### T

#### Interpretation –

#### Restrictions are legal limits an activity

Gerald N. Hill and Kathleen T. Hill – 2005, the Free Dictionary, http://legal-dictionary.thefreedictionary.com/Restrictions

restriction n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects, managed by homeowners' associations or similar organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions," intended to enhance the use of common facilities and property, recorded and incorporated into the title of each owner.

#### “on” indicates the object affected by the action

American Heritage Dictionary – 2000, http://www.thefreedictionary.com/ON

on (n, ôn)

prep.

1.

a. Used to indicate position above and supported by or in contact with: The vase is on the table. We rested on our hands and knees.

b. Used to indicate contact with or extent over (a surface) regardless of position: a picture on the wall; a rash on my back.

c. Used to indicate location at or along: the pasture on the south side of the river; a house on the highway.

d. Used to indicate proximity: a town on the border.

e. Used to indicate attachment to or suspension from: beads on a string.

f. Used to indicate figurative or abstract position: on the young side, but experienced; on her third beer; stopped on chapter two.

2.

a. Used to indicate actual motion toward, against, or onto: jumped on the table; the march on Washington.

b. Used to indicate figurative or abstract motion toward, against, or onto: going on six o'clock; came on the answer by accident.

3.

a. Used to indicate occurrence at a given time: on July third; every hour on the hour.

b. Used to indicate the particular occasion or circumstance: On entering the room, she saw him.

4.

a. Used to indicate the object affected by actual, perceptible action: The spotlight fell on the actress. He knocked on the door.

b. Used to indicate the object affected by a figurative action: Have pity on them.

c. Used to indicate the object of an action directed, tending, or moving against it: an attack on the fortress.

d. Used to indicate the object of perception or thought: gazed on the vista; meditated on his actions.

5. Used to indicate the agent or agency of a specified action: cut his foot on the broken glass; talked on the telephone.

6.

a. Used to indicate a medicine or other corrective taken or undertaken routinely: went on a strict diet.

b. Used to indicate a substance that is the cause of an addiction, a habit, or an altered state of consciousness: high on dope.

7.

a. Used to indicate a source or basis: "We will reach our judgments not on intentions or on promises but on deeds and on results" (Margaret Thatcher).

b. Used to indicate a source of power or energy: The car runs on methane.

8.

a. Used to indicate the state or process of: on leave; on fire; on the way.

b. Used to indicate the purpose of: travel on business.

c. Used to indicate a means of conveyance: ride on a train.

d. Used to indicate availability by means of: beer on tap; a physician on call.

9. Used to indicate belonging to: a nurse on the hospital staff.

10. Used to indicate addition or repetition: heaped error on error.

11.

a. Concerning; about: a book on astronomy.

b. Concerning and to the disadvantage of: We have some evidence on him.

12. Informal In one's possession; with: I haven't a cent on me.

13. At the expense of; compliments of: drinks on the house.

#### Energy production of nuclear power is the generation of electricity

US EIA (Energy Information Administration) - October 19, 2011, Annual Energy Review 2010, http://www.eia.gov/totalenergy/data/annual/pdf/aer.pdf

Primary Energy Production: Production of primary energy. The U.S. Energy Information Administration includes the following in U.S. primary energy production: coal production, waste coal supplied, and coal refuse recovery; crude oil and lease condensate production; natural gas plant liquids production; dry natural gas—excluding supplemental gaseous fuels—production; nuclear electricity net generation (converted to Btu using the nuclear heat rates); conventional hydroelectricity net generation (converted to Btu using the fossil-fuels heat rates); geothermal electricity net generation (converted to Btu using the fossil-fuels heat rates), and geothermal heat pump energy and geothermal direct use energy; solar thermal and photovoltaic electricity net generation (converted to Btu using the fossilfuels heat rates), and solar thermal direct use energy; wind electricity net generation (converted to Btu using the fossil-fuels heat rates); wood and wood-derived fuels consumption; biomass waste consumption; and biofuels feedstock.

#### Violation – The aff does not remove a limitation on the conversion of nuclear energy into electricity; it only removes limitations on the construction of plants/facilities that MIGHT produce electricity LATER

#### Vote Neg

#### Predictable Limits – There are hundreds of factors that influence whether nuclear power gets produced – Allowing affs to remove restrictions on factors of production means they could open up public lands for plant construction or declassify more design information. Only requiring the aff’s restriction to DIRECTLY LIMIT the generation of electricity from nuclear power creates a predictable limit on aff mechanisms

#### Ground – Deregulating capital instead of production means the aff doesn’t have to defend “production good.” At best they are effectually topical which guts stable CP and DA ground and forces us to concede solvency to get back to square 1.

### DA

#### Obama is still ahead but Romney is closing the gap --- especially in the critical swing state of Ohio

Murray, 10/3 (Sara, The Wall Street Journal Online, 10/3/2012, “Obama Lead Shrinks in Two Battlegrounds; Polls Tighten in Florida and Virginia, But Romney Still Faces Big Gap in Ohio,” Factiva)

Mitt Romney has closed in on President Barack Obama in the battleground states of Florida and Virginia, new polling shows, but a substantial gap with the president in Ohio leaves the Republican with a daunting path to victory in the Electoral College.

Biting into Mr. Obama's lead over the past three weeks, Mr. Romney now trails the president by a single percentage point among likely voters in Florida and by two points in Virginia, new Wall Street Journal/NBC News/Marist Poll surveys show. Both races are statistical dead heats, as Mr. Obama's leads fall within the surveys' margins of error.

But the GOP nominee trails by eight percentage points among likely voters in Ohio, the nation's largest swing state after Florida and a central component of both candidates' plans for building an Electoral College majority, the new polling shows.

The polls show that the race for the White House remains fiercely competitive roughly a month before Election Day. The state surveys mirror tightening nationwide: Mr. Obama held a three-point lead in a new nationwide Wall Street Journal/NBC News survey released Tuesday, down from five points in early September.

"This is going to be—and always was going to be—a close election," Robert Gibbs, an adviser to the Obama campaign, said in a Politico forum Wednesday. He singled out Ohio and Virginia as particularly important states for both candidates. "Places like Ohio and Virginia…have seen as much if not more attention than almost anything else."

In Florida, Mr. Obama leads Mr. Romney 47% to 46% among likely voters, after holding a five-point lead in early September. In Virginia, the president leads 48% to 46%, after topping Mr. Romney by five points in a September survey.

In Ohio, the new survey finds Mr. Obama with 51%, to 43% for Mr. Romney, after Mr. Obama led by seven percentage points in early September.

The pool of undecided voters is relatively small—just 4% in Ohio, 5% in Virginia and 6% in Florida—but a substantial shift toward Mr. Romney among independent voters in Florida in the past three weeks suggests that a larger subset remains persuadable.

