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**Offcase**

**Warfighting DA**

**Obama’s Syria maneuver has maximized presidential war powers because it’s on his terms**

**Posner 9/3**, Law Prof at University of Chicago

(Eric, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President **Obama’s** surprise **announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making**, even by critics. **But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever**. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, **the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him**. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) **People who celebrate the president for humbly begging Congress for approval** also apparently **don’t realize that his understanding of the law—that it gives him the option to go to Congress**—**maximizes executive power vis-à-vis Congress**. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. **If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.**

Statutory restriction of Presidential War Powers makes warfighting impossible

**Yoo 12 – prof of law @ UC Berkeley**

**(John, War Powers Belong to the President, ABA Journal February 2012 Issue,** http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president) <we do not endorse the ableist language used in this card, but have left it in to preserve the author’s intent. we apologize for the author’s inappropriate use of the word “paralyze”>

The framers realized the obvious. **Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by** pre-existing **legislation.** Instead, **they** can **demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime.** Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, **Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow**. **Congress has no political incentive to** mount and **see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid** like the plague **any vote that will anger** large segments of **the electorate. They prefer that the president take the political risks and be held accountable for failure.** Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. **While** pro-Congress **critics worry about** a president’s **foreign adventurism, the real threat to our national security may come from inaction and isolationism.** Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. **Presidents, of course, do not have complete freedom** to take the nation to war. **Congress has ample powers to control presidential policy, if it wants to.** **Only Congress can raise the military**, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. **If Congress wanted to discourage presidential initiative in war, it could build a smaller**, less offensive-minded **military**. **Congress**’ check on the presidency lies not just in the long-term raising of the military. It **can** also **block** any immediate armed **conflict through the power of the purse**. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. **Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power.** If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. **A radical change in the system for making war** might appease critics of presidential power. But it **could** also **seriously threaten** **American national security. In order to forestall another 9/11** attack, **or** to **take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act**. Time for **congressional deliberation**, which **leads only to passivity and isolation and not smarter decisions**, will come at the price of speed and secrecy. **The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security**. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. **As we confront the new challenges of terrorism, rogue nations** and **WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.**

**The plan spills over to broader Congressional decisionmaking**

**Paul 2008** - Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles (September,Christopher, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679)

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, **past policies give rise to analogies that affect how public officials think about contemporary policy issues**. Second, **past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented** and by which the conse quences of contemporary policies will be determined. Third, **past policies impose limi tations that reduce the range of policy choices available** as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. **These legacies are institutionalized** in two different ways: first, **through changes in formal rules or procedures, and** second, **in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike** (Sewell, 1992: 1-29). **While a policy** or event can leave multiple legacies, it **often leaves a single major legacy**. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. **Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain**. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some **legacies have unintended institutional conse quences**. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. **In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law** (see the extended ex ample presented later in the article).1

**Executive control of warmaking is key to avoiding nuclear war and terrorism**

**Li 2009** - J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University (Zheyao, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, **concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force** to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, **non-state actors do not necessarily fight as a mere means of advancing any coherent policy**. Rather, **they see their fight as a life-and-death struggle**, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. **The concept of fourth-generational warfare** was first articulated in an influential article in the Marine Corps Gazette in 1989, which **has proven highly prescient.** In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; **the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts**. The distinction between "civilian" and "military" may disappear. **Actions will occur concurrently throughout all participants' depth, including their society as a cultural**, not just a physical, **entity**. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, **the constitutional allocation of war powers,** and the Framers' commitment of the war power to two co-equal branches, **was not designed to cope with the current international system**, one that is **characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction**, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. **Today**, however, the threat of **terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before**-based on a clear division between government, armed forces, and the people-**is on the decline**. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that **the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day**. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. **If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare**-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"**then clearly [the modern state] does not have a future in front of it.'** 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. **While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers**, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. **Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world**."14 **It is both centralized and decentralized**: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' **42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties** on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "**al-Qaeda's networked nature allowed it to absorb the damage and remain a threat.**" 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, **today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise**. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, **this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict,** highlighted by an indiscernible distinction between wartime and peacetime, **necessitates an evolution of America's traditional constitutional warmaking scheme**. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, **the existing constitutional understanding,** which diffuses war power between two branches of government, necessarily (by the Framers' design) **slows down decision- making**. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In **America's current situation, however, in the midst of the conflict with al-Qaeda a**nd other international terrorist organizations, **the existing process of constitutional decision-making in warfare may prove a fatal hindrance** **to achieving the initiative necessary for victory**. As a slow-acting, deliberative body, **Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare.** Thus, in order to combat transnational threats such as al-Qaeda, **the executive branch must have the ability to operate by taking offensive military action even without congressional authorization**, **because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents**.

**Executive CP**

**The executive branch of the United States federal government should issue an executive order that restricts executive authority for targeted killing as a first resort outside zones of active hostilities. The order should also**

* **publish clear guidelines for targeting to be carried out by nonpoliticians and make assassination truly a last resort,**
* **stipulate that an outside court review the evidence before placing Americans on a kill list**
* **release the legal briefs upon which the targeted killing was based**

**The executive should also sign directive that consolidates lead executive authority for planning and conducting non-battlefield targeted killings under the Department of Defense.**

**Obama directive to consolidate authority in the DOD will create transparency**

**Zenko**, **13** --- Douglas Dillon Fellow at the Council on Foreign Relations

(April, Transferring CIA Drone Strikes to the Pentagon, [www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434](http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434))

**The main obstacle to acknowledging the scope, legality, and oversight of U.S. targeted killings beyond traditional or "hot" battlefields is the division of lead executive authority between the Joint Special Operations Command** (JSOC)—**a subunit of the** Department of Defense (**DOD**) **Special Operations Command**—**and the** Central Intelligence Agency (**CIA**). In particular, the U.S. government cannot legally acknowledge covert actions undertaken by the CIA. **The failure to answer the growing demands for transparency increases the risk that U.S. drone strikes will be curtailed or eliminated due to mounting domestic or international pressure. To take a meaningful first step toward greater transparency**, President Barack **Obama should sign a directive that consolidates lead executive authority for planning and conducting nonbattlefield targeted killings under DOD.**

**Peace K**

asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality

* Accepting that war is inevitable even without realizing it is problematic

**Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)**

**The widespread, unquestioning acceptance of warism and** the corresponding **reluctance to consider pacifism** as a legitimate option **make** **it difficult to propose a genuine consideration of pacifist alternatives**. Warism may be held implicitly or explicitly. Held in its implicit form, **it does not occur** to the warist **to challenge the view that** war is morally justified; **war is** taken to be **natural and normal. No other way of understanding** large-scale **human conflict even comes to mind**. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms **warism misguides judgments** and institutions **by reinforcing** **the necessity and inevitability of war and precluding alternatives**. Whether held implicitly or explicitly, **warism obstructs questioning** **the conceptual framework of the culture. If we assume (without realizing it)** **that war itself is morally justifiable, our moral considerations of** **war will be focused on whether a particular war is justified or whether** **particular acts within a given war are morally acceptable. These are** **important** concerns, **but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such**. In Just and Unjust Wars Michael Walzer explains that “**war is always judged** **twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”**8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, **conventional morality** **does take warism for granted**. To this extent Walzer is correct. And this is just the point: **our warist conceptual frameworks— our warist** **normative lenses— blind us to the root question**. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. **This is why the pacifist insists on judging war** **in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.**

That causes extinction and structural violence

* Another impact: freeing ourselves from war = more resources for peace

**Lawrence 9** (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that **war can destroy everything of value.**" Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) **As Americans we are raised on the utility of war to conquer every problem.** We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. **In the** [**United States**](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h)**, solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine** and empire, **it is important that the terms promoted support the conditioning of its citizens**. **We are conditioned to see war as the solution to** major **social ills and** major **political disagreements.** That way **when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites** mind and body **and creates a fear mentality** that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. **But is this war mentality working for us?** In an age when **nearly half of our tax money goes to support the war machine** and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. **Our society is dripping violence**. The violence is **fed by poverty, social injustice,** the break down of family **and** community that also arises from **economic injustice**, and by the managed media. **The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for** nearly **all of the life of the planet but it does work for the very few that are the master manipulators of our values** and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. **War is big business and it is supported by a war consciousness that allows it to prosper. That is why** more war in Afghanistan, the war on Palestinians, and the **other wars around the planet** in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power **will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse.** As mentioned previously, **the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science** and **technological** resources along with **economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity,** ¶ **instead of maintaining the power positions of the** very few **super wealthy.** So the suffering that we give is ultimately the suffering we get. **Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live.** **As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives**. **When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.**

**The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence**

* Democracy itself is the product of searching for peaceful solutions

**Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49**

**Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence**—a Hobbesian bellum omnium contra omnes? **Or international cooperation, social justice, and genuine collective—political and human—security?** Down which path lies cowering, fragile hope?¶ **Humanistic thinkers** approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They **examine** in depth the **root causes of** these **problems**, warning about the consequences of escalation **and**, at the same time, **indicating** the prospect of their **possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by** Immanuel **Kant,** Leo **Tolstoy,** Mahatma **Gandhi,** **M**artin **L**uther **K**ing**, and many contemporary philosophers**—supported by peace and civil rights movements—**counter** the paralyzing **fear with hope and offer a realistic alternative: a rational approach to the** solutions to the **problems**, encouraging people to be the masters of their own destiny.¶ **Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War,** which polarized the world, **power politics was challenged by the** common perspective of humanity, of the supreme value of human life, and **the ethics of peace.** Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-**intellectual efforts to find solutions to these problems generated ideas of** "new thinking," aiming for **peace, freedom, and democracy.** **Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative.** In the asymmetry of power, despite being frustrated by war-prone politics, **peaceful projects emerge** each time, like a phoenix arising from the ashes, **as the only viable alternative for the survival of humanity.** **The** new **thinking** in philosophy **affirms the supreme value of** human and nonhuman **life, freedom, justice, and the future of human civilization. It asserts that the** transcendental task of the **survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests** of nations, social classes, and so forth. In applying these principles to the nuclear age, **it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons** and from **war and organized violence.**44 In tune with the Charter of the United Nations, **it calls for** the **democratization** of international relations and for **dialogue and cooperation in order to secure peace, human rights, and solutions to global problems.** It further calls for the transition toward a cosmopolitan order.¶ **The escalating global problems are symptoms of** what might be termed **a** contemporary **civilizational disease**, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, **the possibility of an effective "treatment" today depends on** whether or not **humankind** will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. **Hence the need for** a new philosophy of humanity and **an ethics of nonviolence** and planetary co-responsibility **to help us make sense** not only of our past historical events, but also **of the** extent, **quality**, **and urgency of our present choices.**

**Framing issue – the way we discuss and represent war should come first – the language surrounding violence has direct, concrete effects**

* Political acts of violence are uniquely tied to language – every government has to convince their people that it’s legitimate. The plan helps make that VERY convincing – makes it look like there’s some restraint

**Collins & Glover 2** (John, Assistant Prof. of Global Studies at St. Lawrence University, Ross, Visiting Professor of Sociology at St. Lawrence University, Collateral Language, p. 6-7)

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. **Conservative critics often argue that those who use** these **theories of language** (e.g., deconstruc­tion) **are “just” talking about language, as opposed to** talking about **the “real world.”** The essays in this book, by contrast, begin from the premise that **language matters in the most concrete, im­mediate way possible: its use, by political and military leaders, leads directly to violence in the form of war**, mass murder (in­cluding genocide), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, **if the world ever witnesses** a **nuclear holocaust, it will probably be because leaders** in more than one country have **succeeded in convincing their people, through the use of political language, that the use of nuclear weapons** and, if necessary, the destruction of the earth itself, **is justifiable**. From our perspective, then, **every act of political violence**—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—**is intimately linked with the use of language.** Partly what **we are talking about** here, of course, are the **processes of “manufacturing consent” and shaping people’s per­ception of the world around them**; people are more likely to sup­port acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; **the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines.** As George Orwell so famously illustrated in his work, **acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification”** or, to use an example discussed in this book, “targets.” It is important to point out, however, that **the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the** abstract language of “vital interests” and “surgical strikes” and the **flattering lan­guage of** “civilization” and **‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.**

**Case**

**Solvency**

**Executive will circumvent the plan --- has institutional incentives and public support to expand its powers**

**Barron & Lederman, 8** --- \*Professor of Law at Harvard, AND \*\* Visiting Professor of Law at Georgetown

(February 2008, David J. Barron and Martin S. Lederman, Harvard Law Review, “THE COMMANDER IN CHIEF AT THE LOWEST EBB -- A CONSTITUTIONAL HISTORY,” 121 Harv. L. Rev. 941)

VII. Conclusion

**Powers once claimed by the Executive are not easily relinquished.** One sees from our narrative how, in a very real sense, **the constitutional law of presidential power is often made through accretion. A current administration eagerly seizes upon the loose claims of its predecessors, and applies them in ways perhaps never intended or at least not foreseen** or contemplated at the time they were first uttered. **The unreflective notion that the "conduct of campaigns" is for the President alone to determine has slowly insinuated itself into the consciousness of the political departments** (and, at times, into public debate), **and has gradually been invoked in order to question all manner** [\*1112] **of regulations, from requirements to purchase airplanes, to limitations on deployments in advance of the outbreak of hostilities, to criminal prohibitions against the use of torture and cruel treatment**. In this regard, the claims of the current Administration represent as clear an example of living constitutionalism in practice as one is likely to encounter. There is a radical disjuncture between the approach to constitutional war powers the current President has asserted and the one that prevailed at the moment of ratification and for much of our history that followed.

But that dramatic deviation did not come from nowhere. Rarely does our constitutional framework admit of such sudden creations. Instead, **the new claims have drawn upon those elements in prior presidential practice most favorable to them**. That does not mean our constitutional tradition is foreordained to develop so as to embrace unchecked executive authority over the conduct of military campaigns. At the same time, **it would be wrong to assume**, as some have suggested, **that the emergence of such claims will be necessarily self-defeating, inevitably inspiring a popular and legislative reaction that will leave the presidency especially weakened. In light of the unique public fears that terrorism engenders, the more substantial concern is an opposite one. It is entirely possible that the emergence of these claims of preclusive power will subtly but increasingly influence future Executives to eschew the harder work of accepting legislative constraints as legitimate and actively working to make them tolerable by building public support for modifications. The temptation to argue that the President has an obligation to protect the prerogatives of the office asserted by his or her predecessors will be great. Congress's capacity to effectively check such defiance will be comparatively weak.** After all, **the President can veto any effort to legislatively respond to defiant actions**, and impeachment is neither an easy nor an attractive remedy.

The prior practice we describe, therefore, could over time become a faint memory, recalled only for the proposition that it is anachronistic, unsuited for what are thought to be the unique perils of the contemporary world. Were this to happen it would represent an unfortunate development in the constitutional law of war powers. Thus, it is incumbent upon legislators to challenge efforts to bring about such a change. Moreover, executive branch actors, particularly those attorneys helping to assure that the President takes care the law is faithfully executed, should not abandon two hundred years of historical practice too hastily. At the very least, they should resist the urge to continue to press the new and troubling claim that the President is entitled to unfettered discretion in the conduct of war.

**Restricting war powers authority causes the executive shift to self-defense justification --- guts the plan’s signal and causes global instability**

**Barnes, 12** --- J.D. at Boston University and M.A. in Law and Diplomacy at The Fletcher School of Law and Diplomacy at Tufts University (Spring 2012, Beau D., Military Law Review, “REAUTHORIZING THE “WAR ON TERROR”: THE LEGAL AND POLICY IMPLICATIONS OF THE AUMF’S COMING OBSOLESCENCE,” 211 Mil. L. Rev. 57)

2. Effect on the International Law of Self-Defense

**A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere**, **most likely in the international law of self-defense**--the jus ad bellum. n142 Finding sufficient legal authority for the United States's ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, **relying on this rationale usurps Congress's role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert "self-defense against a continuing threat" to target and detain terrorists worldwide, it will almost always be able to find such a threat.** n143 Indeed, the Obama Administration's broad understanding of the concept of "imminence" illustrates the danger of allowing the executive to rely on a **self-defense authorization** alone. n144 [\*94] This approach also **would inevitably lead to dangerous "slippery slopes."** **Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of "imminence,"** n145 **there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy.** **Although the Obama Administration has disclaimed this manner of broad authority because the AUMF "does not authorize military force against anyone the Executive labels a 'terrorist,'"** n146 **relying solely on the international law of self defense would likely lead to precisely such a result**.

The slippery slope problem, however, is not just limited to the United States's military actions and the issue of domestic control. **The creation of international norms is an iterative process**, **one to which the** **U**nited **S**tates **makes significant contributions**. **Because of this outsized influence, the U**nited **S**tates **should not claim international legal rights that it is not prepared to see proliferate around the globe**. Scholars have observed that **the** Obama **Administration's "expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . ."** n147 **Indeed, "[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos."** n148

[\*95] **Encouraging the proliferation of an expansive law of international self-defense would** not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration's national security policy, **sap**ping **U.S. credibility**. The Administration's National Security Strategy emphasizes U.S. "moral leadership," basing its approach to U.S. security in large part on "pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests." n149 **Defense Department General Counsel** Jeh **Johnson has argued that "[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge."** n150 **Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the** **U**nited States **"must not make [legal authority] up to suit the moment."** n151 The Obama Administration's global counterterrorism strategy is to "adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy" of "turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation." n152

**Pakistan**

**Drone strikes increase criminality – fracture insurgent groups**

**Alley 2013** - Senior Fellow at Victoria University of Wellington’s Centre for Strategic Studies (Roderic, “The Drone Debate: Sudden Bullet or Slow Boomerang?” google)

**A further concern surrounds the consequences of post-strike splintering within and between insurgent organisations**. Hence **while the** Tehrik-i-Taliban Pakistan (**TTP**) insurgency **was weakened by drone strikes, its subsequent fracturing led to an increased recourse to criminality**. **Closely linked to violence and instability, this reduced the net security benefit throughout Pakistan’s troubled borderlands** with Afghanistan. **On the ground problems are compounded by an absence of legitimised political representation**; remarkably it was not until 1996 that residents in the Pakistan tribal areas gained the right to vote, women under local pressure not to do so. Political alienation is compounded by fractured economic development, vulnerability to opportunistic criminality, antiquated administration, and trans-border mobility into and out of Afghanistan. **Pakistan’s insecurity and poor governance interact negatively - twin dilemmas deemed of ‘staggering’ proportions**. 20 **Resentment against central authorities has refracted more widely, including mounting anger within the Shia community**, comprising 20 per cent of Pakistan’s 180 million, against a government considered either unwilling or incapable of protecting them from a rising wave of sectarian killings.

