# 1NC

## “Detainment” PIC

#### The United States federal judiciary should apply a clear statement principle to the statutorily defined indefinite imprisonment war powers authority of the President of the United States on the grounds that executive indefinite imprisonment violates the Suspension Clause.

#### The use of the term ‘detained’ to describe imprisonment sanitizes the process and smoothly transforms a system of abuse and degradation into a clean administrative procedure---this linguistic move actively legitimizes the worst excesses of the war on terror

National Forum, 6/28/05 (http://72.14.203.104/search?q=cache:3qt2cbGSm7UJ:forum.onlineopinion.com.au/thread.asp%3Farticle%3D3592+%22detention+is%22+euphemism&hl=en&gl=us&ct=clnk&cd=267)

So it is Liberal policy to lock up children who have come to this country to seek refuge and discard those with a conscience. What is their crime? Wrong place wrong time?   
How do the Liberals and their supporters justify this cruelty to children? Orwell said " In our time, Political speech and writing are largely the defence of the indefensible." **Today the Liberals dole out the euphemisms and PR to defend the indefensible**. For instance: "mandatory **detention" is really imprisonment without trial;** an "illegal" is a mother, a child, a person - flesh and blood with feelings. The main argument that we get to counter refugees and others who protest against this cruelty in Australia is the "question-begging", the "what if" nonsense comparing the treatment that they would get at the hands of dictators without conscience (that most refugees are escaping from). These mothers, fathers, sons and daughters are denied our help because the humanitarian conscience that they are appealing to no longer recognises their humanity - the "**sheer cloudy vagueness" has swallowed up their humanity. Vague, desperate, fleeting images in the distance behind bars**. According to KD, the Liberals have "legitimised" gaoling children and their parents in prisons to discourage other refugees from entering our shores. A terrorist is a person who uses extreme fear to govern or coerce government or community. So, I think, those condoning this method of coercion, that is, locking up refugees to coerce boat people into staying away is based on the similar thinking as a terrorist uses - it is wrong. Moreover, political conformity of the kind KD encourages, engenders the **machine-like responses** Orwell talks of in his essays. Those in favour of gaoling the mums and dads from afar who seek our help to scare others have no conscience, or more precisely , a sense of justice. Conscience reminds us of our humanity - without it **you are just cogs in a machine**.

## 1NC Flex DA

#### Exec flexibility on detention powers now

Tomatz 13

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President Obama signed the NDAA "despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists." n114 While the Administration voiced concerns throughout the legislative process, those concerns were addressed and ultimately resulted in a bill that preserves the flexibility needed to adapt to changing circumstances and upholds America's values. The President reiterated his support for language in Section 1021 making clear that the new legislation does not limit or expand the scope of Presidential authority under the AUMF or affect existing authorities "relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." n115¶ The President underscored his Administration "will not authorize the indefinite military detention without trial of American citizens" and will ensure any authorized detention "complies with the Constitution, the laws of war, and all other applicable law." n116 Yet understanding fully the Administration's position requires recourse to its prior insistence that the Senate Armed Services Committee remove language in the original bill which provided that U.S. citizens and lawful resident aliens captured in the United States would not be subject to Section 1021. n117 There appears to be a balancing process at work here. On the one hand, the Administration is in lock-step with Congress that the NDAA should neither expand nor diminish the President's detention authority. On the other hand, policy considerations led the President to express an intention to narrowly exercise this detention authority over American citizens.¶ The overriding point is that the legislation preserves the full breadth and depth of detention authority existent in the AUMF, to include the detention of American citizens who join forces with Al Qaida. This is a dynamic and changing conflict. If a home-grown terrorist destroys a U.S. target, the FBI gathers the evidence, and a U.S. Attorney prosecutes, traditional civilian criminal laws govern, and the military detention authority resident in the NDAA need never come into play. This is a reasonable and expected outcome in many cases. The pending strike on rail targets posited in this paper's introduction, where intelligence sources reveal an inchoate attack involving American and foreign nationals operating overseas and at home, however, may be precisely the type of scenario where military detention is not only preferred but vital to thwarting the attack, conducting interrogations about known and hidden dangers, and preventing terrorists from continuing the fight.

#### Judicial review of foreign policy decks the executive flexibility necessary to solve prolif, terror, and the rise of hostile powers---link threshold is low

Blomquist 10

Robert Blomquist 10, Professor of Law, Valparaiso University School of Law, THE JURISPRUDENCE OF AMERICAN NATIONAL SECURITY PRESIPRUDENCE, 44 Val. U.L. Rev. 881

Supreme Court Justices--along with legal advocates--need to conceptualize and prioritize big theoretical matters of institutional design and form and function in the American national security tripartite constitutional system. By way of an excellent introduction to these vital issues of legal theory, the Justices should pull down from the library shelf of the sumptuous Supreme Court Library in Washington, D.C. (or more likely have a clerk do this chore) the old chestnut, The Legal Process: Basic Problems in the Making and Application of Law by the late Harvard University law professors Henry M. Hart and Albert M. Sacks. n7 Among the rich insights on institutional design coupled with form and function in the American legal system that are germane to the Court's interpretation of national security law-making and decision-making by the President are several pertinent points. First, "Hart and Sacks' intellectual starting point was the interconnectedness of human beings, and the usefulness of law in helping us coexist peacefully together." n8 By implication, therefore, the Court should be mindful of the unique [\*883] constitutional role played by the POTUS in preserving peace and should prevent imprudent judicial actions that would undermine American national security. Second, Hart and Sacks, continuing their broad insights of social theory, noted that legal communities establish "institutionalized[] procedures for the settlement of questions of group concern" n9 and regularize "different procedures and personnel of different qualifications . . . appropriate for deciding different kinds of questions" n10 because "every modern society differentiates among social questions, accepting one mode of decision for one kind and other modes for others-e.g., courts for 'judicial' decisions and legislatures for 'legislative' decisions" n11 and, extending their conceptualization, an executive for "executive" decisions. n12 Third, Professors Hart and Sacks made seminal theoretical distinctions between rules, standards, principles, and policies. n13 While all four are part of "legal arrangements [\*884] in an organized society," n14 and all four of these arrangements are potentially relevant in judicial review of presidential national security decisions, principles and policies n15 are of special concern because of the sprawling, inchoate, and rapidly changing nature of national security threats and the imperative of hyper-energy in the Executive branch in responding to these threats. n16¶ The Justices should also consult Professor Robert S. Summers's masterful elaboration and amplification of the Hart and Sacks project on enhancing a flourishing legal system: the 2006 opus, Form and Function in a Legal System: A General Study. n17 The most important points that [\*885] Summers makes that are relevant to judicial review of American national security presiprudence are three key considerations. First, a "conception of the overall form of the whole of a functional [legal] unit is needed to serve the founding purpose of defining, specifying, and organizing the makeup of such a unit so that it can be brought into being and can fulfill its own distinctive role" n18 in synergy with other legal units to serve overarching sovereign purposes for a polity. The American constitutional system of national security law and policy should be appreciated for its genius in making the POTUS the national security sentinel with vast, but not unlimited, powers to protect the Nation from hostile, potentially catastrophic, threats. Second, "a conception of the overall form of the whole is needed for the purpose of organizing the internal unity of relations between various formal features of a functional [legal] unit and between each formal feature and the complementary components of the whole unit." n19 Thus, Supreme Court Justices should have a thick understanding of the form of national security decision-making conceived by the Founders to center in the POTUS; the ways the POTUS and Congress historically organized the processing of national security through institutions like the National Security Council and the House and Senate intelligence committees; and the ways the POTUS has structured national security process through such specific legal forms as Presidential Directives, National Security Decision Directives, National Security Presidential Decision Directives, Presidential Decision Directives, and National Security Policy Directives in classified, secret documents along with typically public Executive Orders. n20 Third, according to Summers, "a conception of the overall form of the whole functional [legal] unit is needed to organize further the mode of operation and the instrumental capacity of the [legal] unit." n21 So, the Supreme Court should be aware that tinkering with national security decisions of the POTUS--unless clearly necessary to counterbalance an indubitable violation of the text of the Constitution--may lead to unforeseen negative second-order consequences in the ability of the POTUS (with or without the help of Congress) to preserve, protect, and defend the Nation. n22¶ [\*886] B. Geopolitical Strategic Considerations Bearing on Judicial Interpretation¶ Before the United States Supreme Court Justices form an opinion on the legality of national security decisions by the POTUS, they should immerse themselves in judicially-noticeable facts concerning what national security expert, Bruce Berkowitz, in the subtitle of his recent book, calls the "challengers, competitors, and threats to America's future." n23 Not that the Justices need to become experts in national security affairs, n24 but every Supreme Court Justice should be aware of the following five basic national security facts and conceptions before sitting in judgment on presiprudential national security determinations.¶ (1) "National security policy . . . is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice." n25 While "[y]esterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers" n26, the twenty-first century reality is that "[t]hreats are also more likely to be intertwined--proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers." n27¶ (2) "Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat--the Soviet Union--was brittle, most of the potential adversaries and challengers America now faces are resilient." n28¶ (3) "The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events." n29 Importantly, "[w]hen you hold [\*887] the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not." n30¶ (4) While "keeping the strategic advantage may not have the idealistic ring of making the world safe for democracy and does not sound as decisively macho as maintaining American hegemony," n31 maintaining the American "strategic advantage is critical, because it is essential for just about everything else America hopes to achieve--promoting freedom, protecting the homeland, defending its values, preserving peace, and so on." n32¶ (5) The United States requires national security "agility." n33 It not only needs "to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources." n34¶ [\*888] As further serious preparation for engaging in the jurisprudence of American national security presiprudence in hotly contested cases and controversies that may end up on their docket, our Supreme Court Justices should understand that, as Walter Russell Mead pointed out in an important essay a few years ago, n35 the average American can be understood as a Jacksonian pragmatist on national security issues. n36 "Americans are determined to keep the world at a distance, while not isolating ourselves from it completely. If we need to take action abroad, we want to do it on our terms." n37 Thus, recent social science survey data paints "a picture of a country whose practical people take a practical approach to knowledge about national security. Americans do not bother with the details most of the time because, for most Americans, the details do not matter most the time." n38 Indeed, since the American people "do know the outlines of the big picture and what we need to worry about [in national security affairs] so we know when we need to pay greater attention and what is at stake. This is the kind of knowledge suited to a Jacksonian." n39¶ Turning to how the Supreme Court should view and interpret American presidential measures to oversee national security law and policy, our Justices should consider a number of important points. First, given the robust text, tradition, intellectual history, and evolution of the institution of the POTUS as the American national security sentinel, n40 and the unprecedented dangers to the United States national security after 9/11, n41 national security presiprudence should be accorded wide latitude by the Court in the adjustment (and tradeoffs) of trading liberty and security. n42 Second, Justices should be aware that different presidents [\*889] institute changes in national security presiprudence given their unique perspective and knowledge of threats to the Nation. n43 Third, Justices should be restrained in second-guessing the POTUS and his subordinate national security experts concerning both the existence and duration of national security emergencies and necessary measures to rectify them. "During emergencies, the institutional advantages of the executive are enhanced", n44 moreover, "[b]ecause of the importance of secrecy, speed, and flexibility, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times." n45 Fourth, Supreme Court Justices, of course, should not give the POTUS a blank check--even during times of claimed national emergency; but, how much deference to be accorded by the Court is "always a hard question" and should be a function of "the scale and type of the emergency." n46 Fifth, the Court should be extraordinarily deferential to the POTUS and his executive subordinates regarding questions of executive determinations of the international laws of war and military tactics. As cogently explained by Professors Eric Posner and Adrian Vermeule, n47 "the United States should comply with the laws of war in its battle against Al Qaeda"--and I would argue, other lawless terrorist groups like the Taliban--"only to the extent these laws are beneficial to the United States, taking into account the likely response of [\*890] other states and of al Qaeda and other terrorist organizations," n48 as determined by the POTUS and his national security executive subordinates.

## 1NC Drone Shift DA

#### Obama is prioritizing capture over drone strikes now

Corn 13

David Corn 13, Washington Bureau Chief at Mother Jones, 5/23/13, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?,” <http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties>

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes.¶ The New York Times received the customary pre-speech leak and reported:¶ A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.¶ Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted.¶ These moves may not satisfy civil-liberties-minded critics on sthe right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?)¶ Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis.¶ With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism.

But the speech may well mark apivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

#### Plan spurs shift towards drones

Chesney 11

(Robert, Charles I. Francis Professor in Law, University of Texas School of Law, “ARTICLE: WHO MAY BE HELD? MILITARY DETENTION THROUGH THE HABEAS LENS”, Boston College Law Review, 52 B.C. L. Rev 769, Lexis)

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon—i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of “control” may be quite weak).210¶ From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government.211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view **it is no surprise that lethal drone strikes have increased dramatically over the past two years**, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan.212¶ Decisions regarding the calibration of a detention system—the¶ management of the convergence process, if you will—thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### That causes great power war and hotspot escalation

Dowd 2013

(Alan W. Dowd, widely published writer on national defense, foreign policy, and international security including contributions to Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf)

If these geo-political consequences of remote-control war do not get ¶ our attention, then the looming geo-strategic consequences should. If ¶ we make the argument that UCAV pilots are in the battlespace, then we are effectively saying that the battlespace is the entire earth. If that is the ¶ case, the unintended consequences could be dramatic.¶ First, if the battlespace is the entire earth, the enemy would seem to ¶ have the right to wage war on those places where UCAV operators are based. ¶ That’s a sobering thought, one few policymakers have contemplated.¶ Second, power-projecting nations are following America’s lead and ¶ developing their own drones to target their distant enemies by remote. ¶ An estimated 75 countries have drone programs underway.45 Many of ¶ these nations are less discriminating in employing military force than ¶ the United States—and less skillful. Indeed, drones may usher in a new ¶ age of accidental wars. If the best drones deployed by the best military ¶ crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then ¶ imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland ¶ or Georgia; China and any number of its wary neighbors.¶ China has at least one dozen drones on the drawing board or in production, and has announced plans to dot its coastline with 11 drone bases ¶ in the next two years.46 The Pentagon’s recent reports on Chinese military power detail “acquisition and development of longer-range UAVs ¶ and UCAVs . . . for long-range reconnaissance and strike”; development ¶ of UCAVs to enable “a greater capacity for military preemption”; and ¶ interest in “converting retired fighter aircraft into unmanned combat ¶ aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US ¶ aircraft carrier near Taiwan and relaying targeting information.48¶ Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ¶ ranks of power-projecting nations. Drones are a cheap alternative to ¶ long-range, long-endurance warplanes. Yet despite their low cost, drones ¶ can pack a punch. And owing to their size and range, they can conceal ¶ their home address far more effectively than the typical, nonstealthy ¶ manned warplane. Recall that the possibility of surprise attack by drones ¶ was cited to justify the war against Saddam Hussein’s Iraq.49¶ Of course, cutting-edge UCAVs have not fallen into undeterrable ¶ hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the ¶ United States in a direct way, it is unlikely that opposing swarms of ¶ semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes ¶ simply failing to respond to their remote-control pilots will do much to ¶ promote a liberal global order.¶ It would be ironic if the promise of risk-free warpresented by drones ¶ spawned a new era of danger for the United States and its allies.

