively liable for the debts of its related foreign government, subsequent decisions have also applied it in determining whether an exception to immunity that applies to the government may be attributed to the instrumentality as well. See id. at 613, 103 S. Ct. at 2593 (considering whether Citibank could set off value of branches nationalized by Cuban Government against amount Citibank owed to presumptively separate Cuban instrumentality); Hercaire, 821 F.2d at 564-65 (considering whether waiver of immunity by foreign government also operated to deprive presumptively separate instrumentality of immunity).17 We must consider, therefore, whether this presumption may be overcome in order to make ETECSA's assets the property of a "foreign state" (i.e., the property of the Cuban Government), thus rendering the exception to immunity in section 1610(a)(7) applicable to ETECSA and making ETECSA substantively liable for the Government's debt to the plaintiffs. See Letelier v. Republic of Chile, 748 F.2d 790, 793 (2d Cir. 1984).¶ 18¶ In Bancec, the Supreme Court highlighted two situations in which a plaintiff may overcome the presumption of separate juridical status enjoyed by an instrumentality. First, when a corporate entity is so extensively controlled by its owner that a relationship of principal and agent is created, the Court observed that one may be held liable for the actions of the other.18 Second, the Court recognized the broader equitable principle that the doctrine of corporate entity will not be regarded where to do so would work fraud or injustice or defeat overriding public policies. See Bancec, 462 U.S. at 629-630, 103 S. Ct. at 2601-02. In either situation, the plaintiff bears the burden of proving that the instrumentality is not entitled to separate recognition. See Foremost-McKesson, Inc. v. Islamic Republic of Iran, 905 F.2d 438, 447 (D.C. Cir. 1990); Letelier, 748 F.2d at 795.19¶ 2.¶ 19¶ These principles of foreign sovereign immunity provide much of the context necessary for our review of the district court's decision. Given the procedural posture of this case, however, we must also be guided by relevant principles of Florida garnishment law. See Fed. R. Civ. P. 69(a); Buck Creek Indus., Inc. v. Alcon Constr., Inc., 631 F.2d 75, 76 (5th Cir. 1980).20¶ 20¶ In their replies to the garnishees' answers, the plaintiffs asserted that the amounts owed by the garnishees to ETECSA were subject to garnishment on the ground that any indebtedness owed to ETECSA constituted an indebtedness to the Cuban Government. We interpret this assertion as a claim that ETECSA is an alter ego of the Cuban Government. Under Florida law, when a plaintiff (judgment creditor) seeks to garnish a debt owed to an entity that was not a party to the underlying judgment on the ground that the entity is an alter ego of the judgment debtor, the plaintiff bears the burden of demonstrating the alter ego relationship. See Live Supply, Inc. v. C&S Plumbing, Inc., 402 So. 2d 505, 506-07 (Fla. 4th DCA 1981);21 Reeves v. Don L. Tullis & Assocs., 305 So. 2d 813, 815 (Fla. 1st DCA 1975) (placing burden on plaintiff to prove truth of allegation made in reply to garnishee's answer). This burden is consonant with the burden faced by a plaintiff who seeks to overcome an instrumentality's presumptively separate juridical status on the ground that the first situation mentioned by the Bancec Court applies. See supra note 18.¶ 21¶ In order to determine whether the plaintiffs carried their burden in this case, we must assess their arguments from the perspective of the Cuban Government. Florida law provides that when a plaintiff holding a judgment serves a writ of garnishment upon a garnishee, the plaintiff steps into the shoes of the judgment debtor and can assert only the rights that the judgment debtor could have asserted against the garnishee. See Hughes Supply, Inc. v. A.C. Elec. Corp., 145 F.R.D. 590, 593 (M.D. Fla. 1993); Reeves, 305 So. 2d at 815-16. Thus, if a contractual debtor-creditor relationship between the garnishee and the judgment debtor is terminated by a non-fraudulent novation that obligates the garnishee to a third party and eliminates the judgment debtor as a party to the contract, the plaintiff has no right to garnish sums owed by the garnishee to the third party. See Reeves, 305 So.2d at 816.¶ B.¶ 1.¶ 22¶ With these principles in mind, we consider the district court's decision to hold ETECSA responsible for the Cuban Government's debt to the plaintiffs. The court disregarded the presumptively separate juridical status of ETECSA by invoking the second situation mentioned in Bancec: that the corporate entity will not be regarded where to do so would work fraud or injustice or defeat overriding public policies. The court did not rely upon the fraud element of this rule, and indeed there appears to be no evidence in the record that would support a finding of fraud. For example, the plaintiffs made no showing that the apparent novation that transferred the rights and obligations of EMTELCUBA (an alter ego responsible for the debts of the Cuban Government, see supra note 7) under the Operating Agreements to ETECSA was entered into for the purpose of insulating payments made under those Agreements from garnishment by the Cuban Government's creditors. Instead, the court rested its decision on concerns about injustice and public policy. The core of the court's legal rationale was that failing to disregard ETECSA's separate status¶ 23¶ not only would prevent [the plaintiffs] from collecting their court-ordered final judgment for the victims of a grave violation of international law, but also would override the clear legislative policy against such terrorist attacks and in favor of broadening the property which may be executed [upon] to compensate for them.¶ 24¶ Alejandre II, 42 F. Supp. 2d at 1339. In particular, the court concluded that 28 U.S.C. 1610(f)(1)(A) constituted an "express[] legislative commitment to subject the property of a government instrumentality to attachment or execution to satisfy a judgment against [a] terrorist foreign state." Id.¶ 25¶ Upon reviewing this rationale de novo, we conclude that it is not a sufficient basis for overcoming the presumption of separate juridical status that ETECSA enjoys. While the district court's concern about the injustice of preventing plaintiffs from collecting their judgment is understandable,22 this concern is present in every case in which a plaintiff seeks to hold an instrumentality responsible for the debts of its related government. Allowing the Bancec presumption of separate juridical status to be so easily overcome would effectively render it a nullity. We recognize that the district court made an effort to distinguish this case based upon the gravity of the underlying violation of international law. Given the absence of any evidence that ETECSA was involved in the violation, however, we fail to see how this distinction is relevant to the question of whether ETECSA's separate juridical status should be overcome.¶ 26¶ With regard to the district court's public policy concerns, we agree that recent enactments evince a congressional policy against terrorist attacks and in favor of making additional property of governments that sponsor terrorism (such as Cuba) available to compensate victims of such attacks. We disagree, however, with the district court's conclusion that Congress - in section 1610(f)(1)(A) - took the further step of overriding the Bancec presumption of separate juridical status by making instrumentalities responsible for the debts of their related terrorist-sponsoring governments.23 Section 1610(f)(1)(A) provides:¶ 27¶ Notwithstanding any other provision of law, . . . any property with respect to which financial transactions are prohibited or regulated pursuant to [certain statutes, including those authorizing the CACR,24] . . . [or any] license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality of such state) claiming such property is not immune under section 1605(a)(7).¶ 28¶ The effect of this section is not to subject property claimed by the instrumentality ETECSA to execution in order to satisfy the plaintiffs' judgment against the Cuban Government, but to allow the plaintiffs to execute upon property claimed by the Government itself in order to satisfy their judgment (which relates to a claim from which the Government was not immune by virtue of section 1605(a)(7)) without first obtaining a license under the CACR. See 31 C.F.R. 515.203(e). Congress has previously demonstrated in the FSIA context that it knows how to express clearly an intent to make instrumentalities substantively liable for the debts of their related foreign governments.25 Absent such a clear expression, which does not appear in section 1610(f)(1)(A),26 we see no reason to interpret that section as contravening Congress' original understanding that the FSIA "[is] not intended to affect the substantive law determining the liability of a foreign state or instrumentality, or the attribution of liability among instrumentalities of a foreign state." Bancec, 462 U.S. at 620, 103 S. Ct. at 2597.¶ 2.¶ 29¶ Having concluded that the district court erroneously disregarded ETECSA's separate juridical status on the ground that the second situation mentioned in Bancec applied, we turn to the question of whether the plaintiffs may instead overcome ETECSA's separate status under the first Bancec situation - that is, whether the plaintiffs carried their burden under Florida law of proving the alter ego relationship between the Cuban Government and ETECSA. After considering the affidavits submitted by the parties, the district court held that the plaintiffs had not carried their burden. See Alejandre II, 42 F. Supp. 2d at 1339 ("Although their relationship may bear some similarities to that between a principal and an agent, the Court does not conclude that the relationship between the Government of Cuba and ETECSA is so similar that the [Bancec] presumption of independent juridical status is overcome."). We agree. Indeed, when the situation is viewed from the perspective of the Cuban Government (in whose shoes the plaintiffs stand), it would be difficult to come to any other conclusion.¶ 30¶ Suppose, for example, that the Cuban Government sued AT&T Corp. on the ground that AT&T had failed to pay it (through EMTELCUBA, its alter ego) certain sums that allegedly became due under the Operating Agreement in 1996. AT&T surely would defend on the ground that while it would have owed such sums to the Government had they become due in 1994, the Government no longer had any right to the sums because ETECSA succeeded to EMTELCUBA's rights and obligations under the Operating Agreement in early 1995. In order to prevail, then, the Government would have the burden of convincing the court to swallow the argument that the substitution of ETECSA for EMTELCUBA under the Agreement had been a purposeless and ineffectual act by which the Government merely changed its name to "ETECSA" while remaining the real party in interest. The plaintiffs face exactly the same burden in this case, and we find that this argument is too difficult to digest.¶ 31¶ Nevertheless, the plaintiffs contend that we must conclude, as a matter of law, that ETECSA is an alter ego of the Cuban Government because ETECSA receives payments from the carriers under the OFAC licenses.27 In support of this contention, the plaintiffs point out that the relevant statute authorizes the President to "provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services." 22 U.S.C. 6004(e)(3)(A). Not surprisingly, the sections of the CACR that implement this statute and the licenses issued by OFAC thereunder include similar language. See 31 C.F.R. 515.418(a), 515.542(c). The plaintiffs argue that these references to "Cuba" mean that the licenses do not permit the carriers to make payments to any entity other than the Cuban Government.28 By making and accepting payments under these licenses, therefore, the carriers and ETECSA are supposedly estopped to deny that ETECSA is an alter ego of the Government.¶ 32¶ We reject this argument for two reasons. First, while the term "Cuba" is not specifically defined in the statute, the CACR define it to include "any political subdivision, agency, or instrumentality thereof." 31 C.F.R. 515.301 (1998) (defining "foreign country"); see also 31 C.F.R. 515.201(d) (1998) (stating that the term "designated foreign country" means Cuba). Thus, the garnishees' payments to "Cuba" under the licenses could be lawfully made to the separate instrumentality ETECSA rather than to the Cuban Government itself. In addition, we note that the licenses issued to all of the carriers authorize more than merely payments to "Cuba"; they also authorize all necessary transactions incident to the performance of the Operating Agreements that the carriers negotiated with EMTELCUBA.29 Because these Agreements provide that the expression "EMTELCUBA" includes that entity's successors, all necessary transactions with its successor ETECSA are apparently authorized as well.