**Restrictions not coming – no significant political opposition**

Stephen **Holmes 13**, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any politically significant outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

**The government won’t take up that backlash**

Benjamin **Wittes**, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/**13**, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

**This view has currency among** European **allies**, among **advocacy groups,** and in the legal **academy**. **Unfortunately for its proponents, it has no currency among the three branches of government** of the United States. **The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force** and despite many opportunities, **has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency**—**much less to clarify that the AUMF** does not, any longer, authorize the use of military force at all. **Congress has been repeatedly briefed on U.S. targeting decisions,** including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. **Not only has it taken neither of these steps, but Congress has also funded the relevant programs**. Moreover, as I noted above, **Congress’s recent reaffirmation of the AUMF** in the 2012 NDAA **with respect to detention, once again contains no geographical limitation**. **There is**, in other words, **a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out**. **It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views**.

**Empirics are overwhelming**

**Chesney ’12**

(Robert Chesney, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, and Cofounder of the Lawfare Blog, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” August 29, 2012, U Texas School of Law, Public Law and Legal Theory Research Paper No. 227)

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas. The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a **mend-it-don’t-end-it approach** culminating in passage of the Military Commissions Act of 2009, **which addressed a number of key objections** to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is **far more stable today** than at any point in the past decade.51 There have been strong elements of **cross-party continuity** between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of **using lethal force** not just in contexts of overt combat deployments but also in **areas physically remote from the “hot battlefield.**” Indeed, the Obama administration **quickly outstripped the Bush administration in terms of the quantity and location** of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also **succeeded in fending off a lawsuit challenging the legality of the drone strike program** (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54 The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism **no longer seemed likely to spill over** **in the form of disruptive judicial rulings, newly restrictive legislation,** or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of **cross-branch and cross-party consensus**, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

**Intel cooperation is high – Snowden leaks prove**

**NYT 2013** (July 9, “For Western Allies, a Long History of Swapping Intelligence” <http://www.nytimes.com/2013/07/10/world/europe/for-western-allies-a-long-history-of-swapping-intelligence.html?pagewanted=all&_r=1&&pagewanted=print>)

**When** Edward J. **Snowden disclosed the extent of the United States data mining operations in Germany,** monitoring as many as 60 million of the country’s telephone and Internet connections in one day and bugging its embassy, **politicians here, like others in Europe, were by turns appalled and indignant**. But like the French before them, **this week they found themselves backpedaling.** In an interview released this week Mr. **Snowden said that Germany’s intelligence services are “in bed” with the National Security Agency**, “the same as with most other Western countries.” The assertion has added to fresh scrutiny in the European news media of Berlin and other European governments that may have benefited from the enormous American snooping program known as Prism, or conducted wide-ranging surveillance operations of their own. The outrage of European leaders notwithstanding, intelligence experts and historians say the most recent disclosures reflect the complicated nature of the relationship between the intelligence services of the United States and its allies, which have long quietly swapped information on each others’ citizens. “**The other services don’t ask us where our information is from and we don’t ask them**,” Mr. Snowden said in the interview, conducted by the documentary filmmaker Laura Poitras and Jacob Appelbaum, a computer security researcher, and published this week in the German magazine Der Spiegel. “This way they can protect their political leaders from backlash, if it should become public how massively the private spheres of people around the globe are being violated.” **Britain, which has the closest intelligence relationship with the United States of any European country, has been implicated in several of the data operations** described by Mr. Snowden, including claims that Britain’s agencies had access to the Prism computer network, which monitors data from a range of American Internet companies. Such sharing would have allowed British intelligence agencies to sidestep British legal restrictions on electronic snooping. Prime Minister David Cameron has insisted that its intelligence services operate within the law. Another allegation, reported by The Guardian newspaper, is that the Government Communications Headquarters, the British surveillance center, tapped fiber-optic cables carrying international telephone and Internet traffic, then shared the information with the N.S.A. This program, known as Tempora, involved attaching intercept probes to trans-Atlantic cables when they land on British shores from North America, the report said. President François Hollande of France was among the first European leaders to express outrage at the revelations of American spying, and especially at accusations that the Americans had spied on French diplomatic posts in Washington and New York. There is no evidence to date that French intelligence services were granted access to information from the N.S.A., Le Monde reported last week, however, that **France’s external intelligence agency maintains a broad telecommunications data collection system of its own**, amassing metadata on most, if not all, telephone calls, e-mails and Internet activity coming in and out of France. Mr. Hollande and other officials have been notably less vocal regarding the claims advanced by Le Monde, which authorities in France have neither confirmed nor denied. Given their bad experiences with domestic spying, first under the Nazis and then the former the East German secret police, Germans are touchy when it comes to issues of personal privacy and protection of their personal data. Guarantees ensuring the privacy of mail and all forms of long-distance communications are enshrined in Article 10 of their Constitution. When the extent of the American spying in Germany came to light **the chancellor’s spokesman, Steffen Seibert, decried such behavior** as “unacceptable,” **insisting that, “We are no longer in the cold war**.” But experts say **ties between the intelligence services remain rooted in agreements stemming from that era,** w**hen West Germany depended on the United States to protect it** from the former Soviet Union and its allies in the East. “Of course **the German government is very deeply entwined with the American intelligence services,”** said Josef Foschepoth, a German historian from Freiburg University. Mr. Foschepoth spent several years combing through Germany’s federal archives, including formerly classified documents from the 1950s and 1960s, in an effort to uncover the roots of the trans-Atlantic cooperation. In 1965, Germany’s foreign intelligence service, known by the initials BND, was created. Three years later, the West Germans signed a cooperation agreement effectively binding the Germans to an intensive exchange of information that continues up to the present day, despite changes to the agreements. **The attacks on Sept. 11**, 2001, in the United States **saw a fresh commitment by the Germans to cooperate with the Americans in the global war against terror**. Using technology developed by the Americans and used by the N.S.A., the BND monitors networks from the Middle East, filtering the information before sending it to Washington, said Erich Schmidt-Eenboom, an expert on secret services who runs the Research Institute for Peace Politics in Bavaria. In exchange, **Washington shares intelligence with Germany that authorities here say has been essential to preventing terror attacks** similar to those in Madrid or London. **It is a matter of pride among German authorities that they have been able to swoop in and detain suspects, preventing several plots from being carried out**. By focusing the current public debate in Germany on the issue of personal data, experts say Chancellor Angela Merkel is able to steer clear of the stickier questions about Germany’s own surveillance programs and a long history of intelligence sharing with the United States, which still makes many Germans deeply uncomfortable, more than two decades after the end of the cold war. “Every postwar German government, at some point, has been confronted with this problem,” Mr. Foschepoth said of the surveillance scandal. “The way that the chancellor is handling it shows that she knows very well, she is very well informed and she wants the issue to fade away.”

**Strong executives are key to coalition support**

**Ashraf 2011** – PhD from Pitt (April 5, A.S.M. Ali, “THE POLITICS OF COALITION BURDEN-SHARING: THE CASE OF THE WAR IN AFGHANISTAN ” <http://d-scholarship.pitt.edu/7898/1/ThePoliticsOfCoalitionBurden-Sharing.pdf>)

Domestic Political Regime. Domestic political regime acts as the first intervening variable in shaping a state's coalition decisions. There is a rich body of domestic politics literature, which shows that **key decisions regarding a state's burden-sharing behavior are taken by the chief executive** of an incumbent government.5 Hence, **the strength of a chief executive's decision-making power vis-a-vis other organs of the government will play a decisive role in shaping a state's coalition contribution**.5\* This means that **the legislative or judicial oversight may act as a constraining factor in shaping a chief executive's decision power on foreign policy issues, including participation in a military coalition**. Most domestic political regime theories examine the distribution of power among various political institutions such as the chief government executive and the legislature. In an analysis of states' crisis time bargaining behavior, Susan P

eterson defines executive strength as the relative autonomy of the office of chief executive from legislative pressures.39 Auerswald defines executive strength in relation to the entities that have the "power to terminate office tenure."60 Two such entities are more relevant: the mass public and the legislature. In Auerswald's analysis, the support of the general voters as well as the members of the legislative assembly is crucial for a president, prime minister, or premier in a liberal democratic country. As discussed below, Sarah Kreps discards the importance of public opinion, and shows that **elite consensus among the parliamentary parties matter more than public opinion**.61 Auerswald's typology of executive strength is useful in predicting coalition burden-sharing. He suggests three types of executive strength—strong, weak, and medium. Each type of chief executive is likely to pursue a distinct burden-sharing policy toward a military coalition. First, **a strong chief executive with less legislative oversight** and strong elite consensus **is likely to favor the use of force**, **if such a decision serves the national interests**, or if such a decision is taken to please the domestic constituents. Second, **a weak chief executive** with varying degree of legislative control and elite disagreement **will be constrained to take a bold decision on the use of force, and avoid participating in the coalition** **for fear of losing the election**. Third, a medium executive will craft a policy that balances between the competing demands from legislature, elite consensus, and public opinion.

**1NC --- Pakistan**

**Nuclear deterrence is stable between India and Pakistan**

**Ganguly, poli sci prof- Indiana, 08 (Sumit, Nuclear Stability in South Asia, Intl Security Vol 33, No 2, Fall)**

The Robustness of Nuclear Deterrence As the outcomes of the 1999 and 2001–02 crises show, nuclear deterrence is robust in South Asia. Both crises were contained at levels considerably short of full-scale war. That said, as Paul Kapur has argued, Pakistan's acquisition of a nuclear weapons capability may well have emboldened its leadership, secure in the belief that India had no good options to respond. India, in turn, has been grappling with an effort to forge a new military doctrine and strategy to enable it to respond to Pakistani needling while containing the possibilities of conflict escalation, especially to the nuclear level.78 Whether Indian military planners [End Page 65] can fashion such a calibrated strategy to cope with Pakistani probes remains an open question. This article's analysis of the 1999 and 2001–02 crises does suggest, however, that nuclear deterrence in South Asia is far from parlous, contrary to what the critics have suggested. Three specific forms of evidence can be adduced to argue the case for the strength of nuclear deterrence. First, there is a serious problem of conflation in the arguments of both Hoyt and Kapur. Undeniably, Pakistan's willingness to provoke India has increased commensurate with its steady acquisition of a nuclear arsenal. This period from the late 1980s to the late 1990s, however, also coincided with two parallel developments that equipped Pakistan with the motives, opportunities, and means to meddle in India's internal affairs—particularly in Jammu and Kashmir. The most important change that occurred was the end of the conflict with the Soviet Union, which freed up military resources for use in a new jihad in Kashmir. This jihad, in turn, was made possible by the emergence of an indigenous uprising within the state as a result of Indian political malfeasance.79 Once the jihadis were organized, trained, armed, and unleashed, it is far from clear whether Pakistan could control the behavior and actions of every resulting jihadist organization.80 Consequently, although the number of attacks on India did multiply during the 1990s, it is difficult to establish a firm causal connection between the growth of Pakistani boldness and its gradual acquisition of a full-fledged nuclear weapons capability. Second, India did respond with considerable force once its military planners realized the full scope and extent of the intrusions across the Line of Control. Despite the vigor of this response, India did exhibit restraint. For example, Indian pilots were under strict instructions not to cross the Line of Control in pursuit of their bombing objectives.81 They adhered to these guidelines even though they left them more vulnerable to Pakistani ground fire.82 The Indian military exercised such restraint to avoid provoking Pakistani fears of a wider attack into Pakistan-controlled Kashmir and then into Pakistan itself. Indian restraint was also evident at another level. During the last war in [End Page 66] Kashmir in 1965, within a week of its onset, the Indian Army horizontally escalated with an attack into Pakistani Punjab. In fact, in the Punjab, Indian forces successfully breached the international border and reached the outskirts of the regional capital, Lahore. The Indian military resorted to this strategy under conditions that were not especially propitious for the country. Prime Minister Jawaharlal Nehru, India's first prime minister, had died in late 1964. His successor, Lal Bahadur Shastri, was a relatively unknown politician of uncertain stature and standing, and the Indian military was still recovering from the trauma of the 1962 border war with the People's Republic of China.83 Finally, because of its role in the Cold War, the Pakistani military was armed with more sophisticated, U.S.-supplied weaponry, including the F-86 Sabre and the F-104 Starfighter aircraft. India, on the other hand, had few supersonic aircraft in its inventory, barring a small number of Soviet-supplied MiG-21s and the indigenously built HF-24.84 Furthermore, the Indian military remained concerned that China might open a second front along the Himalayan border. Such concerns were not entirely chimerical, because a Sino-Pakistani entente was under way. Despite these limitations, the Indian political leadership responded to Pakistani aggression with vigor and granted the Indian military the necessary authority to expand the scope of the war. In marked contrast to the politico-military context of 1965, in 1999 India had a self-confident (if belligerent) political leadership and a substantially more powerful military apparatus. Moreover, the country had overcome most of its Nehruvian inhibitions about the use of force to resolve disputes.85 Furthermore, unlike in 1965, India had at least two reserve strike corps in the Punjab in a state of military readiness and poised to attack across the border if given the political nod.86 Despite these significant differences and advantages, the Indian political leadership chose to scrupulously limit the scope of the conflict to the Kargil region. As K. Subrahmanyam, a prominent Indian defense analyst and political commentator, wrote in 1993: [End Page 67] The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India. In 1965, when Pakistan carried out its "Operation Gibraltar" and sent in infiltrators, India sent its army across the cease-fire line to destroy the assembly points of the infiltrators. That escalated into a full-scale war. In 1990, when Pakistan once again carried out a massive infiltration of terrorists trained in Pakistan, India tried to deal with the problem on Indian territory and did not send its army into Pakistan-occupied Kashmir.87 Subrahmanyam's argument takes on additional significance in light of the overt acquisition of nuclear weapons by both India and Pakistan. Third, Sagan's assertion about the dominance of the Pakistani military in determining Pakistan's security policies is unquestionably accurate. With the possible exception of the Kargil conflict, however, it is far from clear that the Pakistani military has been the primary force in planning for and precipitating aggressive war against India. The first Kashmir war, without a doubt, had the explicit approval of Pakistan's civilian authorities.88 Similarly, there is ample evidence that the highly ambitious foreign minister, Zulfikar Ali Bhutto, goaded President Ayub Khan to undertake the 1965 war.89 Finally, once again Bhutto, as much as the Pakistani military dictator Yahya Khan, was complicit in provoking a war with India in 1971, following the outbreak of a civil war in East Pakistan.90

**Wouldn’t cause extinction**

**Copley News Service, 02 (Bruce Lieberman, “Fallout from nuclear war in South Asia seen as unlikely to reach U.S.”, http://www.globalsecurity.org/org/news/2002/020610-indopak1.htm)**

The horror of a nuclear war between India and Pakistan could decimate South Asia's largest cities, killing up to 12 million people and bringing misery to countless others. But a war, if limited to those two nations and the nuclear arsenals they are thought to possess, poses little danger of radioactive fallout reaching North America, physicists and atmospheric scientists say. There are fundamental reasons. First, India and Pakistan are believed armed with less potent weapons, probably no larger than the equivalent of 15,000 tons of TNT, about the same size as the bombs the United States dropped on Hiroshima and Nagasaki in 1945. In contrast, the typical nuclear weapon in the U.S. stockpile today is 10 to 20 times more powerful than the weapons held by India and Pakistan, according to GlobalSecurity.org. Second, the two countries are thought to have no more than 200 warheads between them - not enough, scientists believe, to endanger populations far beyond South Asia. More than 31,000 nuclear weapons, by contrast, are maintained by eight known nuclear powers, and 95 percent are in the United States and Russia, according to the Bulletin of Atomic Scientists, which monitors nuclear proliferation. Third, the approaching summer in the Northern Hemisphere will mean an absence of fast-moving winter storms that could carry nuclear fallout quickly across the globe. Further, South Asia's monsoon season, which begins this month and extends into October, could wash nuclear fallout back to Earth, confining the worst environmental damage to that part of the world. "Of course, there will be some radiation reaching globally, but the amounts will be small compared to the levels that would produce health effects," said Charles Shapiro, a physicist at San Francisco State University, who co-authored a 1985 study on the environmental effects of nuclear war. Irradiated particles blasted into the atmosphere from a nuclear war between India and Pakistan, carried aloft by the jet stream, would eventually reach every part of the globe and rain back down to Earth as fallout, scientists say. Atmospheric studies conducted by scientists at the Scripps Institution of Oceanography in La Jolla, Calif., have found that particulate from pollution in South Asia can reach the West Coast of the United States in as few as six days. However, those studies focused on the migration of haze in South Asia that covers thousands of square kilometers - a much greater area than that affected by a nuclear explosion, said V. Ramanathan, an atmospheric scientist at Scripps. "It's very risky to extrapolate" data from the pollution study, he said. Ramanathan's study found that particulates larger than 10 microns in diameter fell to Earth before reaching North America, so it's unclear how much radioactive fallout might reach the West Coast, or how dispersed it would be, he said. "I think East Asia has more to worry about, as well as Europe," Ramanathan said. Larry Riddle, a climatologist at Scripps, said the levels of radiation reaching the United States probably would not be any higher than background radiation. Humans are exposed every day to radiation from space, from deep in the Earth, and from man-made sources such as medical X-rays and other consumer products. "Essentially, it would have no effect," Riddle said.

**Pakistan won’t collapse-there are multiple safeguards against this.**

**Yusuf, 7**, Moed Yusuf, Pakistan; Still Growing at 60, http://www.brookings.edu/opinions/2007/0814pakistan\_yusuf.aspx

Let me end by pointing out that Pakistan's decline into chaos is far from inevitable. In fact, if we are to look beyond the present alarmist sentiment focused on the extremist threat, the state's recovery is far more probable than a further deterioration and eventual collapse. The presence of a functional bureaucracy, a strong secular military, as well as the writ of law (the lawlessness in the tribal belt has historical explanations and ought not to be conflated with the situation in the Pakistani hinterland) are all entrenched in the state structure and continue to act as strong buffers against any sudden breakdown.