## 1NC Apocalyptic Predictions

#### Apocalyptic predictions make serial policy failure inevitable

Kurasawa 4 – Professor of Sociology, York University of Toronto, Fuyuki, “Cautionary Tales: The Global Culture of Prevention and the Work of Foresight”, Constellations Volume 11, No 4, http://www.yorku.ca/kurasawa/Kurasawa%20Articles/Constellations%20Article.pdf

Up to this point, I have tried to demonstrate that transnational socio-political relations are nurturing a thriving culture and infrastructure of prevention from below, which challenges presumptions about the inscrutability of the future (II) and a stance of indifference toward it (III). Nonetheless, unless and until it is substantively ‘filled in,’ the argument is vulnerable to misappropriation since farsightedness does not in and of itself ensure emancipatory outcomes. Therefore, this section proposes to specify normative criteria and participatory procedures through which citizens can determine the ‘reasonableness,’ legitimacy, and effectiveness of competing dystopian visions in order to arrive at a socially self-instituting future. Foremost among thepossible distortions of farsightedness is alarmism, the manufacturing ofunwarranted and unfounded **doomsday scenarios.** State and market institutionsmay seek to **produce a culture of fear by** deliberately **stretching interpretations of reality**beyond the limits of the plausible so as to exaggerate the prospects of impending catastrophes, or yet again, by intentionally promoting certain prognoses over others for instrumental purposes. Accordingly, regressive **dystopias**can **operate as Trojan horses advancing political agendas**or commercial interests **that would otherwise be susceptible to public scrutiny** and opposition. Instances of this kind of manipulation of the dystopian imaginary are plentiful: the invasion of Iraq in the name of fighting terrorism and an imminent threat of use of ‘weapons of mass destruction’; the severe curtailing of American civil liberties amidst fears of a collapse of ‘homeland security’; the neoliberal dismantling of the welfare state as the only remedy for an ideologically constructed fiscal crisis; the conservative expansion of policing and incarceration due to supposedly spiraling crime waves; and so forth. Alarmism constructs and codes the future in particular ways, producing or reinforcing certain crisis narratives, belief structures, and rhetorical conventions. As much as alarmist ideas beget a culture of fear, the reverse is no less true. If fear-mongering is a misappropriation of preventive foresight, resignation about the future represents a problematic outgrowth of the popular acknowledgment of global perils. Some believe that the world to come is so uncertain and dangerous that we should not attempt to modify the course of history; the future will look after itself for better or worse, regardless of what we do or wish. One version of this argument consists in a complacent optimism perceiving the future as fated to be better than either the past or the present. Frequently accompanying it is a self-deluding denial of what is plausible (‘the world will not be so bad after all’), or a naively Panglossian pragmatism (‘things will work themselves out in spite of everything, because humankind always finds ways to survive’).37 Much more common, however, isthe opposite reaction, a fatalistic pessimism reconciled to the idea that the future will be necessarily worse than what preceded it. **This is sustained by a tragic chronological framework according to which humanity is doomed to decay**, or a cyclical one of the endless repetition of the mistakes of the past. On top of their dubious assessments of what is to come, **alarmism**and resignation would, if widely accepted, **undermine a viable practice of farsightedness**. Indeed, both of them encourage public disengagement from deliberation about scenarios for the future, a process that appears to be dangerous, pointless, or unnecessary. **The resulting ‘depublicization’ of debate leaves dominant groups and institutions**(the state, the market, techno-science) **in charge of sorting out the future for the rest of us,** thus effectively **producing a heteronomous social order**. How, then, can we support a democratic process of prevention from below? The answer, I think, lies in cultivating the public capacity for critical judgment and deliberation, so that participants in global civil society subject all claims about potential catastrophes to examination, evaluation, and contestation. Two normative concepts are particularly well suited to grounding these tasks: the precautionary principle and global justice.

#### The PARADOX OF RISK makes this issue NOT resolvable by weighing the plan.  If impact is calculated by multiplying probability and magnitude, any probability of an infinite impact irrationally registers as infinite

Kessler 2008 (Oliver Kessler, Sociology at University of Bielefeld, “From Insecurity to Uncertainty: Risk and the Paradox of Security Politics” *Alternatives*  33 (2008), 211-232)

The problem of the second method is that it is very difficult to  "calculate" politically unacceptable losses. If the risk of terrorism is  defined in traditional terms by probability and potential loss, then  the focus on dramatic terror attacks leads to the marginalization of  probabilities. The reason is that even the highest degree of improbability becomes irrelevant as the measure of loss goes to infinity.^o  The mathematical calculation of the risk of terrorism thus tends to  overestimate and to dramatize the danger. This has consequences  beyond the actual risk assessment for the formulation and execution  of "risk policies": If one factor of the risk calculation approaches  infinity (e.g., if a case of nuclear terrorism is envisaged), then there  is no balanced measure for antiterrorist efforts, and risk management as a rational endeavor breaks down. Under the historical con-  dition of bipolarity, the "ultimate" threat with nuclear weapons could  be balanced by a similar counterthreat, and new equilibria could be  achieved, albeit on higher levels of nuclear overkill. Under the new  condition of uncertainty, no such rational balancing is possible since  knowledge about actors, their motives and capabilities, is largely  absent.  The second form of security policy that emerges when the deter-  rence model collapses mirrors the "social probability" approach. It  represents a logic of catastrophe. In contrast to risk management  framed in line with logical probability theory, the logic of catastro- phe does not attempt to provide means of absorbing uncertainty.  Rather, it takes uncertainty as constitutive for the logic itself; uncertainty is a crucial precondition for catastrophies. In particular, cata-  strophes happen at once, without a warning, but with major impli-  cations for the world polity. In this category, we find the impact of  meteorites. Mars attacks, the tsunami in South East Asia, and 9/11.  To conceive of terrorism as catastrophe has consequences for the  formulation of an adequate security policy. Since catastrophes hap-  pen irrespectively of human activity or inactivity, no political action  could possibly prevent them. Of course, there are precautions that  can be taken, but the framing of terrorist attack as a catastrophe  points to spatial and temporal characteristics that are beyond "ratio-  nality." Thus, political decision makers are exempted from the  responsibility to provide security—as long as they at least try to pre-  empt an attack. Interestingly enough, 9/11 was framed as catastro-  phe in various commissions dealing with the question of who was  responsible and whether it could have been prevented.  This makes clear that under the condition of uncertainty, there  are no objective criteria that could serve as an anchor for measur-  ing dangers and assessing the quality of political responses. For ex-  ample, as much as one might object to certain measures by the US  administration, it is almost impossible to "measure" the success of  countermeasures. Of course, there might be a subjective assessment  of specific shortcomings or failures, but there is no "common" cur-  rency to evaluate them. As a consequence, the framework of the  security dilemma fails to capture the basic uncertainties.  Pushing the door open for the security paradox, the main prob-  lem of security analysis then becomes the question how to integrate  dangers in risk assessments and security policies about which simply  nothing is known. In the mid 1990s, a Rand study entitled "New  Challenges for Defense Planning" addressed this issue arguing that  "most striking is the fact that we do not even know who or what will  constitute the most serious future threat, "^i In order to cope with  this challenge it would be essential, another Rand researcher wrote,  to break free from the "tyranny" of plausible scenario planning. The  decisive step would be to create "discontinuous scenarios ... in  which there is no plausible audit trail or storyline from current  events"52 These nonstandard scenarios were later called "wild cards"  and became important in the current US strategic discourse. They  justified the transformation from a threat-based toward a capability-  based defense planning strategy.53  The problem with this kind of risk assessment is, however, that  even the most absurd scenarios can gain plausibility. By construct-  ing a chain of potentialities, improbable events are linked and brought into the realm of the possible, if not even the probable.  "Although the likelihood of the scenario dwindles with each step,  the residual impression is one of plausibility. "54 This so-called Oth-  ello effect has been effective in the dawn of the recent war in Iraq.   The connection between Saddam Hussein and Al Qaeda that the  US government tried to prove was disputed from the very begin-  ning. False evidence was again and again presented and refuted,  but this did not prevent the administration from presenting as the  main rationale for war the improbable yet possible connection  between Iraq and the terrorist network and the improbable yet  possible proliferation of an improbable yet possible nuclear  weapon into the hands of Bin Laden. As Donald Rumsfeld  famously said: "Absence of evidence is not evidence of absence."  This sentence indicates that under the condition of genuine uncer-  tainty, different evidence criteria prevail than in situations where  security problems can be assessed with relative certainty.

#### The alternative is to reject the apocalyptic frames of the 1AC

#### Even if the rational arguments in favor of the plan are logical, the representations of apocalypse colonize the debate towards pressure for fast invasion and warmongering

Goodnight 2010 (G. Thomas Goodnight is Professor and Director of Doctoral Studies at the Annenberg School for Communication, the University of Southern California in Los Angeles; "The Metapolitics of the 2002 Iraq Debate: Public Policy and the Network Imaginary", Rhetoric & Public Affairs Volume 13, Number 1, Spring 2010)

Opponents of the Democratic Party argued the risks of war, but their pragmatic policy challenges did not grab sufficient traction to slow the unreeling web of justification. Of course, there was little denial that the war would create more terrorists, generate a lower threshold for intervention, receive weak international support, and in the end leave the dangerous business of Afghanistan unfinished. But the Democrats became entangled in reflexive posturing about the effects of the debate itself—the importance of "message sending" to the United Nations and "consensus" backing for the president as negotiator-in-chief. With 9/11 not far behind, "tough" messages appeared to provide a much desired supplement to boost confidence, while pragmatism, caution, and planning took a back seat. Presidential hopefuls cut loose from this morass and took advantage of Republican-offered political cover. Republicans did appear to benefit from tough war rhetoric in the immediate election aftermath, enabling Bush to run successfully in 2004 as a wartime president. As WMD continued not to turn up, the intervention dragged on, costs mounted, political fortunes reversed—although the entanglements remained and remain. [End Page 87] The debate of 2002 found that a systematic presidential campaign—when bolstered by cherry-picked evidence—can be particularly powerful, especially when administration supporters in Congress veer shamelessly from long-held positions on policy and the leadership of the opposing party takes shelter in offered political cover. Further, the debate illustrates how the events that should prompt policy debate become colonized, in this case making common sense difficult to muster because the network imaginary laces a web of associative fears with compensatory toughness. On the whole, the debates were not the nation's finest hour. The debate of 2002 strove to convert a traumatic national event into a conservative-articulated, Republican-captured, presidentially initiated rise in power, and ended by setting the stage for congressional investigation, the rise of the Democrats, reassertion of congressional power, and a new presidency committed to public diplomacy. WMD were at the heart of the six-year-long controversy. It was hardly remembered that [WMD] weapons of mass destruction were not deployed by terrorists on September 11th. Rather, fast, anonymous, networked, modern systems of circulation were turned, through ingenuity, into first-strike weapons. Seen with fresh militancy, 9/11 suggests that the modern world remains vulnerable to mutating events that change, shock, and command attention, actions that attain expanding scope and influence by virtue of a network imaginary, where such moments self-organize and multiply in varied directions. The development of policy studies as rhetoric, then, calls attention to the disruptive events as these become situated in the restricted focus of national debate and recovered, through critique, as an unfinished metapolitics, which demands rethinking of the taken-for-granted grounds and alliances upon which post-event consensus became fabricated. In its time, the "War on Terror" was framed as a "clash of civilizations" and a new Munich. In retrospect, 9/11 should be understood as signaling a much closer, changing, entangled, future world where the complications of security spread and interlock to haunt twenty-first-century network imaginaries.

## Afghanistan

#### Cooperation prevents Afghan war

**Hadar 11**

former prof of IR at American U and Mount Vernon-College. PhD in IR from American U (1 July 2011, Leon, Saving U.S. Mideast Policy, http://nationalinterest.org/commentary/saving-us-policy-the-mideast-5556)

Indeed, contrary to the warning proponents of U.S. military intervention typically express, **the withdrawal of** American **troops from** Iraq and **Afghanistan would not** necessarily **lead to more chaos** and bloodshed in those countries. **Russia, India and Iran—which supported the Northern Alliance that helped Washington topple the Taliban—and Pakistan** (which once backed the Taliban) **all have close ties to various** ethnic and tribal **groups** in that country **and now have a common interest in stabilizing Afghanistan and containing the rivalries.**

**Their impacts are empirically denied and instability is inevitable**

**Innocent and Carpenter ‘9**

(Malau, Foreign Policy – Cato Institute, and Ted Galen, VP for Defense and Foreign Policy Studies – Cato, “Escaping the "Graveyard of Empires": A Strategy to Exit Afghanistan"”, 9-14, <http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf>)

Some analysts, including Carnegie Endowment senior associate Robert Kagan, insist that were the United States to evacuate Afghanistan, the political and military vacuum left by our departure would lead to serious instability throughout the region.19 But instability, in the sense of a perpetually anarchic state of nature dominated by tribal warlords and pervasive bloodshed, has characterized the region for decades—even centuries. Thus, the claim that Afghanistan would be destabilized if the United States were to decrease its presence is misleading, since Afghanistan will be chronically unstable regardless. Most Americans are simply oblivious to the region’s history. Numerous tribes along the border of northwest Pakistan and southern and eastern Afghanistan have a long history of war-making and rebellion, now erroneously branded as “Talibanism.”20 King’s College London professor Christian Tripodi, an expert on British colonial-era tribal policy, explains what British administrators confronted when dealing with Pashtun tribes along what is today the frontier between Afghanistan and Pakistan: What the British refused to grasp was that tribal raiding and violence was not necessarily a product of poverty or lack of opportunity. The tribes viewed raiding as honourable and possibly quite fun, an activity that was centuries old, rooted in their culture and one of those things that defined a man in a society that placed a premium upon independence and aggression.21

#### No impact to failure in Afghanistan— The Taliban won’t take over the whole country and they wont support Al Qaeda

Innocent and Carpenter 9

[Malou, foreign policy analyst on Pakistan and Afghanistan at Cato; Ted Galen, Vice President for defense and foreign policy at Cato; “Escaping the Graveyard of Empires,” http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf]

Moreover, the worst-case scenario—the resurrection of the Taliban’s fundamentalist regime—does not threaten America’s sovereignty or physical security. Many policymakers who call for an indefinite military presence in Afghanistan conflate bin Laden’s network—a transnational jihadist organization—with the Taliban—an indigenous Pashtun-dominated movement. But the Taliban and other parochial fighters pose little threat to the sovereignty or physical security of the United States. The fear that the Taliban will take over a contiguous fraction of Afghan territory is not compelling enough of a rationale to maintain an indefinite, large-scale military presence in the region, especially since the insurgency is largely confined to predominately Pashtun southern and eastern provinces and is unlikely to take over the country as a whole, as we saw in the 1990s. Even if the Taliban were to reassert themselves amid a scaled down U.S. presence, it is not clear that the Taliban would again host al Qaeda. In The Looming Tower: Al-Qaeda and the Road to 9/11, Lawrence Wright, staff writer for New Yorker magazine, found that before 9/11 the Taliban was divided over whether to shelter Osama bin Laden.14 The terrorist financier wanted to attack Saudi Arabia’s royal family, which, according to Wright, would have defied a pledge Taliban leader Mullah Omar made to Prince Turki al-Faisal, chief of Saudi intelligence (1977–2001), to keep bin Laden under control. The Taliban’s reluctance to host al Qaeda’s leader means it is not a foregone conclusion that the same group would provide shelter to the same organization whose protection led to their overthrow. America’s claim that the Taliban is its enemy, and its preoccupation with the group’s admittedly reprehensible practices, seems less than coherent. After all, although some U.S. officials issued toothless and perfunctory condemnations of the Taliban when it controlled most of Afghanistan from September 1996 through October 2001, during that time the United States never once made a substantive policy shift toward or against the Taliban despite knowing that it imposed a misogynistic, oppressive, and militant Islamic regime onto Afghans. For Washington to now pursue an uncompromising hostility toward the Taliban’s eye-for-an-eye brand of justice can be interpreted as an opportunistic attempt to cloak U.S. strategic ambitions in moralistic values.