"If Romney can make a better showing for who he is personally, this race could get even tighter," said Andrew Kohut, president of the nonpartisan Pew Research Center. So far, many swing voters "have a negative view of Obama's performance and a negative view of Romney personally."

The Romney campaign will need to make swift progress in Ohio if it hopes to make the state competitive. A major challenge there: More than half of likely Ohio voters—some 51%—had an unfavorable impression of Mr. Romney, compared with 42% who viewed him positively. It was roughly the opposite for the president: 52% viewed Mr. Obama favorably, while 44% had a negative impression of him.

Ben Ginsberg, counsel to the Romney campaign, said in the Politico forum it is possible for Mr. Romney to eke out an Electoral College victory without the Buckeye State, but that "it'd be a lot better to win Ohio."

Across all three swing states, the candidates were at a standoff in molding likely voters' economic perceptions. "Basically Obama and Romney are fighting to a draw as to who's better able to handle the economy," said Lee Miringoff, the director of the Marist Institute for Public Opinion, which conducted the surveys of the three states.

Mr. Romney's Medicare stance remains an issue that is sure to continue to draw attention, particularly in Florida, with its heavy concentration of seniors. Some 48% of likely voters in Florida said Mr. Obama was better prepared to deal with Medicare, compared with 43% who said Mr. Romney was.

But older voters were more amenable to Mr. Romney's plan, which would keep benefits unchanged for people in or near retirement but move younger Americans to a system where they buy insurance policies in retirement subsidized by the government. Of likely Florida voters 60 years or older, 47% said Mr. Romney would do a better job handling Medicare, compared with 43% who said the president would.

#### Kagan nomination and election season make the Court a lightening rod- Obama will weigh in

MARK SHERMAN- Associated Press- June 10, 2010, Liberal group: Pro-business tilt on Roberts court, lexisnexis

A study from a liberal interest group says the Supreme Court of Chief Justice John Roberts has a decidedly pro-business tilt, echoing the line Democrats are taking in support of the nomination of Elena Kagan to fill its latest vacancy. The analysis from the Constitutional Accountability Center finds that the court's five conservative justices side with the U.S. Chamber of Commerce at least two-thirds of the time, while the four liberal justices all disagree with the position by the nation's largest business group more than half the time. The Chamber of Commerce says the analysis is simplistic and notes that many business cases unite the court's conservatives and liberals. But Doug Kendall, the center's president, says the study confirms what he and many Democrats have been saying, especially since the court voted 5-4 in January to take limits off independent corporate spending in political campaigns. "The pro-corporate rulings of the activist Roberts court are already a very big story," Kendall says. President Barack Obama stirred controversy when he criticized the court's campaign finance decision at his State of the Union speech in January, with six justices in attendance in the House chamber. When Obama nominated Kagan, the current solicitor general, in May, he praised her for defending "the rights of shareholders and ordinary citizens against unscrupulous corporations." Democratic senators and liberal interest groups have struck similar chords, and the theme is likely to recur at Kagan's hearing beginning in late June. For its study, the center took a look at 53 cases decided since Justice Samuel Alito joined the court early in 2006 and in which the Chamber of Commerce played a role. The group won 64 percent of those cases and 71 percent of closely divided cases those with five-justice majorities, the report said. Alito has the highest support for the Chamber of Commerce's position, 75 percent overall and 100 percent in the close cases. Justice Anthony Kennedy supported the group's position 67 percent of the time and the other three conservatives, chief Justice John Roberts and Justices Antonin Scalia and Clarence Thomas, were between Alito and Kennedy. Robin Conrad, who heads the Chamber of Commerce's active litigation division, said the study used "loaded, inflammatory language" that ignored some pertinent facts. "The vast majority of our cases are decided by lopsided majorities that include what they call the left wing of the court," Conrad said. She also noted that the study called the court's ruling cutting Exxon Corp.'s damages in the Exxon Valdez spill by 80 percent "ideologically divided." But Conrad said, "Last I read, Justice (David) Souter wrote the majority in that case." Souter, since retired, was generally part of the court's liberal bloc. "This is a political season and people are being particularly political," she said. The report also noted that the early evidence suggests that Souter's replacement, Justice Sonia Sotomayor, may be less inclined to support the business position than was Souter. In the seven cases in which she has participated so far, Sotomayor has voted against the Chamber of Commerce's position five times and the court was unanimous in her two pro-business votes, the report said. The planned start of Kagan's confirmation hearing is June 28, also the last day the court is scheduled to issue opinions before breaking for the summer. There is no fixed date by which the court must issue all its opinions. But to finish by June 28, the justices would have to produce a relative torrent of decisions in 24 cases in the span of 15 days beginning Monday, when the court next sits.

The remaining cases are generally not garden-variety disputes, but among the most important and contentious of the term.

#### Significant opposition to nuclear power from democrats, women and independents

Cooper, 11 (3/22/2011, Michael Cooper and Dalia Sussman, “Nuclear Power Loses Support in New Poll,” <http://www.nytimes.com/2011/03/23/us/23poll.html?_r=1>)

What had been growing acceptance of nuclear power in the United States has eroded sharply in the wake of the nuclear crisis in Japan, with support for building nuclear power plants dropping slightly lower than it was immediately after the accident at the Three Mile Island plant in 1979, according to a CBS News poll released on Tuesday evening.

Only 43 percent of those polled after the failure of the Fukushima Daiichi plant in Japan said they would approve building such new facilities in the United States to generate electricity. That is a steep decline from the 57 percent who said in 2008 that they approved of new plants. That poll was taken at a time of soaring gas prices and mounting concerns about global warming that led to calls for a new national energy policy and that drove popular support for nuclear power to its highest level in three decades.

Support for nuclear power has waxed and waned over the decades, going up as the power-hungry nation looked for ways to meet demand and driven down by nuclear accidents at home and abroad. Support for more nuclear power plants was 69 percent in 1977, the highest level ever recorded in a poll by The New York Times or CBS News. But two years later, it plummeted to 46 percent after the Three Mile Island accident near Harrisburg, Pa. After the Chernobyl disaster in Ukraine, then part of the Soviet Union, in 1986, support dropped to 34 percent in a CBS News poll.

The new poll found that nearly 7 in 10 Americans think that nuclear power plants in the United States are generally safe. But nearly two-thirds of those polled said they were concerned that a major nuclear accident might occur in this country — including 3 in 10 who said they were “very concerned” by such a possibility. Fifty-eight percent of those polled said they did not think the federal government was adequately prepared to deal with a major nuclear accident.

Still, 47 percent of those polled said that, over all, the benefits of nuclear power outweighed the risks; 38 percent said they did not.

The nationwide telephone poll was conducted March 18-21 among 1,022 adults, and it has a margin of sampling error of plus or minus three percentage points.

The unfolding crisis in Japan occurred just as many Americans believed that nuclear power was poised to make a comeback in the United States, more than three decades after the Three Mile Island accident.