**Lots of checks**

**Thomson 9**, reports on national security and other matters for several publications, [Why Terrorists Never Have Gotten Hold of a Nuke and Why the Taliban Won't Be First](http://www.huffingtonpost.com/keith-thomson/why-terrorists-never-have_b_323672.html) http://www.huffingtonpost.com/keith-thomson

Say things had gone a bit differently during the Taliban's attack on Pakistan's Army General Headquarters in Rawalpindi on Sunday. Say the Taliban had prevailed, then entered to find a nuclear weapon--far from implausible since Pakistan is believed to have [70 to 90](http://www.fas.org/) nuclear missiles secreted within its borders. Taliban operatives probably would have wasted no time attempting to launch their new missile, as opposed to absconding with it, for several reasons, not least of which is that the weapon's radiation signature would be tantamount to leaving a note saying where they'd gone. A potential launching hitch: For security purposes, Pakistan keeps warheads, other bomb components and delivery devices (rocket launchers, planes, etc.) in separate locations, guarded by 10,000 of the million-plus soldiers who in turn are part of the world's sixth-largest armed force.

**Norms**

**Long timeframe – their author**

**Zenko 2013** (Micah Zenko is the 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 Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

**Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus** within the U.S. government, **is a long and arduous process**. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

**Hostile states won’t follow norms and there’s no enforcement mechanism – they just constrain US flexibility**

**Lerner 2013** - Vice President for Government Relations at the Center for Security Policy (March 25, Ben, “Judging ‘Drones’ From Afar” <http://spectator.org/archives/2013/03/25/judging-drones-from-afar/1>)

**Whatever the potential motivations for trying to codify** international **rules for using UAVs, such a move would be ill advised**. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. **It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points**. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. **The net result:** **we are boxed in as far as our own self-defense,** **while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever**, contorting said “rules” as they see fit**. One need only look at China’s manipulation of the Law of the Sea Treaty to** justify its vast territorial claims at the expense of its neighbors to see how this often plays out. And who **would enforce the treaty’s rules** — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “imme

diate focus” UAV operations recently conducted by those countries? **The United States already conducts warfare under the norms of centuries of practice of customary international law** in areas such as military necessity and proportionality, as well as the norms to which we committed ourselves when we became party to the 1949 Geneva Conventions and the United Nations Charter. **These same rules can adequately cover the use of UAVs in the international context. But if the United States were to create** or agree to **a separate** international **regime** for UAVs, **we would subject ourselves to new, politicized “rules” that would needlessly hold back countries that already use UAVs responsibly, while empowering those that do not**. America is in the midst of an important conversation about UAVs. President **Obama should state unambiguously that we will not invite others to dictate its outcome**.

**No impact to global drone prolif and it’s impossible to solve**

Alejandro **Sueldo 12**, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” <http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90>

Of particular concern are the legal and policy challenges posed if other states imitate the U.S. targeted killing program. For Washington is setting a precedent whereby states can send drones, often over sovereign borders, to kill foreigners or their own citizens, who are deemed threats.

Other states may also follow Washington’s example and develop their own criteria to define imminent threats and use drones to counter them.

Washington will find it increasingly difficult to protest other nations’ targeted killing programs — particularly when the United States has helped define this lethal practice. U.S. opposition will prove especially difficult when other states justify targeted killings as a matter of domestic affairs.

Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law.

Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon.

But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use.

This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

**U.S. drone use doesn’t set a precedent, restraint doesn’t solve it, and norms don’t apply to drones at all in the first place**

Amitai **Etzioni 13**, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach employing places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

**No impact to global drone use – easily deterred**

**Singh 12** (Joseph Singh is a researcher at the Center for a New American Security. “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/)

**Bold predictions** **of a coming drones arms race are all the rage since the uptake in their deployment under** the **Obama** Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones. As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings. Indeed, critics seem overly-focused on the domestic implications of drone use. In a June piece for the Financial Times, Michael **Ignatieff** **writes** that “virtual **technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice** that once forced democratic peoples to be prudent.” Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. **Yet, there remain** equally **serious diplomatic and political costs** **that emanate from beyond a fickle electorate**, **which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.** Most recently, **the** serious **diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane** in June **illustrated the very serious risks of operating any aircraft in foreign territory.** **States launching drones must still weigh the diplomatic and political costs** of their actions, **which make the calculation surrounding their use** **no fundamentally different to any other aerial engagement**. **This recent bout** also **illustrated a salient point regarding drone technology**: **most states maintain at least minimal air defenses** **that can quickly detect and take down drones,**

**as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.** What the U.S. also learned, however, was that **drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations** **against a technologically unsophisticated enemy.** In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region. Non-state actors, on the other hand, have even more reasons to steer clear of drones: – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue. – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose. – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face. – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts. In short, **the doomsday drone scenario** Ignatieff and Sharkey predict **results from an excessive focus on rapidly-evolving military technology.** Instead, **we must return to what we know about state behavior** **in an anarchistic international order.** **Nations will confront the same principles of deterrence**, for example, **when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team. Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state**. **Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.** What’s more, **the very states whose use of drones could threaten U.S. security** – countries like China – **are not democratic**, **which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant**. For all their military benefits, **putting drones into play requires an ability to meet the political and security risks associated with their use.** Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best. Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations. Yet, **the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape**. **Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.**

**US norms mean nothing**

**Anderson 11** [Kenneth, 10/9/2011, “What Kind of Drones Arms Race Is Coming?” http://opiniojuris.org/2011/10/09/what-kind-of-drones-arms-race-is-coming/]

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it — and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be. Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project), will eventually have an important place in ordinary ground transport. UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable — and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this — the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so. But the point is that **this was happening anyway, and the technology was already available**. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; **Zenko’s** ‘original sin’ **attribution** of this **to the US opening Pandora’s box is not a credible understanding** of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it. Moving on from the avionics, **weaponizing the craft is also not difficult**. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do — but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

**1NC --- ME**

**Instability inev – Iraq**

**Democracy Digest – 12/23/11, Iraq may be litmus for fate of Arab democracy, http://www.demdigest.net/blog/2011/12/iraq-may-be-litmus-for-fate-of-arab-democracy/**

**Is a year of hope brought on by the Arab Awakening about to end on a sour note?** “We have a remarkable new model in the Arab world,” says Salman Shaikh of the Brookings Institute in Doha. “People from different ends of the political spectrums of civil society, including secularist liberals, are forming coalitions with Islamists. That is something that continues to gain some strength, especially as we see Islamists come to the fore.” But **Iraq’s sectarian upsurge and authoritarian shift is feeding anxiety that the country could face a new civil war** and become a battleground for conflicting regional powers. “Iraq is deeply worrying,” **Shaikh says**. “It’s **the politics of the country** that **could break it apart**. In fact, some of us do have real concerns that **we could end up with another civil war with regional players**

**again playing a role** in that.” Some observers suggest that **US troops’ departure from Iraq has allowed** Prime Minister Nouri **Al-Maliki to revert to innate sectarian and authoritarian impulses**, **and to move closer to his fellow Shia counterparts in Iran.** “With the Americans removed from the equation, of course Maliki feels stronger,” says Laith Kubba (above), Middle East program director at the National Endowment for Democracy. With Iranian power growing as US influence declines, the Iraqiya bloc’s Ayad Allawi and other Sunni interests “feel totally exposed,” he says. But Maliki’s political instincts are less important than the state of Iraq’s political institutions. “The real problem is not an authoritarian president or prime minister, but the weak state and weak institutions,” says Kubba. The Iraqi military is the one institution that may be able to stand between al-Qaeda and the Shia militias, says Toby Dodge, an international relations scholar at the London School of Economics. “The Iraqi military have the capacity to hold things together in a rough and ready way if they get the political backing from Maliki downwards,” he argues. “But **we have the recognizable dynamic of paranoid politicians who may be tempted to use state institutions to strike back in a sectarian way – and that is a short road to civil war.”** Iraq’s current tensions may carry broader lessons for the region, demonstrating the fragility of democratic institutions and the dangers inherent in cultivating democracy on terrain contested by sectarian forces. “The US hoped to leave at least a stable political process in which internal conflicts could be resolved via the ballot box,” says Kubba. “It is questionable whether this was done,” with the possible exception of Kurdistan. “There are two Iraqs today, not one. In Kurdistan, everything is different: security, management, economics,” he suggests. Iraq is demonstrating the resilience of entrenched illiberal forces and ideologies that are fuelling the backlash against the democratic and liberal energies unleashed over the past year. “Some of the older narratives are and will reassert themselves in the region whether in Bahrain or Iraq now. We will see, particularly around the Gulf, Lebanon, the Sunni-Shi’ite schism arise again,” Brookings analyst Shaikh believes. Iraq, like Syria, is becoming a site of struggle between Iran and Saudi Arabia, the NED’s Kubba contends. “The regional balance of power will change with the fall of Assad,” which will also impact Lebanon and Iraq, he says. “But nobody knows how Iran will respond.”

**Impact’s empirically denied**

**Drum ‘7**

**(Kevin-, Political Blogger @ the Washington Monthly, Sept. 9, Washington Monthly, “The Chaos Hawks”, http://www.**

**washingtonmonthly.com/archives/individual/2007\_09/012029.php )**

Having admitted, however, that the odds of a military success in Iraq are almost impossibly long, Chaos **Hawks** nonetheless **insist** that the U.S. military needs to stay in Iraq for the foreseeable future. Why? Because if we leave **the** entire **Middle East will become a bloodbath**. Sunni and Shiite will engage in mutual genocide, oil fields will go up in flames, fundamentalist parties will take over, and al-Qaeda will have a safe haven bigger than the entire continent of Europe.

Needless to say, **this is nonsense**. **Israel has fought war after war in the Middle East. Result: no regional conflagration. Iran and Iraq fought one of the bloodiest wars of the second half the 20th century. Result: no regional conflagration**. **The Soviets fought in Afghanistan and then withdrew. No regional conflagration**. The **U.S. fought the Gulf War and then left. No regional conflagration. Algeria fought an internal civil war for a decade. No regional conflagration.** So where does this bogeyman come from? Hard to say. Probably a deep-seated unwillingness to confront the fact that the United States can't really influence a course of events we originally set in motion. But Iraq is already fighting a civil war, and that civil war will continue whether we stay or go. If we go it will likely become more intense, but also shorter lived. The eventual result, however, will almost certainly be the same: a de facto independent Kurdistan in the north and a Shiite theocracy in the south. **The rest of the Middle East will**, as usual, **watch events unfold without doing much of anything about them**, and will accept the inevitable results. The U.S., for its part, will remain in the north to protect Kurdistan, in the east in Afghanistan, in the west in the Mediterranean, and in the south in its bases in the Gulf. We'll hardly be absent from the region.

**1NC --- China**

**China’s rise will be peaceful --- integration makes hegemonic competition impossible --- Chinese policymakers don’t support expansion**

**Wanandi 4/1, Vice Chairman of Trustees at CSIS**, Insight: China’s peaceful rise, community of nations: Zheng Bijan’s strategy, <http://www.thejakartapost.com/news/2013/04/01/insight-china-s-peaceful-rise-community-nations-zheng-bijian-s-strategy.html>

**The peaceful rise of a China based on shared interests with other powers**, big and small, **was an idea proposed by Zheng Bijian** some years ago that has been **adopted as strategy by the Chinese leadership in preparing future policies**. Zheng, one of China’s great strategists, understood that China could not follow the trajectory that Western countries had followed in the last century. He said that what China had to avoid was embarking on an old strategy that was no longer valid for the future, such as happened in Europe at the end of the 19th century, which resulted in the outbreak of World War I. China had to remain free of power politics, the Cold War and hegemonic competition. As we are experiencing today, elements of competition exist, but so do **elements of cooperation and coordination in big-power relations, making the idea of hegemonic competition almost impossible. Economic interdependence and**, to a certain extent, **global and regional integration have prevented that from happening**. In addition, developing nations have developed and modernized, becoming an important part of the world and making hegemonic economic dominance impossible for the last half decade. **For China, which might become the world’s biggest economy by GDP in the next 10 years or so, its biggest challenges will be how to behave and how its role should be formulated as a big economic power**. In this effort, China must also take huge domestic problems into consideration, as well as its dependence on natural resources, energy and advanced technology. **China has no ambitions to become a global superpower, because it recognizes its limitations and willingness to run other parts of the world**

**. This has never been an ambition of China throughout history. China has always been big. Its ambition is mainly to be recognized by others, and not to run over or to subdue others**. Admittedly, Southeast Asia or ASEAN’s member nations have their differences in their respective policies toward China. However, in general, the region accepts that China is an important and strategic partner and that economically China is and will become more important. Historically, China has always been accepted and recognized as an important country in the region, and the region has to pay attention to the nation. **If hegemony is almost impossible, then China’s peaceful rise has to be taken as the best strategy for China and for the region. A peaceful rise in connection with regional institutions might be just the right strategy for China and the East Asian region, because they share common interests, although strengthening bilateral relations is also of paramount importance**.

the region.

**1NC --- Mil to Mil Coop**

**Mil to mil coop stops disputes from escalating**

**Bloomberg 9/30**, <http://www.bloomberg.com/news/2013-09-30/china-u-s-military-ties-grow-as-countries-eye-each-other-at-sea.html>

Next year, **Chinese ships will join the Rim of** the **Pacific exercise** **for the first time**. During a visit to the Pentagon last month, **Foreign Minister** Wang Yi **described military ties as a “bright spot” in the** U.S.-China **relationship**.

Wang’s words and **China’s participation reflect** a **changed attitude as the world’s** two **biggest militaries boost contacts despite competing for influence** in the Asia-Pacific, home to shipping lanes and resource reserves. The closer ties will be tested as China grows more assertive in a region dotted with nations that would call for U.S. help if attacked.

“The **competition** and conflicts between China and the U.S. **will** still **be there, but it will prevent them from escalating to an unmanageable level**,” Yan Xuetong, dean of the Institute of Modern International Relations at [Tsinghua University](http://topics.bloomberg.com/tsinghua-university/) in Beijing, said by phone. “It is preventable diplomacy rather than positive cooperation.”

U.S.-China ties will be on display at next week’s Asia-Pacific Economic Cooperation forum leaders meeting in Bali. China’s territorial disputes in the [South China Sea](http://topics.bloomberg.com/south-china-sea/) may be discussed, along with changing U.S. and Chinese roles in

# 2NC

**2NC AT: Restrictions Now**

**Most qualified evidence**

**Masters**, deputy editor – CFR, 10/3/**’11**

(Jonathan, “US acquires targeted killing as an essential tactic,” The Nation)

Since assuming office in 2009, Barack **Obama's administration has escalated targeted killings, primarily through** an increase in unmanned **drone strikes** on Al-Qaeda and Taliban leadership, **but also through** an expansion of US Special Operations **kill/capture missions.** The successful killing of Osama bin Laden in a US Navy SEAL raid in May 2011 and the drone strike on Al-Qaeda's number two, Atiyah Abd Rahman, in August 2011 are prime examples of this trend. The White House points to these outcomes as victories, but **critics continue to condemn the lethal tactic on moral, legal, and political grounds. Despite** the **opposition, most experts expect the** **U**nited **S**tates **to boost targeted killings in the coming years as military technology improves and the public appetite for large-scale, conventional armed intervention erodes.**

**Won’t collapse the drone program**

**Masters**, deputy editor – CFR, 10/3/**’11**

(Jonathan, “US acquires targeted killing as an essential tactic,” The Nation)

Blowback from civil liberties and human rights groups is likely to grow in direct proportion to any increase in targeted killings. **Organisations such as the ACLU and Human Rights Watch have raised** pointed **questions regarding** the perceived lack of **accountability and transparency. Others question if the United States is setting a negative precedent** that will be invoked by other nations (WashPost) acquiring similar technology, such as China and Russia. CFR's Bellinger expects targeted killings to become much more politically provocative given the Obama administration's current posture, and asks if drones will "become Obama's Guantanamo?" **Nevertheless**, analysts point to several factors indicating that **an expansion of US targeted killings in the near term is likely. Drone strikes** and special operations raids **put fewer Americans in harm's way and provide a low-cost alternative to** expensive and cumbersome **conventional forces.** This alternative is further enhanced given the probability of future cuts in the defence budget and a waning public appetite for long, expensive wars. **The rise of the** so-called "**non-state actor**," operating in loose transnational networks, as the principal threat to US national security also **lends itself to an expansion of US targeted killings.** Other experts say technological advances, including precision-guided munitions and enhanced surveillance, have given the United States a greater ability to target these particular individuals while reducing collateral damage. In July 2011, Obama's chief counterterrorism advisor, John **Brennan, provided a portent of things to come: "Going forward, we will be mindful that if our nation is threatened, our best offence won't always be deploying** large **armies** abroad **but delivering targeted, surgical pressure** to the groups that threaten us."