#### Too many alt causes to solve

GALSTON ‘10

[William, Senior Fellow, Governance Studies, Brookings Institute, “A Question of Life and Death: U.S. Policy in Afghanistan,” http://www.brookings.edu/opinions/2010/0615\_afghanistan\_galston.aspx]

The fact that I feel compelled to pose this question so soon after the completion of President Obama’s painstaking review reflects the mounting evidence that the results of that policy have fallen far short of expectations. Let’s begin at the beginning, with Marja. The holy trinity of modern counterinsurgency is clear, hold, and build. Coalition forces are stalled at step one. After the initial military thrust, many Taliban fighters, including mid-level commanders, swooped back in to the area to intimidate local inhabitants who might otherwise be inclined to cooperate with the coalition and Afghan government. Many other Afghanis sympathize with the core Taliban message that we intend to occupy their country for the long-term with the aim of imposing alien cultural, religious, and political values. It is hard to see what will tip this stalemate in our favor, even harder to see how we can hand over governance and security function to the Afghans in Marja any time soon. Brigadier General Frederick Hodges, one of the leading commanders in southern Afghanistan, puts it this way: “You’ve got to have the governance part ready to go. We talked about doing that in Marja but didn’t realize how hard it was to do. Ultimately, it’s up to the Afghans to step forward.” It’s clear that Hodges is not holding his breath. The next shoe to drop was Kandahar. Ever since this Taliban stronghold was identified as a key target, the tension between the U.S. and Afghan governments on this issue has been palpable—so much so that the coalition is now hesitant to call what it has in mind an “offensive.” Just last week, we learned that the operation scheduled to begin in the spring would fall even farther behind schedule. As The New York Times reports, “The Afghan government has not produced the civilian leadership and trained security forces it was to contribute to the effort, U.S. officials said, and the support from Kandaharis that the United States was counting on Karzai to deliver has not materialized.” Stanley McChrystal, the top commander in Afghanistan, has been admirably frank about a core difficulty: the residents of Kandahar are far from sure that they want the protection we claim to be offering them. On to Kabul, where President Karzai has reportedly lost faith in the coalition’s ability (and that of his own government) to defeat the Taliban and is secretly maneuvering to strike a separate deal with them. If these reports are correct—and Susan Rice, our UN ambassador, disputed them on Sunday (though, notably, she offered no new evidence in support of her assertion that Karzai remains a committed partner)—two events appear to be fueling his growing disenchantment: senior American officials’ claims that his reelection lacked legitimacy, and President Obama’s December announcement that he intended to begin reducing the number of American troops by July 2011. One might be tempted to chalk up the extent of our difficulties in Afghanistan to tendentious reporting. I was skeptical myself—that is, until I stumbled across a stunning NATO/ISAF report completed in March. This report summarizes the results of an in-depth survey conducted in nine of the 16 districts in Kandahar Province to which researchers could safely gain access. Here are some of the findings: \* Security is viewed everywhere as a major problem. When asked to name the top dangers experienced while traveling on the roads, far more respondents named Afghan National Army and Police checkpoints than roadside bombs, Taliban checkpoints, or criminals. And the Taliban were rated better than ISAF convoys and checkpoints as well. \* Corruption is viewed as a widespread problem and is experienced by respondents on a regular basis. In fact, 84 percent say that corruption is the main reason for the current conflict. Corruption erodes confidence in the Afghan government, and fully two-thirds of respondents believe that this corruption forces them to seek alternatives to government services and authority. Chillingly, 53 percent regard the Taliban as “incorruptible.” \* The residents of Kandahar overwhelmingly prefer a process of reconciliation to the prospect of continued conflict. Ninety-four percent say that it is better to negotiate with the Taliban than to fight with them, and they see grounds for believing that these negotiations will succeed. Eighty-five percent regard the Taliban as “our Afghan brothers” (a phrase President Karzai repeated word for word in his address to the recent jirga), and 81 percent say that the Taliban would lay down their arms if given jobs. Our military commanders in Afghanistan talk incessantly about the need to “shape” the political context in a given area before beginning activities with a significant military component—but if their own research is correct, our chances of “shaping” Kandahar any time soon range from slim to none. Based on General McChrystal’s own logic, then, we cannot proceed there because a key requirement for success is not fulfilled. And if we can’t prevail in Kandahar, then we’re stuck with the Taliban as a long-term military presence and political force in Afghanistan. And finally, on to Pakistan. Despite skeptical reports from our own intelligence services, U.S. government officials have taken recently to praising the authorities in Islamabad for their stepped-up cooperation in the fight against the Taliban. But a report from the London School of Economics made public over the past weekend questions the basis for this optimism. Based on interviews with nine current Taliban field commanders and ten former senior Taliban officials as well as dozens of Afghan leaders, the report argues that relations between the Taliban and the Pakistani intelligence (the ISI) are dense and ongoing. One senior southern Taliban leader said: “Every group commander knows the reality—which is obvious to all of us—that the ISI is behind the Taliban, they formed and are supporting the Taliban. … Everyone sees the sun in the sky but cannot say it is the sun.” Worse, the report offers credible though not conclusive evidence that Pakistani President Zadari has been personally involved in the release of numerous Taliban prisoners from Pakistani jails, reportedly telling them that they had been arrested only because of American pressure. Surveying the evidence, Matt Waldman, the report’s author, concludes that “Pakistan appears to be playing a double-game of astonishing magnitude” and that “without a change in Pakistani behaviour it will be difficult if not impossible for international forces and the Afghan government to make progress against the insurgency.”

#### Indo-Pak war does not cause extinction

Ball ‘6

(Desmond, prof at the Strategic and Defense Studies Centre at the Australian National Univ, “The Probabilities of On the Beach: Assessing ‘Armageddon Scenarios’ in the 21st Century,” Working Paper No. 401, Strategic and Defence Studies Centre at The Australian National University, <http://rspas.anu.edu.au/papers/sdsc/wp/wp_sdsc_401.pdf>)

Analysis of these incidents suggests that nuclear war is in fact more likely between India and Pakistan than it ever was between the United States and the Soviet Union during the Cold War. On the other hand, the relatively small nuclear stockpiles mean that the resultant casualties would be much less than would have occurred in an all-out US-Soviet strategic nuclear exchange. Pakistan is especially vulnerable. Its total population is about 150 million, of whom more than half are under fifteen years of age and nearly a third are under nine. Only five cities have more than a million people—Karachi (15 million), Lahore (6 million), the Islamabad/Rawalpindi conurbation (2 million), Faisalabad (3 million) and Hyderabad (2 million). In-house studies by India’s nuclear planners have shown that only about 15 weapons would ever be required against these cities.34 Three warheads with nominal yields of only 20 kilotons each targeted on each of the five cities would kill perhaps 2-3 million people. Fifteen 1 megaton weapons, also allocated three to each city, could kill perhaps 10- 12 million. In June 2002 US Defense Secretary Donald Rumsfeld visited both New Delhi and Islamabad and briefed his counterparts about a Pentagon study that concluded that a nuclear war between the two countries could result in 12 million deaths. A detailed study of the consequences of a nuclear conflict between India and Pakistan was published in June 2002. It assumed two scenarios. The first involved the explosion of ten 15 kiloton bombs over five Indian and five Pakistani cities (Bangalore, Bombay, Calcutta, Madras and New Delhi in India and Faisalabad, Islamabad, Karachi, Lahore and Rawalpindi in Pakistan). This produced around 1.7 million immediate deaths and 0.9 million severe injuries in India and 1.2 million deaths and 0.6 million severe injuries in Pakistan. The second scenario involved 24 25 kiloton weapons, 12 detonated on eight Pakistani cities and 12 on seven Indian cities. The immediate deaths from blast and fire were estimated to be around 8 million, but the ground-bursts would also produce substantial fallout. About 22.1 million people would die fairly quickly from exposure to lethal radiation doses, while another eight million would suffer severe radiation sickness; most of the very young, old and infirm would die. About half of the 30-35 million deaths would be in Pakistan and half in India. About 99 percent of the Indian population and 93 percent of the Pakistani population would survive.35

#### Deterrence checks

Waltz 2k

(Kenneth, poli sci prof at Columbia University, research associate of the Institute of War and Peace Studies, Winter/Spring, Georgetown Journal of International Affairs, Vol. 1, No. 1, “Interview: Is Kenneth Waltz Still M.A.D. about Nukes?” Interviewed by Jeremy Goldberg and Parag Khanna, http://www.ciaonet.org/olj/gjia/gjia\_winspr00f.html)

Stability in the subcontinent now exists; it had not existed since World War II and the partition of India and Pakistan. Now with nuclear weapons on both sides, India and Pakistan can no longer fight even a conventional war over Kashmir, as former General Beg and former General Sardarji both admitted. But we still fear instability such as the intractable dispute over the Kashmir. Yet the bitterness between the United States and the Soviet Union was deep enough during the Cold War, and deterrence worked. Why would India and Pakistan be different? Does India and Pakistan’s common border increase the risk? Probably not in a modern world where there are airplanes and missiles that can reach anywhere. What difference does it make that you’ve got a common border as long as it’s perfectly easy for the two countries in an adversarial relationship to reach each other? Geographic proximity may shrink warning time, but nuclear deterrence does not depend on being able to react with split–second timing. What’s the hurry? If you have received a damaging blow from another country and you’re going to retaliate, what difference does it make if you retaliate now, ten minutes from now, or tomorrow? A country still has that same fear of the retaliation, and it’s that fear of retaliation that deters.

## Abstention

#### Give a US-Russia war impact zero probability – politics, military superiority, economic concerns, and nuclear security all check war

Thomas Graham 7, senior advisor on Russia in the US National Security Council staff 2002-2007, September 2007, "Russia in Global Affairs” July - September 2007, The Dialectics of Strength and Weakness

<http://eng.globalaffairs.ru/numbers/20/1129.html>

An astute historian of Russia, Martin Malia, wrote several years ago that “Russia has at different times been demonized or divinized by Western opinion less because of her real role in Europe than because of the fears and frustrations, or hopes and aspirations, generated within European society by its own domestic problems.” Such is the case today. To be sure, mounting Western concerns about Russia are a consequence of Russian policies that appear to undermine Western interests, but they are also a reflection of declining confidence in our own abilities and the efficacy of our own policies. Ironically, this growing fear and distrust of Russia come at a time when Russia is arguably less threatening to the West, and the United States in particular, than it has been at any time since the end of the Second World War. Russia does not champion a totalitarian ideology intent on our destruction, its military poses no threat to sweep across Europe, its economic growth depends on constructive commercial relations with Europe, and its strategic arsenal – while still capable of annihilating the United States – is under more reliable control than it has been in the past fifteen years and the threat of a strategic strike approaches zero probability. Political gridlock in key Western countries, however, precludes the creativity, risk-taking, and subtlety needed to advance our interests on issues over which we are at odds with Russia while laying the basis for more constructive long-term relations with Russia.

#### Even a rapid conflict will end in peaceful negotiations-generals concede there would be no nuclear escalation

Colonel General Leonid Ivashov, President of the Academy of Geopolitical Problems. July 2007 “WILL AMERICA FIGHT RUSSIA”. Defense and Security, No 78. LN

Ivashov: Numerous scenarios and options are possible. Everything may begin as a local conflict that will rapidly deteriorate into a total confrontation. An ultimatum will be sent to Russia: say, change the domestic policy because human rights are allegedly encroached on, or give Western businesses access to oil and gas fields. Russia will refuse and its objects (radars, air defense components, command posts, infrastructure) will be wiped out by guided missiles with conventional warheads and by aviation. Once this phase is over, an even stiffer ultimatum will be presented - demanding something up to the deployment of NATO "peacekeepers" on the territory of Russia. Refusal to bow to the demands will be met with a mass aviation and missile strike at Army and Navy assets, infrastructure, and objects of defense industry. NATO armies will invade Belarus and western Russia. Two turns of events may follow that. Moscow may accept the ultimatum through the use of some device that will help it save face. The acceptance will be followed by talks over the estrangement of the Kaliningrad enclave, parts of the Caucasus and Caspian region, international control over the Russian gas and oil complex, and NATO control over Russian nuclear forces. The second scenario involves a warning from the Kremlin to the United States that continuation of the aggression will trigger retaliation with the use of all weapons in nuclear arsenals. It will stop the war and put negotiations into motion.

#### Russia has adjusted to early warning declines—accident and miscalc risk low

Podvig ‘6 (Pavel, Podvig, physicist and director of Stanford Arms Control Center, 2006 Reducing the Risk of Accidental Launch: A Case for Unilateral Action <http://cisac.stanford.edu/news/reducing_the_risk_of_accidental_launch_a_case_for_unilateral_action_20050908/>)

**Concerns about the deterioration of the Russian early-warning system are well founded**. With the breakup of the Soviet Union most radars were left outside of the Russian territory, and many are not operational. The system's space-based tier is hardly better off. Russia is currently operating only three early-warning satellites, while a complete constellation would require ten satellites. Russia would need at least five satellites to provide minimum coverage of the U.S. territory. **Although the Russian system's decline is indeed serious, it does not necessarily increase the dangers associated with launch-on-warning**. A loss of early-warning capability would pose a dire risk **only if it were sudden and unexpected** or discovered at the time of an attack. But **this is not the case in Russia, where deterioration of the early-warning network has been gradual and well**

#### No US-China War – econ, deterrence, resilient relations

Harding 12

(Harry, American political scientist specializing in Chinese politics and foreign affairs, founding dean of the Batten School of Leadership and Public Policy at the University of Virginia, previously served as dean of the Elliott School of International Affairs, advised several US Presidents on developments in the PRC; August, “American Visions of the Future of U.S.-China Relations: Competition, Cooperation, and Conflict,” in Tangled Titans, ed. David Shambaugh, Rowland & Littlefield, p. 406 – Kurr)

Fortunately, an essentially confrontational relationship is also unlikely, especially in the sense of a direct military conflict. The high degree of economic interdependence between the two countries has already created a relatively resilient relationship since the costs of a fundamental break between the two countries would be very high for each of them.24 Equally important, the cost of military conflict, especially given the fact that both China and the U.S. are nuclear powers, will be a significant deterrent against military conflict. Although China and the U.S. may not be compelled to cooperate, in other words, they may be compelled to avoid confrontation. Moreover, the probability of the most worrying of the triggers events identified above – a unilateral declaration of independence by Taiwan – is presently quite low, as is the risk that China would try to compel unification through the use of force. In this case a system of mutual deterrence prevents any party from crossing any of the other’s “red lines,” which have been clearly identified and communicated. Another possible trigger event, the collapse of the North Korean regime, has a somewhat higher probability, and the two countries’ red lines are less clear, but their ability to communicate quickly and avoid open conflict over that issue, while worth bolstering, is probably adequate, unless the overall relationship had deteriorated further prior to the event. Here again, mutual deterrence will play an important role in preventing the descent into military confrontation.

#### They don’t solve middle east arms sales- other countries fill in

Carlstrom and Hill ‘11

[Gregg and Evan. <http://www.aljazeera.com/indepth/features/2011/10/20111019152444131301.html> ETB]

According to a report released on Wednesday by London-based human rights organisation Amnesty International, in the five years preceding the Arab Spring, a host of at least 20 governments - including Italy, the United Kingdom, France, Serbia, Switzerland and South Korea - sold more than $2.4 billion worth of small arms, tear gas, armoured vehicles and other security equipment to the the five countries that have faced - and violently combated - popular uprisings: Bahrain, Egypt, Libya, Syria, and Yemen.

#### No escalation

**Fettweis 7**

Asst Prof Poli Sci – Tulane, Asst Prof National Security Affairs – US Naval War College, 7

(Christopher, “On the Consequences of Failure in Iraq,” *Survival*, Vol. 49, Iss. 4, December, p. 83 – 98)

Without the US presence, a second argument goes, nothing would prevent Sunni-Shia violence from sweeping into every country where the religious divide exists. **A Sunni bloc** with centres in Riyadh and Cairo might face a Shia bloc headquartered in Tehran, both of which **would** face enormous pressure from their own people to **fight proxy wars** across the region. **In addition to intra-Muslim civil war, cross-border warfare could not be ruled out.** Jordan might be the first to send troops into Iraq to secure its own border; once the dam breaks, Iran, Turkey, Syria and Saudi Arabia might follow suit. **The Middle East has no shortage of rivalries**, any of which might descend into direct conflict after a destabilising US withdrawal. In the worst case, Iran might emerge as the regional hegemon, able to bully and blackmail its neighbours with its new nuclear arsenal. Saudi Arabia and Egypt would soon demand suitable deterrents of their own, and **a nuclear arms race would envelop the region.** Once again, however, **none of these outcomes is particularly likely.** Wider war No matter what the outcome in Iraq, **the region is not likely to devolve into chaos.** Although it might seem counter-intuitive, **by most traditional measures the Middle East is very stable. Continuous, uninterrupted governance is the norm**, not the exception; most **Middle East regimes have been in power for decades.** Its **monarchies**, from Morocco to Jordan to every Gulf state, **have** generally **been in power since** these **countries gained independence.** In Egypt Hosni Mubarak has ruled for almost three decades, and Muammar Gadhafi in Libya for almost four. The region's **autocrats have been more likely to die quiet**, natural **deaths than meet the hangman** or post-coup firing squads. **Saddam's** rather unpredictable **regime**, which attacked its neighbours twice, **was one of the few exceptions** to this pattern of stability, and he met an end unusual for the modern Middle East. Its **regimes have survived** potentially **destabilising shocks before, and they would be likely to do so again. The region** actually **experiences** very **little cross-border warfare**, and even less since the end of the Cold War. Saddam again provided an exception, as did the Israelis, with their adventures in Lebanon. **Israel fought four wars** with neighbouring states in the first 25 years of its existence, **but none in** the **34 years since. Vicious civil wars that** once **engulfed Lebanon and Algeria have gone quiet**, and its ethnic conflicts do not make the region particularly unique. The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration. Iraq's **neighbours will likely not prove eager to fight each other** to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. **As much as the Saudis and Iranians may threaten to intervene** on behalf of their co-religionists, **they have shown no eagerness to replace** the **counter-insurgency** role that American **troops** play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?17 **Common interest**, not the presence of the US military, **provides the** ultimate **foundation for stability. All ruling regimes in the Middle East share** a common (and understandable) **fear of instability. It is the interest of every actor** - the Iraqis, their neighbours and the rest of the world - **to see a stable**, functioning **government** emerge **in Iraq.** If the United States were to withdraw, **increased regional cooperation** to address that common interest **is far more likely than outright warfare.**

**Middle East conflict won’t escalate – local conflicts do not spillover**

**Cook, Takeyh, and Maloney 7**

Steven A. **Cook** (fellow at the Council on Foreign Relations) Ray **Takeyh** (fellows at the Council on Foreign Relations) **and** Suzanne **Maloney** (senior fellow at Saban Center) June 28 **2007** “Why the Iraq war won't engulf the Mideast”, International Herald Tribune

Finally, **there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved**. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, **Arab countries** other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, **never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight**. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. **The Middle East is a region** both prone and **accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East**.