#### 5. Debate is not about the specific education but rather having a limited discussion to instil critical thinking skills which outweighs all

**Tsui 2–** researcher for the Education Policy Center at the Urban Institute in Washington D.C. (Lisa, Fostering Critical Thinking Through Effective Pedagogy”, The Journal of Higher Education, 73.6 (2002) 740-763

http://muse.jhu.edu.proxy.lib.umich.edu/journals/journal\_of\_higher\_education/v073/73.6tsui.html)

Although Americans today are more highly educated than ever before, they are not necessarily better educated. In this country formal education largely entails knowledge building through subject matter content coverage. Unfortunately, this often comes at the expense of skills building. Rather than devote so much effort to teaching students what to think, perhaps we need to do more to teach them how to think. Higher-order cognitive skills, such as the ability to think critically, are invaluable to students' futures; they prepare individuals to tackle a multitude of challenges that they are likely to face in their personal lives, careers, and duties as responsible citizens. Moreover, by instilling critical thinking in students we groom individuals to become independent lifelong learners—thus fulfilling one of the long-term goals of the educational enterprise. A preponderance of evidence from the research literature on critical thinking suggests that significant gains in critical thinking are both perceived (Astin, 1993; Pace, 1974; Terenzini, Theophilides, & Lorang, 1984; Tsui, 1999) and experienced by college students (Dressel & Mayhew, 1954; Keeley, 1992; Keeley, Browne, & Kreutzer, 1982; King, Wood, & Mines, 1990; Klassen, 1983; Lehmann, 1963; Mines, King, Hood, & Wood, 1990; Pascarella, 1989; Spaulding & Kleiner, 1992). Yet, many consider the level of critical thinking displayed by students to be inadequate. Norris (1985) noted that competence in critical thinking [End Page 740] is lower than it should be at every stage of schooling. In a study by Keeley, Browne, and Kreutzer (1982), seniors outperformed freshmen in analyzing articles through an essay response format despite showing "major deficiencies" in their performance. For instance, 40-60% of the participating seniors could not provide a single example of a logical flaw, significant ambiguity, or misuse of data, when asked to assess a written passage containing several such errors. Using the same data source, Keeley (1992) found both freshmen and seniors exhibiting "poor performance" at identifying assumptions. In a study involving 874 sociology students, Logan (1976) concluded that those at every level (from freshmen to graduate students) scored "very low" in critical thinking as measured by a test to assess students' abilities to recognize uncritical or unsound thinking.