**Intel cooperation is high – Snowden leaks prove**

**NYT 2013** (July 9, “For Western Allies, a Long History of Swapping Intelligence” <http://www.nytimes.com/2013/07/10/world/europe/for-western-allies-a-long-history-of-swapping-intelligence.html?pagewanted=all&_r=1&&pagewanted=print>)

**When** Edward J. **Snowden disclosed the extent of the United States data mining operations in Germany,** monitoring as many as 60 million of the country’s telephone and Internet connections in one day and bugging its embassy, **politicians here, like others in Europe, were by turns appalled and indignant**. But like the French before them, **this week they found themselves backpedaling.** In an interview released this week Mr. **Snowden said that Germany’s intelligence services are “in bed” with the National Security Agency**, “the same as with most other Western countries.” The assertion has added to fresh scrutiny in the European news media of Berlin and other European governments that may have benefited from the enormous American snooping program known as Prism, or conducted wide-ranging surveillance operations of their own. The outrage of European leaders notwithstanding, intelligence experts and historians say the most recent disclosures reflect the complicated nature of the relationship between the intelligence services of the United States and its allies, which have long quietly swapped information on each others’ citizens. “**The other services don’t ask us where our information is from and we don’t ask them**,” Mr. Snowden said in the interview, conducted by the documentary filmmaker Laura Poitras and Jacob Appelbaum, a computer security researcher, and published this week in the German magazine Der Spiegel. “This way they can protect their political leaders from backlash, if it should become public how massively the private spheres of people around the globe are being violated.” **Britain, which has the closest intelligence relationship with the United States of any European country, has been implicated in several of the data operations** described by Mr. Snowden, including claims that Britain’s agencies had access to the Prism computer network, which monitors data from a range of American Internet companies. Such sharing would have allowed British intelligence agencies to sidestep British legal restrictions on electronic snooping. Prime Minister David Cameron has insisted that its intelligence services operate within the law. Another allegation, reported by The Guardian newspaper, is that the Government Communications Headquarters, the British surveillance center, tapped fiber-optic cables carrying international telephone and Internet traffic, then shared the information with the N.S.A. This program, known as Tempora, involved attaching intercept probes to trans-Atlantic cables when they land on British shores from North America, the report said. President François Hollande of France was among the first European leaders to express outrage at the revelations of American spying, and especially at accusations that the Americans had spied on French diplomatic posts in Washington and New York. There is no evidence to date that French intelligence services were granted access to information from the N.S.A., Le Monde reported last week, however, that **France’s external intelligence agency maintains a broad telecommunications data collection system of its own**, amassing metadata on most, if not all, telephone calls, e-mails and Internet activity coming in and out of France. Mr. Hollande and other officials have been notably less vocal regarding the claims advanced by Le Monde, which authorities in France have neither confirmed nor denied. Given their bad experiences with domestic spying, first under the Nazis and then the former the East German secret police, Germans are touchy when it comes to issues of personal privacy and protection of their personal data. Guarantees ensuring the privacy of mail and all forms of long-distance communications are enshrined in Article 10 of their Constitution. When the extent of the American spying in Germany came to light **the chancellor’s spokesman, Steffen Seibert, decried such behavior** as “unacceptable,” **insisting that, “We are no longer in the cold war**.” But experts say **ties between the intelligence services remain rooted in agreements stemming from that era,** w**hen West Germany depended on the United States to protect it** from the former Soviet Union and its allies in the East. “Of course **the German government is very deeply entwined with the American intelligence services,”** said Josef Foschepoth, a German historian from Freiburg University. Mr. Foschepoth spent several years combing through Germany’s federal archives, including formerly classified documents from the 1950s and 1960s, in an effort to uncover the roots of the trans-Atlantic cooperation. In 1965, Germany’s foreign intelligence service, known by the initials BND, was created. Three years later, the West Germans signed a cooperation agreement effectively binding the Germans to an intensive exchange of information that continues up to the present day, despite changes to the agreements. **The attacks on Sept. 11**, 2001, in the United States **saw a fresh commitment by the Germans to cooperate with the Americans in the global war against terror**. Using technology developed by the Americans and used by the N.S.A., the BND monitors networks from the Middle East, filtering the information before sending it to Washington, said Erich Schmidt-Eenboom, an expert on secret services who runs the Research Institute for Peace Politics in Bavaria. In exchange, **Washington shares intelligence with Germany that authorities here say has been essential to preventing terror attacks** similar to those in Madrid or London. **It is a matter of pride among German authorities that they have been able to swoop in and detain suspects, preventing several plots from being carried out**. By focusing the current public debate in Germany on the issue of personal data, experts say Chancellor Angela Merkel is able to steer clear of the stickier questions about Germany’s own surveillance programs and a long history of intelligence sharing with the United States, which still makes many Germans deeply uncomfortable, more than two decades after the end of the cold war. “Every postwar German government, at some point, has been confronted with this problem,” Mr. Foschepoth said of the surveillance scandal. “The way that the chancellor is handling it shows that she knows very well, she is very well informed and she wants the issue to fade away.”

**Strong executives are key to coalition support**

**Ashraf 2011** – PhD from Pitt (April 5, A.S.M. Ali, “THE POLITICS OF COALITION BURDEN-SHARING: THE CASE OF THE WAR IN AFGHANISTAN ” <http://d-scholarship.pitt.edu/7898/1/ThePoliticsOfCoalitionBurden-Sharing.pdf>)

Domestic Political Regime. Domestic political regime acts as the first intervening variable in shaping a state's coalition decisions. There is a rich body of domestic politics literature, which shows that **key decisions regarding a state's burden-sharing behavior are taken by the chief executive** of an incumbent government.5 Hence, **the strength of a chief executive's decision-making power vis-a-vis other organs of the government will play a decisive role in shaping a state's coalition contribution**.5\* This means that **the legislative or judicial oversight may act as a constraining factor in shaping a chief executive's decision power on foreign policy issues, including participation in a military coalition**. Most domestic political regime theories examine the distribution of power among various political institutions such as the chief government executive and the legislature. In an analysis of states' crisis time bargaining behavior, Susan Peterson defines executive strength as the relative autonomy of the office of chief executive from legislative pressures.39 Auerswald defines executive strength in relation to the entities that have the "power to terminate office tenure."60 Two such entities are more relevant: the mass public and the legislature. In Auerswald's analysis, the support of the general voters as well as the members of the legislative assembly is crucial for a president, prime minister, or premier in a liberal democratic country. As discussed below, Sarah Kreps discards the importance of public opinion, and shows that **elite consensus among the parliamentary parties matter more than public opinion**.61 Auerswald's typology of executive strength is useful in predicting coalition burden-sharing. He suggests three types of executive strength—strong, weak, and medium. Each type of chief executive is likely to pursue a distinct burden-sharing policy toward a military coalition. First, **a strong chief executive with less legislative oversight** and strong elite consensus **is likely to favor the use of force**, **if such a decision serves the national interests**, or if such a decision is taken to please the domestic constituents. Second, **a weak chief executive** with varying degree of legislative control and elite disagreement **will be constrained to take a bold decision on the use of force, and avoid participating in the coalition** **for fear of losing the election**. Third, a medium executive will craft a policy that balances between the competing demands from legislature, elite consensus, and public opinion.

**AT: Squo Policy**

**The plan isn’t just codifying current policy – current policy is a norm which preserves flexibility**

Geoffrey **Corn 13**, Professor of Law and Presidential Research Professor, South Texas College of Law, 2013, “Geography of Armed Conflict: Why it is a Mistake to Fish for the Red Herring,” International Legal Studies, 89 INT’L L. STUD. 77 (2013)

Ironically, **when** Professor Gabrielle **Blum proposed such a limitation in her article** The Dispensable Lives of Soldiers,76 **I was** quite **skeptical**. However, my skepticism focused primarily on two considerations. First, her proposal extended to “hot zones”. I remain opposed to such an extension, as I believe it would inject a dangerous dilution of tactical initiative into the ex-ecution of combat operations.77 Second, **it was unclear whether Professor Blum was proposing a legal norm, or a policy constraint on permissible legal authorit**y. Once it was clear that we shared opposition to modifying the existing legal authority to attack even an inoffensive enemy belligerent operative (such as an enemy soldier sleeping in a barracks or assembly area or attempting to retreat from an ongoing attack), and that **she was** in fact proposing **consideration of policy limits on that authority, we were much more closely aligned in our views.**78

**This latter aspect of the “capture or kill” debate is critical, and in my opinion, if such a limitation on targeting authority is justified, it must be framed as a policy limit on otherwise lawful authority: a rule of engagement**.79 This is because **there may be situations**, even where these conditions are satisfied, **when an attack is justified because of the influence it will produce on enemy leadership** and other belligerent operatives. **It is this corporate, as opposed to individualized, approach to attack justification that distinguishes targeting belligerent operatives from targeting civilians taking a direct part in hostilities. It** therefore **requires strictly limiting any “capture or kill” obligation to a policy applique restricting underlying legal authority**. In short, **even when capture is a completely feasible option** to incapacitate an enemy belligerent operative, **there still are times when attack is preferred because of the shock effect it will produce on the corporate enemy capability**.80

**K**

**Impact Overview**

**Structural violence is the proximate cause of all war- creates priming that psychologically structures escalation**

\*\*Answers no root cause- because there is no root cause we must be attentative to structural inequality of all kinds because it primes people for broader violence- our impact is about the *scale* of violence and the *disproportionate* *relationship* between that scale and warfare, not that one form of social exclusion comes first

**Scheper-Hughes and Bourgois ‘4**

(Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn)

(Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). **Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities.** More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. **The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder.** We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, **it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times**. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and **there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes**, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), **constitute the “small wars and invisible genocides”** to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. **These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite**. As Wittgenstein observed, **the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted**. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. **Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematically and dramatically in the extreme context of war**. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. **The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent**? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end **it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible** (under adverse political or economic conditions), perhaps more easily than we would like to recognize. **Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonal- ization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency”** (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” **Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide are born, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment.** Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human - a prerequisite to genocide and one that is carefully honed during the unremark- able peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. **Collective denial and misrecognition are prerequisites for mass violence and genocide**. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. **Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations**. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting **that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified**. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. Th**ey harbor the** early “warning signs” (Charney 1991), the “**priming**” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) **that push social consensus toward devaluing certain forms of human life** and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

Prefer this impact – structural violence is invisible and exponential

**Nixon 11**

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that **we urgently need to** **rethink**-politically, imaginatively, and theoretically-what I call **"slow violence."** By slow **violence** I mean a violence that occurs gradually and out of sight, a violence of delayed destruction **that is dispersed across time** and space, an attritional violence that is typically not viewed as violence at all. **Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular** in space, and as erupting into instant sensational visibility. **We need**, I believe, **to engage** a different kind of violence, a **violence that is neither spectacular nor instantaneous, but rather incremental and accretive,** its calamitous repercussions playing out across a range of temporal scales. In so doing, **we** also **need to engage the** representational, narrative, and strategic challenges posed by the relative **invisibility of slow violence.** Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. **Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as** a military or even **an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence** as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. **We need to account for how the temporal dispersion of slow violence affects the way we perceive** and respond to a variety of **social afflictions**-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, **slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.**

**2NC Framework – Care of the Self**

**Everything we do, everything we read forms us as subjects as the world – social change cannot be effected unless there is a vocabulary to construct subjects that engage in a new way of knowing – the alt is a formation of new ethical subjects – the affirmative solidifies dominant structures and knowledges that actively prevent ethics**

-necessary to create a new social vocabulary around issues to effect real change

-we are constantly being constructed as subjects by the experiences we have

-on an individual level, ethics is a processing of attuning your ways of knowing the world and relating to the world to be more compassionate and open

-the way our self exists is inseparable from our relationship to the world

-this breaks processes of solidifying existing ways of knowing and mainstream institutions – the affirmative is a step in a long, long process of normalization to make the self complicit with and accepting of violence and inequality – the act of criticism in our alternative is an act of interruption that ethically attunes the self to the hidden violence of dominant knowledges

- we construct the way we interact with the law with reference to this reality

**Scott 9 – prof of philosophy @ Vanderbilt**

**(Charles, Journal of Medicine and Philosophy, 34: 350–367, Foucault, Genealogy, Ethics)**

**In Foucault’s analysis of the May 1968 uprising** in France, **he said that even though “things were coming apart” there did not “exist any vocabulary capable of expressing that process”** (Foucault, 2000, 271). We could say on Foucault’s terms that **there did not exist a way of knowing (a subject of knowledge) and** the **language and concepts suited for the complex event of** France’s **transformation. A momentous event happened without adequate “tools” for its** recognition, **analysis**, and appropriation. **Consequently**, in the following dispersion of quarreling groups and political factions, **the 1968 crisis did not** at first **become an effective discursive event that opened up a full range of** apparent problems and **transformations** for formal knowledge. **That would require a knowing subject** that was turned away from the strongest discursive options, such as those of the current Humanists, Marxists, Maoists, French colonialists, and French cultural supremacists. **So much was falling apart in France at the time that a subject of knowledge was needed** that formed in the interconnecting French crises, a subject **informed by marginal experiences in comparison to the** experiences recognized by the **dominant discourses, marginalized experiences like those of** Algerian soldiers, French **prisoners, people oppressed by** French **colonialism**, people hammered down by Stalin’s communism or the Proletarian Cultural Revolution in China, **and people in** highly energized, **non-French cultures: a subject that developed with the voices and experiences** that were **on the margins of the** older and authoritative **French way of life.**¶ In spite of the stammering and stumbling in its aftermath, however, **May, 1968 opened an opportunity for a new “vocabulary,” a new discourse**, and a new ethos for recognizing and knowing. **Its event made possible a transitional and transformative knowing subject whose** relative **freedom** and lack of establishment **constituted a major**, constructive **epistemic difference from the accepted discourses.** Much more could be said on this issue, but my present, limited points are that in the context of Foucault’s thought, **transformation of the knowing subject constitutes an ethical event**; and **ethics on an individual level takes place as people work on themselves to be able to change themselves enough to know differently** and to transform what is evident about others (Foucault, 2000, 241–2).14 These two kinds of transformation take place in genealogical knowing as Foucault conceives and practices it.¶ Two different senses for **ethics** are at work here. One sense **refers to ways of life that are constituted by discourses, institutions, and practices**—by all manner of power formations that are not authored by singular individuals and that are ingrained in people’s lives inclusive of their judgment, knowledge, and codes of behavior. **A society**, of course, **can have a variety of overlapping or competing ways of life, a variety of ethical environments**, and changes in these environments would compose ethical changes in this broad sense of “ethical.” The **knowledge** that genealogy generates comprises a different discourse from many established ones and puts in question many aspects of Western society, especially around the topics of madness, sex, crime, normalcy, social/political suppression of people, and mechanisms of regulation and control. It **challenges significant parts of our social environment, encourages deliberation and critique, and intends to make a differential impact on contemporary ways of life. In addition to his writing, Foucault was active in** many **causes designed to change political and social formations** and to have a broad social impact. He played a leading role, for example, in support of Vietnamese boat people who were fleeing from persecution and being ignored by Western governments. He was active in prison reform movements. He spoke out against what he found to be unacceptable injustices in Poland and equally unacceptable silence in their regard in the West, against a Realpolitik that ignores suppression of people and their liberties in countries other than one’s own. He showed in multiple ways that **passionate support of institutional transformation and of suppressed and suffering people can be carried out without Humanism or other forms of universalizing or totalizing discourse.**¶ **A second sense of ethics for Foucault means a work on the self by the self.**15 **He understood, for example, his writing** (and his interviews) **as processes of self-formation**: “I haven’t written a single book that was not inspired, at least in part, by a direct personal experience,” an experience that he wants **to understand better by finding a different vocabulary**, changed combinations of concepts, and the mutations they bring by connecting with aspects of experience that are barely emerging at the borders of his awareness (Foucault, 2000, 244). **His books**, he says, **compose** experiences inclusive of **his own “metamorphosis” as he writes them** and comes to a transformed connection with their topics. **He would** also **like** for **his books to provide readers with something akin to his experience**, to bring us to our limits of sense where transformations can occur (Foucault, 2000, 244). The sense of **ethics in this case is** focused by **individual experiences and the care they exercise in connecting with them. In care for themselves, they work at** maintaining or **altering their behavior and attitudes** to appropriate themselves to their experiences.16 Foucault says that his books are “like invitations and public gestures” to join in the book’s process, **a process that he finds transformative of** aspects of **contemporary life and** potentially, should individuals join in, **transformative of the way they understand and connect with themselves** (Foucault, 2000, 245–6).¶ **Care for self has a very long lineage** that Foucault spent his last years investigating. Indeed, understanding himself without metaphysical help or universalized solutions was one aspect of his caring self-relation. **He carried out a project**, deeply rooted in a Western tradition **that makes caring for oneself inseparable from the ways one knows oneself, the world, and others.** In his own process, **he finds repeated instances of change in his self-world relation as he experiences the impact of what he is coming to know at the borders of his knowledge and identity.** When these boundary-experiences (he calls them limit-experiences) occur, he says, the clarity of some aspects of his identity dies in the impact of what he is coming to find. **His affections and behavior often change.** As an author he attempts to write into his books these very processes for the reader’s possible engagement.¶ **If I find** through one of his books, for example, **a way of knowing that makes clear some of the dangers inherent in a well-established body of knowledge or** a mainstream **institution, I have an opportunity for assessing those dangers and choosing how I will connect with them** and my experience of them. **I might find that what I know and the way I know are violated** by what Foucault’s work shows. I might find his approach and the knowledge that it offers highly questionable or irrelevant for my life. **I might experience new questions, a need for change, an unexpected dissatisfaction with what I have been accepting as true and good.** If Foucault’s works carry out their intention and **if I read** them **carefully, I am engaged in an experience** that he found transformative and **that will make room for choices and problems** that I can experience and that might bring me to an edge where what I know meets a limit and the possibility **for an altered discourse and subjectivity.** Coming in this way to an edge, **a limit of the way I know and who I am in such knowing brings together the epistemic and personal aspects of ethical experience. The very act of caring for myself in this instance interrupts the** subliminal **processes of normalization and sets in motion another kind of dynamics as I come to the limits of my “authorized” experience and the emergence of a different kind of experience. I am caring for myself, impacting my own affections, values, and way of knowing. The dynamics of** what Foucault calls **biopower** (the powerful complex of social forces that regulate human behavior by means of, for example, health care delivery, education, and moral legislation in both broad and “corpuscular” ways) **are interrupted by a different dynamics that builds individual autonomy. Self-caring** instead of the anonymous dynamics of normalization **begins to form my self’s relation to itself.** How will I appropriate the experience of limits and their transgression by emerging “voices”, realities, and intensities? **Who shall I be** in their impact**?** How will I present myself to myself and my environment should I affirm what is happening in the margins of my established identity?