**No global escalation**

**Dyer 2**

(Gwynne, former appointments to the Royal Military College Sandhurst and Oxford University, former member of three different armed services, Winter, "The Coming War," Queen's Quarterly, Expanded Academic ASAP)

All of this indicates an extremely dangerous situation, with many variables that are impossible to assess fully. But there is one comforting reality here: **this will not become World War III**. Not long ago, wars in the Middle East always went to the brink very quickly, with the Americans and Soviets deeply involved on opposite sides, bristling their nuclear weapons at one another. And for quite some time we lived on the brink of oblivion. But that is over. World War III has been cancelled, and I don't think we could pump it up again no matter how hard we tried. **The connections that once tied Middle Eastern confrontations to a global confrontation involving** tens of thousands of **nuclear weapons have all been undone. The** East-West **Cold War is finished**. The truly dangerous powers in the world today are the **industrialized countries** in general. We are the ones with the resources and the technology to churn out weapons of mass destruction like sausages. But the good news is: we **are out of the business.**

## Solvency

#### Obama will disregard the Court. He is on record

Pyle 12—Professor of constitutional law and civil liberties @ Mount Holyoke College [Christopher H. Pyle, “Barack Obama and Civil Liberties,” Presidential Studies Quarterly, Volume 42, Issue 4, December 2012, Pg. 867–880]

Preventive Detention

But this is not the only double standard that Obama's attorney general has endorsed. Like his predecessors, Holder has chosen to deny some prisoners any trials at all, either because the government lacks sufficient evidence to guarantee their convictions or because what “evidence” it does have is fatally tainted by torture and would deeply embarrass the United States if revealed in open court. At one point, the president considered asking Congress to pass a preventive detention law. Then he decided to institute the policy himself and defy the courts to overrule him, thereby forcing judges to assume primary blame for any crimes against the United States committed by prisoners following a court-ordered release (Serwer 2009).

According to Holder, courts and commissions are “essential tools in our fight against terrorism” (Holder 2009). If they will not serve that end, the administration will disregard them. The attorney general also assured senators that if any of the defendants are acquitted, the administration will still keep them behind bars. It is difficult to imagine a greater contempt for the rule of law than this refusal to abide by the judgment of a court. Indeed, it is grounds for Holder's disbarment.

As a senator, Barack Obama denounced President Bush's detentions on the ground that a “perfectly innocent individual could be held and could not rebut the Government's case and has no way of proving his innocence” (Greenwald 2012). But, three years into his presidency, Obama signed just such a law. The National Defense Authorization Act of 2012 authorized the military to round up and detain, indefinitely and without trial, American citizens suspected of giving “material support” to alleged terrorists. The law was patently unconstitutional, and has been so ruled by a court (Hedges v. Obama 2012), but President Obama's only objection was that its detention provisions were unnecessary, because he already had such powers as commander in chief. He even said, when signing the law, that “my administration will not authorize the indefinite military detention without trial of American citizens,” but again, that remains policy, not law (Obama 2011). At the moment, the administration is detaining 40 innocent foreign citizens at Guantanamo whom the Bush administration cleared for release five years ago (Worthington 2012b).

Thus, Obama's “accomplishments” in the administration of justice “are slight,” as the president admitted in Oslo, and not deserving of a Nobel Prize. What little he has done has more to do with appearances than substance. Torture was an embarrassment, so he ordered it stopped, at least for the moment. Guantanamo remains an embarrassment, so he ordered it closed. He failed in that endeavor, but that was essentially a cosmetic directive to begin with, because a new and larger offshore prison was being built at Bagram Air Base in Afghanistan—one where habeas petitions could be more easily resisted. The president also decided that kidnapping can continue, if not in Europe, then in Ethiopia, Somalia, and Kenya, where it is less visible, and therefore less embarrassing (Scahill 2011). Meanwhile, his lawyers have labored mightily to shield kidnappers and torturers from civil suits and to run out the statute of limitations on criminal prosecutions. Most importantly, kidnapping and torture remain options, should al-Qaeda strike again. By talking out of both sides of his mouth simultaneously, Obama keeps hope alive for liberals and libertarians who believe in equal justice under law, while reassuring conservatives that America's justice will continue to be laced with revenge.

It is probably naïve to expect much more of an elected official. Few presidents willingly give up power or seek to leave their office “weaker” than they found it. Few now have what it takes to stand up to the national security state or to those in Congress and the corporations that profit from it. Moreover, were the president to revive the torture policy, there would be insufficient opposition in Congress to stop him. The Democrats are too busy stimulating the economies of their constituents and too timid to defend the rule of law. The Republicans are similarly preoccupied, but actually favor torture, provided it can be camouflaged with euphemisms like “enhanced interrogation techniques” (Editorial 2011b).

#### Congress will backlash. It will functionally bar the Court from exercising its authority

Vladeck 11—Professor of Law and Associate Dean for Scholarship @ American University [Stephen I. Vladeck, “Why Klein (Still) Matters: Congressional Deception and the War on Terrorism,” Journal of National Security Law, Volume 5, 6/16/2011, 9:38 AM

Six weeks later, Congress enacted the USA PATRIOT Act, which included a series of controversial revisions to immigration, surveillance, and other law enforcement authorities.34 But it would be over four years before Congress would again pass a key counterterrorism initiative, enacting the Detainee Treatment Act of 2005 (DTA)35 after—and largely in response to—the Supreme Court’s grant of certiorari in Hamdan v. Rumsfeld.36 In the five years since, Congress had enacted a handful of additional antiterrorism measures, including the Military Commissions Act (MCA) of 2006,37 as amended in 2009,38 the Protect America Act of 2007,39 and the 2008 amendments40 to the Foreign Intelligence Surveillance Act of 1978, known in shorthand as the FAA.41 And yet, although Congress has spoken in these statutes both to the substantive authority for military commissions and to the scope of the government’s wiretapping and other surveillance powers, it has otherwise left some of the central debates in the war on terrorism completely unaddressed.42 Thus, Congress has not revisited the scope of the AUMF since September 18, 2001, even as substantial questions have been raised about whether the conflict has extended beyond that which Congress could reasonably be said to have authorized a decade ago.43 Nor has Congress intervened, despite repeated requests that it do so, to provide substantive, procedural, or evidentiary rules in the habeas litigation arising out of the military detention of noncitizen terrorism suspects at Guantánamo.44

As significantly, at the same time as Congress has left some of these key questions unanswered, it has also attempted to keep courts from answering them. Thus, the DTA and the MCA purported to divest the federal courts of jurisdiction over habeas petitions brought by individuals detained at Guantánamo and elsewhere.45 Moreover, the 2006 MCA precluded any lawsuit seeking collaterally to attack the proceedings of military commissions,46 along with “any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.”47 And although the Supreme Court in Boumediene invalidated the habeas-stripping provision as applied to the Guantánamo detainees,48 the same language has been upheld as applied elsewhere,49 and the more general non-habeas jurisdiction-stripping section has been repeatedly enforced by the federal courts in other cases.50

Such legislative efforts to forestall judicial resolution of the merits can also be found in the telecom immunity provisions of the FAA,51 which provided that telecom companies could not be held liable for violations of the Telecommunications Act committed in conjunction with certain governmental surveillance programs.52 Thus, in addition to changing the underlying substantive law going forward, the FAA pretermitted a series of then-pending lawsuits against the telecom companies.53

Analogously, Congress has attempted to assert itself in the debate over civilian trials versus military commissions by barring the use of appropriated funds to try individuals held at Guantánamo in civilian courts,54 and by also barring the President from using such funds to transfer detainees into the United States for continuing detention or to other countries, as well.55 Rather than enact specific policies governing criteria for detention, treatment, and trial, Congress’s modus operandi throughout the past decade has been to effectuate policy indirectly by barring (or attempting to bar) other governmental actors from exercising their core authority, be it judicial review or executive discretion.

Wasserman views these developments as a period of what Professor Blasi described as “constitutional pathology,” typified by “an unusually serious challenge to one or more of the central norms of the constitutional regime.” Nevertheless, part of how Wasserman defends the “Klein vulnerable” provisions of the MCA and FAA is by concluding that the specific substantive results they effectuate can be achieved by Congress, and so Klein does not stand in the way. But if Redish and Pudelski’s reading of Klein is correct, then the fact that Congress could reach the same substantive results through other means is not dispositive of the validity of these measures. To the contrary, the question is whether any of these initiatives were impermissibly “deceptive,” such that Congress sought to “vest the federal courts with jurisdiction to adjudicate but simultaneously restrict the power of those courts to perform the adjudicatory function in the manner they deem appropriate.”56 pg. 257-259

#### Plan causes extraordinary rendition shift

Anderson 9

Kenneth Anderson 09, Professor of International Law at American University, 5/31, “Security Issues Like Squeezing Jello? Reversion to the Mean? Jack Goldsmith on the Effects of Security Alternatives,” <http://opiniojuris.org/2009/05/31/security-issues-like-squeezing-jello-reversion-to-the-mean-jack-goldsmith-on-the-effects-of-security-alternatives/#sthash.TB1xcePu.dpuf>

One way you might look at this is that there is a sort-of national security constant that remains in equilibrium over time, using one tactic or another, gradually evolving but representing over time a reversion to the national security mean. Or you might say that national security, seen over time, looks a little like squeezing jello – if squeezed one place it pops out another. ¶ I think Jack is right that the administration – any administration – tends to strive for a certain equilibrium, as it is confronted with a flow of threats that the public discounts to near-zero but which it does not see itself quite so able to do, however much it might want to. However, as the op-ed also notes, and I agree, these methods are not completely equivalent or compensating. That is so not just with regards to third party costs, but also with respect to security as such. Intelligence gathering, by all accounts not very effective to begin with, has become much more difficult. This is not compensation, it is a seemingly permanent downward shift in the security mean. ¶ Besides the consequences that Jack identifies, I would add that the current move to semi-compensating policies means two things. First, intelligence is likely to be increasingly outsourced to foreign intelligence services. That can provide valuable information, but it will be increasingly uncorroborated and subject to filtering by those services. That is not good. ¶ Second, in a somewhat unrelated matter, I would guess that future conflicts, where not fought by Predator, will be increasingly outsourced to proxy forces. ¶ In the focus on intelligence and security, I think this second point has not received sufficient attention. The United States has a long familiarity with proxy forces as a form of deniability, among other things – Ronald Reagan, for example, faced with many limitations placed by Congress on his uses of force, found proxy forces an essential element of his foreign policy, in Central America particularly. The domestic risks that policy can entail are illustrated by the Iran-Contra contra-temps; on the other hand, Reagan was reasonably successful in pursuing his administration’s anti-Communist and anti-Soviet policy aims in Salvador and Nicaragua, among other places, by proxy forces. ¶ But I would be quite surprised if proxy war were not today under active discussion for places like Somalia (where we have already undertaken measures close to it) and other places. More precisely, I would surprised if it were not an active discussion among the New Liberal Realists of the Obama administration, whatever the transnationalists say or think.¶ In any case, whether those last two speculations prove true or not, the tendency of the administration to seek compensating policies seems likely at a minimum to complicate the issues of Guantanamo, Bagram, and other matters besides.

#### Means they solve nothing

McGill 12

Anna-Katherine Staser McGill 12, School of Graduate and Continuing Studies in Diplomacy, Norwich University, David Gray, Campbell University, Summer 2012, “Challenges to International Counterterrorism Intelligence Sharing,” <http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf>

The CIA’s use of “extraordinary rendition”, the practice of transporting a suspect to a third country for interrogation, has also stoked the ire of many traditional allies. Critics charge that this tactic quite simply allows the CIA to sidestep international laws and obligations by conducting interrogations in nations with poor human-rights records. In 2003, an Italian magistrate formally indicted 13 CIA agents for allegedly kidnapping an Italian resident and transporting him to a third country for interrogation. Ultimately 22 CIA agents and one US military officer were convicted in absentia of crimes connected to the abduction (Stewart, 1). The case not only heightened criticism of the US in Italy but challenged U.S. strategic communications aimed at reducing anti-Americanism worldwide (Reveron 462). According to Julianne Smith, director of the Europe program at the Center for Strategic and International Studies (CSIS), “[extraordinary rendition] makes it extremely difficult [for European governments] to stand shoulder-to-shoulder with the U.S.” (Heller 1).

#### The president will circumvent the aff

McNeal 8

Gregory McNeal 08, Visiting Assistant Professor of Law, Pennsylvania State University Dickinson School of Law. The author previously served as an academic consultant to the former Chief Prosecutor, Department of Defense Office of Military Commissions, “ARTICLE: BEYOND GUANTANAMO, OBSTACLES AND OPTIONS,” August 08, 103 Nw. U. L. Rev. Colloquy 29

3. Executive Forum-Discretion--Any reform which allows for adjudication of guilt in different forums, each with differing procedural protections, raises serious questions of legitimacy and also incentivizes the Executive to use "lesser" forms of justice--nonprosecution or prosecutions by military commission. In this section, my focus is on the incentives which compel the Executive to not prosecute, or to prosecute in military commissions rather than Article III courts. Understanding the reason for these discretionary decisions will guide reformers pondering whether a new system will actually be used by the next President.¶ There are two primary concerns that executive actors face when selecting a forum: protecting intelligence and ensuring trial outcomes. Executive forum-discretion is a different form of prosecutorial discretion with a different balancing inquiry from the one engaged in by courts. Where prosecutorial discretion largely deals with the charges a defendant will face, executive forum-discretion impacts the procedural protections a defendant can expect at both the pretrial and trial phase. Where balancing by Courts largely focuses on ensuring a just outcome which protects rights, the balancing engaged in by executive actors has inwardly directed objectives [\*50] which value rights only to the degree they impact the Executive's self interest.¶Given the unique implications flowing from forum determinations, reformers can benefit from understanding why an executive actor chooses one trial forum over another. I contend that there are seven predictive factors that influence executive discretion; national security court reformers should be aware of at least the two most salient predictive factors: trial outcomes and protection of intelligence equities. n112 The Executive's balancing of factors yields outcomes with direct implications for fundamental notions of due process and substantial justice. Any proposed reform is incomplete without thoroughly addressing the factors that the Executive balances.