#### b) Multiple alt causes

**Lee ’13** (Brianna, Senior Production Editor at CFR, U.S.-Cuba Relations, Updated: 1/31/13,

<http://www.cfr.org/cuba/us-cuba-relations/p11113#p5>)

What is the main obstacle in U.S.-Cuban relations?¶ A fundamental incompatibility of political views stands in the way of improving U.S.-Cuban relations, experts say. While experts say the United States wants regime change, "the most important objective of the Cuban government is to remain in power at all costs," says Felix Martin, an assistant professor at Florida International University's Cuban Research Institute. Fidel Castro has been an inspiration for Latin American leftists such as Venezuelan President Hugo Chávez and Bolivian President Evo Morales, who have challenged U.S. policy in the region.¶ What are the issues preventing normalization of U.S.-Cuba relations?¶ Experts say these issues include:¶ Human rights violations. In March 2003, the Cuban government arrested seventy-five dissidents and journalists, sentencing them to prison terms of up to twenty-eight years on charges of conspiring with the United States to overthrow the state. The Cuban Commission for Human Rights and National Reconciliation, a Havana-based nongovernmental group, reports that the government has in recent years resorted to other tactics besides prison --such as firings from state jobs and intimidation on the street-- to silence opposition figures. A 2005 UN Human Rights Commission vote condemned Cuba's human rights record, but the country was elected to the new UN Human Rights Council in 2006.¶ Guantanamo Bay. Cuba indicated after 9/11 that it would not object if the United States brought prisoners to Guantanamo Bay. However, experts such as Sweig say Cuban officials have since seized on the U.S. prison camp--where hundreds of terror suspects have been detained--as a "symbol of solidarity" with the rest of the world against the United States. Although Obama ordered Guantanamo to be closed by January 22, 2010, the facility remains open as of January 2013, and many analysts say it is likely to stay in operation for an extended period.¶ Cuban exile community. The Cuban-American community in southern Florida traditionally has heavily influenced U.S. policy with Cuba. Both political parties fear alienating a strong voting bloc in an important swing state in presidential elections.

#### No environment extinction - tech solves

**Science Daily 10**

Science Daily, reprinted from materials provided by American Institute of Biological Sciences, September 1, 2010, "Human Well-Being Is Improving Even as Ecosystem Services Decline: Why?", http://www.sciencedaily.com/releases/2010/09/100901072908.htm

Global degradation of ecosystems is widely believed to threaten human welfare, yet accepted measures of well-being show that it is on average improving globally, both in poor countries and rich ones. A team of authors writing in the September issue of BioScience dissects explanations for this "environmentalist's paradox." Noting that understanding the paradox is "critical to guiding future management of ecosystem services," Ciara Raudsepp-Hearne and her colleagues confirm that improvements in aggregate well-being are real, despite convincing evidence of ecosystem decline. Three likely reasons they identify -- past increases in food production, technological innovations that decouple people from ecosystems, and time lags before well-being is affected -- provide few grounds for complacency, however. Raudsepp-Hearne and her coauthors accept the findings of the influential Millennium Ecosystem Assessment that the capacity of ecosystems to produce many services for humans is now low. Yet they uncover no fault with the composite Human Development Index, a widely used metric that incorporates measures of literacy, life expectancy, and income, and has improved markedly since the mid-1970s. Although some measures of personal security buck the upward trend, the overall improvement in well-being seems robust. The researchers resolve the paradox partly by pointing to evidence that food production (which has increased globally over past decades) is more important for human well-being than are other ecosystem services. They also establish support for two other explanations: that technology and innovation have decoupled human well-being from ecosystem degradation, and that there is a time lag after ecosystem service degradation before human well-being will be affected.

#### Neoliberalism causes extinction through ecological destruction and resource wars

**Darder, 10** – Professor Antonia Darder, Distinguished Professor of Education, University of Illinois, Urbana Champaign (“Preface” in *Critical Pedagogy, Ecoliteracy, & Planetary Crisis: The Ecopedagogy Movement* by Richard V. Kahn, 2010, pp. x-xiii)//VP

GENDER MODIFIED

It is fitting to begin my words about Richard Kahn’s Critical Pedagogy, Ecoliteracy, and Planetary Crisis: The Ecopedagogy Movement with a poem. The direct and succinct message of The Great Mother Wails cuts through our theorizing and opens us up to the very heart of the book’s message—to ignite a fire that speaks to **the ecological crisis** at hand; a crisis orchestrated by the inhumane greed and economic brutality of the wealthy. Nevertheless, as is clearly apparent, none of us is absolved from complicity with the devastating destruction of the earth. As members of the global community, we are all implicated in this destruction by the very manner in which we define ourselves, each other, and all living beings with whom we reside on the earth. Everywhere we look there are glaring signs of political systems and social structures that propel us toward **unsustainability and extinction**. In this historical moment, the planet faces some of the most horrendous forms of “[hu]man-made” devastation ever known to humankind. Cataclysmic “natural disasters” in the last decade have sung the environmental hymns of planetary imbalance and reckless environmental disregard. A striking feature of this ecological crisis, both locally and globally, is the **overwhelming concentration of wealth** held by the ruling elite and their agents of capital. This environmental malaise is characterized by the staggering loss of livelihood among working people everywhere; gross inequalities in educational opportunities; an absence of health care for millions; an unprecedented number of people living behind bars; and trillions spent on fabricated wars fundamentally tied to the control and domination of the planet’s resources. The Western ethos of mastery and supremacy over nature has accompanied, to our detriment, the unrelenting expansion of capitalism and its unparalleled domination over all aspects of human life. This hegemonic worldview has been unmercifully imparted through a host of public policies and practices that conveniently gloss over gross inequalities as commonsensical necessities for democracy to bloom. As a consequence, the liberal democratic rhetoric of “we are all created equal” hardly begins to touch the international pervasiveness of racism, patriarchy, technocracy, and economic piracy by the West, all which have fostered the erosion of civil rights and the unprecedented ecological exploitation of societies, creating conditions that now threaten our peril, if we do not reverse directions. Cataclysmic disasters, such as Hurricane Katrina, are unfortunate testimonies to the danger of ignoring the warnings of the natural world, especially when coupled with egregious governmental neglect of impoverished people. Equally disturbing, is the manner in which ecological crisis is vulgarly exploited by unscrupulous and ruthless capitalists who see no problem with turning a profit off the backs of ailing and mourning oppressed populations of every species—whether they be victims of weather disasters, catastrophic illnesses, industrial pollution, or inhumane practices of incarceration. Ultimately, these constitute ecological calamities that speak to the inhumanity and tyranny of material profiteering, at the expense of precious life. The arrogance and exploitation of neoliberal values of consumption dishonor the contemporary suffering of poor and marginalized populations around the globe. Neoliberalism denies or simply mocks (“Drill baby drill!”) the interrelationship and delicate balance that exists between all living beings, including the body earth. In its stead, values of individualism, competition, privatization, and the “free market” systematically debase the ancient ecological knowledge of indigenous populations, who have, implicitly or explicitly, rejected the fabricated ethos of “progress and democracy” propagated by the West. In its consuming frenzy to gobble up the natural resources of the planet for its own hyperbolic quest for material domination, the exploitative nature of capitalism and its burgeoning technocracy has dangerously deepened the structures of social exclusion, through the destruction of the very biodiversity that has been key to our global survival for millennia. Kahn insists that this devastation of all species and the planet must be fully recognized and soberly critiqued. But he does not stop there. Alongside, he rightly argues for political principles of engagement for the construction of a critical ecopedagogy and ecoliteracy that is founded on economic redistribution, cultural and linguistic democracy, indigenous sovereignty, universal human rights, and a fundamental respect for all life. As such, Kahn seeks to bring us all back to a formidable relationship with the earth, one that is unquestionably rooted in an integral order of knowledge, imbued with physical, emotional, intellectual, and spiritual wisdom. Within the context of such an ecologically grounded epistemology, Kahn uncompromisingly argues that our organic relationship with the earth is also intimately tied to our struggles for cultural self-determination, environmental sustainability, social and material justice, and global peace. Through a carefully framed analysis of past disasters and current ecological crisis, Kahn issues an urgent call for a critical ecopedagogy that makes central explicit articulations of the ways in which societies construct ideological, political, and cultural systems, based on social structures and practices that can serve to promote ecological sustainability and biodiversity or, conversely, lead us down a disastrous path of unsustainability and extinction. In making his case, Kahn provides a grounded examination of the manner in which consuming capitalism manifests its repressive force throughout the globe, disrupting the very ecological order of knowledge essential to the planet’s sustainability. He offers an understanding of critical ecopedagogy and ecoliteracy that inherently critiques the history of Western civilization and the anthropomorphic assumptions that sustain patriarchy and the subjugation of all subordinated living beings—assumptions that continue to inform traditional education discourses around the world. Kahn incisively demonstrates how a theory of multiple technoliteracies can be used to effectively critique the ecological corruption and destruction behind mainstream uses of technology and the media in the interest of the neoliberal marketplace. As such, his work points to the manner in which the sustainability rhetoric of mainstream environmentalism actually **camouflages** wretched neoliberal policies and practices that left unchecked **hasten the annihilation of the globe’s ecosystem**. True to its promise, the book cautions that any anti-hegemonic resistance movement that claims social justice, universal human rights, or global peace must contend forthrightly with the deteriorating ecological crisis at hand, as well as consider possible strategies and relationships that rupture the status quo and transform environmental conditions that threaten disaster. A failure to integrate ecological sustainability at the core of our political and pedagogical struggles for liberation, Kahn argues, is to blindly and misguidedly adhere to an anthropocentric worldview in which emancipatory dreams are deemed solely about human interests, without attention either to the health of the planet or to the well-being of all species with whom we walk the earth.