This is a comparatively more productive strategy than the aff’s hubristic attempts to change the world – only our framework produces an ethical self that can create productive micropolitics

**Chandler** **13** **– prof of IR @ Westminster**

(The World of Attachment? The Post-humanist Challenge to Freedom and Necessity, Millenium: Journal of International Studies, 41(3), 516– 534)

The world of becoming thereby is an ontologically flat world without the traditional hierarchies of existence and a more shared conception of agency. For Bennett, therefore, ‘to begin to experience the relationship between persons and other materialities more horizontally, is to take a step toward a more ecological sensibility’.78 Here there is room for human agency but this agency involves a deeper understanding of and receptivity to the world of objects and object relations. **Rather than the hubristic focus on transforming the external world, the ethico-political tasks are those of work on the self to erase** hubristic **liberal traces of subject-centric understandings, understood to merely create the dangers of existential resentment. Work on the self is the only route to changing the world**. As Connolly states: ‘To embrace without deep resentment a world of becoming is to work to “become who you are”, so that the word “become” now modifies “are” more than the other way around.’ **Becoming who you are involves the ‘microtactics of the self’, and work on the self can then extend into ‘micropolitics’ of more conscious and reflective choices and decisions and lifestyle choices leading to potentially higher levels of ethical self-reflectivity and responsibility**. Bennett argues that against the ‘narcissism’ of anthropomorphic understandings of domination of the external world, we need ‘some tactics for cultivating the experience of our selves as vibrant matter’. **Rather than hubristically imagining that we can shape the world we live in,** Bennett argues that: ‘Perhaps **the ethical responsibility of an individual human now resides in one’s response to the assemblages in which one finds oneself participating**. Such ethical tactics include reflecting more on our relationship to what we eat and considering the agentic powers of what we consume and enter into an assemblage with. In doing so, if ‘an image of inert matter helps animate our current practice of aggressively wasteful and planet-endangering consumption, then a materiality experienced as a lively force with agentic capacity could animate a more ecologically sustainable public’. For new materialists, **the object to be changed or transformed is the human** – the human mindset. **By changing the way we think about the world and the way we relate to it** by including broader, more non-human or inorganic matter in our considerations, **we will have overcome our modernist ‘attachment disorders’ and have more ethically aware approaches to our planet. In cultivating these new ethical sensibilities, the human can be remade with a new self and a ‘new self-interest’.**

**\*\*Psychological Legitimacy/State Control**

Restrictions cause net-more violence – laws of war legitimize longer-term actions and fragment dissent

**Smith 2 – prof of phil @ U of South Florida**

**(Thomas, *International Studies Quarterly* 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)**

The argument advanced here is that **the law of war has flourished at the cost of increased artificiality and elasticity.** Law has successfully shaped norms and practices in the areas of warfare furthest from hi-tech tactics. Strides have been made, for example, in the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, and the 1997 Convention on the Prohibition of Anti-Personnel Mines. For hi-tech states, these are relatively low-cost laws. But when modern military necessity calls, **the law of war has legitimized violence, not restrained it.** New military technology invariably has been matched by technical virtuosity in the law. **New legal interpretations**, diminished ad bellum restraints, **and an expansive view of military necessity are coalescing in a regime of legal warfare that licenses hi-tech states to launch wars as long as their conduct is deemed just. The new law of war** burnishes hi-tech campaigns and **boosts public relations, even as it undercuts customary limits on the use of force and erodes distinctions between soldiers and civilians.** **Modern warfare has dramatically reduced the number of direct civilian deaths, yet the law sanctions infrastructural campaigns that harm long-term public health and human rights**

**AT: Structural Violence**

The concern with regulating war sees it as an isolatable event that can be defined and managed – this approach makes it impossible to deal with the pervasive effects of everyday militarism

**Cuomo 96 (Chris, prof of women’s studies @ UGA, War is Not Just an Event: Reflections on the Significance of Everyday Violence, *Hypatia* 11:4, Women and Violence, Autumn, pp. 30-45)**

**Philosophical attention to war has typically appeared in the form of justifications for** entering into **war, and** over **appropriate activities within war. The spatial metaphors used to refer to war as a separate, bounded sphere indicate assumptions that war is a realm of human activity vastly removed from normal life**, or a sort of happening that is appropriately **conceived apart from everyday events in peaceful times.** Not surprisingly, most **discussions of** the political and ethical dimensions of **war discuss war solely as an event**-an occurrence, or collection of occurrences, **having clear beginnings and endings** that are typically **marked by formal, institutional declarations**. As happenings, wars and military activities can be seen as motivated by identifiable, if complex, intentions, and directly enacted by individual and collective decision-makers and agents of states. But many of the **questions about war** that are of interest to feminists-**including how** large-scale, **state-sponsored violence affects women and** members of **other oppressed groups; how military violence shapes gendered, raced, and nationalistic political realities** and moral imaginations; what such violence consists of and why it persists; **how it is related to other oppressive and violent institutions and hegemonies-cannot be adequately pursued by focusing on events. These issues are not** merely **a matter of** good or bad intentions and **identifiable decisions**. In "Gender and 'Postmodern' War," Robin Schott introduces some of the ways in which **war is currently best seen not as an event but as a presence** (Schott 1995). Schott argues that postmodern understandings of persons, states, and politics, as well as the high-tech nature of much contemporary warfare and the preponderance of civil and nationalist wars, render an event- based conception of war inadequate, especially insofar as gender is taken into account. In this essay, I will expand upon her argument by showing that accounts of war that only focus on events are impoverished in a number of ways, and therefore feminist consideration of the political, ethical, and onto- logical dimensions of war and the possibilities for resistance demand a much more complicated approach. I take Schott's characterization of war as presence as a point of departure, though I am not committed to the idea that the constancy of militarism, the fact of its omnipresence in human experience, and the paucity of an event-based account of war are exclusive to contemporary postmodern or postcolonial circumstances.1 **Theory that does not investigate** or even notice **the omnipresence of militarism cannot** represent or **address the** depth and specificity of the **every- day effects of militarism on women, on people living in occupied territories, on members of military institutions, and on the environment.** These effects are relevant to feminists in a number of ways because military practices and institutions help construct gendered and national identity, and because they justify the destruction of natural nonhuman entities and communities during peacetime. **Lack of attention to these aspects of** the business of making or preventing **military violence** in an extremely technologized world **results in** **theory that cannot accommodate** the connections among **the constant presence of militarism**, declared wars, and other closely related social phenomena, such as nationalistic glorifications of motherhood, media violence, and current ideological gravitations to military solutions for social problems. Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states lead to crisis-based politics and analyses. For any feminism that aims to resist oppression and create alternative social and political options, **crisis-based** ethics and **politics are problematic because they distract** attention **from the need for sustained resistance to the enmeshed, omnipresent** **systems of domination and oppression that** so often **function as givens in** most **people's lives. Neglecting the omnipresence of militarism allows the false belief**  **that the absence of declared armed conflicts is peace**, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief. The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. **Antiwar resistance is** then **mobilized when** **the "real" violence finally occurs**, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. **Crisis-driven attention to declarations of war might** actually **keep resisters complacent about** and complicitous in **the general presence of global militarism. Seeing war as** necessarily **embedded in constant military presence draws attention to the fact that** horrific, **state-sponsored violence is happening nearly all over, all of the time, and** that it **is perpetrated by military institutions** and other militaristic agents of the state. **Moving away from crisis-driven politics** and ontologies concerning war and military violence also enables consideration of relationships among seemingly disparate phenomena, and therefore **can shape more nuanced theoretical and** **practical forms of resistance.** For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. It also provides a lens for considering the relationships among the various kinds of violence that get labeled "war." Given current American obsessions with nationalism, guns, and militias, and growing hunger for the death penalty, prisons, and a more powerful police state, one cannot underestimate the need for philosophical and political attention to connections among phenomena like the "war on drugs," the "war on crime," and other state-funded militaristic campaigns. I propose that the constancy of militarism and its effects on social reality be reintroduced as a crucial locus of contemporary feminist attentions, and that feminists emphasize how wars are eruptions and manifestations of omnipresent militarism that is a product and tool of multiply oppressive, corporate, technocratic states.2 Feminists should be particularly interested in making **this shift** because it **better allows consideration of the effects of war and militarism on** **women, subjugated peoples, and environments.** While giving attention to the constancy of militarism in contemporary life we need not neglect the importance of addressing the specific qualities of direct, large-scale, declared military conflicts. **But the dramatic nature of declared, large-scale conflicts should not**  **obfuscate the ways in which military violence pervades most societies** in increasingly technologically sophisticated ways and the significance of military institutions and everyday practices in shaping reality. Philosophical **discussions that focus only on the ethics of** declaring and **fighting wars miss these** **connections**, and also miss the ways in which even declared military conflicts are often experienced as omnipresent horrors. **These approaches** also **leave** **unquestioned tendencies to** suspend or **distort moral judgment in the face of** **what appears to be the inevitability of war** and militarism. **Just-war theory is a prominent example** of a philosophical approach **that** **rests on the assumption that wars are isolated from everyday life** and ethics. Such theory, as developed by St. Augustine, Thomas Aquinas, and Hugo Grotius, and as articulated in contemporary dialogues by many philosophers, including Michael Walzer (1977), Thomas Nagel (1974), and Sheldon Cohen (1989), take the primary question concerning the ethics of warfare to be about when to enter into military conflicts against other states. **They** therefore **take** **as a given the notion that war is an isolated, definable event** with clear boundaries. **These boundaries are significant because they distinguish the** **circumstances in which standard moral rules and constraints, such as rules** **against murder and unprovoked violence, no longer apply. Just-war theory** **assumes that war is a separate sphere of human activity having its own ethical** **constraints and criteria and in doing so it begs the question of whether or not** **war is a special kind of event, or part of a pervasive presence in nearly all**  **contemporary life.** Because the application of **just-war principles** is a matter of proper decision- making on the part of agents of the state, before wars occur, and before military strikes are made, they **assume that military initiatives are distinct events**. In fact, declarations of war are generally over-determined escalations of preexisting conditions. **Just-war criteria cannot** help **evaluate military** and related **institutions**, including their **peacetime practices** and how these relate to wartime activities, so they cannot address the ways in which armed conflicts between and among states emerge from omnipresent, often violent, state militarism. The remarkable resemblances in some sectors between states of peace and states of war remain completely untouched by theories that are only able to discuss the ethics of starting and ending direct military conflicts between and among states. **Applications of just-war criteria actually help create the illusion that the** **"problem of war" is being addressed when the only considerations are** the ethics of declaring wars and of **military violence within the boundaries of** **declarations of war** and peace. **Though just-war considerations might theoretically help decision-makers avoid specific gross eruptions of military violence**, **the aspects of war which require the underlying presence of militarism and the** direct effects of the **omnipresence of militarism remain untouched**. There may be important **decisions** to be made **about** when and how to fight **war**, but these **must be considered in terms of the** many other **aspects of** contemporary war and **militarism** that are **significant to nonmilitary personnel, including women and nonhumans.**

**Link – Drone Focus**

**Drone focus is a smoke-and-mirrors tactic to distract energy onto the techniques of militarism rather than the system itself**

**Trombly ‘12** (Dan, Associate Analyst @ Caerus Analytics, National Security/International Affairs Analyst, “The Drone War Does Not Take Place,” NOVEMBER 16, 2012, http://slouchingcolumbia.wordpress.com/2012/11/16/the-drone-war-does-not-take-place/)

I’ll try to make this a bit shorter than my usual fare on the subject, but let me be clear about something. As much as I and many others inadvertently use the term, **there is no such thing as drone war**. There is no nuclear war, no air war, no naval war. There isn’t really even irregular war. **There’s just war**.¶ There is, of course, drone warfare, just as there is nuclear warfare, aerial warfare, and naval warfare. This is verging on pedantry, but the use of language does matter. **The changing conduct and character of war should not be confused with its nature**, as Colin Gray strives to remind us in so many of his writings. **When we believe that some aspect of warfare changes the nature of war – whether we do so to despair its ethical descent or praise its technological marvels**, or to try to objectively discern some new and irreversible reality – **we lose sight of a logic that by and large endures in its political and conceptual character**.¶ Hence the title (with some, but not too much, apology to Baudrillard). **There is no drone war, there is only the employment of drones in the various wars we fight under the misleading** and conceptually noxious “**War on Terror**.” Why does this matter?¶ **To imbue a weapons system with the political properties of the policy employing it is fallacious, and to assume its mere presence institutes new political realities relies on a denial of facts** and context. This remains the case with drones. The character of wars waged with drones is different – **the warfare is different – but the nature of these wars do not change, and** very often **this argument obscures the wider military operations occurring**.¶ Long before the first drone strikes occurred in Somalia, America was very much at war there. Before their availability in that theater, the U.S. had deployed CIA and SOF assets to the region. It supported Ethiopia’s armies and it helped bankroll and coordinate proxy groups, whether they were Somali TFG units, militias, or private contractors. It bombarded select Somali targets with everything from naval guns to AC-130 gunships to conventional strike aircraft. It deployed JSOC teams to capture or kill Somalis. **That at some point the U.S. acquired a new platform to conduct these strikes is not particularly relevant to the character of** that **war and even less to its nature**.¶ **We sometimes assume drones inaugurate** some new type of invincibility or some **transcendental transformation of war** as an enterprise of risk and mutual violence. **We are incorrect to do so**. The **war** in Somalia **is** certainly **not risk free for the people who the U.S. employs or contracts to target these drones. It is not risk free for the militias, mercenaries, or military partners which follow up on the ground. Nor is it risk free for those who support the drones**. Just ask Abu Talha al-Sudani, one of the key figures behind the 1998 U.S. Embassy bombings in Kenya and Tanzania, who sent operatives to case Camp Lemonier and launch a commando raid – one which looks, in retrospect, very much like the one that crippled Marine aviation at Camp Bastion recently – that might have killed a great many U.S. personnel on a base then and now critical to American operations in the Horn of Africa and Gulf of Aden.¶ The existence of risk is an inherent product of an enemy whose will to fight we have not yet overcome. The degree of that inherent risk – whether it is negligible or great – is a product of relative military capabilities and war’s multifarious external contexts. Looked at through this lens, **it’s not drones that reduce U.S. political and material risk, it’s the basic facts of the conflict**. In the right context, most any kind of military technology can significantly mitigate risks. A 19th century ironclad fleet could shell the coast of a troublesome principality with basic impunity. When Dewey said, “You may fire when ready, Gridley,” at Manila Bay, according to most history and much legend he lost only one man – due to heatstroke! – while inflicting grievous casualties on his out-ranged and out-gunned Spanish foes. That some historians have suggested Dewey may have concealed a dozen casualties by fudging them in with desertions, which were in any case were a far greater problem than casualties since the Navy was still in the habit of employing foreign sailors expendable by the political standards of the day is even more telling. Yes, there are always risks and almost always casualties even in the most unfair fights, but just as U.S. policymakers wrote off Asian sailors, they write off the victims of death squads which hunt down the chippers, spotters, and informants in Pakistan or the contractors training Puntland’s anti-piracy forces. And no, not even the American spooks are untouchable, the fallen at Camp Chapman are testament to that.¶ **This is hardly unique to drones or today’s covert wars**. The CIA’s secret air fleet in Indochina lost men, too, and the Hmong suffered mightily for their aid to the U.S. in the Laotian civil war. The fall of Lima Site 85, by virtue or demerit of policy, resonated little with the American public but deeply marks the intelligence community and those branches of the military engaging in clandestine action. The wars we wage in Pakistan, Yemen, and Somalia are not drone wars any more than our war in Laos was an air war simply because Operation Barrel Roll’s bombers elicit more attention than the much more vulnerable prop-driven spotting aircraft or Vang Pao’s men on the ground.¶ **There is a certain hubris in thinking we can limit war by limiting its most infamous weapons systems**. The taboo and treaties against chemical weapons perhaps saved men (but not the Chinese at Wuhan, nor the Allied and innocents downwind of the SS John Harvey at Bari) from one of the Great War’s particular horrors, but they did nothing appreciable to check the kind of war the Great War was, or the hypersanguinary consequences of its sequel but a generation later.¶ **The Predators** and Reapers **could have never existed, and** very likely **the U.S. would still be seeking ways to carry out its war** against al Qaeda and its affiliates under the auspices of the AUMF in all of today’s same theaters. More might die from rifles, Tomahawks, Bofors guns or Strike Eagles’ JDAMs than remotely-launched Griffins, and the tempo of strikes would abate. But **the same fundamental problems – the opaque decisions to kill, the esoteric legal justifications for doing so, the obtuse objectives these further – would all remain**. Were it not for the exaggerated and almost myopic focus on “killer robots,” the U.S. public would likely pay far less attention to the victims, excesses, and contradictions. But **blaming drones** qua drones for these problems, or fearing their proliferation at home, **makes little more sense than blaming helicopters for Vietnam**, or fearing airmobile assaults when DC MPD’s MD-500s buzz over my neighborhood.¶ That **concern that proliferation of a weapons system equates to proliferation of the outcomes associated with them**, without regard to context, **is equally misleading**. Nobody in America should fear the expansion of the Chinese UAV fleet because, like the U.S. UAV fleet, it is merely going to expand their ability to do what similar aircraft were already doing. Any country with modern air defenses can make mincemeat of drone-only sorties, and for that reason China, which unlike Yemen and Pakistan would not consent to wanton U.S. bombing of its countryside, need not fear drones. For an enormous number of geographical, political, and military reasons, the U.S. ought fear the “drone war” coming home even less. **Drones do not grant a country the ability to conduct the kind of wars we conduct** against AQAM. **The political leverage to build bases and clear airspaces, and the military and intelligence capabilities to mitigate an asymmetric countermeasure operation do**. **If another country gains that ability to conduct them** against a smaller country, even**, it is** not **because** they lacked the ability to put weapons on planes, but because of **the full tapestry of national power and military capabilities gave them such an ability**.¶ It was not asymmetry in basic technical ability that made the U.S. submarine blockade of Japan so much more effective than the Axis’s attempts to do the same against America’s shores, but the total scope of the assets in the field and context of their use. It was not because of precedent or moral equivalence, or lack thereof that the Axis could bomb Britain or lose the ability to do so, but because of the cumulative effect of military capabilities and the judgments guiding them. What might expand the battlefield of a “drone war” is much the same. America’s enemies do not refrain from attacking bases in CONUS or targeting dissidents in the U.S. (not that they have not before), they wait for an opportunity and practical reason to do so, and that has very little to do with drones in particular and even less the nature of the war itself.¶ **Fearing that the mere use of a weapons system determines the way in which our enemies will use it without regard to this context is not prophetic wisdom. It is quasi-Spenglerian hyperventilation that attributes the decision to use force to childlike mimesis rather than its fundamentally political purposes**. Iran and Russia do not wait on drones to conduct extrajudicial targeted killings, and indeed drones would be of much less use to them in their own political contexts. **Focusing on drones** and the nature of targeted killings **as some sort of inherent link ignores** those **contexts and** ultimately **does a disservice to understanding of wars past, present, and future, and** by doing so, **does** little help – and possibly **a great deal of harm – to understanding how to move forward**.