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#### The method of evidence selection used by the 1AC makes effective debate impossible

Stevens 2007 (Alex Stevens, Senior Researcher-European Institute of Social Services, School of Social Policy, Sociology and Social Research, Keynes College, University of Kent, “Survival of the Ideas that Fit: An Evolutionary Analogy for the Use of Evidence in Policy” Social Policy and Society 6:1, 25–35)

The proposed evolutionary analogy goes beyond the political/tactical model by also helping to explain how evidence can be used selectively to further the interests of powerful social groups, without relying solely on the deliberate connivance of policymakers. It sees social structure, in addition to political tactics, as important in supporting selection in the use of evidence. It uses an evolutionary approach to explain the pattern of selection. It starts from the assumption that a variety of ideas come from evidence and compete for attention in policy, as genes arise and compete for survival. The ideas may be facts, findings or recommendations that have been produced by academics, journalists, think tanks, pressure groups or others. Some of these ideas fit the interests of powerful groups and some do not. Ideas that do fit will find powerful supporters. Others will not. Those ideas that fit will therefore have groups and individuals that can carry them into policy, as would a gene be reproduced if it finds a place in organisms that survive. The ideas that do not fit will tend not to be picked up by people who have the power to translate them into policy. This evolutionary advantage leads to the survival of the ideas that fit. The major advantage of this analogy is that it illuminates the biased use of evidence without relying on policy makers to be irrational, or the ability of powerful social groups to coordinate a campaign to ignore unhelpful research. Mechanisms of selection In contrast to the reproduction of genes, it is not the idea that gives its carrier the increased potential to survive. And it is not, as Dawkins suggested for memes, that the idea is ‘advantageous to itself’ (Dawkins, 1976: 200). Rather, it is the power of the carriers, and the choices they make on which bits of evidence to pick up, that confer advantage to ideas that suit the interests of powerful groups. A similarity to biological evolution is that the process of selection is complicated, messy and sometimes brutal. Powerful social groups are not monolithic. They have diverse memberships and divergent interests. They struggle over what policies will be proclaimed and implemented, and use various mechanisms to attempt to ensure that the evidence that suits their purpose comes to be recognised as legitimate. Policy makers, businesses, political parties and pressure groups may ‘trawl’: fishing for evidence, hauling in the bits that suit their needs, and throwing back those that do not. They may also ‘farm’ evidence, by, for example, commissioning research, but only publishing and using those parts of it that meet the criteria that they set for the look and flavour of the evidence produced. Repetition is a useful tool in ensuring that attention is given to useful evidence. Groups that have a voice in the policy process can repeatedly refer to bits of evidence, which may be ripped out of context and based on methodologically suspect research. Through repetition, such evidence can become part of the accepted body of knowledge in a policy area. Powerful groups can also use ‘flak’ (Chomsky and Herman, 1988) to attack, silence or discredit evidence that comes into the public arena, but is not helpful to their interests. And they may be able to impose ‘strain’ (Chambliss, 1976) on people and organisations that produce and advocate unhelpful evidence, who may find that doing so is not conducive to a successful career or to organisational survival. There are limits to the research questions that can be asked that reinforce selection. These include limits that are set by legal, professional and ideological boundaries. Different groups will also have different narratives of how social problems arise and how they should be solved. These narratives provide a frame into which evidence must fit if it is to enter policy. The extent to which social groups can impose their own narratives and frames on a debate depends on their relative legal, professional, financial and ideological power (Green, 2000; Hajer, 1993). Limits are also set by the decisions of those people who pay for research on what they are interested in buying. Those groups with the most power in society will be most able to implement these mechanisms, and so bring attention to research that suits them, and encourage the ignorance of research that does not. This does not mean that their power dominates the use of evidence entirely. Weaker social groups, including trade unions, environmental pressure groups, other campaigning bodies and self-organisations of the poor and socially marginalised may also attempt to make these mechanisms work for them. However, they have less access to the sources of research and its dissemination; they are less able to impose their interpretations of research evidence on a wider public. They have less opportunity to trawl or farm research, to create flak, to repeat favourable evidence or to impose strain on those who produce or disseminate unhelpful research. And they have less of a role in framing policy. Selection in action So far, this evolutionary analogy has not been rigorously tested against actual uses of evidence in practice. It is presented here in order to invite discussion of how it may apply to various areas of social policy. However, it is quite easy to find illustrative examples of the selective use of evidence in policy making; especially, it seems, in crime, immigration and health policies. The British Drug Treatment and Testing Orders (DTTO, a sentence for drug dependent offenders introduced in the Crime and Disorder Act 1998, since replaced by the Drug Rehabilitation Requirement) were inspired by the expansion of drug courts in the USA. A report by one of the instigators of the DTTO policy (Russell, 1994) trawls in references to evaluations of drug courts, all of which are positive, without mentioning any of the negative evaluations, or mentioning that the positive evaluations offer good examples of selection bias; basing their results solely on the proportion of people who completed the programmes, and often comparing them to those who dropped out early, in defiance of accepted methodological standards (Stevens et al., 2005). Before the DTTO was rolled-out across England and Wales, a study of three pilot areas was commissioned which concluded ‘we could hardly portray the pilot programmes as unequivocally successful’ (Turnbull et al., 2000: 87). The response in terms of policy was typical of the ‘farming’ mechanism. The negative findings were not publicised and the roll-out went ahead. A second example of selection is the use of research on the impact of asylum policies in Europe on the number of asylum seekers. This research found that direct pre-entry measures (e.g. visas, sanctions on airlines) have had the greatest impact on the number of asylum claimants. But ‘measures such as reception facilities, detention and the withdrawal of welfare benefits appear to have had much more limited impact’ (Zetter et al., 2003: xiii). Restrictive policies also have counter-effects, including increased illegal immigration and displacement of asylum flows to other countries. The official response provided examples of ‘farming’ and of ‘strain’. Publication of the research was delayed for two years, findings on the lack of effect of indirect controls and on their counter-effects were ignored and such controls continued to be tightened (e.g. in the Nationality, Immigration and Asylum Act 2002 and the Asylum and Immigration Act 2004). One of the authors of this research wrote in a letter to The Guardian that this was ‘part of a general and worrying trend that academic research is being used to buttress government policies in a way that is illegitimate and which depends upon an extremely partial reading of research results’ (Griffiths, 2003). So far, these examples show only that politicians and policy makers are capable of making selective use of the research that they commission. They could fit with the political/tactical view of policy-makers making irrational uses of evidence for their own purposes. However, they should be viewed within the context of argumentation over policy that occurs around as well as within the state. The people whose interests are most directly harmed by these selective uses of evidence, being drug-using offenders and would-be immigrants and asylum seekers, are among the least powerful in these arguments. On the other hand, powerful interest groups have an interest in the use of evidence to bolster such policies. Powerful social groups have, for example, long benefited from the use of migrant workers, both as cheap labour to boost profits and as scapegoats for social problems that result from inequality (Winder, 2005). As the 2005 UK general election showed, the government faces a great deal of external pressure to be seen to be tough on immigration. Opposition parties and right-wing newspapers can target a great deal of flak at politicians and researchers who make the case for immigration. A rational debate over the pros and cons of asylum policy is unlikely to occur in such a context. The reasons for this are not merely tactical, but also structural, as it is social structure which explains the relative power that groups can bring to these arguments and processes of evidence selection. External influences on the use of evidence are clearer in some examples from the field of health and food policy. In 2003, the World Health Organisation sought to create international guidelines that stated that daily intake of sugar should not exceed 10 grammes per person, based on the evidence of the damage done by excessive consumption to human health. This lead to the imposition of heavy ‘strain’ on the WHO, which faced criticism, including calls for the resignation of its Director from US officials, who were themselves pressured by the sugar corporations who are major donors to the political parties of the USA (Boseley, 2003). After these pressures had been imposed, the 10g recommended daily limit on sugar intake was not included in the final document (World Health Organization, 2003). In the UK, there is the example of the government's alcohol harm reduction strategy. The government initially commissioned a group of 17 independent experts to provide the evidence on which to base this strategy. Their considered view was that reducing alcohol-related harm should involve limiting its availability and increasing its price. This conclusion would obviously not be popular, either with many voters, or with the alcohol industry. One of the ways the alcohol industry seeks to maximise its profits is by funding the Portman Group. This was the only ‘alcohol misuse’ organisation mentioned in the government's strategy, which adopted the ideas and language of the alcohol industry. Alcohol Concern, the Medical Council on Alcohol and the National Addiction Centre were not referred to (McNeill, 2004). Eventually, the government published a strategy that bore so little relation to the evidence-based recommendations of the experts that several of them were moved to publish their own report, which contradicted the government's strategy (Academy of Medical Sciences, 2004). It seems that this is a clear example where external pressure on government by a powerful group has influenced the use of evidence in policy. Internationally, the issues of genetically modified (GM) organisms and climate change also provide examples of the use of trawling, farming, flak, strain, repetition and selective framing by actors outside the state. Much of the research on GM food is funded by the corporations who hope to profit from its application. Several researchers have found that raising questions over the safety and efficacy of GM food is not conducive to security of tenure in Universities that are funded by these corporations. For example, Dr Arpad Pusztai's research suggesting that GM potatoes may be poisonous to rats (Ewen and Pusztai, 1999) led to him losing his job, and to threats that the editor of The Lancet, which published some of this research, would also lose his. Dr Ignacia Chapela was also targeted for flak and strain when he published an article in Nature reporting contamination of native corn in Mexico by a GM variety (Quist and Chapela, 2001). He was subsequently refused tenure at the University of California, where a number of colleagues criticised his work and benefited from a multi-million dollar deal with the biotechnology company Novartis.3 Corporations that control the production of raw materials are also extremely powerful in the field of energy policy, which has the greatest effect on climate change. The material interests of these corporations are damaged by international policies such as the Kyoto protocol. Given the potential damage of Kyoto to oil company profits, it is not surprising that the tiny minority of scientists who deny the role of human activity in climate change have found ready supporters in the oil industry. More worrying is that the most powerful government on Earth has pressured its own scientists to misrepresent their own findings in order to support the oil companies’ position (Union of Concerned Scientists, 2004) and continues to dilute international efforts to combat climate change (Townsend, 2005). It should be noted that in none of these cases is the interest of any one group able fully to determine the use of evidence. Nor is it the case that evidence does not influence the terms in which these controversies are played out. Debate over DTTOs, immigration policy, GM food and global warming is alive and well. Research evidence is not absent, but crucial to the development of these debates. However, its use is not often directly linear, ideally enlightened or purely tactical. These are selected examples, but they are by no means isolated. In several fields, it is evident that structural, as well as tactical interests of powerful social groups often shape the use that is made of evidence in ways that pervert the promise of evidence-based policy making. Avoiding bias While scientific evidence may not be accepted unquestioningly as a clear, objective source, there is a body of scientific evidence. The process of scientific production makes this available for discovery and analysis through various forms of synthesis. Through open debate over the results of such reviews, some positions can be found to be false, in that they offer inadequate accounts of the phenomena they attempt to explain (Layder, 1998). Examples of propositions that the balance of scientific evidence has found to be untrue are that Saddam Hussein was storing weapons of mass destruction in Iraq in 2003 (Powell, 2003), that ‘nothing works’ in preventing criminal recidivism (Martinson, 1979), that smoking tobacco does not increase risks of cancer (Tobacco Institute Research Committee, 1954) and that human activity is not contributing to global warming (see van den Hove, le Menestrel, and de Bettignies, 2002). The existence of proponents of alternative views shows that it is possible to question the mainstream and to insert dissident positions into the debate. But acting as if these propositions are true has been and will be disastrous. If we are to have any prospect of improving the human condition, then we need to continue to develop knowledge (of which research evidence is one element) that can inform action; knowledge that we can use until superior explanations and possibilities arise. The idea of evidence-based policy is that this will happen. It often fails in practice, not only because research evidence is contested, but because its use is affected by processes of selection that make it less likely that superior explanations and solutions will be put into practice.

#### The modern liberal state utilizes the threat of nuclear weapons to justify invasion in the interim to prevent catastrophe. Their representations are more likely to lead to preemption than passivity.

Massumi 07 (Brian, Communication Department of the Université de Montréal , “Potential Politics and the Primacy of Preemption”)

Fear is always a good reason to go politically conditional. Fear is the palpable action in the present of a threatening future cause. It acts just as palpably whether the threat is determinate or not. It weakens your resolve, creates stress, lowers consumer confidence, and may ultimately lead to individual and/or economic paralysis. To avoid the paralysis, which would make yourself even more of a target and carry the fear to even higher level, you must simply act. In Bush administration parlance, you "go kinetic."6 You leap into action on a level with the potential that frightens you. You do that, once again, by inciting the potential to take an actual shape you can respond to. You trigger a production of what you fear. You turn the objectively indeterminate cause into an actual effect so you can actually deal with it in some way. Any time you feel the need to act, then all you have to do is actuate a fear. The production of the effect follows as smoothly as a reflex. This affective dynamic is still very much in place, independent of Rumsfeld's individual fate. It will remain in place as long as fear and remains politically actuatable. The logic of preemption operates on this affective plane, in this proliferative or ontogenetic way: in a way that contributes to the reflex production of the specific being of the threat. You're afraid Iraq is a breeding ground for terrorists? It could have been. If it could have been, it would have been. So go ahead, make it one. "Bring 'em on," the President said, following Hollywood-trained reflex. He knew it in his "guts." He couldn't have gone wrong. His reflex was right. Because "now we can all agree" that Iraq is in actual fact a breeding ground for "terrrorists". That just goes to prove that the potential was always there. Before, there was doubt in some quarters that Saddam had to be removed from power. Some agreed he had to go, some didn't. Now we can all agree. It was right to remove him because doing so made Iraq become what it always could have been. And that's the truth. Truth, in this new world order, is by nature retroactive. Fact grows conditionally in the affective soil of an indeterminately present futurity. It becomes objective as that present reflexively plays out, as a effect of the preemptive action taken. The reality-based community wastes time studying empirical reality, the Bushites said: "we create it." And because of that, "we" the preemptors will always be right. We always will have been right to preempt, because we have objectively produced a recursive truth-effect for your judicious study. And while you are looking back studying the truth of it, we will have acted with reflex speed again, effecting a new reality. 7 We will always have had no choice but to prosecute the "war on terror," ever more vigilantly and ever more intensely on every potential front. We, preemptors, are the producers of your world. Get used to it. The War in Iraq is a success to the extent that it made the productivity of the preemptive "war on terror" a self-perpetuating movement. Even if the US were to withdraw from Iraq tomorrow, the war would have to continue on other fronts no matter who controls Congress or who is in the White House. It would have to continue in Afghanistan, for example, where the assymetrical tactics perfected in Iraq are now being applied to renew the conflict there. Or in Iran, which also always could have/would have been a terrorist breeding ground. Or it could morph and move to the Mexican-US border, itself morphed into a distributed frontline proliferating throughout the territory in the moving form of "illegal immigration". On the indefinite Homeland Security front of a protieform war, who knows what threats may be spinelessly incubating where, abetted by those who lack the "backbone" to go kinetic. Preemption is like deterrence in that it combines a proprietary epistemology with a unique ontology in such a way as to make present a future cause that sets a self-perpetuating movement into operation. Its differences from deterrence hinge on its taking objectively indeterminate or potential threat as its self-constitutive cause rather than fully formed and specified threat. It situates itself on the ground of ontogenetic potential. There, rather than deterring the feared effect, it actualizes the potential in a shape to which it hopes it can respond. It assumes a proliferation of potential threats, and mirrors that capacity in its own operation. It becomes proliferative. It assumes the objective imbalance of a far-from-equilibrium state as a permanent condition. Rather than trying to right the imbalance, it seizes it as an opportunity for itself. Preemption also sets a race in motion. But this is a race run on the edge of chaos. It is a race of movement-flushing, detection, perception, and affective actuation, run in irreparably chaotic or quasi-chaotic conditions. The race of preemption has any number of laps, each ending in the actual effecting of a threat. Each actualization of a threat triggers the next lap, as a continuation of the first in the same direction, or in another way in a different field. Deterrence revolved around an objective cause. Preemption revolves around a proliferative effect. Both are operative logics. The operative logic of deterrence, however, remained causal even as it displaced its cause's effect. Preemption is an effective operative logic rather than a causal operative logic. Since its ground is potential, there is no actual cause for it to organize itself around. It compensates for the absence of an actual cause by producing an actual effect in its place. This it makes the motor of its movement: it converts an absent or virtual cause really, directly into a taking-actual-effect. It does this affectively. It uses affect to effectively trigger a virtual causality.8 Preemption is when the futurity of unspecified threat is affectively held in the present in a perpetual state of potential emergence(y) so that a movement of actualization may be triggered that is not only self-propelling but also effectively, indefinitely, ontologically productive, because it works from a virtual cause whose potential no single actualization exhausts. Preemption's operational parameters mean that is never univocal. It operates in the element of vagueness and objective uncertainty. Due to its proliferative nature, it cannot be monolithic. Its logic cannot close in around its self-causing as the logic deterrence does. It includes an essential openness in its productive logic.9 It incites its adversary to take emergent form. It then strives to become as proteiform as its ever-emergent adversary can be. It is as shape-shifting as it is self-driving. It infiltrates across boundaries, sweeping up existing formations in its own transversal movement. Faced with gravity-bound formations too inertial for it to sweep up and carry off with its own operative logic, it contents itself with opening windows of opportunity to pass through. This is the case with the domestic legal and juridical structure in the US. It can't sweep that away. But it can build into that structure escape holes for itself. These take the form of formal provisions vastly expanding the power of the executive, in the person of the president in his role as commander-in-chief, to declare states of exception which suspend the normal legal course in order to enable a continued flow of preemptive action.10 Preemption stands for conflict unlimited: the potential for peace amended to become a perpetual state of undeclared war. This is the "permanent state of emergency" so presciently described by Walter Benjamin. In current Bush administration parlance, it has come to be called "Long War" replacing the Cold War: a preemptive war with an in-built tendency to be never-ending. Deterrence produced asymmetrical conflict as a by-product. The MADly balanced East-West bipolarity spun off a North-South sub-polarity. This was less a polarity than an axis of imbalance. The "South" was neither a second Western First nor another Eastern Second. It was an anomalous Third. In this chaotic " Third World ," local conflicts prefiguring the present "imbalance of terror" proliferated. The phrase "the war on terror" was in fact first popularized by Richard Nixon in 1972 in response to the attack at the Munich Olympics when the Israeli-Palestinian conflict spectacularly overspilled northward. Asymmetrical conflicts, however, were perceivable by the reigning logic of deterrence only as a reflection of itself. The dynamic of deterrence were overlaid upon them. Their heterogeneity was overcoded by the familiar US-Soviet duality. Globally such conflicts figured only as opportunities to reproduce the worldwide balance of terror on a reduced scale. The strategy of "containment" adopted toward them was for the two sides in the dominant dyad to operate in each local theater through proxies in such a way that their influence, on the whole, balanced out. "I decided," Nixon said after Munich , "that we must maintain a balance."11 He did not, as Bush did after 9-11, decide to skew things by going unilaterally "kinetic." The rhetoric of the "war on terror" fell into abeyance during the remainder of the 1970s, as Southern asymmetries tended to be overcoded as global rebalancings, and going kinetic was "contained" to the status of local anomaly.