President Obama has spoken in his past two State of the Union addresses of the need to build more nuclear plants, and he has called for billions of dollars in federal loan guarantees for construction. Some environmental groups, and many members of Congress in both parties, have also increasingly come to consider nuclear power as a steady energy source that, since it does not emit carbon, could play an important role as the nation seeks to address concerns about climate change.

But even before the Japan crisis, there were tremendous financial challenges for any new construction, and the number of plants that was expected to be built in the near future was small.

Finding places to build new plants could also prove difficult: more than 6 in 10 of those polled said they would not approve of a nuclear plant in their community. Support was highest in the South, where plans are under way for new plants in South Carolina and Georgia, and in the Midwest.

Attitudes toward nuclear power varied along partisan and gender lines, the poll found.

A slim majority of Republicans said they approved of building more nuclear plants, while majorities of Democrats and independents disapproved. Republicans were also more likely to see the existing nuclear power plants as safe, and were more likely to say that the federal government was prepared to handle an accident, though most still said the government was not ready for such an emergency.

And Republicans were less likely to disapprove of new nuclear plants in their areas: 50 percent of them said they did not want new nuclear plants nearby, compared with 69 percent of Democrats and 65 percent of independents.

There was also a gender divide: while a majority of men said they approved of new nuclear plants, most women disapproved. Women were also significantly less likely than men to say that the benefits of nuclear power outweighed the risks, more likely to say that they were “very” concerned about a major accident and more likely to say that the events in Japan made them more afraid that a nuclear accident could occur in the United States.

Mr. Obama received high marks for his handling of the crisis from all political groups. Nearly half of those polled said they were concerned that radiation from Japan could harm people in the United States, with the results similar across all regions. But their concern did not run very deep: only 17 percent said they were “very concerned” about the possibility, including just 13 percent of those who live in the West.

#### Romney win crushes US-Russian relations – reverse causal evidence

**Larison 6-20-**12, citing Andrew Weiss director of the RAND Center for Russia and Eurasia and executive director of the RAND Business Leaders Forum, Daniel Larison is a reporter for the American Conservative, “The Presidential Election’s Effects on U.S.-Russian Relations” <http://www.theamericanconservative.com/larison/the-presidential-elections-effects-on-u-s-russian-relations/>)

Andrew Weiss considers the reasons for U.S.-Russian tensions, and finds the presidential elections in both countries to be partly responsible: A third big drag on U.S.-Russian relations comes from the so-called silly season that accompanies presidential campaigns in both countries. Of course, 2012 was always supposed to be a dead year in U.S.-Russian relations. Back-to-back presidential campaigns have overshadowed just about everything on the bilateral agenda, and practically no one in Washington or Moscow had been predicting that significant progress could be made this year on the toughest issues. Take missile defense, for example. Putin has shown little interest in cutting deals on major arms control issues with a U.S. president who might not be around in just a few months time to implement them. Not only does Putin have no strong incentive to take risks in pursuing new deals with Obama before the election, but he has good reason to believe that a Romney administration would halt or reverse most or all of Obama’s initiatives related to Russia. If Romney wins in November, Putin has even less incentive to cooperate with the U.S., because he will assume (correctly) that the incoming administration is going to be much more antagonistic. Arms control isn’t likely to be a top priority in a Romney White House. To the extent that he has said anything about arms control, Romney is openly hostile to new agreements and unwilling to make even the smallest concessions on missile defense. The good news is that U.S.-Russian relations might start to recover once the election is over, but that depends on the outcome. Romney’s election would represent the confirmation of Russian hard-liners’ suspicions that the post-2008 thaw in relations was a fluke and couldn’t be sustained. Indeed, the Republican nominee seems to have crafted his Russia policy to maximize distrust and paranoia in Moscow. The 2008 and 2012 campaigns have been unusual in the post-Cold War era for the intensity of anti-Russian sentiment expressed by the Republican nominees in these cycles. If it had just been the 2008 cycle, it could have attributed to McCain’s longstanding anti-Russian attitudes and dismissed as such. The re-emergence of Russophobia as a major theme of Republican foreign policy makes that impossible. Weiss also points to the danger that Putin will contribute to wrecking the relationship for opportunistic domestic reasons: Still, Putin knows how to cater to the two-thirds of the Russian electorate that voted for him in March and reside primarily in Russia’s smaller cities and countryside. He may find it hard to resist the temptation to play upon their worst fears and anti-Western stereotypes. Sacrificing the past several years of dramatic improvement in the U.S.-Russian relationship may seem like a small price to pay if it breathes new life and legitimacy into his rule. If Romney is elected, his desire to scrap good relations with Russia would make it extremely easy for Putin to do just that.

#### **Relations key to solve accidental nuclear war – START is no substitute for relations**

Cohen 10—prof, Russian Studies and History, NYU. Prof emeritus, Princeton (Stephen, US-Russian Relations in an Age of American Triumphalism: An Interview with Stephen F. Cohen, 25 May 2010, http://www.thenation.com/article/us-russian-relations-age-american-triumphalism-interview-stephen-f-cohen, AMiles)

Cohen: The real concern I have with this "we won the Cold War" triumphalism is the mythology that we are safer today than we were when the Soviet Union existed. Though it is blasphemous to say so, we are not safer for several reasons, one being that the Soviet state kept the lid on very dangerous things. The Soviet Union was in control of its nuclear and related arsenals. Post-Soviet Russia is "sorta" in control, but "sorta" is not enough. There is no margin for error. Reagan's goal in the 1980s was not to end the Soviet Union, but to turn it into a permanent partner of the United States. He came very close to achieving that and deserves enormous credit. He did what had to be done by meeting Gorbachev half-way. But since 1991, the arrogance of American policymaking toward Russia has either kept the Cold War from being fully ended or started a new one. The greatest threats to our national security still reside in Russia. This is not because it's communist, but because it is laden with all these nuclear, chemical, and biological devices—that’s the threat. The reaction of the second Bush administration was to junk decades of safe-guarding agreements with Moscow. It was the first time in modern times that we have had no nuclear control reduction agreement with the Russians. What should worry us every day and night is the triumphalist notion that nuclear war is no longer possible. It is now possible in even more ways than before, especially accidental ones. Meanwhile, the former Soviet territories remain a Wal-Mart of dirty material and know-how. If terrorists ever explode a dirty device in the United States, even a small one, the material is likely to come from the former Soviet Union. The Nunn-Lugar Act (1992) was the best program Congress ever enacted to help Russia secure its nuclear material and know-how, a major contribution to American national security. But no one in Washington connects the dots. Take Senator Lugar himself. He seems not to understand that we need Russia's complete cooperation to make his own legislation fully successful, but he repeatedly speaks undiplomatically, even in ugly ways, about Russia’s leaders, thereby limiting their cooperation and undermining his own legacy. In other words, to have a nuclear relationship with Russia that will secure our national security, we must have a fully cooperative, trusting political relationship with Moscow. That’s why all the talk about a replacement for the expired START agreement, which Obama has been having trouble reaching with the Kremlin, is half-witted. Even if the two sides agree, and even if the Senate and Russian Duma ratify a new treaty, the agreement will be unstable because the political relationship is bad and growing worse. Evidently, no one in the Administration, Congress, or the mainstream media, or, I should add in the think tanks, can connect these dots.