#### Discourse doesn’t shape reality – 4 reasons.

**Peabody and Roskoski ’91 -** joe and matthew, fsu, “a linguistic and philosophical critique of language ‘arguments’”, http://debate.uvm.edu/library/debatetheorylibrary/roskoski&peabody-langcritiques)

One reason for the hypothesis being taken for granted is that on first glance it seems intuitively valid to some. However, after research is conducted it becomes clear that this intuition is no longer true. Rosch notes that the hypothesis "not only does not appear to be empirically true in any major respect, but it no longer even seems profoundly and ineffably true" (Rosch 276). The implication for language "arguments" is clear: a debater must do more than simply read cards from feminist or critical scholars that say language creates reality. Instead, the debater must support this claim with empirical studies or other forms of scientifically valid research. Mere intuition is not enough, and it is our belief that valid empirical studies do not support the hypothesis. After assessing the studies up to and including 1989, Takano claimed that the hypothesis "has no empirical support" (Takano 142). Further, Miller & McNeill claim that "nearly all" of the studies performed on the Whorfian hypothesis "are best regarded as efforts to substantiate the weak version of the hypothesis" (Miller & McNeill 734). We additionally will offer four reasons the hypothesis is not valid. The first reason is that it is impossible to generate empirical validation for the hypothesis. Because the hypothesis is so metaphysical and because it relies so heavily on intuition it is difficult if not impossible to operationalize. Rosch asserts that "profound and ineffable truths are not, in that form, subject to scientific investigation" (Rosch 259). We concur for two reasons. The first is that the hypothesis is phrased as a philosophical first principle and hence would not have an objective referent. The second is there would be intrinsic problems in any such test. The independent variable would be the language used by the subject. The dependent variable would be the subject's subjective reality. The problem is that the dependent variable can only be measured through self- reporting, which - naturally - entails the use of language. Hence, it is impossible to separate the dependent and independent variables. In other words, we have no way of knowing if the effects on "reality" are actual or merely artifacts of the language being used as a measuring tool. The second reason that the hypothesis is flawed is that there are problems with the causal relationship it describes. Simply put, it is just as plausible (in fact infinitely more so) that reality shapes language. Again we echo the words of Dr. Rosch, who says: {C}ovariation does not determine the direction of causality. On the simplest level, cultures are very likely to have names for physical objects which exist in their culture and not to have names for objects outside of their experience. Where television sets exists, there are words to refer to them. However, it would be difficult to argue that the objects are caused by the words. The same reasoning probably holds in the case of institutions and other, more abstract, entities and their names. (Rosch 264). The color studies reported by Cole & Means tend to support this claim (Cole & Means 75). Even in the best case scenario for the Whorfians, one could only claim that there are causal operations working both ways - i.e. reality shapes language and language shapes reality. If that was found to be true, which at this point it still has not, the hypothesis would still be scientifically problematic because "we would have difficulty calculating the extent to which the language we use determines our thought" (Schultz 134). The third objection is that the hypothesis self- implodes. If language creates reality, then different cultures with different languages would have different realities. Were that the case, then meaningful cross- cultural communication would be difficult if not impossible. In Au's words: "it is never the case that something expressed in Zuni or Hopi or Latin cannot be expressed at all in English. Were it the case, Whorf could not have written his articles as he did entirely in English" (Au 156). The fourth and final objection is that the hypothesis cannot account for single words with multiple meanings. For example, as Takano notes, the word "bank" has multiple meanings (Takano 149). If language truly created reality then this would not be possible. Further, most if not all language "arguments" in debate are accompanied by the claim that intent is irrelevant because the actual rhetoric exists apart from the rhetor's intent. If this is so, then the Whorfian advocate cannot claim that the intent of the speaker distinguishes what reality the rhetoric creates. The prevalence of such multiple meanings in a debate context is demonstrated with every new topicality debate, where debaters spend entire rounds quibbling over multiple interpretations of a few words.1

# 1nr

#### This is pseudo-progress – it’s a hollow gesture used to pacify the colonized – their endless theorizing is cute but it’s just an intellectual façade designed to avoid having to resolve oppression

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As I have noted, world social categories and knowledge systems have changed so that they now see the colonized as human beings. The shifting in social categories, often by those who are the radicals and liberals of the privileged groups, created deep divisions between reality and its description. But this has not necessarily resulted in fundamental affirmative change. For those who were consigned to the role of slave, serf and oppressed by imperial Western nations, it may be disconcerting, but pleasantly surprising, that some leading international lawyers and intellectuals stand with those movements that take their strength from the dispossessed, wretched and exploited, whether in war or peace. Even though these idealists are educated in Western and imperial categories of social reality, they have, nonetheless, taken as their task the reconstruction and transformation of international law as it is understood in the United States. The skeptical are permitted their doubts, however. After all, what can those who represent the pain of others, and only indirectly their own, do to ameliorate the pain of misery sanctioned by imperial law? What do such a band of idealists dare to teach to those who suffer, especially when that suffering is often caused, directly or indirectly, by the choices made by the very class of which these Western intellectuals and lawyers are members? Why should the oppressed listen to those educated in a language and thought-pattern which, beneath the honeyed words, are the egocentric and ethnocentric doctrines of the [\*524] dominator? Certainly until decolonization, the abstract meaning of the words were employed as signifiers and killers of the culturally oppressed. The language of description and the mode of argument, the very words themselves, were instruments of the colonizer. Their very rules, laws, precedents and citations acted as a steel-belted noose to stifle the cries of the wretched. And yet, these were the very lessons the colonized needed to learn in order to stand up to the colonizer and survive. Not only did they survive, they pressed on to reform nineteenth and early twentieth century imperial law using the UN, and the International Court of Justice. Most importantly, they effected the consciousness of nations. Nevertheless, the wretched must wonder why, behind claims of universality and universal human rights, our actions and thoughts have an often indeterminate or contradictory effect. For Americans, the reason is a complex one. Americans seek identification with the victim in their dreams, but the reality for the American political and legal class is somewhere between carelessness and negligence of the oppressed worker, toleration for the destruction of other people's cultures for purposes of extraction and commodification, exploiter of their lands, and executioner in counter-revolutions which rain bombs of state and financial terror around the world. So even when some in the United States stand with the victim, they must always wonder, "Who are we that come forward with our notions that speak of human affirmation? Who are we to tell the colonized when independence is a drag on themselves and on others as well, possibly leading to war and internecine conflict?" And the wretched can go further and say, "You have recognized our struggle, taken away our language and substituted your words of understanding, but now what? How is freedom to be sustained? We, the formerly marginalized, the indigenous and the merely wretched, have come to recognize that what is presented by the West to humanity as conventional knowledge is a betrayal." In truth, it was a betrayal by intellectuals and all those who dared to suggest that the twentieth century could be a time of liberation and freedom. Education and knowledge as mediated through the colonizer's strainer has left humanity in worse shape than at the beginning of the twentieth century. For some, the god that really failed them was education/knowledge, which, through its institutions, set itself up as the emancipator. This failure, this sense of futility where knowledge is an instrument of domination for the few, demands recognition.