#### This worst case storytelling causes social paralysis and serial policy failure.

Furedi 10 – Professor of sociology at the University of Kent, Frank, “This shutdown is about more than volcanic ash”, Spiked, 4/19, http://www.spiked-online.com/index.php/site/article/8607/

Whatever the risks posed by the eruption of a volcano in Iceland, it seems clear that the shutting down of much of Europe’s air space is not just about the threat posed by clouds of ash to flying passengers. We live in an era where problems of uncertainty andrisk are continually amplified, and where our fearful imaginations can make these problems seem like existential threats. Consequently, unexpected natural events are rarely treated simply as unexpected natural events – instead they are swiftly dramatised and transformed into ‘threats to human survival’. This becomes most clear in the tendency to dramatise the forecasting of the weather. Once upon a time, weather forecasts were those boring moments on the radio or TV when most of us got up to make a snack. However, with the invention of concepts such as ‘extreme weather’, routine events like storms, smog or unexpected snowfall have become compellingly entertaining. Ours is a world where a relatively ordinary technical problem like the so-called Millennium Bug can be interpreted as a threat of apocalyptic proportions – and where a flu epidemic is turned by officials into a kind of plot line from a Hollywood disaster flick. When the World Health Organisation can warn that the entire human species is threatened by swine flu, it’s pretty clear that cultural prejudice rather than sober risk assessment influences much of official thinking today. I am not a natural scientist, and I claim no authority to say anything of value about the risks posed by volcanic ash clouds to flying aircraft. However, as a sociologist interested in the process of decision-making, it is evident to me that the reluctance to lift the ban on air traffic in Europe is motivated by worst-case thinking rather than rigorous risk assessment. Risk assessment is based on an attempt to calculatethe probability of different outcomes. Worst-case thinking –these days known as ‘precautionary thinking’ – is based on an act of imagination. It imagines the worst-case scenario and then takes action on that basis. In the case of the Icelandic volcano, fears that particles in the ash cloud could cause aeroplane engines to shut down automatically mutated into a conclusion that this wouldhappen. So it seems to me to be the fantasy of the worst-case scenario rather than risk assessment that underpins the current official ban on air traffic. Many individuals associated with the air-travel industry are perturbed by what they perceive to be a one-dimensional overreaction. Ulrich Schulte-Strathaus, secretary-general of the Association of European Airlines, observed that ‘verification flights undertaken by several of our airlines have revealed no irregularities at all’. He believes that ‘this confirms our requirement that other options should be deployed to determine genuine risk’. Giovanni Bisignani, director-general of the International Air Transport Association, describes the ban as a ‘European embarrassment’ and a ‘European mess’. Also, individuals associated with Europe’s air-control authorities have conceded that they have been interpreting international guidelines ‘more rigorously’ than, say, their American counterparts. British forecasters claimed the volcanic ash cloud could hit the eastern Canadian coast. Whatever the risks of flying in the wake of the volcano, it seems clear that it is not evidence but speculation that is fuelling the current flight ban. The reluctance actually to weigh up the evidence and act on the basis of probabilities is motivated by fear of making a wrong decision. Of course when lives are at stake it is essential to weigh up the evidence carefully – but at the end of the day, our leaders have a responsibility to make decisions and live with the consequences. The slowness with which EU ministers responded to this crisis indicates that worst-case thinking discourages responsible decision-making. Yet as Giovanni Bisignani said, the decision to close airspace ‘has to be based on facts and supported by risk assessment’, not on the politics of decision-avoidance. Tragically, this failure of nerve in relation to the volcanic ash is the inevitable outcome of the institutionalisation of worst-case policymaking. This approach, based on the unprecedented sensitivity of contemporary Western society to uncertainty and unknown dangers, has led to a radically new way of perceiving and managing risks. As a result, the traditional association of risk with probabilities is now under fire from a growing body of opinion, which claims that humanity lacks the knowledge to calculate risks in any meaningful way. Sadly, critics of traditional probabilistic risk-assessments have more faith in speculative computer models than they do in science’s capacity to use knowledge to transform uncertainties into calculable risks. The emergence of a speculative approach towards risk is paralleled by the growing influence of ‘possibilistic thinking’ rather than probabilistic thinking, which actively invites speculation about what could possibly go wrong. In today’s culture of fear, frequently ‘what could possiblygo wrong’ is confused with ‘what is likely to happen’.Numerous critics of old forms of probabilistic thinking call for a radical break with past practices on the grounds that we simply lack the information to calculate probabilities. This rejection of probabilities is motivated by a belief that the dangers we face are just too overwhelming and catastrophic – the Millennium Bug, international terrorism, swine flu, climate change, etc – and we simply cannot wait until we have all the information before we calculate their possible destructive effects. ‘Shut it down!’ is the default response. In any case, it is argued, since so many of the threats are ‘unknown’ there is little information on which a realistic calculation of probabilities can be made. One of the many regrettable consequences of this outlook is that policies designed to deal with threats are increasingly based on feelings and intuition rather than on evidence or facts. Worst-case thinking encourages society to adopt fear asof one of the key principles around which the public, the government andvarious institutions should organisetheir lives. It institutionalises insecurity and fosters a mood of confusion and powerlessness. Through popularising the belief that worst cases are normal, it also encourages people to feel defenceless and vulnerable to a wide range of future threats. In all but name, it is an invitation to social paralysis. The eruption of a volcano in Iceland poses technical problems, for which responsible decision-makers should swiftly come up with sensible solutions. But instead, Europe has decided to turn a problem into a drama. In 50 years’ time, historians will be writing about our society’s reluctanceto act when practical problems arose**.** It is no doubt difficult to face up to a natural disaster – but in this case it isthe all-too-apparent manmade disaster brought on by indecision and a reluctance to engage with uncertainty that represents the real threat to our future.

#### Refusing to confront the possibility of nuclear war fosters complacency and thwarts efforts to stop apocalypse

Schell, 1982 (Jonathan, Journalist and Peace Activist, “The Fate of the Earth,” p. 231)

Two paths lie before us. One leads to death, the other to life. If we choose the first path – if we **numbly refuse to acknowledge** the nearness of extinction, all the while increasing our preparations to bring it about – then **we will in effect become the allies of death** and in everything we do our attachment to life will **weaken**: our vision, blinded to the abyss that has opened at our feet, will dim and grow confused; our will, discouraged by the thought of trying to build on such a precarious foundation anything that is meant to last, will slacken, and we will sink into stupefaction as though we were gradually weaning ourselves from life in preparing from the end.

#### Ontology comes first – the state of pure war is an internalized dread which manifests itself in populations conditioned by the dramatization of catastrophic events. This is invisible, psychic, violence comes first because it occurs at the individual level and makes material war and violence possible.

Borg 2003 (Mark; PhD in psychoanalysis, practicing psychoanalyst and community/organizational consultant working in New York City. He is a graduate of the William Alanson White Institute's psychoanalytic certification program and continues his candidacy in their organizational dynamics program. He is co-founder and executive director of the Community Consulting Group, "Psychoanalytic Pure War: Interactions with the Post-Apocalyptic Unconscious": JPCS: Journal for the Psychoanalysis of Culture & Society, Volume 8, Number 1, Spring 2003, MUSE)

Paul Virilio and Sylvere Lotringer’s concept of “pure war” refers to the potential of a culture to destroy itself completely (12).2We as psychoanalysts can—and increasingly must—explore the impact of this concept on our practice, and on the growing number of patients who live with the inability to repress or dissociate their experience and awareness of the pure war condition. The realization of a patient’s worst fears in actual catastrophic events has always been a profound enough psychotherapeutic challenge. These days, however, catastrophic events not only threaten friends, family, and neighbors; they also become the stuff of endless repetitions and dramatizations on radio, television, and Internet.3 Such continual reminders of death and destruction affect us all. What is the role of the analyst treating patients who live with an ever-threatening sense of the pure war lying just below the surface of our cultural veneer? At the end of the First World War, the first “total war,” Walter Benjamin observed that “nothing [after the war] remained unchanged but the clouds, and beneath these clouds, in a field of force of destructive torrents and explosions, was the tiny, fragile human body”(84). Julia Kristeva makes a similar note about our contemporary situation, “The recourse to atomic weapons seems to prove that horror...can rage absolutely” (232). And, as if he too were acknowledging this same fragility and uncontainability, the French politician Georges Clemenceau commented in the context of World War I that “war is too serious to be confined to the military” (qtd. in Virilio and Lotringer 15). Virilio and Lotringer gave the name “pure war” to the psychological condition that results when people know that they live in a world where the possibility for absolute destruction (e.g., nuclear holocaust) exists. As Virilio and Lotringer see it, it is not the technological capacity for destruction (that is, for example, the existence of nuclear armaments) that imposes the dread characteristic of a pure war psychology but the belief systems that this capacity sets up. Psychological survival requires that a way be found (at least unconsciously) to escape inevitable destruction—it requires a way out—but this enforces an irresolvable paradox, because the definition of pure war culture is that there is no escape. Once people believe in the external possibility— at least those people whose defenses cannot handle the weight of the dread that pure war imposes— pure war becomes an internal condition, a perpetual state of preparation for absolute destruction and for personal, social, and cultural death.

#### Imagining specific scenarios is vital to preventing nuclear omnicide

Harvard Nuclear Study Group, 1983 (“Living With Nuclear Weapons,” p. 47)

The question is grisly, but nonetheless it must be asked. Nuclear war [sic] **cannot be avoided simply by refusing to think about it**. Indeed the task of reducing the likelihood of nuclear war should begin with an effort to **understand how it might start.** When strategists in Washington or Moscow study the possible origins of nuclear war, they discuss “scenarios,” imagined sequences of future events that could trigger the use of nuclear weaponry. Scenarios are, of course, speculative exercises. They often leave out the political developments that might lead to the use of force in order to focus on military dangers. That nuclear war scenarios are even more speculative than most is something for which we can be thankful, for it reflects humanity’s fortunate lack of experience with atomic warfare since 1945. But imaginary as they are, nuclear scenarios can help identify problems not understood or dangers not yet prevented because they have not been foreseen.

#### This critical praxis is a prerequisite to effective policy solutions

Bruce 96 (Robert, Associate Professor in Social Science – Curtin University and Graeme Cheeseman, Senior Lecturer – University of New South Wales, Discourses of Danger and Dread Frontiers, p. 5-9)

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

## Drone Shift DA

#### The drone-detention trade-off is real, even if they’re right about inability to capture in the FATA eliminating detention sets a dangerous precedent that’s modeled and collapses US credibility and democratic accountability- turns the whole aff

Trombly 10 (Daniel Trombly, Defense Contractor and author for the New American Century, “Is there a detention/drone trade-off?” MAY 19, 2010, <http://slouchingcolumbia.wordpress.com/2010/05/19/is-there-a-detentiondrone-trade-off/>)

By some accounts, the growing reliance on drone strikes is partly a result of the Obama administration’s bid to repair the damage to America’s image abroad in the wake of Bush-era allegations of torture and secret detentions. Besides putting an end to harsh interrogation methods, the president issued executive orders to ban secret CIA detention centers and close the Guantanamo Bay prison camp. Some current and former counterterrorism officials say an unintended consequence of these decisions may be that capturing wanted militants has become a less viable option. As one official said: “There is nowhere to put them.” A former U.S. intelligence official, who was involved in the process until recently, said: “I got the sense: ‘What the hell do we do with this guy if we get him?’ It’s not the primary consideration but it has to be a consideration.” This argument echoes the more controversial assertion by Marc Thiessen that “Dead terrorists tell no tales.” However, unlike Thiessen, I would not criticize Obama for “killing too many terrorists,” nor do I think that detention and interrogation in places such as Guantanamo is valuable enough to justify the undermining of American law nor the lost opportunities of a successful strike to serve as a pretext to ending the Predator campaign. However, it does sharpen the problem the Obama administration has had with reinventing the “war on terror” as a principled, law-bound counter-terrorism campaign. Upholding the rule of law makes terrorists more difficult to detain, prosecute, and convict because of the inadequacies and intricacies of American and international law for dealing with al Qaeda operatives in Pakistan. The drone strikes remind me of another common South Asian practice for dealing with criminals who might not face justice – encounter killings. In an encounter killing, police shoot a suspect who might otherwise be taken alive because they believe the court system will not properly punish them for their presumed wrongs. They are incompatible with the legal principles of presumed innocence, but so too is the nature of terrorism, where there is a premium on preventative action. It is difficult to situate a policy that permits the airborne obliteration of a suspect sleeping at home, but mandates that once captured, he has the full scope of Constitutional rights, within American law. Gitmo provided a functional, if heinous, gray area between those alternatives. Given the limitations of America’s law enforcement capacities in Pakistan, in the absence of that gray area, killing will become more preferable. But realistically, capture is not a real option for America in the NWFP or FATA, or the rest of Pakistan for that matter. Guantanamo Bay has no bearing on that issue. But what happens when you take a practice such as an “encounter killing” and do it in another country? What happens when you do it with attack aircraft, hundreds of times over? The illuminating contrast this article demonstrates is between the Obama administration’s rhetoric of replacing the “war on terror” with a Constitutional framework that respects the law. Instead, what we are really seeing is a war. Conducting huge numbers of extrajudicial killings using military equipment in a foreign country is not law enforcement. It is not even counter-terrorism. It is war. Drone strikes are useful, but they are not a replacement for the necessary adjustments to American and international law needed to accommodate counter-terrorism. Just because the aircraft are unmanned and CIA-operated does not make them legal, nor does it make the damage they do any less controversial in Pakistan. Given the legal ambiguities and potential for blow-back, we cannot continue pushing their use without developing viable alternatives. We cannot wantonly use a tool of war and continue proclaiming our adherence to the rule of law.

#### The link debate goes decisively neg –

#### 1) Empirics

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(Jack, Professor of Law @ Harvard “Proxy Detention in Somalia, and the Detention-Drone Tradeoff,” June, <http://www.lawfareblog.com/2012/06/proxy-detention-in-somalia-and-the-detention-drone-tradeoff/>)

There has been speculation about the effect of the Obama administration’s pinched detention policy – i.e. no new detainees brought to GTMO, and no new detainees to Parwan (Afghanistan) from outside Afghanistan – on its other counterterrorism policies. I have long believed there must be some tradeoff between narrowing U.S. detention capabilities and other counterterrorism options, at least implicitly, and not necessarily for the better. As I wrote three years ago, in response to news reports that the Obama administration’s cutback on USG detentions resulted in more USG drone strikes and more outsourcing of rendition, detention, and interrogation:¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.¶ The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.¶ The main response to this argument – especially as it applies to the detention-drone tradeoff – has been to deny any such tradeoff on the ground that there are no terrorists outside of Afghanistan (a) whom the United States is in a position to capture on the ground (as opposed to kill from the sky), and (b) whom the USG would like to detain and interrogate. Dan Klaidman’s book provides some counter-evidence, but I will save my analysis of that for a review I am writing. Here I would like to point to an important story by Eli Lake that reveals that the “United States soldiers have been hunting down al Qaeda affiliates in Somalia”; that U.S. military and CIA advisers work closely with the Puntland Security Force in Somalia, in part to redress piracy threats but mainly to redress threats from al-Shabab; that the Americans have since 2009 captured and brought to the Bosaso Central Prison sixteen people (unclear how many are pirates and how many are al-Shabab); and that American interrogators are involved in questioning al-Shabab suspects. The thrust of Lake’s story is that the conditions of detention at the Bosaso Central Prison are atrocious. But the story is also important for showing that that the United States is involved outside of Afghanistan in capturing members of terrorists organizations that threaten the United States, and does have a national security need to incapacitate and interrogate them. It does not follow, of course, that the USG can or should be in the business of detaining every al-Shabab suspect currently detained in the Bosaso Central Prison. But the Lake story does show that the alternatives to U.S. detention are invariably worse from a human rights perspective. It portends (along with last month’s WPR Report and related DOD press release) that our creeping involvement on the ground in places like Somalia and Yemen mean that the USG will in fact be in a position to capture higher-level terrorists in al Qaeda affiliates. And that in turn suggests that the factual premise underlying the denial of a detention-drone tradeoff will become harder and harder to defend.