### K

Nuclear psychoanalysis medicalizes social relationships creating new modes of domination – their description of social behavior in terms of therapy necessitates mental and physical surveillance and frames social control as action taken “for individuals’ own good”

Chaloupka ’92,

(William, Chair of Political Science @ Colorado State, Knowing Nukes, pgs. 40)

Are we compelled, then, to find something to replace the absent warrior? I have suggested that the spy might be that replacement, but the spy is another absent agent who may or may not be present, a ghost who may merely (and falsely) imply a presence. There have been other suggestions, as well. Feminists have sometimes suggested that the warrior impulse satisfies a need for sociability among men, and that a therapeutic discourse might diffuse this dangerous need. While a full critique of the therapeutic alternative is beyond the scope of this book, I can at least note that such a solution only displaces one power grid with another. Therapists diagnose militarism-such an inexplicable attitude when it has been so completely displaced by deterrence-as a psychological residue that should be treated. That treatment raises other issues, however. As Foucault argued, such objects of therapy can turn out to be more like compulsions themselves, implying all sorts of positive agendas." The relentless self-surveillance implied by therapeutic contexts does not "make us well"; it submits us (or rather, finds us submitting ourselves) to a new regime of power. The victim of such "progress" is, always, the political. In this instance, as in every humanistic prognosis, we must ask whether this progress means a humanist development or the advance of discipline and surveillance. This is the subtext of discussions in which poststructuralists confront therapy, deterrence, peace, and other solutions, arguing that each presents a new regime of contemporary power, not some progressive outcome. A crucial project, then, would be to trace the disciplinary practices linked to nuclearism. Another, as I have already suggested, is to examine Baudrillard's radical suggestion that politics ends in this age.

That produces annihilation – their use of nuclear medicine allows us to decide who lives and who dies based upon how we imagine their brains to be structured – their model of biopolitical control ensures extermination of “pathologically diseased” bodies

Foucault ‘78 (Michel, Professor of the History of Systems of Thought at the Collège de France, The History of Sexuality Volume 1: An Introduction, translated by Robert Hurley, p. 135-137)

Since the classical age the West has undergone a very profound transformation of these mechanisms of power. "Deduction " has tended to be no longer the major form of power but merely one element among others, working to incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them. There has been a parallel shift in the right of death, or at least a tendency to align itself with the exigencies of a life-administering power and to define itself accordingly. This death that was based on the right of the sovereign is now manifested as simply the reversal of the right of the social body to ensure, maintain, or develop its life. Yet wars were never as bloody as they have been since the nineteenth century, and all things being equal, never before did regimes visit such holocausts on their own populations. But this formidable power of death--and this is perhaps what accounts for part of its force and the cynicism with which it has so greatly expanded its limits--now presents itself as the counterpart of a power that exerts a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations. Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital. It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, causing so many [people] to be killed. And through a turn that closes the circle, as the technology of wars has caused them to tend increasingly toward all-out destruction, the decision that initiated them and the one that terminates them are in fact increasingly informed by the naked question of survival. The atomic situation is now at the end point of this process: the power to expose a whole population to death is the underside of the power to guarantee an individual's continued existence. The principle underlying the tactics of battle--that one has to be capable of killing in order to go on living--has become the principle that defines the strategy of states. But the existence in question is no longer the judicial existence of sovereignty; at stake is the biological existence of a population. If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population.

#### Alternative – in the face of nuclear weapons we should refuse metaphysical essences

#### The alternative finds no inherent meaning in the confrontation with the bomb – this release from the rush to medicalization produces freedom and overcomes new psychological power relations

Chaloupka ’92, (William, Chair of Political Science @ Colorado State, Knowing Nukes, pgs. 66-67)

This objection is more a reminder of our uncertainty about human control of technology than a reassurance. Having situated the desire to experience the bomb-as well as the routine adjustment of human lives to approximate the robotic-we can identify this technology as a different kind of tool. More than a reminder of Jefferson's dumbwaiter or Locke's blank slate, these machines evoke Baudrillard's mirror. The robot is our special mirror, a reflector we can send into the inferno, with its camera rolling until it melts, Dali-style. In Huyssen's interpretation, Fritz Lang's Metropolis implies that the conflict of labor and capital could be solved by technology, even if the conflict proceeds on a highly metaphorical, mythical level of fear and hatred. We could find similar connections with the nuke. The robot brings the horror together with the hope of controlling (always admittedly uncontrollable) horror. The postnuclear robot is a manufactured body; watching it, we are practicing the gaze that (as Foucault explained) now denotes control. True, the robot could overwhelm the observer. But that is the test we wish to arrange for ourselves. The humanist insistence that we conquer this situation with expressions of will informed by value fails to comment sufficiently on the production of that choice. There are activists who understand the absurdity of Nancy Reagan's "just say no" in the context of drug use, but do not notice that they replicate that injunction when they say, in effect, just say no to nukes. Political response must be more than will; issues form important combinations, even if the linkages are not necessarily conspiratorial or structuralist. Having constructed this "choice," it will not do simply to choose. At the margins, critiques such as Kroker's make possible a nostalgic stance of alienation. Models for unalienated responses must be created, and the computer-as-bomb presents such an opening. Rather than seeing each political question as an opening for humanist complaint, we could move on- light on our feet- to take apart another form of contemporary authority. Without a doubt, this critical activity will have political consequences. The opponent's role is to continue criticism; each event can be posed as a fascination, not just a curt dismissal. Fascination keeps questions open, allowing criticism to continue. In the case of computers, we have widespread social experience with just such a displacement of alienation with engagement. From the position I have tried to evoke in this book, the privileged stance is proximity or engagement, rather than critical distance. In these terms, then, the uncertainty of our talk about computers has to do with our posture toward familiarity with objects that have been lodged in a discourse of renunciation or taboo. We have another "guilty pleasures" problematic here, one that is as political as it is psychological or literary. When Birrell Walsh juxtaposed two metaphors for computing, he was exemplifying just such an approach: To those who don't like computers, these machines seem to be a kind of monkey trap-a bottle with fruit in it. The monkey reaches in and grasps the fruit, but with the fruit in his fist he cannot get his hand out. The hunter catches him because the monkey is unwilling to let go of the fruit. It is not our hand that we put into the computer, it is our attention .... These machines hold attention like no prior machine. To those of us who love these machines, they are a portal into ... a puzzle-world, full of possibilities.... We agree we are absorbed.45 But, Walsh goes on to say, we could class this absorption as obsession and ecstasy, an altogether different context than traps and medicalized addiction. It becomes obvious that the real source of the critique levied against this engagement was an apprehension about an intense involvement with learning. My characterizations in this chapter form an attempt to shift the critical enterprise; the pervasiveness of the bomb can be acknowledged and related to actual human practice, and the appropriate response becomes critical engagement-even risk of obsession-mediated by “humor, vice, and the attempt to manifest vision.” 46 Rather than assuming that the spread of technology (and its multilayered opacities) portends meaning, we might find out more about both the machines and ourselves by emphasizing the puzzling opacity rather than the meaning. The leap to metaphysics is not necessary, and there are surely good reasons not to make it (as Derrida argues so convincingly). Rather than seeing metaphysics, we might let technology now remind us how complete the demise of any fundamental "essence" already is. Here is a phenomenon that obviously has no nature, except that it spreads, absorbing whatever it finds adjacent to it. Instead of moving too quickly to denunciation, we could insist on continuing to practice opposition. If this insistence is based on a moral judgment, it still manifests itself in very distinctive intellectual approaches. The radically constituted dimensions of the situation could be (continually, radically, newly) demonstrated for "how they work," rather than for "what they are." That's deconstruction.