#### Even if they’re right, our framework’s better – learning to speak in the language of traditional policymaking is key to creating policy change

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As noted above, one of the most important problems with the literature on ideas and policy making is that the causal mechanisms whereby different types of ideas affect policy making are often poorly specified (Yee 1996). However, scholars have made some progress. Actors and Epistemic Communities One way to explain how ideas affect policy making is to show through careful process tracing how specific actors carried certain ideas into the policy-making fray and used them effectively. These actors are often academics and other intellectuals whose claim to knowledge and expertise enables their voice to be heard above others (Brint 1994a). For example, Skowronek (1982) argued that an intellectual vanguard of university-trained professionals, economists, and other progressive thinkers were among America's most valuable state-building resources during the early twentieth century. They played key roles in the development of a more professional, bureaucratic U.S. state by providing all sorts of new ideas about how to better organize the state and exercise state power. Intellectuals were also important in advancing various programmatic ideas about how to build welfare states in Europe and North America (Rueschemeyer & Skocpol 1996). Similarly, think tanks, research institutes, and university academics-notably economists have affected industrial and macroeconomic policy making (Domhoff 1998:ch. 4; Ricci 1993; Stone 1996; Smith 1991, 1989). At the international level "epistemic communities" are responsible for generating new ideas and disseminating them among national policy makers as well as others in the international community. Epistemic communities are networks of professionals and experts with an authoritative claim to policy-relevant knowledge, who share a set of normative beliefs, causal models, notions of empirical validity, and a common policy enterprise (Haas 1992). Keck & Sikkink (1998) argued that these networks are especially important because their members are often responsible for generating the very ideas that constitute the world culture, discussed earlier, to which sociologists attribute isomorphic effects at the national level. Moreover, Keck & Sikkink specified more carefully than most world culture researchers how these transnational networks mobilize and frame information, and how they convince powerful international actors, such as the World Bank and U.S. government, to press nation states that are reluctant to adopt internationally accepted human rights, environmental, and other policies (see also Risse et al. 1999). As such, their contribution is threefold. First, they delineated several causal mechanisms through which world culture affects national policy makers, thereby injecting a degree of agency into the otherwise structuralist world culture literature. Second, they addressed the important debate over whether a few centralized hegemonic organizations (e.g., McNamara1 998, Pauly 1997) or decentralized networks of organizations and individuals, each of which is rather weak on its own (e.g., Boli & Thomas 1999), are responsible for the diffusion of world culture. For Keck & Sikkink, both matter. Third, they showed that the diffusion of world culture often involves much struggle, conflict, and even repression. Indeed, diffusion is a much more uneven and contested process than much of the literature suggests (see also Mittelman 2000). Institutional Filters and Embeddedness Of course, actors do not operate in a vacuum. Many researchers have argued that the formal rules and procedures governing policy making affect which ideas penetrate the policy-making process and are adopted and implemented as policy. In other words, institutions influence the degree to which academics, other intellectuals, and thus new policy ideas can access policy-making arenas. This sort of institutional filtering has affected economic policy (P. Hall 1989a,b), welfare policy (Weir & Skocpol 1985), energy policy (Campbell 1988, Jasper 1990), and national security policy (Risse-Kappan 1994). Studies have paid less attention to the informal channels through which this occurs, but insofar as intellectuals and policy makers travel in the same social circles, social as well as political institutions can act as filters in this sense (Domhoff 1974, Rueschemeyer & Skocpol 1996). For instance, one reason why national unemployment insurance was passed in Britain was that liberal social scientists from Oxford University, who favored such a program, mingled in the same clubs, associations, and other social venues as London's political elite and urged them to adopt this idea. As a result, when the Liberal Party came to power in the early twentieth century, many of these intellectuals were appointed to key administrative posts where they helped formulate the program, which was passed in 1911 (Schwebber 1996). Indeed, the ways in which idea-producing institutions, such as the professions and universities, are linked to the state helps determine which ideas affect policy making (Ziegler 1997).

#### Need consequentialist evaluation of policy resulting from security discourse—only way to determine if its moral

**Floyd 7**

Rita, PhD in Poli Sci, Fellow @ the Institute for Environmental Security & Fellow @ the Department of Politics and International Studies @ U of Warwick “Towards a consequentialist evaluation of security: bringing together the Copenhagen and the Welsh Schools of security studies” Review of International Studies (2007), 33, 327–350