**AT: Perm**

The perm maintains perpetual wartime – creating legal limitations on war clings to the myth of distinct times of peace and not peace

**Margulies 12 (Joseph, Northwestern University, Humanities and Social Science Online, The Myth of Wartime, http://www.h-net.org/reviews/showrev.php?id=35306)**

**After** the attacks of **September 11, it became popular to describe** what was thought of as **the typical American response to war: the nation is thrown off course at the onset of a military emergency but gradually steers back to a peacetime norm once the threat recedes.**[1] **It is the great myth of deviation and redemption.** It imagines a sudden and violent storm, when the Ship of State is tempest-toss’d by buffeting gales of savage hatred, until such time as the seas finally calm and the country begins the long, difficult journey back to more familiar waters. **Like any national myth, this one serves an important purpose in American life. It allows Americans to comfort themselves that** whatever **transgressions** may occur **during these periods are** both **aberrational and temporary. Wartime is a cosmic Get Out of Jail Free card, when all is forgiven because everything has changed, which comes in handy if you go to war a lot.** But like any myth, **the myth of deviation and redemption suffers if we study it** too **closely.** For one thing, it cannot account for continued forays into a repressive wilderness even after the threat has subsided. Yet what one scholar has called “the terrorism narrative” is at least as potent today as it was immediately after September 11, even though the consensus of the intelligence community is that **the threat from** transnational jihad in general and **al Qaeda** in particular, **while always overblown, has now been substantially reduced.**[2] Nor does the myth take into consideration the possibility that partisan pressures might nourish and sustain wartime impulses long past the point justified by any sober assessment of the risk to national security. Yet we know the Cold War lasted far longer and cut far deeper into the fabric of American life precisely because of partisan pressure, and that the same thing is taking place during the war on terror.[3] In other words, the myth requires that we suspend what we know to be true in just about every other aspect of our lives--viz., that our understanding of reality is largely constructed and that partisanship matters. These illustrations help train our thinking on **the myth’s** essential **flaw. It imagines that wartime is a fixed and recognizable period, that it is a statement of fact rather than a state of mind. And this is** indeed **the widely held belief.** To be sure, the courts have recognized for many years that **the transition from war to peace is better imagined as a dimmer than a light switch.** The issue arises now and again when someone complains that he should not be subject to this or that wartime rule because the shooting stopped a long time ago. Courts do not take kindly to these claims. The case law includes a lot of throat-clearing about “winding down,” along with the occasional observation that love and war apparently have at least this much in common: it’s usually easier to know when things start than when they end. But apart from this, **people seem to think they know when the country is “at war” and when it is not.** **Wartime is a condition that comes round now and again.** We all know when it begins, when it ends, and where it happens, or so the story goes. But for at least two generations in the United States, “wartime” has been nothing like what the myth imagines it to be, and grows less so as the seasons pass and the wars accumulate. In Wartime: An Idea, Its History, Its Consequences, the legal historian Mary Dudziak has taken a closer look at the entire conceptual category. A slim and engaging volume, wonderfully written and carefully wrought, Wartime is a fascinating meditation on the perils of clinging to a myth of national identity that increasingly bears only a glancing resemblance to modern life. Particularly **since the Cold War, “wartime” has been** pretty near **all the time. It is**, as Dudziak writes, **“not an exception to normal peacetime, but an enduring condition”** (p. 4). And at least since President George W. Bush launched the “war on terror,” it’s also everywhere, unbounded not only in time (since no one knows what victory over an ideology looks like) but also in space (since ideologies have a way of taking root in the darnedest places). **Many writers have made a similar point and the concern that wartime initiatives will last beyond the emergency** that summoned them forth **is a familiar complaint.** **But** Professor **Dudziak**, a professor of law, history, and political science at the University of Southern California, **goes significantly beyond prior discussions by focusing our attention not on the risk of normalization, which is serious enough, but on the very idea that wartime remains a**n identifiable **category, recognizably separate from whatever might be its opposite.** **The problem is not simply that we may come to accept** roving **wiretaps as part of the “normal” landscape of life** (i.e., that we will tolerate them **even when we are “at peace”**), **but that we will come to tolerate the idea that we are always “at war” and therefore eternally prepared to accept all manner of** ostensibly **exceptional measures because we cling to the myth that war is temporary and aberrational.** The concern, in short, is that **the myth to which we have grown so attached has outlasted its relevance** to the American experience. **It has decayed from myth** (which has at least a passing resemblance to the truth), **to fantasy** (which is nothing more than truth as we would wish it). Though Professor Dudziak does not put things in precisely these terms, that is the implication of her account, and it is an exceptionally valuable insight.

Quest for negative peace trades off with positive peace – can’t combine the aff and the alt

**Pankhurst 3**

(Donna-, May 1, Development in Practice, “The 'sex war' and other wars: towards a feminist approach to peace building”, Vol. 13 # 2&3, Infomaworld; Jacob)

Turning to the meanings of the term ‘peace’, **Galtung’s** (1985) **conception of negative peace** has come into widespread use, and **is** probably the most common meaning given to the word, i.e. **the end or absence of** widespread **violent conflict associated with war. A ‘peaceful’ society in this sense may therefore include a society in which social violence** (against women, for instance) **and**/or structural **violence** (in situations of extreme inequality, for example) **are prevalent. Moreover, this limited ‘peace goal’, of an absence of** specific forms of **violence associated with war**, can and often **does lead to a strategy in which all other goals become secondary.** **The absence of analysis of the deeper (social) causes of violence** also **paves the way for peace agreements that leave major causes of violent conflict completely unresolved.** **Negative peace may therefore be achieved by accepting a worse state of affairs than that which motivated the outburst of violence in the first place, for the sake of** (perhaps **short-term**) **ending organised violence.** Galtung’s alternative vision, that of positive peace, requires not only that all types of violence be minimal or non-existent, but also that the major potential causes of future conflict be removed. In other words, **major conflicts** of interest, **as well as their violent manifestation, need to be resolved.** Positive peace encompasses an ideal of how society should be, but the details of such a vision often remain implicit, and are rarely discussed. Some ideal characteristics of a society experiencing positive peace would include: an active and egalitarian civil society; inclusive democratic political structures and processes; and open and accountable government. Working towards these objectives opens up the field of peace building far more widely, to include the promotion and encouragement of new forms of citizenship and political participation to develop active democracies. It also opens up the fundamental question of how an economy is to be managed, with what kind of state intervention, and in whose interests. **But more often than not discussion of these important issues tends to be closed off, for the sake of ‘ending the violence’, leaving major causes of violence and war unresolved—including not only economic inequalities, but also major social divisions** and the social celebration of violent masculinities.

**Alt Overview**

Militaristic war may be a central value of modern Western culture, but it can be changed through analysis – multiple empirical examples prove

**Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 23-24)**

**The slow but persistent rise in awareness of racial, ethnic, gender**, **sexual- orientation, and class oppression in our time and the beginning efforts of liberation from within oppressed groups offer hope that even** the most **deeply held** and least explicitly challenged **predispositions of** **culture might be examined. Such examinations can lead to changes** in the lives of the oppressed. **Perhaps even those oppressed by warism** **will one day free themselves from accepting war as an inevitable condition of nature**. **Two hundred years ago slavery was** a **common** and well- established social institution in the United States. **It had been** an **ordinary** feature of many societies dating to ancient and perhaps prehistoric times. **Slavery was taken for granted as a natural condition for beings thought to** **be inferior** to members of the dominant group. **And slavery was considered an essential feature of our nation’s economy**. Within the past two centuries, **attitudes toward slavery have changed dramatically**. **With** these **fundamental shifts in normative lenses came fundamental shifts** **in the practice and legality of slavery.** These changes have been as difficult as they have been dramatic, for former slaves, for former slave- holders, and for culture at large. **While deep racial prejudices persist** **to this day, slavery is no longer tolerated** in modern societies. Slavery- like conditions of severe economic exploitation of labor have become embarrassments to dominant groups in part because **slavery is universally condemned. The point is that the most central values of cultures—** **thought to be essential to the very survival of the society and allegedly** **grounded in the natural conditions of creation—can change in fundamental ways in relatively short periods of time with profound implications for** individuals and **societies**. John Dewey beautifully links this point to the consideration of warism: “**War is as much a social pattern** [for us] **as** was the domestic **slavery which the ancients thought to be** **immutable fact.”**9 The civil rights movement has helped us see that human worth is not determined by a racial hierarchy. Feminism has helped us realize again that dominant attitudes about people are more likely values we choose rather than innate and determined features of human nature. It is historically true that men have been more actively violent and have received more training and encouragement in violence than have women.10 Dominant attitudes of culture have explained this by reference to what is “natural” for males and “natural” for females. By questioning the traditional role models for men and women, all of us be- come more free to choose and create the selves we are to be; we need not be defined by hidden presumptions of gender roles. **Parallel to racial and gender liberation movements, pacifism questions taking warism for granted. Pacifists seek an examination of our** **unquestioned assumption of warism to expose it as racism and sexism** **have been examined and exposed.** Just as opponents of racism and sex- ism consider the oppression of nonwhites and women, respectively, to be wrong, and thus to require fundamental changes in society, so opponents of warism— pacifists of various sorts— consider war to be wrong, and thus to require fundamental changes in society.

Multiple historical examples prove nonviolence is practical and **state-based non-violence can be more effective than disorganized resistance**

**Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 94-96)**

Turning to more genuine objections to pacifism, **the vast majority** ¶ **of standard criticisms are** variations of **“Be realistic.”** These tend to be ¶ expressed with remarks such as, “Pacifism sounds good but it just won’t ¶ work,” **or “I agree in theory but not in practice.” Since practical objections can only be resolved by** reference to **empirical evidence**, it is at ¶ this point that **the long history of nonviolent direct action needs to be** ¶ **known. People tend to think pacifist action will not work because they** ¶ **are** largely **ignorant of where and when it has worked. In fact, nonviolent direct action has been** an **effective and widespread** means of social ¶ change, defense of rights, resistance against invasion, improvement of ¶ economic conditions, and overthrow of dictators. **While a thorough history of nonviolent direct action cannot be included here, brief sketches** ¶ of selected successful pacifist direct actions **are helpful**.1¶ **Examples of effective** use of **nonviolent** direct **action can be documented** at least **as far back as** fifth century B.C.E. **Rome**. Evidence is ¶ scattered but “nonviolent action certainly occurred between Roman ¶ times and the late eighteenth century, when the case material be-¶ comes rich.”2 While many effective **nonviolent actions are** familiar, ¶ many more are **neglected in our school history texts, or their significance is overshadowed by detailed accounts of battles, tactics, and** acts ¶ of **military heroes**. Some effective nonviolent actions are recounted ¶ with little recognition that they fostered major social change without ¶ resort to violence. **Instances** of effective use of nonviolent direct action ¶ from early American history **include** organized **colonists challenging** ¶ **British rule by economic resistance, abolitionist struggles** against ¶ slavery **through boycott of slave- labor- produced goods and** support of runaway slaves via **the Underground Railroad, the struggle for women’s suffrage through protest, civil disobedience, and tax resistance, as** ¶ **well as** numerous **strikes, boycotts**, slow- downs, **and protests** characterizing the defense of workers’ rights **in the labor movement.** Similar ¶ examples can be drawn from the histories of many other nations.¶ To a large extent, nonviolent means of struggle have replaced physical attacks, riots, and killings as means of social and economic reform, ¶ but **we** now **take** these **nonviolent methods for granted** as appropriate ¶ means for redress of economic and social grievances. Unfortunately, ¶ **we rarely recognize the role of nonviolent activists** in the transformation of culture from violent to nonviolent means in achieving social and ¶ economic justice. **When faced with the objection “it won’t work,” the** ¶ **pacifist response must be, simply, that nonviolent action does work and** ¶ **has a history to document the claim**.¶ **Serious critics of pacifism press further, objecting that** while **a few** ¶ **instances of** effective use of **nonviolent** direct **action** have occurred, ¶ they **are exceptional cases. To respond to this, pacifists need only underscore the innumerable cooperative acts undertaken routinely every** ¶ **day by the vast majority of people** within any functional society. When ¶ this point is granted, the objection turns to require examples not from ¶ domestic conflict over economic or social grievances but instances in ¶ which nonviolent struggle is “a major or predominant means of defense ¶ against foreign invaders or internal usurpers.”3 Here again history ¶ provides examples of successful nonviolent actions. They include:¶ German strikes and political noncooperation to the 1920 Kapp ¶ Putsch against the Weimar Republic; German government- ¶ sponsored noncooperation in the Ruhr in 1923 to the French ¶ and Belgian occupation; major aspects of the Dutch anti-Nazi ¶ resistance, including several large strikes, 1940– 45; major aspects of the Danish resistance to the German occupation, including the 1944 Copenhagen general strike, 1940– 45; major ¶ parts of the Norwegian resistance to the Quisling regime and ¶ the occupation, 1940– 45; and **the Czechoslovak resistance to the Soviet** invasion and **occupation**, 1968– 69.4¶ It must be kept in mind that in **these** cases **nonviolent actions were** ¶ **undertaken with** success yet with little or **no preparation, training, or planning. Of course the Czechoslovak resistance ultimately** ¶ **failed, “but it held off** full **Soviet control for eight months . . . which** ¶ **would have been utterly impossible by military means**.”5 **We can** ¶ only **speculate how much more successful nonviolent defense might be were nations to prepare for it with commitments of resources** ¶ and energy at levels **comparable to** current **investments in military** ¶ **defense.**

**Just War/Legitimacy**

**Just war is a dead concept, no longer applicable to the technological violence of the modern world – holding onto the idea of a “Clean War” that is rationally planned and conducted is a rhetorical weapon that licenses militarism and genocidal violence**