### CP

#### Text: Congress should amend the National Environmental Policy Act of 1969 so that it does not require the analysis of the impact of a terrorist attack on a nuclear power facility.

#### Supreme Court jurisprudence entrenches elite power and fetishizes the institution turns the case

Unger, Professor of Law, Harvard

(Yale Law Review)

In What Should Legal Analysis Become?, Roberto Mangabeira Unger sets forth his mature view on this question. Unger maintains that modern practices of legal interpretation have become dominated by what he calls "rationalizing legal analysis" (p. 38), a form of analysis under which judges interpret independent fragments of the law as expressing a coherent, general system of purposes (p. 36). In the critical portions of his book, Unger argues that we should abandon this practice for two main reasons. First, he claims that the practice allows judges to impute general "policies of collective welfare and principles of moral and political right" into their readings of the law (p. 36), thereby suppressing vital elements of our democratic compromises (p. 40) and transferring the power to determine the basic terms of social life from the People to an elite class of legal technicians (p. 72). Second, Unger claims that the practice fetishizes our present institutional arrangements (p. 39), thus frustrating the sorts of innovations that would give genuine meaning to the People's legal mandates (p. 39).

#### Their author; congress could do it too.

Briggs in 11 (Alexander T; J.D. Candidate 2012, Seton Hall University School of Law; “Managing the Line Between Nuclear Power and Nuclear Terror: Considering the Threat of Terrorism as an Environmental Impact,” Seton Hall Circuit Review; 8 Seton Hall Cir. Rev. 223; Lexis)

Until this problem is resolved, the 9th Circuit will continue to impose its distinct requirement upon nuclear generating stations and fuel storage facilities within its jurisdiction. Such a regime will allow a handful of special interest groups to thwart the efforts of the NRC, the CEQ and Congress to provide peaceful and prosperous uses of nuclear energy. The Supreme Court has the ability to resolve this split, and should do so by affirming the Third Circuit’s ruling in NJDEP. Unless Mothers for Peace is overruled, the Ninth Circuit will continue to expose its energy industry to ambiguous and unattainable disclosure demands, and will expose its citizens to unnecessary threats. Barring intervention by the Supreme Court, Congress has the ability to closely consider the public interest and if necessary, charge the appropriate agency with the burden of a thorough terrorism review. Until either Congress or the Supreme Court acts, however, the NRC will continue to enforce its statutory duty as per its discretion in a manner best serving the nation, with the exception of the scar of Diablo Canyon.

### Case

#### The aff’s utopianism creates a new orthodoxy around terrorism – precludes nuanced pragmatic analysis

Jones & Smith, ’09

[David Jones, University of Queensland, Australia, and M.L.R. Smith, Kings College, University of London, “We're All Terrorists Now: Critical—or Hypocritical—Studies “on” Terrorism?” Studies in Conflict & Terrorism, Volume [32](http://www.informaworld.com.proxy.lib.umich.edu/smpp/title~db%3Dall~content%3Dt713742821~tab%3Dissueslist~branches%3D32#v32), Issue [4,](http://www.informaworld.com.proxy.lib.umich.edu/smpp/title~db%3Dall~content%3Dg909981711)April 2009, pg. 292 – 302]

Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, Booth, Burke, and the editors contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.” This, according to Burke, is “the normative end” that critical theory pursues. Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. In other words, the only ethical solution to terrorism is conversation: sitting around an un-coerced table presided over by Koﬁ Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union paciﬁst sandalista, a transcendental communicative reason will emerge to promulgate norms of transformative justice. As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46). In the end, un-coerced norm projection is not concerned with the world as it is, but how it ought to be. This not only compounds the logical errors that permeate critical theory, it advances an ultimately utopian agenda under the guise of soi-disant cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) and no doubt bursts into spontaneous chanting of Kumbaya. In analogous visionary terms, Booth deﬁnes real security as emancipation in a way that denies any deﬁnitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, Booth further maintains that universities have a crucial role to play. This also is something of a concern for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision. Overall, the journal’s fallacious commitment to emancipation undermines any ostensible claim to pluralism and diversity. Over determined by this transformative approach to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but pragmatic ones that accept the best that may be achieved in the circumstances. Ultimately, to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians and the Western media. 6

#### CTS and orthodox terror studies are two sides of the same coin – both view terrorism as something that can be eliminated and abandon impartial analysis

Jones & Smith, ’09

[David Jones, University of Queensland, Australia, and M.L.R. Smith, Kings College, University of London, “We're All Terrorists Now: Critical—or Hypocritical—Studies “on” Terrorism?” Studies in Conflict & Terrorism, Volume [32](http://www.informaworld.com.proxy.lib.umich.edu/smpp/title~db%3Dall~content%3Dt713742821~tab%3Dissueslist~branches%3D32#v32), Issue [4,](http://www.informaworld.com.proxy.lib.umich.edu/smpp/title~db%3Dall~content%3Dg909981711)April 2009, pg. 292 – 302]

Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superﬁcial assessments that have done little to contribute to an informed understanding of conﬂict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against ‘Critical Terrorism Studies’” (pp. 51–74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors’ willingness to acknowledge deﬁciencies in some terrorism research shows that critical self-reﬂection is already present in existing terrorism studies. It is ironic, in fact, that the most clearly reﬂective, original, and critical contribution in the ﬁrst edition should come from established terrorism researchers who critique the critical position. Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved. Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualiﬁcation of quotation marks to indicate the author’s distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.” Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke’s further claim that existing deﬁnitions of terrorism have “speciﬁcally excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism. Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel’s bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream strategic doctrines are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature. 7 The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: **you can never eliminate an abstract noun**. Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate the ﬂawed understandings of those whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin.