 In the approach proposed here, principles that determine whether a securitisation is positive or negative can only be derived by considering what would have been the alternative solution. Given that for the Copenhagen School, securitisation is nothing but ‘an extreme version of politicisation’,45 the question to consider in evaluating the nature of securitisation must be: did the securitisation in question achieve more, and/or better results than a mere politicisation of the issue would have done? It is important to note here, that ‘more and better’, is not equivalent to the success of the speech act (successful securitisation can still be negative), but rather it refers to whether the *consequences of, and the gains from*, the securitisation are preferable relative to the consequences and gains from a politicisation. The idea that the moral rightness (or wrongness) of a securitisation depends on its consequences corresponds to what in moral philosophy is known as a consequentialist ethics. Consequentialism46 referring to a set of moral philosophies, which hold ‘that the rightness of an action is to be judged solely by consequences, states of affairs brought about by the action’.47 Or, put slightly differently ‘a consequentialist theory [. . .] is an account of what justifies an option over alternatives – the fact that it promotes values.’48 These premises capture well what is meant by positive and negative securitisation in this article, for the adjectives positive and negative do *not* refer to the relative success of the speech act that is securitisation, but rather to how well any given security policy addresses the insecurity in question. The approach introduced in this article will henceforth be referred to as a consequentialist evaluation of security. In moral philosophy the idea that the moral rightness (or wrongness) of an action is attributable to its consequences alone is of course contentious (see also fn. 46). The question that arises is thus, why, in the evaluation of security/ securitisation, focus on consequences as opposed to, for example, rights as deontologists would have it, or indeed virtues, as virtue theorists suggest? Much of the answer to this question already lies in the argument of this article. Thus it is not only this author’s opinion that the key to security evaluation lies with its consequences, rather scholars from both the schools discussed above, with their respective positive and negative views of security, themselves already focus on what they take to be the consequences of security. That is to say these scholars themselves are consequentialists. However, and as this article aims to show, the consequentialism proposed by them is neither very balanced nor, in the long run, particularly helpful, as in both cases, consequentialism is constricted by the nature of their respective theoretical frameworks. Frameworks, whereby one promotes security as emancipation, therefore generating a necessarily positive view of security, whilst the other school’s framework for analysis is void of emancipation altogether, therefore partial to a negative view of security. That security is neither always positive nor negative but rather issue dependent is the key hypothesis of this article. If this hypothesis holds true we are – as a discipline – much in need of a more balanced and indeed critical evaluation of security than proposed by either school, a provision of which is the purpose of this article. Given what has been said so far it should have become clear that the herewith proposed consequentialist evaluation of security is also the key to rendering the above-mentioned ‘normative dilemma of speaking and writing security’ less important, as it enables the analyst to *critically* evaluate his/her speaking and writing security, rather than his/her simply speaking and writing security. This approach thus enables the previously solely analytical securitisation analyst to step into the security equation and on behalf of the actors encourage some securitisations and renounce others, depending on the moral rightness of the respective securitisation’s consequences. It is precisely at this point where the emancipatory nature of the Welsh School’s security studies becomes crucially relevant for a consequentialist evaluation of security, for – under this approach – it is the task of the analyst to fight ignorance (or, put differently, false consciousness) on the part of existing and/or potential securitising actors and inform (or better enlighten) them of the best possible actions. But how does the analyst know what the best possible actions are? Or, put differently, with what standards in mind are the consequences to be evaluated? Is it enough to problematise securitisation by elites for elites, and make majority consensus the measuring unit behind the principles for positive/negative securitisation? One should think not. Although it is useful to assume, that the narrower the interest group behind the securitisation, the more likely it is to be negative, this cannot be ascertained as the only general principle. After all, majority consensus does not prevent the *effective* securitisation of something that is morally/ethically wrong. But how to determine what is morally/ethically right? In security studies, one way of doing so, is by entering the evaluation of positive/negative through the discourses of security prevalent in the different sectors of security. Here, by working out the specific security relations in the competing discourses that make up the individual sector – who or what is the referent object of security, who is the securitising actor and what is the nature of the threat – it should be possible to determine the most and the least advantageous strategies in addressing *insecurity*; thereby determining which approach to security (in the individual sector) is the best (most positive) all-round – morally, ethically, effective – strategy. A consequentialist evaluation of security thus postulates the maximisation of genuine security as its overarching value. The invocation of values itself is perfectly legitimate, particularly considering that ‘every moral theory invokes values such that it can make sense to recommend in consequentialist fashion that they be promoted or in non-consequentialist fashion that they be honoured’.49

#### b) The search for new enemies causes their impacts– our internal link is comparatively more probable

Kenneth **Reinhard**, Professor of Jewish Studies, UCLA, 20**04**, UCLA Center for Jewish Studies, “Towards a Political Theology of the Neighbor,” http://www.cjs.ucla.edu/Mellon/Towards\_Political\_Theology.pdf

If the concept of the political is defined, as Carl Schmitt does, in terms of the Enemy/Friend opposition, the world we find ourselves in today is one from which the political may have already disappeared, or at least has mutated into some strange new shape. A world not anchored by the “us” and “them” binarisms that flourished as recently as the Cold War is one subject to radical instability, both subjectively and politically, as Jacques Derrida points out in The Politics of Friendship: The effects of this destruction would be countless: the ‘subject’ in question would be looking for new reconstitutive enmities; it would multiply ‘little wars’ between nation states; it would sustain at any price so-called ethnic or genocidal struggles; it would seek to pose itself, to find repose, through opposing still identifiable adversaries – China, Islam? Enemies without which … it would lose its political being … without an enemy, and therefore without friends, where does one then find oneself, qua a self? (PF 77) If one accepts Schmitt’s account of the political, the disappearance of the enemy results in something like global psychosis: since the mirroring relationship between Us and Them provides a form of stability, albeit one based on projective identifications and repudiations, the loss of the enemy threatens to destroy what Lacan calls the “imaginary tripod” that props up the psychotic with a sort of pseudo-subjectivity, until something causes it to collapse, resulting in full-blown delusions, hallucinations, and paranoia. Hence, for Schmitt, a world without enemies is much more dangerous than one where one is surrounded by enemies; as Derrida writes, the disappearance of the enemy opens the door for “an unheard-of violence, the evil of a malice knowing neither measure nor ground, an unleashing incommensurable in its unprecedented – therefore monstrous –forms; a violence in the face of which what is called hostility, war, conflict, enmity, cruelty, even hatred, would regain reassuring and ultimately appeasing contours, because they would be identifiable” (PF 83).

#### The Alternative recognizes that it is impossible to achieve perfection but that there are other ways of living that can be fulfilling and peaceful without global liberalism. It is the best way to bracket violence.

**Thorup 06,** Mikkel Thorup, lecturer and researcher at the Institute of Philosophy and History of Ideas at the University of Aarhus in Denmark, In Defense of Enmity – Critiques of Liberal Globalism, Ph.D. Dissertation, January 2006, <http://rudar.ruc.dk/bitstream/1800/2068/1/In_defence_of_enmity_-_pdf.pdf//MC>

This is what we've been trying to show, using enmity as a central category, and taking political enmity as our point of departure. Not because political enmity is inherently benign, far from it. It comes with problems of its own, which liberal globalism is set on this earth to emphasize and criticize. The use of political enmity here is, so to speak, not political but scientific. Political enmity is a theoretical, not a real-historical, concept. It is implied in the logic of diplomacy, classical international law and regularized warfare and it has some relevance in actual events on the battleground, at least before industrialized warfare. But, this has been no exercise in nostalgia for a lost warrior ethics. Theoretically, we have to presuppose the political enmity, no matter how much it in actual practice has been contaminated by the other forms of enmity. Politically, it serves as a critical corrective and, perhaps, as a minimal utopia (as one of my fellow PhD-students called it); the best to hope for. Instead of the current liberal monopolization of legitimacy, we should perhaps learn to recognize "legitimate non-democratic regimes that have the authority to contain tensions but can also respect a minimum of social and political rights" (Hirst 2002: 8). Postmodern state or chaos and war are not the exclusive options of a global era. Most nonliberal regimes do not engage in continuous war-making; they do not sponsor terrorism or engage in constant repression. Most people, even in non-liberal regimes, do live good lives. l in an interview conducted by myself and Frank Beck Lassen, John Gray said: "People can live peaceful, productive, creative lives without a global liberal society" (Thorup & Lassen 2005: 12). This is the truth, which liberalism refuses to see. Paul Hirst (2002: 8) insists: "It is what regimes do that matters" and in this, liberal democracies may have less reason to claim moral superiority. Just as there is no necessary connection between liberalism and democracy, there is none between liberalism and pacifism. This is the illusion of liberalism, radicalized by liberal globalism. And it's the illusion we're attempting to undermine by insisting on the political nature of post-political liberalism. Politics as conflict is not inherently despotic or violent. That is just the liberal way of understanding and presenting it (like politics as technique is understood and described as inauthentic in much liberalism critique). Here, politics as conflict has served us as a counternarrative to a hegemonic politics as technique and as a way to see the workings within politics as technique of the exact same dangers, that is being delegated to politics as conflict, that IS, repression, exclusion, creation of 'others', war internally and externally. The liberal-humanitarian discourse becomes the language of intervention; and "thinking their interventions benign or neutral, they intervene more often than they otherwise might" (Kennedy 2004: 23); and often in areas and ways, which doesn't help the 'victims' intended. This is not to deny the need, often, of intervention of various kinds, and it is certainly no questioning of the humanitarian motive. The ideology critique of this text is not to seek the real, hard reason behind the soft spoken words but to take the humanitarian language and motivation serious and then to look critically at the implications of good intentions. It's my thesis that a not insignificant part of the problem lies in an insufficient understanding of power. David Kennedy says that the humanitarian blindness "often begins at the moment the humanitarian averts his eyes from his own power" (2004: 329, my italics). Humanitarians and liberal opinion-makers wield enormous power, also military power, but this goes unnoticed in and through the liberal-humanist discourse, which consistently cast off any appearance of own power and names power as evil and as the problem to be overcome. This is the understanding of self and power constitutive of liberalism, that I've told.