**Calhoun 2 – professor of philosophy & chemistry**

**(Laurie, *Peace & Change*, Legitimate Authority and “Just War” in the Modern World)**

**Political leaders are human beings whose intentions may or may not be moral.** As history reveals, **political leaders may be** crassly pragmatic or **even barbaric.** There are as many kinds of political leaders as there are kinds of human beings, because political leaders are human beings. Since soldiers accept the moral judgment of the leaders of their society when they agree to kill on command, however, the question must be addressed: what rational grounds do soldiers have for believing that their commanders are qualified to make sound moral judgments? Strikingly, **even when people believe that their leaders leave something to be desired**, morally speaking, **the words “just war” issuing from a leader’s lips have a truly magical effect.** **People immediately seem inexplicably to forget their former** considered **judgment regarding the** character of their **leader.**31¶ THE WEAPON OF JUST WAR RHETORIC¶ **The requirements of just war** theory **still seem to many people** today to be **quite reasonable, which is precisely why the theory is so dangerous.** **Appeals to justice have been and continue to be used to motivate mass murder and widespread destruction** in human societies. **Just war rhetoric is an extraordinarily powerful and versatile weapon easily wielded in the service of any number of ends by smooth-talking warmongers.** **A leader who is evil will deploy just war theory to achieve evil ends.** A leader who is crassly pragmatic will use just war theory to achieve crassly pragmatic ends. Do any leaders wage just wars in the modern world?¶ Robert Phillips objects: It does seem to me, however, to be no very severe criticism of a moral position that it can be misused.32 But **the primary use of just war theory has always been, and will** no doubt **continue to be, propagandistic. Just war rationales** for wielding deadly military force **are offered by both sides** to every conflict. However, through logic alone, we can be sure that at least half of **those rationales are** merely specious **rationalizations for unjust recourse to violence.**33 When the wills of leaders clash and their nations engage in war, the opposition leaders have made mutually inconsistent claims. In other words, that both sides cannot be right follows straightforwardly from the law of non-contradiction, ~(p & ~p). If war is ever unjust, then at most half of all calls to war are just ones.34 In order to appreciate the formidable power of just war rhetoric to persuade troops to wreak massive havoc upon the people of other lands, one must recognize that both sides have been persuaded by their leader to fight along the very same lines. Each leader insists that justice is on their side. Which is right? **A leader’s appeal to just war theory in galvanizing troops** to fight, kill, and die **does not evidence the leader’s own belief in the truth of this claim. It shows only that the leader views moral rhetoric as an efficacious tool.** Adolf Hitler wrote in Mein Kampf: The receptivity of the great masses is very limited, their intelligence is small, but their power of forgetting is enormous. In consequence of these facts, all effective propaganda must be limited to a very few points and must harp on these in slogans until the last member of the public understands what you want him to understand by your slogan.” 35 **Should any merely human being be given the authority to order actions that will result in the deaths of innocent people? In accepting just war theory, one sanctions the deployment of deadly military force by the legitimate authority of one’s** own **nation. But the multiple** and apparently distinct **tenets** of jus ad bellum (**regarding** the **just waging of war**) **are all subject to the interpretation of the legitimate authority in question.** In the context of international conflict, the final interpretation of the jus ad bellum requirements derives from the legitimate authority, who alone is granted the right to wage war. **In other words, to sanction the right of a legitimate authority to wage war is to sanction any and everything.**¶ In the end, whether one’s society does or does not sanction an act of killing does not determine its rightness or wrongness. If any killing is murder, then the slaughter of Jews (and other innocent people) by the Nazi regime was murder. Those who obeyed the law through carrying out the death sentences pronounced by misguided and degenerate political and military leaders committed murder. If war is always unjust, as pacifists insist, then any leader who commands killings by soldiers is ignorant, immoral, and con- fused. Although ideally laws should cohere with morality, if a government institution is itself immoral and the intentions of its leaders are evil, then the policies imposed upon the people by the government will be, derivatively, immoral or evil. People often uncritically assume that good citizens are good people, and those who flout the law are typically regarded as bad or evil. But if good citizens are those who obey the law, then the good citizens in Nazi Germany were bad or evil people, according to our retrospective moral assessment of that episode in history. The bad soldiers (those who defected) during the Nazi reign of terror were good people who refused to accept the word of the legitimate authority of the land as the word of morality. Can claiming that Adolf Hitler was an illegitimate authority salvage just war theory? Robert Holmes thinks not: Hitler’s rise to power, for example, compares favorably in legitimacy with that of most rulers throughout history, and his government arguably constituted a legitimate authority for purposes of declaring and waging war. And it is also arguable that at least some of Hitler’s military ventures were to remedy wrongs inflicted upon the German nation at the end of World War I. If someone other than Hitler had engineered the same events in Germany up to September 1939, and if it were possible to view those events without knowledge of what followed, particularly in the concentration camps, many might concede that the German cause in 1939 was, if not a just one, at least no more clearly unjust by prevailing standards of international conduct than that of many other nations.36 It would certainly seem that the obedient Germans in Nazi Germany should decisively clinch the case against blind submission to the policies of one’s society and to the acceptance of one’s governmental leaders as moral leaders.37¶ **The just war tradition spans centuries, but it does not follow that**, because many political, legal, and military authorities throughout history have believed in the possibility of just wars, **there have actually been any just wars. Appeals to authority, the masses, and tradition all constitute** informal **fallacies** of reasoning. **Nonetheless, one might** be willing to **concede that at one time in history** the schema of **just war theory may have applied to a certain type of conflict** between armor-clad men fighting at sites far removed from civilian life. **However, even if just war theory applied during** the **medieval times** when it was devised, **today only vestiges of that world survive. Every modern war leads to the deaths of innocent people.** In ancient and medieval times all combat was terrestrial, and enemy soldiers confronted their adversaries directly. **Today**, in stark contrast, much **combat** by advanced nations **is aerial.** One of the major changes in the dynamics of warfare involves the ever-increasing **aircraft capabilities** of contemporary military corps and the consequent specialization of military personnel. In addition, the levels of military intelligence and secrecy **have irrevocably transformed the role of combatants.** Among those actually engaged in combat today, the ancient martial virtues touted by Clausewitz have been largely supplanted by the ability to submit blindly to authorities who order when and where to fly and bomb. That **fighter pilots blindly follow orders to destroy targets selected for them by military planners** is well illustrated by the bombing in 1999 of the Chinese Embassy in Belgrade by NATO forces presumably conducting a campaign against the quasi-Hitlerian regime of Slobodan Milosevic. The actions of a fighter pilot are entirely determined by what he must accept on faith to be the relevant facts, above all, that the war labeled by his leader as just is in reality just. With the decrease in the use of ground troops is evidenced a proportional decrease in the credibility of soldiers, who look more and more like hired assassins than the traditional image of the courageous citizen.¶ The military planners and soldiers of the ancient and medieval worlds were one and the same. In contrast, because of the ubiquitous use in the military of advanced computer surveillance and communication, military planners today risk virtually no harm to their persons in executing chains of command culminating in the devastation of societies unfortunate enough to be governed by criminals. But **arguably the most morally significant transformation in the conduct of war has involved the very nature of modern weapons. The level of possible destruction today is of an entirely different order of magnitude than when the original expositors of just war theory lived** and wrote. **The nature of modern weapons is such that the possibility of respecting noncombatant immunity** through any policy other than a wholesale rejection of war **seems dubious** indeed. **Clearly, weapons of mass destruction devastate entire populations** (**and** the **environments** in which they and their descendants will live) **without regard to individual persons** roles in their society. But other problems have emerged with the advent of sophisticated conventional weapons, such as so-called smart bombs. Although they were presumably designed with the intention of minimizing tragic collateral damage, **smart bombs are only as smart as the people who select the targets** for which they are intended. In the 1999 bombing campaign of NATO against Yugoslavia, sophisticated means of destruction were aimed precisely at the Chinese embassy in Belgrade, an outlandish blunder illustrating the fallible human factor in all military operations.38 Of course the possibility for error has always existed, but **names such as “smart bomb” deceptively suggest that resorting to warfare will be less devastating** than in centuries past.¶ Human fallibility also tells against the supposed logic of nuclear deterrence. While in theory, among rational parties, possession of the means for mutually assured destruction might minimize the likelihood that either side would ever deploy such weapons, in reality **military strategists are** no more and no less than **human beings whose judgment may be impaired** by a variety of factors. Furthermore, although they often seem to view themselves as analogous to the great leaders of the past, who were simultaneously military and political leaders, modern leaders ironically risk virtually no personal harm in waging conventional wars against remote enemy nations. When it comes to something as potentially devastating as the use of nuclear warheads, one must wonder whether any rational person should accept uncritically the authority of those political and military leaders who alone have privileged access to nuclear fallout shelters. Just war theory specifies that decrees by legitimate authorities transform acts of impermissible killing by individuals into permissible killing in war. Although the actual justice of a war may retrospectively be questioned by posterity, the decisive moments of history are left to the discretion of leaders. No retrospective condemnation can resuscitate the lives lost as a result of a leader’s claim to just war. Because all of the other jus ad bellum tenets are subject to rational dispute, legitimate authority becomes, in actual practice, the sole necessary condition for a nation’s waging of war.¶ **Just war theory reinforces** on the part of human beings **a dangerous tendency toward** conservative and **self-congratulatory interpretation.** Because war is waged on such a large scale and affects so many people, most of whom are entirely innocent of the crime(s) alleged to justify recourse to violence, **the danger is far from academic.** **If** men in **positions of power want to go to war, then they will show how just war theory vindicates their war** as just **no matter how preposterous such a claim may appear** to others, and even to themselves in retrospect. Consider, for example, the case of Robert McNamara, a relatively high-level military official during the Vietnam War who infamously confessed in his autobiography that U.S. involvement in the conflict between the North and the South Vietnamese was an egregious mistake. Given the means by which legitimate authorities are legitimated, the pressing question remains: Should any merely human being be given the authority to order actions that will result in the deaths of innocent people? **The most common response** to this question among proponents of military action **is: What other choice do we have?**¶ Duane **Cady has labeled the** received **view, that war is an obviously acceptable solution to international conflict, as warism.**39 Cady explains that **antipathy toward pacifists is** often **due to the** fact that the background or **default** (pre-reflective) **position accepted by the populace is that war is some- times necessary** and just. Although, in principle, the burden of proof lies with the killers, most people seem to think that the burden of proof lies with those who hold the considerably less popular position, that war is never just. **Accordingly, anyone critical of the prevailing presumption in favor of military means of dispute resolution must be prepared to answer a battery of standard objections and questions, perhaps the most frequent of which is: “What about Hitler?”**¶ **The answer to the question “What about Hitler?” is complex** but clear. **While** nearly **everyone recognizes how** truly **heinous Hitler was, few** take the time to **understand how he succeeded** to the horrifying extent to which he did. **Hitler succeeded** for so long **by deploying the very same weapon wielded by all leaders wishing to engage** their nations **in war: just war rhetoric. Calling a war just** or holy **does not make it so, but people throughout history have simply assumed that it does**, gullibly heeding the orders of their leaders to commit what sometimes only much later become unmasked as abominable crimes. The **crimes committed by leaders such as Hitler will become infeasible only when** the **people** themselves **refuse to do what they have been asked to do. This will require a radical paradigm shift from the view that war is** obviously **acceptable to the view that war is categorically impermissible.** Few persons will follow orders to murder other persons, so if most everyone viewed all intentional killing as murder, then leaders with murderous agendas could not succeed in their iniquitous schemes simply by painting their killings as moral.”¶ Through a careful consideration of what legitimate authority really amounts to in the modern world, it emerges that what remains of **just war theory is a rhetorical weapon of unlimited potential for death and destruction.** **By fully appreciating** that **just war theory** is wielded by both sides in every conflict, **we can understand how atrocities such as the** slaughter of mil- lions of innocent people by the **Nazis could have transpired.** But because no stable international tribunal exists for assessment of the alleged crimes against humanity ordered by national leaders, many people continue to condone the use of military means, pointing to the lack of any international analogue to the court systems found within democratic societies. However, it is obviously possible for international tribunals, such as that assembled at Nuremberg, to render judgments upon the activities of egregious international criminals. In fact, it is plausibly none other than the near-continuous use of military force by powerful nations which prevents any strides whatsoever from being made toward the establishment of a reliable and stable international legal system. Such a system, run by representatives of mutually self-interested nations, could be used to render judgments upon the criminal leaders whose actions allegedly justify recourse to war. Given the global economy, a criminal leader truly spurned by the international community could not stay in power for long.

# 1NR

## Norms

**Nobody wants war and anyone that does logistically can’t, and international pressure solves**

**Li 1** (Shaoxian. Professor expert in the Middle East and a senior researcher in the Institute of Contemporary International Relations, 8-17-2001, http://www.china.org.cn/english/2001/Aug/17671.htm

Although the situation in the Middle East is alarming, it will not start a war. The main reasons are: First, both the international community and international environment will not allow another Middle East war to break out. Peace and development is still the theme of today’s world. No big power wants to see a new war between Arab and Israel in this area so crucial to oil production. Second, war is not in line with the interests of several countries in the Middle East. None of the Israelis (including Sharon himself) wants war, because war would again put the very existence of the country in danger; Yasser Afrafat, as well, does not want war, because war would turn his 10 years peace efforts into nothing; Egypt and Syria, the other two big powers in Middle East, do not want war either. The president of Egypt Hosni Mubarak firmly rejected the possibility of war in an interview with Israeli TV. Bashar al-Assad, the new president of Syria, has put most his attention on domestic affairs. Third, the countries and extremists who do want to see war have neither the capablities or means for war.

**Informal peacekeeping mechanism check escalation**

**Cook et al 7** (Steven A., fellow at the Council on Foreign Relations; Ray Takeyh (fellow at the Council on Foreign Relations) 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.

1. **Won’t go global -- no other countries have strong regional alliances and skirmishes would last a few weeks at tops anyway**

**Ferguson 6** (Niall, Professor of History at Harvard University, Senior Research Fellow of Jesus College, Oxford, and Senior Fellow of the Hoover Institution, Stanford, LA Times, July 24)

Could today's quarrel between Israelis and Hezbollah over Lebanon produce World War III? That's what Republican Newt Gingrich, the former speaker of the House, called it last week, echoing earlier fighting talk by Dan Gillerman, Israel's ambassador to the United Nations. Such language can — for now, at least — safely be dismissed as hyperbole. This crisis is not going to trigger another world war. Indeed, I do not expect it to produce even another Middle East war worthy of comparison with those of June 1967 or October 1973. In 1967, Israel fought four of its Arab neighbors — Egypt, Syria, Jordan and Iraq. In 1973, Egypt and Syria attacked Israel. Such combinations are very hard to imagine today. Nor does it seem likely that Syria and Iran will escalate their involvement in the crisis beyond continuing their support for Hezbollah. Neither is in a position to risk a full-scale military confrontation with Israel, given the risk that this might precipitate an American military reaction. Crucially, Washington's consistent support for Israel is not matched by any great power support for Israel's neighbors. During the Cold War, by contrast, the risk was that a Middle East war could spill over into a superpower conflict. Henry Kissinger, secretary of State in the twilight of the Nixon presidency, first heard the news of an Arab-Israeli war at 6:15 a.m. on Oct. 6, 1973. Half an hour later, he was on the phone to the Soviet ambassador in Washington, Anatoly Dobrynin. Two weeks later, Kissinger flew to Moscow to meet the Soviet leader, Leonid Brezhnev. The stakes were high indeed. At one point during the 1973 crisis, as Brezhnev vainly tried to resist Kissinger's efforts to squeeze him out of the diplomatic loop, the White House issued DEFCON 3, putting American strategic nuclear forces on high alert. It is hard to imagine anything like that today. In any case, this war may soon be over. Most wars Israel has fought have been short, lasting a matter of days or weeks (six days in '67, three weeks in '73). Some Israeli sources say this one could be finished in a matter of days. That, at any rate, is clearly the assumption being made in Washington.

## Solvency

**AT: Constrained by Statue**

**Their evidence is naïve --- Obama’s record on war powers and domestic policy prove**

**Kumar, 13** (Anita, 3/19/2013, “Obama turning to executive power to get what he wants,” <http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Ue18CdK1FSE>))

WASHINGTON — President Barack **Obama came into office** four years ago **skeptical of pushing the power of the White House to the limit, especially if it appeared to be circumventing Congress.**

**Now**, as he launches his second term, **Obama has grown more comfortable wielding power to try to move his own agenda forward, particularly when a deeply fractured, often-hostile Congress gets in his way.**

**He’s done it with a package of tools**, some of which date to George Washington and some invented in the modern era of an increasingly powerful presidency. And **he’s done it with a frequency that** belies his original campaign criticisms of predecessor George W. Bush, **invites criticisms that he’s bypassing the checks and balances of Congress and the courts**, and whets the appetite of liberal activists who want him to do even more to advance their goals.

While his decision to send drones to kill U.S. citizens suspected of terrorism has garnered a torrent of criticism, his use of executive orders and other powers at home is deeper and wider.

He delayed the deportation of young illegal immigrants when Congress wouldn’t agree. He ordered the Centers for Disease Control and Prevention to research gun violence, which Congress halted nearly 15 years ago. He told the Justice Department to stop defending the Defense of Marriage Act, deciding that the 1996 law defining marriage as between a man and a woman was unconstitutional. He’s vowed to act on his own if Congress didn’t pass policies to prepare for climate change.

Arguably more than any other president in modern history, he’s using executive actions, primarily orders, to bypass or pressure a Congress where the opposition Republicans can block any proposal.

“It’s gridlocked and dysfunctional. The place is a mess,” said Rena Steinzor, a law professor at the University of Maryland. “I think (executive action) is an inevitable tool given what’s happened.”

Now that Obama has showed a willingness to use those tactics, advocacy groups, supporters and even members of Congress are lobbying him to do so more and more.

The Center for Progressive Reform, a liberal advocacy group composed of law professors, including Steinzor, has pressed Obama to sign seven executive orders on health, safety and the environment during his second term.

Seventy environmental groups wrote a letter urging the president to restrict emissions at existing power plants.

Sen. Barbara Mikulski, D-Md., the chairwoman of the Appropriations Committee, sent a letter to the White House asking Obama to ban federal contractors from retaliating against employees who share salary information.

Gay rights organizations recently demonstrated in front of the White House to encourage the president to sign an executive order to bar discrimination based on sexual orientation or gender identity by companies that have federal contracts, eager for Obama to act after nearly two decades of failed attempts to get Congress to pass a similar bill.

“It’s ridiculous that we’re having to push this hard for the president to simply pick up a pen,” said Heather Cronk, the managing director of the gay rights group GetEQUAL. “It’s reprehensible that, after signing orders on gun control, cybersecurity and all manner of other topics, the president is still laboring over this decision.”

The White House didn’t respond to repeated requests for comment.

In January, Obama said he continued to believe that legislation was “sturdier and more stable” than executive actions, but that sometimes they were necessary, such as his January directive for the federal government to research gun violence.

“There are certain issues where a judicious use of executive power can move the argument forward or solve problems that are of immediate-enough import that we can’t afford not to do it,” the former constitutional professor told The New Republic magazine.

Presidents since George Washington have signed executive orders, an oft-overlooked power not explicitly defined in the Constitution. More than half of all executive orders in the nation’s history – nearly 14,000 – have been issued since 1933.

Many serve symbolic purposes, from lowering flags to creating a new military medal. Some are used to form commissions or give federal employees a day off. Still others are more serious, and contentious: Abraham Lincoln releasing political prisoners, Franklin D. Roosevelt creating internment camps for Japanese-Americans, Dwight Eisenhower desegregating schools.

“Starting in the 20th century, we have seen more and more that have lawlike functions,” said Gene Healy, a vice president of the Cato Institute, a libertarian research center, who’s the author of “The Cult of the Presidency: America’s Dangerous Devotion to Executive Power.”

Most presidents in recent history generally have issued a few hundred orders, and hundreds more memorandums and directives.

Jimmy Carter initiated a program designed to end discrimination at colleges. Ronald Reagan overturned price controls on domestic oil production. George H.W. Bush stopped imports of some semi-automatic firearms. Bill Clinton set aside large tracts of land as national monuments. George W. Bush made it easier for religious groups to receive federal dollars.

“The expectation is that they all do this,” said Ken Mayer, a political science professor at the University of Wisconsin-Madison who wrote “With the Stroke of a Pen: Executive Orders and Presidential Power.” “That is the typical way of doing things.”

But, experts say, Obama’s actions are more noticeable because as a candidate he was critical of Bush’s use of power. In particular, he singled out his predecessor’s use of signing statements, documents issued when a president signs a bill that clarifies his understanding of the law.

“These last few years we’ve seen an unacceptable abuse of power at home,” Obama said in an October 2007 speech.. “We’ve paid a heavy price for having a president whose priority is expanding his own power.”

Yet Obama’s use of power echoes that of his predecessors. For example, he signed 145 executive orders in his first term, putting him on track to issue as many as the 291 that Bush did in two terms.

John **Yoo, who wrote the legal opinions that supported an expansion of presidential power after the 2001 terrorist attacks**, including harsh interrogation methods that some called torture, said he thought that executive orders were sometimes appropriate – when conducting internal management and implementing power given to the president by Congress or the Constitution – but he **thinks that Obama has gone too far**.

“I think President **Obama has been as equally aggressive as** President **Bush, and in fact he has sometimes used the very same language to suggest that he would not obey congressional laws that intrude on his commander-in-chief power,”** said Yoo, who’s now a law professor at the University of California at Berkeley. “This is utterly hypocritical, both when compared to his campaign stances and the position of his supporters in Congress, who have suddenly discovered the virtues of silence.”

Most of Obama’s actions are written statements aimed at federal agencies that are published everywhere from the White House website to the Federal Register. Some are classified and hidden from public view.

“It seems to be more calculated to prod Congress,” said Phillip J. Cooper, the author of “By Order of the President: The Use and Abuse of Executive Direct Action.” “I can’t remember a president being that consistent, direct and public.”

Bush was criticized for many of his actions on surveillance and interrogation techniques, but attention has focused on Obama’s use of actions mostly about domestic issues.

In his first two years in the White House, when fellow Democrats controlled Capitol Hill, Obama largely worked through the regular legislative process to try to achieve his domestic agenda. His biggest achievements – including a federal health care overhaul and a stimulus package designed to boost the economy –came about with little or no Republican support.

But Republicans took control of the House of Representatives in 2010, making the task of passing legislation all the more difficult for a man with a detached personality who doesn’t relish schmoozing with lawmakers. By the next year, Obama wasn’t shy about his reasons for flexing his presidential power.

In fall 2011, he launched the “We Can’t Wait” campaign, unveiling dozens of policies through executive orders – creating jobs for veterans, adopting fuel efficiency standards and stopping drug shortages – that came straight from his jobs bills that faltered in Congress.

“We’re not waiting for Congress,” Obama said in Denver that year when he announced a plan to reduce college costs. “I intend to do everything in my power right now to act on behalf of the American people, with or without Congress. We can’t wait for Congress to do its job. So where they won’t act, I will.”

**When Congress killed legislation aimed at curbing the emissions that cause global warming, Obama directed the** **E**nvironmental **P**rotection **A**gency **to write regulations on its own** incorporating some parts of the bill.

When Congress defeated pro-union legislation, he had the National Labor Relations Board and the Labor Department issue rules incorporating some parts of the bill.

**“The president looks more and more like a king that the Constitution was designed to replace,”** Sen. Charles **Grassley**, R-Iowa, **said** on the Senate floor last year.

**And, there’s always wiggle room --- public support for war powers also means the aff is rolled back**

**Rojas, 12** --- Associate Professor of Sociology at Indiana University (4/16/2012, Fabio, “rachel maddow will not bring peace,” <http://orgtheory.wordpress.com/2012/04/16/rachel-maddow-will-not-bring-peace/>)

Andrew Sullivan’s blog excerpted a passage from Rachel Maddow’s recent book. Understandably, Maddow’s book urges Congress to take a stand against war:

When we go to war, we should raise taxes to pay for it. We should get rid of the secret military. The reserves should go back to being reserves. We should cut way back on the contractors and let troops peel their own potatoes. And above all, Congress should start throwing its weight around again…

I agree in principle, but disagree on practice. **Rules and institutions that end war are ineffective** for two reasons. First, **if you really want war, you can always vote to have a new rule for war or to make an exception.** Also, **most rules have wiggle room in them, which makes it easy to wage war under other guises**. Secondly, **there’s a consistent “rally around the leader effect.” It is incredibly hard for anyone to oppose leaders during war time. Elected leaders are in a particularly weak position.** Simply put, **legislatures can’t be trusted to assert their restraining role in most cases**.