#### Failing to prevent a horrible outcome is just as bad as causing it – the aff is moral evasion

Nielsen – philosophy prof, Calgary - 93

Kai Nielsen, Professor of Philosophy, University of Calgary, Absolutism and Its Consequentialist Critics, ed. Joram Graf Haber, 1993, p. 170-2

Forget the levity of the example and consider the case of the innocent fat man. If there really is no other way of unsticking our fat man and if plainly, without blasting him out, everyone in the cave will drown, then, innocent or not, he should be blasted out. This indeed overrides the principle that the innocent should never be deliberately killed, but it does not reveal a callousness toward life, for the people involved are caught in a desperate situation in which, if such extreme action is not taken, many lives will be lost and far greater misery will obtain. Moreover, the people who do such a horrible thing or acquiesce in the doing of it are not likely to be rendered more callous about human life and human suffering as a result. Its occurrence will haunt them for the rest of their lives and is as likely as not to make them more rather than less morally sensitive. It is not even correct to say that such a desperate act shows a lack of respect for persons. We are not treating the fat man merely as a means. The fat man's person‑his interests and rights are not ignored. Killing him is something which is undertaken with the greatest reluctance. It is only when it is quite certain that there is no other way to save the lives of the others that such a violent course of action is justifiably undertaken. Alan Donagan, arguing rather as Anscombe argues, maintains that "to use any innocent man ill for the sake of some public good is directly to degrade him to being a mere means" and to do this is of course to violate a principle essential to morality, that is, that human beings should never merely be treated as means but should be treated as ends in themselves (as persons worthy of respect)." But, as my above remarks show, it need not be the case, and in the above situation it is not the case, that in killing such an innocent man we are treating him merely as a means. The action is universalizable, all alternative actions which would save his life are duly considered, the blasting out is done only as a last and desperate resort with the minimum of harshness and indifference to his suffering and the like. It indeed sounds ironical to talk this way, given what is done to him. But if such a terrible situation were to arise, there would always be more or less humane ways of going about one's grim task. And in acting in the more humane ways toward the fat man, as we do what we must do and would have done to ourselves were the roles reversed, we show a respect for his person. In so treating the fat man‑not just to further the public good but to prevent the certain death of a whole group of people (that is to prevent an even greater evil than his being killed in this way)‑the claims of justice are not overriden either, for each individual involved, if he is reasonably correct, should realize that if he were so stuck rather than the fat man, he should in such situations be blasted out. Thus, there is no question of being unfair. Surely we must choose between evils here, but is there anything more reasonable, more morally appropriate, than choosing the lesser evil when doing or allowing some evil cannot be avoided? That is, where there is no avoiding both and where our actions can determine whether a greater or lesser evil obtains, should we not plainly always opt for the lesser evil? And is it not obviously a greater evil that all those other innocent people should suffer and die than that the fat man should suffer and die? Blowing up the fat man is indeed monstrous. But letting him remain stuck while the whole group drowns is still more monstrous. The consequentialist is on strong moral ground here, and, if his reflective moral convictions do not square either with certain unrehearsed or with certain reflective particular moral convictions of human beings, so much the worse for such commonsense moral convictions. One could even usefully and relevantly adapt herethough for a quite different purpose‑an argument of Donagan's. Consequentialism of the kind I have been arguing for provides so persuasive "a theoretical basis for common morality that when it contradicts some moral intuition, it is natural to suspect that intuition, not theory, is corrupt."" Given the comprehensiveness, plausibility, and overall rationality of consequentialism, it is not unreasonable to override even a deeply felt moral conviction if it does not square with such a theory, though, if it made no sense or overrode the bulk of or even a great many of our considered moral convictions, that would be another matter indeed. Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater misery and then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a moral evasion. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he allows, when he has the power to prevent it, a situation which is still many times worse. He tries to keep his `moral purity' and avoid `dirty hands' at the price of utter moral failure and what Kierkegaard called `double‑mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right.

#### We must engage institutional logics – governments obey institutional logics that exist independently of individuals and constrain decisionmaking, absent this engagement shifts in knowledge productions are useless

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of *habitus*. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the *habitus* can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A *habitus* (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the *habitus* can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the *habitus* and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the *habitus*. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

#### Nuclear depth psychology should be ignored in policy discussion – based on utopian views that will remain ineffective at reducing the risk of a nuclear conflict.

Blight in ‘86

James G. Blight, Center for Science and International Affairs, Harvard University. “How Might Psychology Contribute to Reducing the Risk of Nuclear War?”. Political Psychology, Vol. 7, No. 4, 1986. JSTOR.

The most compelling reason policy-makers have for ignoring psychiatrists and psychologists is this: the assumptions and modus operandi at each level are utopian - in the case of the "depth" psychologists (see section 2) because they believe they can change the mental structures of virtually all important world leaders, and for the "intermediate" behavioral scientists (see section 3) because they believe they can convince foreign policy makers that it is in their best interest to permit the transformation of nuclear policy into a virtual applied behavioral science. I believe that each of these pursuits has been and will remain fruitless. Thus, since I regard influence on the policy process as the sine qua non of successful nuclear risk reduction, I believe psychologists are likely to remain out in the cold, as it were, without influence, despite all their good intentions.

#### Worst-case predictions are an ethical responsibility - **failure of preventative action and predictions drives structural violence and inequality, only actions that act to preserve future generations can resolve power relations**

Kurasawa‘4,

(Fuyuki, Assistant Prof. of Sociology @ York University, Cautionary Tales, Constellations Vol. 11, No. 4, Blackwell Synergy)