#### a) Enmity is critical to prevent state repression and utopian, idealistic, depoliticalization. Their depoliticalization of enmity opens to door .

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A world in which there is no possibility of such a [real] fight would be a definitively pacified globe. It would be a world without any distinction between friend and enemy and, therefore, a world without politics. (Schmitt 1996a: 35) Depoliticization cannot recognize limits to itself. Each limit questions the depoliticization already instituted. It hints at the possibility of enmity or alternative - and thereby puts the whole of the depoliticized in question. For liberalism, the foremost limit to depoliticization has always been the state and most notably the nation state in its Weberian sense. Taken to its outermost conclusion contemporary liberal globalism aims at a post-political globe. The obstacle, the barrier for universal depoliticization and eternal pacification, is thought to be the nation state: For many people the idea of global organization means nothing else than the utopian idea of total depoliticalization. Demands are therefore made, almost always indiscriminately, that all states on earth become members as soon as possible and that it be 'universal'. Universality at any price would necessarily have to mean total depoliticalization and with it, particularly, the non-existence of states. (Schmitt 1996a: 56) I stated earlier that any political movement is (in its end goal) anti-political and that every political critique must be eminently political. This calls for a short explanation. My claim is that every political movement seeks to universalize and decontest their programme. At some level everyone wants to eternalize their politics. Trotsky's idea of permanent revolution or Mao's of uninterrupted revolution show an awareness of the dangers of any revolution to ossify and bureaucratize the revolutionary energies. Everyday life returns inevitably, routine becomes endemic. In the words of Agamben, the successful revolutionary party "tends to appear as a duplicate of the State structure" (1998: 42), thereby transforming the constituting power into manageable forms. William Rasch asks very pointedly: "Does not the successful revolution ... also represent the successful elimination of politics?" (2004: 65). Once successful further contestation is repressed; the bureaucrats of revolution takes over. Marx's work can be said to contain two notions of the political. One that interprets history as struggle; conflict is a fundamental and inescapable feature of social reality. Class war is the driving force of history. Conflict is in history. Then there is another notion of the political, the post-historical and anti-political, which comes to the fore after the successful revolution. Here is harmony, no repression, no state nor conflict. The communist society is the fully developed liberal society; it's the idea of spontaneous self-organization brought to its conclusion. It's a society beyond history and politics. Hobbes is often presented as the political philosopher per excellence but there's an equally strong anti-political motive in his work. Hobbes starts out with a conception of man as a political animal but once the state of society is instituted, the 'citizens' are supposed to be only private. There is no longer any public side to the 'citizens'. As Gershon Weiler (1997: 44) says: "That there ought to be no free discussion of matters politic is one of the cornerstones of Hobbesian antipolitics" (see also Hanson 1984: 345). Although Weiler supposes a liberal-democratic conception of politics it also covers a more conflictual one. Hobbes outlaws public conflictuality in all its forms. This goes to show that liberalism does not monopolize the use of depoliticization or politics as technique. But it has been the doctrine most closely committed to depoliticization. The critique of depoliticization reminds us to pay close attention to the use of words, to legitimization strategies and discourses in politics - as evidenced in Schmitt's discussion of the very political difference between the word 'tribute' and 'reparations' in the German debate on its payments to France after WWl (1996a: 31, note 12). Words are politically charged even when, or rather especially when, they present themselves as non-political. And they have direct political consequences. It's all important what one is called in the world of politics. Naming is the first game of politics. It determines if you're taken seriously as an equal, opponent or friend or disregarded, acted upon, exterminated even. As James Aho says: ... defamatory words rarely, if ever, simply describe things; they also rhetorically 'accomplish' them. And what they accomplish is a victim, an evil-doer, ready for violation. In short, the child's ditty - 'Sticks and stones may break my bones, but words will never hurt me' - is patently untrue. Defamatory language prepares audiences cognitively and emotionally to take up sticks and stones. (1990: 20) My aim is to discuss the use of depoliticization as a 'defamatory practice' in the field of international politics. I want to argue an apparently contradictory claim: That depoliticization can be a revolutionary instrument - although it consistently presents itself as the opposite. Depoliticization is not reducible to a reaction against politicizations. Depoliticization revolutionized the pre-liberal world through seemingly anti-revolutionary means. What I aim to show is that contemporary liberal globalist depoliticization is in the midst of a parallel revolutionary depoliticization. What liberal globalist depoliticization aims at is the global denial of an outside. There is no longer to be any legitimate position outside the liberal order. The denial of the enemy is the denial of the legitimate outside and other. I want to trace the re-appearance of the enemy in its 'non-political' forms and to trace the return of the political in anti-politics. The 'barbarian' in its various forms is the nonpolitical enemy, the enemy not recognized as being within the same horizon as us. This opens for a wholly different arsenal of engagement. Depoliticization is basically about denying the existence of the political enemy. That, however, does not make a world of friends. Denying political enmity tend to make enemies appear in other 'perverted' forms. The same goes for the political and sovereignty. Once denied, they re-appear in other guises. What happens once the political enemy is depoliticized, that is, brought from a political to a non-political register? The thesis is, that the denial of political enmity tends to turn states, even liberal states, into what Giorgio Agamben calls 'killing machines' (2005: 86).