**Libya and Gitmo trials prove --- circumvention makes everything comparatively worse than before**

**Yager, 11** (7/12/2011, Jordy, “Obama flexes executive powers, bypassing congressional opposition,” <http://thehill.com/homenews/administration/170837-president-is-flexing-his-exec-powers>))

President **Obama increasingly is using his executive authority to move his policies forward when confronted with congressional opposition**.

The administration chose not to defend the federal Defense of Marriage Act banning gay marriage, and **Obama bypassed military tribunals and the Guantánamo Bay prison in Cuba to send an accused terrorist from Somalia to a U.S. civilian court.**

**The latter effort was seen as a backdoor way to circumvent congressional opposition to civilian trials for terrorism suspects.**

**The president** also has granted immigration officers greater latitude when deciding whether to deport illegal immigrants, and **has determined the War Powers Resolution requiring congressional authorization for military actions does not apply to the intervention he ordered in Libya.**

Most recently, Congress has been abuzz with the possibility that Obama could bypass its authority altogether and raise the debt ceiling using the so-called “14th Amendment solution.”

Like other presidents before him, Obama is using executive authority after being rebuffed by a Congress controlled by the other party. Republicans enjoy a large majority in the House, and they are on the rise in the Senate.

The aggressive steps by Obama have prompted criticism from Rep. Lamar Smith (R-Texas), chairman of the House Judiciary Committee.

“Our Founders created a system of checks and balances to prevent any one branch of government from having too much power over the people,” Smith said in a statement to The Hill.

“Unfortunately, **it appears that the president has little respect for the laws passed by Congress or the will of the American people**,” he added. “**If the president’s abuse of executive authority continues unchecked, it could set a very dangerous precedent for future presidents and seriously weaken our democratic system.”**

**2nc Covert Turn \*\*\***

**Counterterror operations can be carried out covertly --- allows it to escape democratic review. The turn is net worse.**

**Barnes, 12** --- J.D. at Boston University and M.A. in Law and Diplomacy at The Fletcher School of Law and Diplomacy at Tufts University (Spring 2012, Beau D., Military Law Review, “REAUTHORIZING THE “WAR ON TERROR”: THE LEGAL AND POLICY IMPLICATIONS OF THE AUMF’S COMING OBSOLESCENCE,” 211 Mil. L. Rev. 57))

**A** third **option would be to conduct all counterterrorism operations as covert operations under the aegis of Title 50**. n131 Although the CIA typically carries out such "Title 50 operations," **the separate roles of the military and intelligence community have become blurred in recent years**. n132 **The president must make a "finding" to authorize such operations**, n133 **which are conducted in secret to provide deniability for the U.S. Government**. n134

Relying entirely on covert counterterrorism operations, however, would suffer from several critical deficiencies. First, even invoking the cloak of "Title 50," it is "far from obvious" that covert operations are legal without supporting authority. n135 In other words, Title 50 operations, mostly carried out by the CIA, likely also require "sufficient domestic law foundation in terms of either an AUMF or a legitimate claim of inherent constitutional authority for the use of force under Article II." n136 Second, **covert operations are by definition kept out of public view, making it difficult to subject them to typical democratic review**. **In light of "the democratic deficit that already plagues the nation in the legal war** [\*92] **on terror,"** n137 **further distancing counterterrorism operations from democratic oversight would exacerbate this problem**. n138 Indeed, congressional oversight of covert operations--which, presumably, operates with full information--is already considered insufficient by many. n139 **By operating entirely on a covert basis, "the Executive can initiate more conflict than the public might otherwise [be] willing to support."** n140

In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs--detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on "a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of [\*93] problems." n141 Only then can the President's efforts be sustained and legitimate.

**AT: Congress / Courts / Media / Public => Compliance**

**External checks empirically fail to restrain executive**

**Tichenor, 8** --- Department of Political Science at Rutgers University-New Brunswick

(Last modified 4/30/2008, Daniel J., “The Forgotten Virtues of Executive Restraint: Liberal Democracy, Prerogative Power, and Unfettered Presidentialism,”

<http://www.wcfia.harvard.edu/sites/default/files/The%20Forgotten%20Virtues%20of%20Executive%20Restraint%20Tichenor.pdf)>)

**“The Constitution has not greatly bothered any wartime president,” Roosevelt’s Attorney General** Francis Biddle memorably **remarked**.43 The same may be said of political forces outside the government. Indeed, **none of our five potential checks – the judiciary, Congress, the media, advocacy groups, or the general public – posed significant veto-points**. Lincoln encountered fierce press criticism, Roger Taney was a nettlesome critic of the habeas suspension, and mass publics were hardly unified behind the war cause, but none kept him from asserting unprecedented prerogative power. Wilson faced some challenges with advocacy groups, but the most obstreperous were easily repressed.

**If we wanted to play blithe optimists, we could highlight the extent to which each of our potential sources of resistance to presidential actions that restrict civil liberties have grown over time.** The national network of citizen groups championing civil liberties has clearly thickened; public opinion after 2002 has wavered on executive actions; media coverage has expanded dramatically in volume (but my own content analysis is in progress); Congress has not greatly bothered the administration’s prosecution of the War on Terror but its oversight of possible military tribunals and sunset provisions of the Patriot Act illustrate a level legislative reluctance even shortly after the 9/11 attacks; and the federal judiciary of late has been more assertive than earlier wartime courts (see Table 2 for a first-cut evaluation). **In the final analysis**, however, **none of these external checks seriously encumbered Lincoln, Wilson and FDR – or** George W. **Bush in the immediate aftermath of September 11th – in their exercise of prerogative power.** In the absence of dependable external checks on presidential prerogative, internal checks assume special importance.

**AT: Dascal**

**Use of “zone of activity hostilities” guarantees circumvention --- Impossible to define the precise geographic scope and what constitutes active hostilities**

**Daskal, 13** --- Adjunct Professor at Georgetown Law (April 2013, Jennifer C., University of Pennsylvania Law Review, “ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE,” 161 U. Pa. L. Rev. 1165)

2. Identifying the Zone

**Consistent with treaty and case law, overt and sustained fighting are key factors in identifying a zone of active hostilities.** Specifically, the fighting must be of sufficient duration and intensity to create the exigent circumstances that justify application of extraordinary war authorities, to put civilians on notice, and to justify permissive evidentiary presumptions regarding the identification of the enemy. n133 The presence of troops on the [\*1207] ground is a significant factor, although neither necessary nor sufficient to constitute a zone of active hostilities. Action by the Security Council or regional security bodies such as NATO, as well as the belligerent parties' express recognition of the existence of a hot conflict zone, are also relevant.

**Linking the zone of active hostilities primarily to the duration and intensity of the fighting and to states' own proclamations suffers**, however, **from an inherent circularity. A state can itself create a zone of active hostilities by ratcheting up violence or issuing a declaration of intent, thereby making previously unlawful actions lawful.** n134

**It is impossible to fully address this concern.** The problem can, however, be significantly reduced by insisting on strict compliance with the law-of-war principles of distinction and proportionality and by vigorously punishing states for acts of aggression. n135 **There will**, of course, **be disagreement as to whether a state's escalation of a certain conflict constitutes aggression, particularly given underlying disagreements about who qualifies as a lawful target.** The zone approach is helpful in this regard as well: it narrows the range of disagreement by demanding heightened substantive standards as to who qualifies as a legitimate target outside the zones of active hostilities. **Under the zone approach, the escalation of force must be aimed at a narrower set of possible military targets until the increased use of force is sufficiently intense and pervasive enough to create a new zone of active hostilities.**

3. Geographic Scope of the Zone

**A secondary question relates to the geographic scope of the zone of active hostilities**. In answering the related question of the scope of the overarching armed conflict, **the Tadic court defined the conflict as extending throughout the state in which hostilities were conducted** (in the case of international armed conflict) n136 **and the area over which a party had territorial control** (in the case of a noninternational armed conflict that did not extend [\*1208] throughout an entire state). n137 **Neither approach, however, maps well onto the practical realities of a transnational conflict between a state and a non-state actor. In many cases, the non-state actor and related hostilities will be concentrated in a small pocket of the state. It would be contrary to the justifications of exigency and proper notice to define the zone of active hostilities as extending to the entire state. A territorial control test also does not make sense when dealing with a non-state actor, such as al Qaeda, which does not exercise formal control over any territory and is driven more by ideology than territorial ambition.**

This Article suggests a more nuanced, albeit still imperfect, approach: If the fighting is sufficiently widespread throughout the state, then the zone of active hostilities extends to the state's borders. If, however, hostilities are concentrated only in certain regions within a state, then the zone will be geographically limited to those administrative areas or provinces in which there is actual fighting, a significant possibility of fighting, or preparation for fighting. This test is fact-intensive and will depend on both the conditions on the ground and preexisting state and administrative boundaries.

It remains somewhat arbitrary, of course, to link the zone of hostilities to nation-state boundaries or administrative regions within a state when neither the state itself nor the region is a party to the conflict and when the non-state party lacks explicit ties to the state or region at issue. This proposed framework inevitably will incorporate some areas into the zone of active hostilities in which the key triggering factors - sustained, overt hostilities - are not present. But such boundaries, even if overinclusive or artificial, provide the most accurate means available of identifying the zone of active hostilities, at least over the short term.

Over the long term, it would be preferable for the belligerent state to declare particular areas to be within the zone of active hostilities, either through an official pronouncement by the state party to the conflict or via a resolution by the Security Council or a regional security body. A public declaration would provide explicit notice as to the existence and parameters of the zone of active hostilities, thereby reducing uncertainty as to which legal rules apply. Such declarations would allow for public debate and diplomatic pressure in the event of disagreement. Furthermore, the belligerent states could then define the zone with greater nuance, which would better [\*1209] reflect the actual fighting than would preexisting state or administrative boundaries. n138

**Dascal’s warrant is that inner executive review solves accountability --- cross-apply their args from XO that those fail**

**Executive circumvents other branches on target killing**

**Roberts, 13** --- masters in security studies from Georgetown (3/21/2013, Kristin, “When the Whole World Has Drones; The precedents the U.S. has set for robotic warfare may have fearsome consequences as other countries catch up,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>)

**America**, the world’s leading democracy and a country built on a legal and moral framework unlike any other, **has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted.** The **Obama** administration **has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts**.

**Turns Norms**

**Turn outweighs --- only a constitutional showdown over noncompliance sets precedent and spills over**

**Posner & Vermeule, 8** --- \*Professor of Law at U Chicago, AND \*\*Professor of Law at Harvard (April 2008, Eric A. and Adrian, University of Pennsylvania Law Review, “CONSTITUTIONAL SHOWDOWNS,” 156 U. Pa. L. Rev. 991)

C. The Analogy to Rules and Standards

Many arguments in legal theory are at bottom arguments about rules and standards. Rules minimize decision costs because the decision maker needs to take account of only a few of the factors that are relevant to the first-best resolution of the dispute, but by the same token they result in predictable error. If decision makers are highly competent, standards avoid error because they permit all relevant factors to be considered, but they involve enormous decision costs. If decision makers are of limited competence, the larger set of information that the standard makes relevant can overload their capacities, perhaps even inducing greater error than under a rule. The optimal choice between rules and standards trades off decision and error costs across contexts. n48

Our argument reflects a second-order, temporal version of this tradeoff. **Constitutional showdowns convert standards into rules that in turn reduce decision costs for future conflicts. A constitutional standard allocates authority in an ambiguous fashion** ("the public interest" [\*1018] and the like) **that leaves political actors and the public a great deal of work in hashing out the actual allocation when a dispute over authority arises. Agents can avoid establishing a precedent by agreeing early in the process to allow one agent to make the decision or leave authority ambiguous if the agents can agree on a policy outcome.** The standard remains in place, and decision costs are thrown onto the shoulders of future agents. However, **if the agents instead assert their opposing claims and force a showdown, then a rule may emerge**, one that saves decision costs in the future.

The second-order decision, n49 whether to convert a standard into a rule or allow the standard to remain in place, is akin to a decision to make an investment. An investment involves a cost today, and a return in the future. **The cost of the showdown is the interruption of governance; the benefit is the** reduced uncertainty for the future - **the transformation of a standard into a rule**. When judges, legislators, codifiers, restatement drafters, and others come up with rules, we tend to congratulate them for simplifying decision making for future agents. When they maintain standards, we criticize them for failing to clarify the law. But **the law should not always be clarified; much depends on whether the law in question will govern many or few actions in the future. At a constitutional level, the decision to have a clarifying showdown or not reflects a similar calculus.**

**Only turn matters – compliance doesn’t set precedent or spillover - only confrontation and noncompliance does**

**Posner & Vermeule, 8** --- \*Professor of Law at U Chicago, AND \*\*Professor of Law at Harvard (April 2008, Eric A. and Adrian, University of Pennsylvania Law Review, “CONSTITUTIONAL SHOWDOWNS,” 156 U. Pa. L. Rev. 991)

2. Certainty

**Actors avoid confrontation when it is privately beneficial to do so, even if conflict would create precedents that would benefit future generations, all else equal, by clarifying the rules of the game.** More conflict now can mean lower transaction costs for several future generations; even with discounting, the latter benefit can exceed the former cost. In the recent controversy over the firing of U.S. Attorneys, for example, commentators parsed the complex issues of executive privilege with reference to one major Supreme Court case that is over thirty years old n63 and a few successor cases from the D.C. Circuit. n64 There is also some guidance from nonjudicial precedents; consider the argument that Secretary of State Condoleezza Rice has no constitutional basis for refusing to testify before Congress about the decision to invade Iraq, because Cabinet officials from previous administrations testified in similar circumstances. n65 Still, **such precedents are slightly muddled by the fact that the executive and legislators often strike a bargain whereby executive officials will testify, but will proclaim that** [\*1027] **they are doing so "voluntarily," rather than because Congress has constitutional power to force them to do so. More seriously, in many cases early bargains will head off a nascent conflict, resulting in no precedent at all.**

**In general, current actors may have no incentive to take into account clarification benefits for third parties, especially for future generations. This means that future actors will incur transaction costs coping with longstanding uncertainties that could have been decisively clarified**, one way or another, **in a past constitutional showdown** - a showdown that never occurred because it was not in the interests of the then-dominant actors to engage in clarifying conflict. n66

**Turns Modeling**

**Stripping the president’s authority will cause executive reliance on self-defense --- guts any modeling**

**Barnes, 12** --- J.D. at Boston University and M.A. in Law and Diplomacy at The Fletcher School of Law and Diplomacy at Tufts University (Spring 2012, Beau D., Military Law Review, “REAUTHORIZING THE “WAR ON TERROR”: THE LEGAL AND POLICY IMPLICATIONS OF THE AUMF’S COMING OBSOLESCENCE,” 211 Mil. L. Rev. 57))

This article, prompted by Congress's recent failed efforts to revisit and refine the September 18, 2001, Authorization for Use of Military Force (AUMF), argues for a "middle ground" approach to the statute's reauthorization. It makes the case that a new authorization is needed because, contrary to the Obama Administration's suggestions, the current statute is rapidly approaching obsolescence. Despite the intense media focus on the most recent legislative cycle, Congress has left the 2001 authorization legally unaltered and still anchored to the September 11, 2001, attacks. Confronting this reality presents three options: foregoing military operations against non-Al Qaeda terrorist organizations, [\*59] accepting the AUMF's obsolescence and relying on alternative legal authority, or refashioning a new domestic statutory authority for the U.S. military's global anti-terrorist operations.

**A new AUMF is the best option available to U.S. policymakers if it is to continue its military efforts against terrorist groups and networks**. n7 **A new authorization would clarify the authority the current AUMF grants to the president, which**, especially as it relates to the use of military force against U.S. citizens and within the domestic territory of the United States, **is extraordinarily vague**. **A new authorization would also avert tempting, but ultimately dangerous, legal alternatives--namely, harmful interpretations of domestic and international law**. On the domestic front, reverting to a reliance on the president's Commander in Chief powers would place the U.S. military's global anti-terrorism efforts on a fragile legal foundation already weakened by the Supreme Court's skepticism and further remove this important military campaign from effective democratic control. **In the international arena, relying instead on an overly expansive interpretation of the right to self-defense under international law would undermine the** Obama **Administration's efforts to lead by legal example and encourage the proliferation of a potentially destabilizing understanding of the jus ad bellum**. Reaffirming the AUMF is therefore not just an issue of legal and academic curiosity, but a matter of vital domestic and international concern. Despite the urgent need for a proper legal basis for U.S. military counterterrorism operations, however, Congress's recent efforts have fallen short. This article thus argues generally for a new AUMF, but also specifically that the new authorization should strike a measured balance, granting the President the power to effectively combat global terrorism while stopping short of authorizing unlimited, permanent war with whomever the President deems an enemy. n8

**They say it’s codified now but**

**Executive interprets AUMF broadly now to justify TK operations**

**Barnes, 12** --- J.D. at Boston University and M.A. in Law and Diplomacy at The Fletcher School of Law and Diplomacy at Tufts University (Spring 2012, Beau D., Military Law Review, “REAUTHORIZING THE “WAR ON TERROR”: THE LEGAL AND POLICY IMPLICATIONS OF THE AUMF’S COMING OBSOLESCENCE,” 211 Mil. L. Rev. 57))

Part II of this article will explain why congressional action actually matters today as an affirmative grant of authority and a substantive restriction on the President's power to use military force. Part III will examine the scope of **the current AUMF** in light of its text, legislative [\*60] history, and subsequent reception. Drawing on executive branch interpretations and the Supreme Court's recent decisions, as well as the jurisprudence of the D.C. Circuit Court of Appeals, this section will demonstrate that **no consensus exists about the statute's precise scope**. Nevertheless, **the Executive Branch has interpreted it broadly and the judiciary has in large part acquiesced to that construction**. Specifically, President **Obama has used expansive interpretations of terms such as "associated forces" to greatly expand his administration's international targeted killing operations**, including organizations with only a tenuous link to the September 11, 2001, terrorist attacks.