In the previous section, I described how the capacity to produce, disseminate, and receive warning signals regarding disasters on the world stage has developed in global civil society. Yet the fact remains that audiences may let a recklessness or insouciance toward the future prevail, instead of listening to and acting upon such warnings. There is no doubt that the short-sightedness and presentism are strong dynamics in contemporary society, which is enveloped by a “temporal myopia” that encourages most individuals to live in a state of chronological self-referentiality whereby they screen out anything that is not of the moment.22 The commercial media, advertising, and entertainment industries are major contributors to this “tyranny of real time”23 that feeds a societal addiction to the ‘live’ and the immediate while eroding the principle of farsightedness. The infamous quip attributed to Madame de Pompadour, ‘après nous, le déluge,’ perfectly captures a sense of utter callousness about the future that represents one of presentism’s most acute manifestations. Two closely related notions underlie it: the belief that we should only concern ourselves with whether our actions, or lack thereof, have deleterious consequences visible to us in the short-to medium-term (temporally limited responsibility); and sheer indifference toward the plight of those who will come after us (generational self-centeredness). Substantively, the two are not much different because they shift the costs and risks of present-day decisions onto our descendants. “The crisis of the future is a measure of the deficiency of our societies, incapable as they are of assessing what is involved in relationships with others,” Bindé writes. “This temporal myopia brings into play the same processes of denial of others as social shortsightedness. The absence of solidarity in time between generations merely reproduces selfishness in space within the same generation.”24 Thus, to the NIMBY (‘not-in-my-back-yard’) politics of the last few decades can be added the ‘not-in-my-lifetime’ or ‘not-to-my-children’ lines of reasoning. For members of dominant groups in the North Atlantic region, disasters are something for others to worry about – that is, those who are socio-economically marginal, or geographically and temporally distant. The variations on these themes are numerous. One is the oft-stated belief that prevention is a luxury that we can scarcely afford, or even an unwarranted conceit. Accordingly, by minimizing the urgency or gravity of potential threats, procrastination appears legitimate. Why squander time, energy, and resources to anticipate and thwart what are, after all, only hypothetical dangers? Why act today when, in any case, others will do so in the future? Why not limit ourselves to reacting to cataclysms if and when they occur? A ‘bad faith’ version of this argument goes even further by seeking to discredit, reject, or deny evidence pointing to upcoming catastrophes. Here, we enter into the domain of deliberate negligence and “culpable ignorance,”25 as manifest in the apathy of US Republican administrations toward climate change or the Clinton White House’s disengenuous and belated responses to the genocides in ex-Yugoslavia and Rwanda. At another level, instrumental-strategic forms of thought and action, so pervasive in modern societies because institutionally entrenched in the state and the market, are rarely compatible with the demands of farsightedness. The calculation of the most technically efficient means to attain a particular bureaucratic or corporate objective, and the subsequent relentless pursuit of it, intrinsically exclude broader questions of long-term prospects or negative side-effects. What matters is the maximization of profits or national self-interest with the least effort, and as rapidly as possible. Growing risks and perils are transferred to future generations through a series of trade-offs: economic growth versus environmental protection, innovation versus safety, instant gratification versus future well-being. What can be done in the face of short-sightedness? Cosmopolitanism provides some of the clues to an answer, thanks to its formulation of a universal duty of care for humankind that transcends all geographical and socio-cultural borders. I want to expand the notion of cosmopolitan universalism in a temporal direction, so that it can become applicable to future generations and thereby nourish a vibrant culture of prevention. Consequently, we need to begin thinking about a farsighted cosmopolitanism, a chrono-cosmopolitics that takes seriously a sense ¶ of “intergenerational solidarity” toward human beings who will live in our wake as much as those living amidst us today.26 But for a farsighted cosmopolitanism to take root in global civil society, the latter must adopt a thicker regulative principle of care for the future than the one currently in vogue (which amounts to little more than an afterthought of the non-descript ‘don’t forget later generations’ ilk). Hans Jonas’s “imperative of responsibility” is valuable precisely because it prescribes an ethico-political relationship to the future consonant with the work of farsightedness.27 Fully appreciating Jonas’s position requires that we grasp the rupture it establishes with the presentist assumptions imbedded in the intentionalist tradition of Western ethics. In brief, intentionalism can be explained by reference to its best-known formulation, the Kantian categorical imperative, according to which the moral worth of a deed depends upon whether the a priori “principle of the will” or “volition” of the person performing it – that is, his or her intention – should become a universal law.28 Ex post facto evaluation of an act’s outcomes, and of whether they correspond to the initial intention, is peripheral to moral judgment. A variant of this logic is found in Weber’s discussion of the “ethic of absolute ends,” the “passionate devotion to a cause” elevating the realization of a vision of the world above all other considerations; conviction without the restraint of caution and prudence is intensely presentist.29 By contrast, Jonas’s strong consequentialism takes a cue from Weber’s “ethic of responsibility,” which stipulates that we must carefully ponder the potential impacts of our actions and assume responsibility for them – even for the incidence of unexpected and unintended results. Neither the contingency of outcomes nor the retrospective nature of certain moral judgments exempts an act from normative evaluation. On the contrary, consequentialism reconnects what intentionalism prefers to keep distinct: the moral worth of ends partly depends upon the means selected to attain them (and vice versa), while the correspondence between intentions and results is crucial. At the same time, Jonas goes further than Weber in breaking with presentism by advocating an “ethic of long-range responsibility” that refuses to accept the future’s indeterminacy, gesturing instead toward a practice of farsighted preparation for crises that could occur.30 From a consequentialist perspective, then, intergenerational solidarity would consist of striving to prevent our endeavors from causing large-scale human suffering and damage to the natural world over time. Jonas reformulates the categorical imperative along these lines: “Act so that the effects of your action are compatible with the permanence of genuine human life,” or “Act so that the effects of your action are not destructive of the future possibility of such life.”31 What we find here, I would hold, is a substantive and future-oriented ethos on the basis of which civic associations can enact the work of preventive foresight.

#### You Are Responsible For Known Catastrophic Consequences. Negligence Is Culpability.

Russ Shafer-Landau, University of Kansas Ethics, July 1997 v107 n4 p584(28)