#### 2) Avoiding objections – causes a shift to targeted killing and extraditing prisoners

Goldsmith 9

Jack Goldsmith 09, a professor at Harvard Law School and a member of the Hoover Institution Task Force on National Security and Law, assistant attorney general in the Bush administration, 5/31/09, “The Shell Game on Detainees and Interrogation,” <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/29/AR2009052902989.html>

The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process.¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.¶ The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.¶ It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.¶ This approach to detention policy reflects a sharp disjunction between the public's view of the terrorist threat and the government's. After nearly eight years without a follow-up attack, the public (or at least an influential sliver) is growing doubtful about the threat of terrorism and skeptical about using the lower-than-normal standards of wartime justice.¶ The government, however, sees the terrorist threat every day and is under enormous pressure to keep the country safe. When one of its approaches to terrorist incapacitation becomes too costly legally or politically, it shifts to others that raise fewer legal and political problems. This doesn't increase our safety or help the terrorists. But it does make us feel better about ourselves.

#### 3) Durbin – he’s specifically has pushed for drones absent indefinite detention

Knefel 13

John, politics and legal correspondent, “Senate Looks at Closing Guantanamo, But Will It Really Happen?” Rolling Stone, 7/25, <http://www.rollingstone.com/politics/news/senate-looks-at-closing-guantanamo-but-will-it-really-happen-20130725#ixzz2dgF8YafJ>

Durbin, meanwhile, suggested that there was no need to worry about releasing Guantanamo detainees, because the U.S. could always kill them using drones if necessary – as happened earlier this year with Saeed al-Shihri, a top operative in al Qaeda in the Arabian Peninsula. It was an unintentionally revealing statement that gave credence to human rights advocates' belief that Obama and his Congressional allies favor killing terror suspects over detaining them.

#### He’s super influential

Tibbetts 13

Ed, regional political reporter, “Durbin to Take Helm of Influential Committee,” Quad City Times, 1/25, <http://qctimes.com/news/local/government-and-politics/durbin-to-take-helm-of-influential-committee/article_27b974c2-6738-11e2-bbd2-001a4bcf887a.html>

U.S. Sen. Dick Durbin, D-Ill., will take the helm of an influential committee overseeing defense and intelligence spending.¶ Durbin announced Friday that he will be the new chair of the Senate Appropriations subcommittee on defense.¶ The powerful panel oversees nearly half the federal government’s annual discretionary budget, and the Illinois Democrat’s appointment comes as the military prepares to downsize in the aftermath of the Iraq and Afghanistan conflicts and as the prospect of automatic budget cuts loom. “As we wind down the war in Afghanistan, face upcoming budget cuts, and work to prepare our military for future threats, this subcommittee will focus on ensuring our military remains the most powerful, ready and capable force in the world,” Durbin said in a statement Friday. “We will also work tirelessly to ensure we’re spending wisely, protecting taxpayers and planning well for the future needs.”

#### 4) Plan makes drones the ONLY option left – guarantees mass use

Goldsmith 13

Jack, Harvard Law School professor who has written extensively in the field of international law, civil procedure, cyber law, and national security law, “How Obama Undermined the War on Terror,” New Republic, 5/1, <http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism>

Mazzetti gives another reason why Obama would rely so heavily on targeted killing and related operations. The controversy surrounding his elimination of the CIA black sites, and his failed attempt to close the detention facility at Guantanamo Bay, made interrogation and detention "a briar patch for the new administration." To John Rizzo, the carryover general counsel at the CIA, the new administration chose targeted killing because that was "all that was left" once it eliminated the interrogation option. Mazzetti puts the point in political terms. The "political conditions were set for an escalation of the secret wars," he maintains, because interrogation and detention were so controversial, and because no prominent Democrat had opposed drone strikes and the Republicans wouldn't oppose Obama "for fighting too aggressive a campaign against terrorists."

#### 5) Will – drones are the preference – the plan’s critique of indefinite detention makes it salient

Wedeler 13

Carey, Correspondent on national security policy, “Indefinite Detention or Death,” Come Home America, 5/4, <http://comehomeamerica.wordpress.com/2013/05/04/indefinite-detention-or-death/>

John Bellinger, the lawyer who drafted the legal justification for the Bush administration’s use of drones, recently stated that the Obama administration prefers killing suspected terrorists with drone strikes to capturing them and caging them at Guantanamo Bay. Though Obama often pontificates about fairness and freedom, it is evident that rather than closing the prison as he promised in 2008, he prefers to administer American justice not with indefinite detention but assassination. As inmates remain on hunger strike at Gitmo, protesting indefinite detention and disrespect for their religion, the government continues to promote its war of drones. Using carefully crafted talking points and the revolving door of Washington, the Obama administration flaunts its flagrant indifference to the human suffering it inflicts.¶ Bellinger’s becomes more disturbing when considering Obama’s public sentiments that prosecution of suspected terrorists should be “wiser” than the procedures at Guantanamo. Evidently, this means that instead of detaining prisoners (many innocent) without trial or charges , draining resources and the credibility of the government, it is wiser (more efficient) to simply drone murder future suspects. The “precision” made possible with this new trend in warfare allegedly ensures more accuracy and success in the war on terror, since one of the justifications of the government for using this weapon is to impede “imminent attacks against US interests.” Of course, the term “imminent attack” is as intentionally vague as Obama’s use of “wise” and “precise.” Further, it is by now old news that the definition of an enemy combatant has been expanded to include any male over the age of eighteen (and apparently wedding goers and mourners at funerals). The propaganda favors drones.¶ Aside from the manipulation of language, however, there is yet another component in the push for drones. William Lynn, the man who until 2011 ran day-to-day operations at the Pentagon, was previously the top lobbyist for Raytheon, a top producer of drones. He was nominated by Barack Obama in direct violation of his campaign promises to seal the revolving door in Washington. Further, in March of this year, the president presented a special award of honor and recognition to the company, championing all the technological advances Raytheon has made to “improve lives.” Needless to say, the suffering children in Pakistan and Yemen may disagree. So might the innocent prisoners who have waited hopelessly for a trial at Guantanamo and anyone who sees the satire in Obama’s possession of a Nobel Peace Prize.¶ The UN has declared the force feeding of hunger strikers at Gitmo to be torture and for years, the prison has been regarded as a disgrace to American justice. However, such cruelty is not enough destruction for the military industrial complex. Heartless bombings of civilians in the Middle East continue and are now preferred to a faux legal system in Guantanamo. While hunger strikers protest their denial of a fair trial, future terrorism suspects will never even be taken to prison.

#### Even if the tradeoff isn’t 1-1, there is still a trade-off - their evidence only focuses on FATA regions which is a terrible model – even if they win this, all of the other areas where drones strikes are down create a unique scenario for drone ramp up

Chesney 11 – THEIR AUTHOR

(Robert Chesney 11, Charles I. Francis Professor in Law at the UT School of Law as well as a non-resident Senior Fellow at Brookings, "Examining the Evidence of a Detention-Drone Strike Tradeoff", October 17, [www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/](http://www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/), KB)

Having said all that: it does not follow that there is no detention-targeting tradeoff at work. I’m just saying that drone strikes in the FATA typically should not be understood in that way (though there might be limited exceptions where a capture raid could have been feasible). Where else to look, then, for evidence of a detention/targeting tradeoff?¶ Bear in mind that it is not as if we can simply assume that the same number of targets emerge in the same locations and circumstances each year, enabling an apples-to-apples comparison. But set that aside.¶ First, consider locations that (i) are outside Afghanistan (since we obviously still do conduct detention ops for new captures there) and (ii) entail host-state government control over the relevant territory plus a willingness either to enable us to conduct our own ops on their territory or to simply effectuate captures themselves and then turn the person(s) over to us. This is how most GTMO detainees captured outside Afghanistan ended up at GTMO. Think Bosnia with respect to the Boumediene petitioners, Pakistan’s non-FATA regions, and a variety of African and Asian states where such conditions obtained in years past. In such locations, we seem to be using neither drones nor detention. Rather, we either are relying on host-state intervention or we are limiting ourselves to surveillance. Very hard to know how much of each might be going on, of course. If it is occuring often, moreover, it might reflect a decline in host-state willigness to cooperate with us (in light of increased domestic and diplomatic pressure from being seen to be responsible for funneling someone into our hands, and the backdrop understanding that, in the age of wikileaks, we simply can’t promise credibly that such cooperation will be kept secret). In any event, this tradeoff is not about detention versus targeting, but something much more complex and difficult to measure.

#### Drones second to detention now – plan reverses that

Levine 13

Adam, managing editor for CNN's Washington bureau, “Kerry says Pakistan Drone Strikes to End 'Very Soon'” CNN, 8/2, http://www.cnn.com/2013/08/01/politics/pakistan-drones

In May, Obama defended the use of drone strikes as a necessary evil, but one that must be used with more temperance as the United States' security situation evolves.¶ America prefers to capture, interrogate and prosecute terrorists, but there are times when this isn't possible, Obama said in a speech at the National Defense University in Washington.

#### Detention preferred to drones now – high presidential authority key

Vladeck 12

Stephen I., Professor of Law at the Washington College of Law at American University, “Detention Policies: What Role for Judicial Review?” ABA Journal, October, <http://www.abajournal.com/magazine/article/detention_policies_what_role_for_judicial_review/>

The short chapter that follows aims to take Judge Brown’s suggestion seriously. As I explain, although Judge Brown is clearly correct that judicial review has affected the size of the detainee populations within the territorial United States and at Guantanamo, it does not even remotely follow that the jurisprudence of the past decade has precipitated a shift away from detention and toward targeted killings. To the contrary, the jurisprudence of Judge Brown’s own court has simultaneously (1) left the government with far greater detention authority than might otherwise be apparent where noncitizens outside the United States are concerned; and (2) for better or worse, added a semblance of legitimacy to a regime that had previously and repeatedly been decried as lawless. And in cases where judicial review prompted the government to release those against whom it had insufficient evidence, the effects of such review can only be seen as salutary. Thus, at the end of a decade where not a single U.S. military detainee was freed by order of a federal judge, it is more than a little ironic for Judge Brown to identify “take no prisoners” as Boumediene’s true legacy.

#### Drone use is declining -

#### 1) Tracking, no targets, pressure

Farshori 13 (Kokab Farshori, Voice of America writer, August 27, 2013, <http://www.voanews.com/content/drone-strikes/1737799.html>, “Are US Drone Strikes in Pakistan Winding Down?”)

WASHINGTON — For more than a decade, the United States has been usingunmanned drones to strike at al-Qaida and Taliban militants in western parts of Pakistan that border on Afghanistan. The drone strikes, begun under President George W. Bush, dramatically increased after President Obama took office. But now, more than four years later, the number of drone strikes is way down. According to the New America Foundation, which tracks the strikes, there have only been 17 drone strikes this year so far. In the first eight months of last year, there were 36 strikes, while the number of drone strikes in the first eight months of 2011 and 2010 there were 56 and 57 respectively. Under the Bush administration, there were 46 strikes in Pakistan from 2004 to 2008. The total number of strikes carried out by the Obama administration from 2009 to 2012 was 297. Experts in Washington offer a variety of reasons for the shrinking number of drone strikes in recent months. Stephen Tankel, a counter-terrorism expert and an assistant professor at American University in Washington D.C., says one of the reasons is that there aren’t many high-value targets left to be hit in the Pakistan and Afghanistan region. Tankel also says the pressure from Pakistan and international human rights organizations may be at play as well. “I think there is certainly pressure from Pakistan, from human rights organizations, and quite frankly from elements within the U.S. that the drone strikes should be reduced, if not ended entirely,” he said.

#### 2. The administration is reining in strikes

Dillow 13

(Clay, “Obama Set To Reboot Drone Strike Policy And Retool The War On Terror “, 5/23/13, <http://www.popsci.com/technology/article/2013-05/obama-set-reboot-drone-strike-policy-and-retool-war-terror>)

These three topics are deeply intertwined, of course. With the drawdown of troops in Iraq and Afghanistan and a reduced American presence in the regions regarded as power bases for the likes of al-Qaeda, al-Shabab, and the Taliban, American security and intelligence forces have only two real options. Strike at suspected terrorists with drones, or somehow capture those suspects and detain them (at some place like Guantanamo). It would seem that if the war on terror is going to continue (and it is--for another 10 or 20 years according to one recently-quoted Pentagon official) then it seems that either detention or the use of lethal strikes must increase. But that's not really the case, and in today's speech Obama is expected to outline why the administration thinks so. In his first major counterterrorism address of his second term, the President is expected to announce new restrictions on the unmanned aerial strikes that have been the cornerstone of his national security agenda for the last five years. For all the talk about drone strikes--and they did peak under Obama--such actions have been declining since 2010. And it seems the administration finally wants to come clean (somewhat) about what it has been doing with its drone program, acknowledging for the first time that it has killed four American citizens in its shadow drone wars outside the conflict zones of Afghanistan and Iraq, something the public has known for a while now but the government has refused to publicly admit. The Obama administration will also voluntarily rein in its drone strike program in several ways. A new classified policy signed by Obama will more sharply define how drones can be used, the New York Times reports, essentially extending to foreign nationals the same standards currently applied to American citizens abroad. That is, lethal force will only be used against targets posing a "continuing, imminent threat to Americans" and who cannot be feasibly captured or thwarted in any other way. This indicates that the administration's controversial use of "signature strikes"--the killing of unknown individuals or groups based on patterns of behavior rather than hard intelligence--will no longer be part of the game plan. That's a positive signal, considering that signature strikes are thought to have resulted in more than a few civilian casualties. Reportedly there's another important change in drone policy in the offing that President Obama may or may not mention in today's speech: the shifting of the drone wars in Pakistan and elsewhere (likely Yemen and Somalia as well) from the CIA to the military over the course of six months. This is good for all parties involved. The CIA's new director, John Brennan, has publicly said he would like to transition the country's premier intelligence gathering agency back to actual intelligence gathering and away from paramilitary operations--a role that it has played since 2001 but that isn't exactly in its charter. Putting the drone strike program in the Pentagon also places it in a different category of public scrutiny. The DoD can still do things under the veil of secrecy of course, but not quite like the CIA can (the military is subject to more oversight and transparency than the clandestine services in several respects, and putting drones in the hands of the military also changes the governing rules of engagement). So what does this all mean for the war on terror? If Obama plans to create a roadmap for closing Guantanamo Bay and draw down its drone strike program, it suggests that the administration thinks we are winning--as much as one can win this kind of asymmetric war. It appears the war on terror is shifting toward one in which better intelligence will lead to more arrests and espionage operations to thwart terrorists rather hellfire missile strikes from unseen robots in the sky.

#### 3. Operation restrictions and host nation pressure

Zenko 13

(Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, council on foreign relations, “Reforming US Drone Strike Policies” pdf)

Existing practices carry two major risks for U.S. interests that are¶ likely to grow over time. The first comes from operational restrictions¶ on drones due to domestic and international pressure. In the United¶ States, the public and policymakers are increasingly uneasy with limited¶ transparency for targeted killings.3 If the present trajectory continues,¶ drones may share the fate of Bush-era enhanced interrogation¶ techniques and warrantless wiretapping—the unpopularity and illegality¶ of which eventually caused the policy’s demise. Internationally,¶ objections from host states and other counterterrorism partners could¶ also severely circumscribe drones’ effectiveness. Host states have¶ grown frustrated with U.S. drone policy, while opposition by nonhost¶ partners could impose additional restrictions on the use of drones.¶ Reforming U.S. drone strike policies can do much to allay concerns¶ internationally by ensuring that targeted killings are defensible under¶ international legal regimes that the United States itself helped establish,¶ and by allowing U.S. officials to openly address concerns and¶ counter misinformation.

#### 4. Disregard evidence that doesn’t account for 2013, we’ve decreased strikes in key regions

Shane 13

Scott, syndicated journalist specializing in the United States intelligence community and CT, “Debate Aside, Number of Drone Strikes Drops Sharply,” NYT, 5/21, http://www.nytimes.com/2013/05/22/us/debate-aside-drone-strikes-drop-sharply.html?pagewanted=alland\_r=0

President Obama embraced drone strikes in his first term, and the targeted killing of suspected terrorists has come to define his presidency.¶ But lost in the contentious debate over the legality, morality and effectiveness of a novel weapon is the fact that the number of strikes has actually been in decline. Strikes in Pakistan peaked in 2010 and have fallen sharply since then; their pace in Yemen has slowed to half of last year’s rate; and no strike has been reported in Somalia for more than a year.