#### b) The internal vs. external binary of conflict is necessary to maintain enmity – their policy of combination is root causal to the war on terror

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However, we maintain that today's globalization as world unity does not imply political world unity, and it is not designated as much by the smooth space of technology or the single-minded goals of industrial enterprise as it is by the disappearance, or the obscuring, of the connection between politics and space. Violence is not fixed to territory or confined to the exterior by the state or the superpower, and it now enjoys a free and random circulation. September 11th can be interpreted as the event that brought to light the logics and violent tendencies originally inherent in global dynamics, which had previously been concealed by liberal and progressive ideologies. As it is, September 11th is emblematic of the fact that it is no longer possible to distinguish internal from external. Thus, today we are not only facing the disappearance of the external (or better, the space of classical war) as a result of universalistic tendencies (e.g., the United Nations and its ideology) seeking to [End Page 13] reduce the world to one interior devoid of political conflict (and, if anything, transforming conflict into crime suppressible through police action). Today we are also witnessing the disappearance of the interior. For terrorists, every part of the planet is, potentially, immediately exposed to absolute hostility and is, therefore, in some way external to itself and always exposed to war. Conversely, for the United States, every part of the planet is a possible theater of war and terrorism. This evident inability to distinguish interior from exterior (and to distinguish civilians from military personnel, private from state), and the consequent disappearance of one within the other plunges politics in the global age into twilight, causing confusion between war and peace, conflict and politics, exception and rule, causing everything to appear on the same indistinct continuum. Today, the "intermediate situation" between war and peace or between rule and exception is the norm, which means that any concrete reference to regularity, order, or neutrality is no longer possible. There is no longer any concreteness or regularity from which irregularity may derive its strategic value of destruction and reconstruction. "Global war" is the term we use to describe this condition in which violence in the world manifests itself at a pace that cannot be represented on a map as a traditional bellic front, but only according to logics of instantaneousness and "punctuality:" every part of the planet is immediately exposed to the global flux of violence. This flux of violence supplants political or territorial state mediation, which is by now unable to distinguish internal from external. Global mobilization, from a political point of view, means that anything can happen, anywhere, at any moment. Global war does not occur in the striated space of political powers or in the smooth space of technology. Rather, it occurs without any causative relationship to space, as the only possible relationship to space is now immediate. To be precise, global war is the fact that space, today paradoxical and non-Euclidean, is not crossed by boundaries but by fractures that put different times and spaces into immediate communication with one another: the caves in Afghanistan reach the Twin Towers in New York, rural society reaches advanced hypermodernity. This paradoxical spatiality is not determined by the imbalance between land and sea, and can be much more aptly defined as an age in which the relevance [End Page 14] of these two primordial spaces is lost. It would not be enough to attribute this loss to the newfound importance of air space, a phenomenon that had already reached its potential for novelty in the terminal phase of modernity. More precisely, this loss occurs as a result of the formation of a hypercomplex global space in which land, like sea, is crossed not only by currents, but also by terrorists who behave like a new breed of pirates.

c) Their belief that violence is a result of social institutions erases the soverign and results in civilizing violence

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Now, if the triumph of a particular species of liberal pluralism denotes the de-politicization of society, one would think that theoretical opposition to this trend would seek to rehabilitate the political. But rather than asserting the value of the political as an essential structure of social life, the post-Marxist left seems intent on hammering the final nails into the coffin. In the most celebrated works of recent years, Giorgio Agamben’s Homo Sacer (1998) and Michael Hardt and Antonio Negri’s Empire (2000), the political (denoted by the notion of sovereignty) is irretrievably identified with nihilism and marked for extinction. In both instances, the political is the cause of the loss of ‘natural innocence’ (Agamben, 1998, p 28), that flowering of human productivity that the Western metaphysical tradition has suppressed; and the logical paradox of sovereignty is to be overcome by the instantiation of a new ontology. In this way, violence, which is not thought of as part of the state of nature but is introduced into the human condition by flawed or morally perverse social institutions, is to be averted. That is, the faulty supposition of ineluctable violence that guides political theory from Hobbes to Weber is to be replaced by a Heideggerian, Deleuzean, Spinozan or Christian ontology of original harmony. In the words of John Milbank, a Christian social theorist who currently enjoys a modest following among political thinkers on the Left, there is no ‘original violence’, but rather an originary ‘harmonic peace’ which is the ‘sociality of harmonious difference’. Thus violence ‘is always a secondary willed intrusion upon this possible infinite order’ (Milbank, 1990, p 5). This, then, is the great supposition that links the ascetic pessimism of an Adorno with the cheery Christian optimism of Milbank: the world as it is is as it is because of the moral perversity of (some) human agents who willfully construct flawed social institutions. To seek to remedy the perversity of the world as it is from within the flawed social and political structures as they are only increases the perversity of the world. One must, therefore, totally disengage from the world as it is before one can become truly engaged. Only a thorough, cataclysmic cleansing of the world will allow our activities to be both ‘innocent’ and ‘productive’. Clear, though only partially acknowledged, is the fact that this cleansing, which aims at ridding the world of intrusive violence, is itself an act of fierce and ultimate violence – ultimate in its purported finality, but also, certainly, in its extreme ferocity. What remains equally clear, though not acknowledged, is that whoever has the power to determine the nature of this harmonious sociality is the one who can determine which acts of violence are to be judged as intrusions into the placid domain and which acts of violence are to be condoned as the necessary means of re-establishing the promise of perpetual peace. Determining the nature of this desired, nay, required originary peace is itself a sovereign act, not the abolition of such sovereignty. What our ultimate sovereign of harmonious peace will do with the willfully violent intruders can only be guessed, but it is certain that they will not be looked upon as legitimate political dissenters, and the unconditional violence that will be used to eliminate their presence will be justified by invoking the ‘harmonic peace’ or ‘natural innocence’ they have so deliberately and maliciously disturbed.

#### The destruction of enmity results in biopolitical recharacterizations of the state to “protect the population”.

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Another register in which the lines are blurred or rather non-existent is in the biopolitical enmity as theorized by Michel Foucault (2003; Kelly 2004) and Giorgio Agamben (1998). Here, we most clearly see the blurring of lines. In the biopolitical enmity, the enemy is named in biological and psychological terms and the enemy is found within the social body. The line between an inside, the friends, and an outside, the enemies, is no longer meaningful. The enemy lives among us and the biopolitical state takes it upon itself to single out those, who threaten the health of the community. This concept of enmity is also highly discriminatory. It establishes a hierarchy of worthy life and starts to talk about 'life unworthy of being lived' and its annihilation (Agamben 1998: 136), most dramatically and tragically executed in the Nazi concentration and euthanasia program but for both Foucault and Agamben a constitutive element in modernity. The goal of a biopolitical war is not to reach a modus vivendi with the enemy but to eliminate him. This is a total war: ... the enemies who have to be done away with are not adversaries in the political sense of the term; they are threats, either external or internal, to the population and for the population. In the biopower system, in other words, killing or the imperative to kill is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to and the improvement of the species or race. (Foucault 2003: 256, my italics) What the biopolitical enmity makes clear is the normalization of the exceptional, as the biopolitical state declares war on parts of its own population, not only in form of extermination but also quarantining of the sick, surveillance, exclusions, imprisonments, institutionalization of the abnormal etc. The heroic battles are replaced by micro-technologies that maximize the mortality of some groups and minimize it for others. Instead of individual killings, we get what Ernst Fraenkel with a very precise expression called 'civil death' (1969: 95) or what Foucualt called 'statistical death'. The sovereign does not manifest himself in splendid displays of power, public executions, but in the actions of the secret police, disappearances and extermination camps (Foucault 2003: chap. 11). The biopolitical state emerges, where racism and statism meets. It is no longer: 'We have to defend ourselves against society', but 'We have to defend society against all the biological threats posed by the other, the subrace, the counterrace that we are, despite ourselves, bringing into existence' ... we see the appearance of a State racism: a racism that society will direct against itself, against its own elements and its own products. This is the internal racism of permanent purification (Foucault 2003: 61-2)