Even Nozick, a staunch absolutist, allows that cases of "catastrophic moral horror" may require suspension of absolute side constraints.(18) Attention to the dire consequences that may be brought about by allegiance to absolute rules needn't move us to the consequentialist camp--it didn't incline Ross or Nozick in that direction, for instance. But it does create a presumptive case against absolutism. Absolutist responses to the argument standardly take one of two forms. The first is to reject premise (1) and deny that absolutism generates tragic consequences, by arguing that a set of suitably narrowed absolutist rules will not require behavior that results in "catastrophic moral horror." The second response is to reject premise (2) and defend the moral necessity of obedience even if tragic consequences ensue. Rejecting Premise (1) Consider the first strategy. This is tantamount to a specificationist program that begins by admitting that the standard candidates--don't kill, lie, cheat, commit adultery--cannot plausibly be construed as absolute rules. Just as we had to narrow their scope if we were to show them universally relevant, so too we need to narrow the scope of such properties to show them universally determinative. The question, though, is how far, and in what way, this added concreteness is to be pursued. The double dangers that the absolutist must avoid at this juncture are those of drawing the grounding properties too broadly, or too narrowly. Rules drawn too narrowly will incorporate concrete details of cases in the description of the grounding properties, yielding a theory that is particularist in all but name. The opposite problem is realized when we allow the grounding properties to be drawn broadly enough as to be repeatably instantiated, but at the cost of allowing the emerging rules to conflict. Some middle ground must be secured. How could we frame an absolute rule that enjoined just the actions we want, while offering an escape clause for tragic cases? There seems to be no way to do this other than by appending a proviso to the rule, to the effect that it binds except where such obedience will lead to catastrophic consequences, very serious harm, horrific results. Because of the great variety of ways in which such results can occur, there doesn't seem to be any more precise way to specify the exceptive clause without reducing it to an indefinitely long string of too-finely described scenarios. Is this problematic? Consider an analogous case. Someone wants to lose weight and wants to know how long to maintain a new diet. A dietician offers the following advice: "Cut twenty percent of your caloric intake; this will make you thinner, but also weaker. If you reach a point where you've gotten too thin and weak, increase your calories." The dietician's advice is flawed because it doesn't give, by itself, enough information to the person trying to follow it. It's too general. The qualified moral rule is similarly uninformative. If abiding by the rule will occasion harmful results, one wants to know how harmful they have to be to qualify as too harmful. The rule doesn't really say--`catastrophic' is just a synonym for `too harmful'. Such a rule is crucially underspecific, and this undermines efforts to apply it as a major premise in deductive moral argument. This lack of specificity results from an absence of necessary and sufficient conditions that could determine the extension of the concept "catastrophic consequences."(19) Efforts to remove this underspecificity by providing a set of definitional criteria typically serve only to falsify the resulting ethical assessments; imagine the futility of trying to precisely set out in advance what is to count as catastrophic consequences. Rendering the notion of "catastrophic" more precise seems bound to yield a rule that omits warranted exceptions. Or it may cover all such exceptions, but at the cost of making the exceptive clause so fine-grained that it will be nothing less than an indefinitely long disjunction of descriptions of actual cases that represent exceptions to the general rule. Neither option should leave us very sanguine about the prospects of specifying absolute rules so as to ensure that such rules can be obeyed without occasioning catastrophic consequences. Rejecting Premise (2) The alternative for the absolutist is to stand fast and allow that morality requires adherence to rules that will sometimes yield catastrophic horrors. There is no inconsistency in taking such a stand. But the ethic that requires conduct that is tantamount to failure to prevent catastrophe is surely suspect. Preventing catastrophe is presumptively obligatory. The obligation might be defeasible, but absolutists have yet to tell the convincing story that would override the presumption. Imagine that you are a sharpshooter in a position to kill a terrorist who is credibly threatening to detonate a bomb that will kill thousands. If you merely wound him, he will be able to trigger the firing mechanism. You must kill him to save the innocents. Suppose that in obedience to an absolutist ethic you refrain from shooting. The terrorist detonates the bomb. Thousands die. Something must be said about the agent whose obedience to absolute rules occasions catastrophe. It is possible that an absolutist ethic will blame you for doing your duty. Possible, but unlikely. Absolutists who allow that obedience to their favored rules may occasion catastrophe typically seek ways to exculpate those whose obedience yields tragic results. The standard strategy is to endorse some version of the doctrine of double effect, or the doctrine of doing and allowing. The former says that harms brought about by indirect intention may be permissible even though similar harms brought about by direct intention are forbidden. The latter says that bringing about harm through omission or inaction may be permissible even though similar harms brought about by positive action are forbidden. The motivating spirit behind both doctrines is to legitimate certain kinds of harmful conduct, to exculpate certain harm doers, and to forestall the possibility that absolute rules might conflict. The truth of either doctrine would ensure that agents always have a permissible option to pursue--namely, obedience to an absolute moral rule.(20) Quite apart from the fact that these doctrines have yet to be adequately defended,(21) their adequate defense would still leave us short of a justification of the absolute rules that are to complement them. Neither of these doctrines is itself a defense of absolutism; rather, they are really "helping doctrines," whose truth would undermine the inevitability of conflict among absolute rules. We may always have a permissible option in cases where we must choose between killing and letting die, intending death or merely foreseeing it, but this by itself is no argument for thinking that the prohibition on intentionally killing innocents is absolute.

#### A focus on representations destroys social change by ignoring political and material constraints

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The postmodern passwords of "polyvocality," "Otherness," and "difference," unsupported by substantial analysis of the concrete contexts of subjects, creates a solipsistic quagmire. The political sympathies of the new cultural critics, with their ostensible concern for the lack of power experienced by marginalized people, aligns them with the political left. Yet, despite their adversarial posture and talk of opposition, their discourses on intertextuality and inter-referentiality isolate them from andignore the conditions that have produced leftist politics--conflict, racism, poverty, and injustice. In short, as Clarke (1991) asserts, postmodern emphasis on new subjects conceals the old subjects, those who have limited access to good jobs, food, housing, health care, and transportation, as well as to the media that depict them. Merod (1987) decries this situation as one which leaves no vision, will, or commitment to activism. He notes that academic lip service to the oppositional is underscored by the absence of focused collective or politically active intellectual communities. Provoked by the academic manifestations of this problem Di Leonardo (1990) echoes Merod and laments: Has there ever been a historical era characterized by as little radical analysis or activism and as much radical-chic writing as ours? Maundering on about Otherness: phallocentrism or Eurocentric tropes has become a lazy academic substitute for actual engagement with the detailed histories and contemporary realities of Western racial minorities, white women, or any Third World population. (p. 530) Clarke's assessment of the postmodern elevation of language to the "sine qua non" of critical discussion is an even stronger indictment against the trend. Clarke examines Lyotard's (1984) The Postmodern Condition in which Lyotard maintains that virtually all social relations are linguistic, and, therefore, it is through the coercion that threatens speech that we enter the "realm of terror" and society falls apart. To this assertion, Clarke replies: I can think of few more striking indicators of the political and intellectual impoverishment of a view of society that can only recognize the discursive. If the worst terror we can envisage is the threat not to be allowed to speak, we are appallingly ignorant of terror in its elaborate contemporary forms. It may be the intellectual's conception of terror (what else do we do but speak?), but its projection onto the rest of the world would be calamitous....(pp. 2-27)  The realm of the discursive is derived from the requisites for human life, which are in the physical world, rather than in a world of ideas or symbols.(4) Nutrition, shelter, and protection are basic human needs that require collective activity for their fulfillment. Postmodern emphasis on the discursive without an accompanying analysis of how the discursive emerges from material circumstanceshides the complex task of envisioning and working towards concrete social goals (Merod, 1987). Although the material conditions that create the situation of marginality escape the purview of the postmodernist, the situation and its consequences are not overlooked by scholars from marginalized groups. Robinson (1990) for example, argues that "the justice that working people deserve is economic, not just textual" (p. 571). Lopez (1992) states that "the starting point for organizing the program content of education or political action must be the present existential, concrete situation" (p. 299). West (1988) asserts that borrowing French post-structuralist discourses about "Otherness" blinds us to realities of American difference going on in front of us (p. 170). Unlike postmodern "textual radicals" who Rabinow (1986) acknowledges are "fuzzy about power and the realities of socioeconomic constraints" (p. 255), most writers from marginalized groups are clear about how discourse interweaves with the concrete circumstances that create lived experience. People whose lives form the material for postmodern counter-hegemonic discourse do not share the optimism over the new recognition of their discursive subjectivities,because such an acknowledgment does not address sufficiently their collective historical and current struggles against racism, sexism, homophobia, and economic injustice. They do not appreciate being told they are living in a world in which there are no more real subjects. Ideas have consequences. Emphasizing the discursive self when a person is hungry and homeless represents both a cultural and humane failure. The need to look beyond texts to the perception and attainment of concrete social goals keeps writers from marginalized groups ever-mindful of the specifics of how power works through political agendas, institutions, agencies, and the budgets.