#### Increased drone use sets a precedent that causes South China Sea conflict

Roberts 13

(Kristen, News Editor at National Journal, “When the Whole World Has Drones”, 3/22/13, <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>)

And that’s a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir? “We don’t like other states using lethal force outside their borders. It’s destabilizing. It can lead to a sort of wider escalation of violence between two states,” said Micah Zenko, a security policy and drone expert at the Council on Foreign Relations. “So the proliferation of drones is not just about the protection of the United States. It’s primarily about the likelihood that other states will increasingly use lethal force outside of their borders.” LOWERING THE BAR Governments have covertly killed for ages, whether they maintained an official hit list or not. Before the Obama administration’s “disposition matrix,” Israel was among the best-known examples of a state that engaged, and continues to engage, in strikes to eliminate people identified by its intelligence as plotting attacks against it. But Israel certainly is not alone. Turkey has killed Kurds in Northern Iraq. Some American security experts point to Russia as well, although Moscow disputes this. In the 1960s, the U.S. government was involved to differing levels in plots to assassinate leaders in Congo and the Dominican Republic, and, famously, Fidel Castro in Cuba. The Church Committee’s investigation and subsequent 1975 report on those and other suspected plots led to the standing U.S. ban on assassination. So, from 1976 until the start of President George W. Bush’s “war on terror,” the United States did not conduct targeted killings, because it was considered anathema to American foreign policy. (In fact, until as late as 2001, Washington’s stated policy was to oppose Israel’s targeted killings.) When America adopted targeted killing again—first under the Bush administration after the September 11 attacks and then expanded by President Obama—the tools of the trade had changed. No longer was the CIA sending poison, pistols, and toxic cigars to assets overseas to kill enemy leaders. Now it could target people throughout al-Qaida’s hierarchy with accuracy, deliver lethal ordnance literally around the world, and watch the mission’s completion in real time. The United States is smartly using technology to improve combat efficacy, and to make war-fighting more efficient, both in money and manpower. It has been able to conduct more than 400 lethal strikes, killing more than 3,500 people, in Afghanistan, Pakistan, Yemen, Somalia, and North Africa using drones; reducing risk to U.S. personnel; and giving the Pentagon flexibility to use special-forces units elsewhere. And, no matter what human-rights groups say, it’s clear that drone use has reduced the number of civilians killed in combat relative to earlier conflicts. Washington would be foolish not to exploit unmanned aircraft in its long fight against terrorism. In fact, defense hawks and spendthrifts alike would criticize it if it did not. “If you believe that these folks are legitimate terrorists who are committing acts of aggressive, potential violent acts against the United States or our allies or our citizens overseas, should it matter how we choose to engage in the self-defense of the United States?” asked Rep. Mike Rogers, R-Mich., chairman of the House Intelligence Committee. “Do we have that debate when a special-forces team goes in? Do we have that debate if a tank round does it? Do we have the debate if an aircraft pilot drops a particular bomb?” But defense analysts argue—and military officials concede—there is a qualitative difference between dropping a team of men into Yemen and green-lighting a Predator flight from Nevada. Drones lower the threshold for military action. That’s why, according to the Council on Foreign Relations, unmanned aircraft have conducted 95 percent of all U.S. targeted killings. Almost certainly, if drones were unavailable, the United States would not have pursued an equivalent number of manned strikes in Pakistan. And what’s true for the United States will be true as well for other countries that own and arm remote piloted aircraft. “The drones—the responsiveness, the persistence, and without putting your personnel at risk—is what makes it a different technology,” Zenko said. “When other states have this technology, if they follow U.S. practice, it will lower the threshold for their uses of lethal force outside their borders. So they will be more likely to conduct targeted killings than they have in the past.” The Obama administration appears to be aware of and concerned about setting precedents through its targeted-strike program. When the development of a disposition matrix to catalog both targets and resources marshaled against the United States was first reported in 2012, officials spoke about it in part as an effort to create a standardized process that would live beyond the current administration, underscoring the long duration of the counterterrorism challenge. Indeed, the president’s legal and security advisers have put considerable effort into establishing rules to govern the program. Most members of the House and Senate Intelligence committees say they are confident the defense and intelligence communities have set an adequate evidentiary bar for determining when a member of al-Qaida or an affiliated group may be added to the target list, for example, and say that the rigor of the process gives them comfort in the level of program oversight within the executive branch. “They’re not drawing names out of a hat here,” Rogers said. “It is very specific intel-gathering and other things that would lead somebody to be subject for an engagement by the United States government.”

#### South China Sea conflicts cause extinction

Wittner 11

(Lawrence S. Wittner, Emeritus Professor of History at the State University of New York/Albany, Wittner is the author of eight books, the editor or co-editor of another four, and the author of over 250 published articles and book reviews. From 1984 to 1987, he edited Peace & Change, a journal of peace research., 11/28/2011, "Is a Nuclear War With China Possible?", www.huntingtonnews.net/14446)

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

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## PIC

#### This cynical detachment authorizes the genocidal extermination of the planet---Orwellian mind control both enables and necessitates a tolerance for brutality and violence

Mann 03

Halton Adler Mann, political writer for the Politix Group, 9/5/03 (http://www.politixgroup.com/comm180.htm)

In George Orwell's "1984", his Everyman, Winston Smith perceives the significant signs of his repressive, tyrannical times; constant war and the xenophobia and paranoia it fosters and constant lotteries to keep the proletariat **dumb, diverted and distracted**.  
If this dreadful scenario seems familiar, it is the result of a felonious assault on the collective American sensibility, yes, but also and perhaps **more inimical and insidious**, a cynical and unconscionable attempt to subvert the very freedoms Americans cherish and for which the sustained struggle against the terrorist scourge is being waged.  
No president wants to surrender the 75 percent apogee of his approval to a more earth-bound reality.  But when the attempt to retain such an artificial, unearned and anomalous figure includes a disgraceful equation of dissent with disloyalty by a de facto prime minister and the recruiting of a first lady to stand by her man then all Americans should be as concerned with the Bush administration's reaction to damning revelations of malfeasance regarding terrorism as to the terrorism itself.When Vice President Dick Cheney declared that criticizing the president in a time of war was an outrageous act of betrayal, he revealed his propagandist's soul and abysmal failure to comprehend the American ideal for which 3,000 innocents lived and died last September.  Would they want the national debate over their clearly preventable American tragedies proscribed or even prohibited by those scoundrels seeking "refuge" in the "patriotism" Samuel Johnson scorned so memorably two and a half centuries ago? "In war, **the first casualty is truth**" as Hiram Johnson said but there are other casualties as well when truth's a trespass upon the body politic. One by one, **every essential element of democracy can fall victim to the barbarism** that must be confronted and conquered:  Idealism, devotion, credibility, fulfillment, confidence, national spirit and the consuming conviction of that Dream known as distinctly American. It is sacred to the memory of all those millions who sought sanctuary in this Promised Land AND to those millions more who were denied it.As persecution, invasion, genocide and war consumed the European continent in the Thirties, America and the Western democracies were as complicit in their complacency as the Nazi barbarism that sentenced millions to a Fascist fate.  In Nazi Germany, a "willing" population of "executioners"--to employ Daniel Jonah Goldhagen's indictment-- was raised on racism and harvested with hate, hate that does not require reason for its sustenance.  So it is with every evil evolution, **every belligerent belief created in a crucible of death-affirming fanaticism, in an inferno of intolerance,** in a wanton world.  Now, with the history of hatred repeating its repulsive virulence, freedom and justice--like all the precious promises of democracy-- must be defended to be defined.  We do NOT have to understand the terrorist's hatred to know it exists, to know we must annihilate it if we are to survive.  The United States denied this maxim to its perpetual peril and then to its unthinkable, unspeakable horror. Isolationist no longer, complacency shaken from its shoulders, America has awakened, FINALLY, as it did six decades ago, to the tumult and tragedy of our time.  Now America must muster its indomitable will once again to defeat another scourge or be consumed by it.  Now America must recruit sentient sentinels to repulse the barbarians before its "Golden Door".There is no mystery to the pathetic pathology, to the history of hatred. It begins in ignorance and envy, is fomented by fanatical exploiters of its existence, subverts the unsuspecting who are sacrificed to its febrile doctrine and **ends in a cataclysm for all.** "**From fanaticism to barbarism is only one step**" Diderot wrote.  He could have written that from hatred to fanaticism, from demeaning a people to demonizing them is the same indistinct distance, the same simple synapse that sends murdered and murderer into the abyss.  "**If we believe absurdities, we shall commit atrocities**" Voltaire wrote 250 years before the Holocaust and the national trauma of September 11th.  
Unlike tyranny, it is impossible to impose freedom. It cannot be destroyed easily, certainly not by the terrorist's hand. Once realized, it is relished. The longer it is denied, the longer it will require to recover its voice. In theory, the greatest repudiation of terrorism would be to further unfurl the blessings of liberty, the glory of freedom's franchise. In reality, terrorism's manifest motive is to make us LESS free, to put limits on liberty, to make us reflexive in our repression and put our demand for security above and beyond our love of freedom and so, serve as an unwitting accomplice to the anarchist's creed, to the terrorist's hatred of democracy whose sole purpose is to destroy the coherence of coexistence and put asunder the sun of life, the love of living.  
Desperation does NOT produce suicidal terrorist murder nor should it produce suicidal "security" as its response. In our tenacious battle against terrorism, **we must NEVER deny dissent**, the hallowed hallmark of our freedom. Democratic dissent will NEVER devolve to anti-democratic depredations if it is given its free forum, its vibrant voice.

#### Euphemisms are central to the administration’s capacity to wage an unregulated war on terror---the plan legitimizes the abuse of civil liberties and the mistreatment of prisoners

Sullivan 05

Andrew Sullivan, political journalist for New York Times Magazine, 11/12/05 (http://www.andrewsullivan.com/index.php?dish\_inc=archives/2005\_11\_06\_dish\_archive.html)

EXEMPTING THE CIA: A former general counsel for the agency [argues](http://www.washingtonpost.com/wp-dyn/content/article/2005/11/08/AR2005110801108.html?nav=hcmodule) against Dick Cheney's case for legally codifying torture as a lawful activity for the CIA. Meanwhile, new evidence [emerges](http://www.nytimes.com/2005/11/09/politics/09detain.html) that individuals within the CIA have warned that illegality was occurring. Here's one question I hope the press asks the president some time soon: does he believe that "waterboarding" constitutes torture and has he ever authorized it himself? Since we know that the CIA has been granted permission to water-board detainees, this doesn't violate anything classified. And since no specific case is mentioned, it doesn't tell us anything but general policy. So why not ask the question? **An important element of this debate has been euphemism**. The terms "coercive interrogation" or "aggressive interrogation" or even "abuse" can obscure as much as they reveal. These techniques need to be described as Orwell would have demanded. What is actually done to another human being? Exactly? And who specifically authorized which techniques? **There's a reason that politicians use Orwellian formulations as Bush does and Clinton did: to obscure reality**. Except Clinton used them to cover up sexual embarrassment and perjury. Bush has used them to cover up rape, murder, near-drowning and **torture of defenseless detainees**.

#### We agree with the entirety of the 1ac --- but the debate is about the LANGAUGE employed by their advocacy statement ---- if we win that the terminology that they employ is bad that is offense against the affirmative and a reason you vote negative NO MATTER how low the risk of the critique is

Herman 93

Edward S. Herman, professor emeritus at Wharton, 7/14/93 (http://www.thirdworldtraveler.com/Herman%20/EHerman\_Barsamian.html)

In Beyond Hypocrisy, you quote George Orwell from his essay "Politics and the English Language." "In our time, political speech and writing are largely the defense of the indefensible. ... Thus political language has to consist largely of euphemism, question-begging and sheer, cloudy vagueness." What is the relationship between politics and language?That pretty well captures it. The politicians are trying to please an awful lot of people. They therefore are really opportunistic users of language. In a country like the United States the press is not doing a very good job. The use of Orwellian language has been allowed to proliferate. If you had a really first class media, an adversary media, a really good one, the use of Orwellian language would be under real constraints. When they talk about "collateral casualties" and "self-defense" in bombing Iraq, an honest media would attack this with frenzy and with a lot of laughter, too. But they accommodate very well to language that is supportive **of the ongoing establishment**. So **Orwellian language can be effective.**You also comment in your preface that, "Media collaboration with the government in fostering a world of doublespeak is essential, and this collaboration has been regularly forthcoming." Given the political economy of the media and the propaganda model that you outlined in Manufacturing Consent, can you realistically expect anything else?No, you can't.So aren't you beating a dead horse, in a sense?Yes, you're beating a dead horse. But most people aren't aware that the horse is dead. In a brainwashed society I certainly think the constructive **role** **of** **the critical intellectual in America is very easy**, because the media and the government are doing terrible things and they're very vulnerable. But the public is not informed of this. It's **our function to call these things by their right names**. The fact that this scene is so blatant makes it extremely easy for us to do devastating work. It's easy. But the problem is it's very hard to get it across. Access is very limited. But nevertheless I still think it's very useful to keep pointing these things out and to show the contradictions on issue after issue and to explore them. The hope is that we will be able to reach people, new people as well as people whose biases we're merely supporting. But this **educational function is fundamental.**

**Discursive analysis is key to policy making- language choices have profound implications on plan’s desirability and implementation- rhetorical criticism should precede any flawed assessment of plan’s instrumental benefits**

**Gehrke ‘02**

[Pat J., PROF OF ENGLISH LANGUAGE AND LITERATURE @ UNIV OF SOUTH CAROLINA,CRITIQUE ARGUMENTS AS POLICY ANALYSIS: POLICY DEBATE BEYOND THE RATIONALIST PERSPECTIVE, PERSPECTIVES IN CONTROVERSY: SELECTED ESSAYS FROM *CONTEMPORARY ARGUMENTATION AND DEBATE*, P. 316-317]

**Interpretive perspectives** on policy **offer unique advantages in repairing our policy deliberation model**; as well as the pedagogical benefits of deeper understanding of both specific policies and the policy process. It is important that we not think of policies in purely rational modes, but realize what we say through them to others and ourselves. **Policy discourse** and policies themselves **can have profound communicative implications from the beginning to the end of the policy cycle**. Since public policy is by definition interactive (that is, it must occur between people), policies have no option but to exist predominantly as communicative events. As a society “we live in and are confined to a communicated and communicable world” (Vickers 25), and we can not separate our policy options from the communicative acts they represent and the communications by which we represent them. The existence of the resolution itself and an affirmative team’s operationalization of that resolution are profoundly communicative. Policy scholar James Rogers argues that policy advocacy can alter belief systems, provide new paradigms, have an agenda setting effect, affect how policy issues are problematized, and change the way solutions are viewed and evaluated (22-27). Policy discourse begins, as do most affirmative cases, with an explication of the problems with existing policies. However, practical problems must be constructed, interpreted, and made sense of in the complex contexts at hand (Forester, “No Planning” 60). Hence, debaters as policy evaluators and advocates begin by problematizing the status quo. This act simultaneously creates some identities and roles while negating others. It communicates not only a what, but also a who, a why, and much more. The first impact of any affirmative case is to mark and modify the social and political world. **Policy discourse communicates values and interpretations about a policy, its subjects, the objects it acts upon, and the world** in which advocates seek to implement it. **These communications shape the way that agents** implement or **carry out those policies** (Bullis and Kennedy 543). Cornell professor of city and regional planning John Forester argues that public policies “alter the ‘communicative infrastructure’ of institutions that mediate between structural processes of social learning and the practical, situated claims-making process of social interaction” (*Critical Theory* 146). Thus, as policy analysts and policy makers, debaters and critics must explore methodologies that can account for the communicative impact of policy discourse. Initially we may find such an approach in an interpretive perspective on policy. An interpretive approach to policy analysis focuses on the meanings of policies, on the values, feelings, and/or beliefs that they express, and on the processes by which those meanings are communicated to and interpreted by various audiences (Yanow 8-9). From this view, **debaters may look to policy discourse as a rhetorical artifact** subject to critical rhetorical analysis or similar analyses. **We can not neatly separate policies from the language and advocacy that brings about their implementation**.

#### The aff’s retention of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a dominant signifier short circuits solvency for the counterplan

DOTY, 96

(Roxanne Lynn, PROF of POL SCI @ Arizona State UNIV and PhD @ UNIV of Minnesota,Imperial Encounters: The Politics of Representation in North/South Relations, p. 47-8)

But meaning was in fact FIXED, at least temporarily. How was this accomplished? Each of the oppositions depended upon a point of differentiation – a point where, for example, *civilized* became differentiated from *uncivilized*. This differentiation was made possible by a dominant signifier. The dominant signifier can be thought of as the center of the discursive structure: it both makes the structure itself possible and limits its play. It is the point where the substitution of signifiers is no longer possible (Derrida 1978: 279). The signifying chain stops. I would suggest that a distinctly “American” version of “white man” was the dominant signifier in these texts. The terms *civilized, enlightened, lovers of liberty, benevolent,* and so on became fused and came to rest with “white man” while the opposites came to rest with nonwhite races. “White man” was the reference point in relation to which the oppositional distinctions could be posited, the center that while governing the structure escaped structurality. “White man” was given transcendental status, implicitly understood to exist outside of the discursive system instead of itself being constructed by that system. A deconstructive reading of these texts reveals the contestations and rhetorical strategies that call this status into question.