# UGA DG Neg Cites – GSU 2013

# 2 vs. JMU (Drones)

## 1NC

### 1NC

#### A. Interpretation – Authority includes delegated powers with a legal basis, not assertions of power

**Words and Phrases 4** (Volume 4a, Cumulative Supplement Pamphlet, p. 275)

#### U.S.N.Y. 1867. Under the federal judiciary act, giving the Supreme Court jurisdiction to review a final judgement or decree of a state court of last resort in any suit where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, it is held that the term “authority exercised under the United States” must be something more than a bare assertion of such authority, and must be an authority having a real existence derived from competent governmental power, and in this respect the word “authority” stands on the same footing with “treaty” or “statute.” Hence, where a party claimed authority under an order of a federal court which, when rightfully viewed, did not purport to confer any authority upon him, a writ of error to the Supreme Court has dismissed.—Milligar v. Hartupee, 73 U.S. 258, 6 Wall. 258, 18 L.Ed. 829

#### B. Vote Neg –

#### 1. Limits – Including assertions of power massively explodes the topic – affs can restrict powers asserted by any president in the last 200 years – more than doubles the size of the topic – key to preparation and clash

#### 2. Ground – avoids links to all core disads – no politics, presidential power good DA, or case specific DA because presidents don’t have to use the power under their interpretation

### 1NC

#### A. Interpretation – Statutory restrictions must directly prohibit activities currently under the president’s war powers authority – this excludes regulation or oversight

#### Statutory restrictions prohibit actions

Lamont 5 (Michael, Legal Analyst @ Occupational health, "Legal: Staying on the right side of the law," http://www.personneltoday.com/articles/01/04/2005/29005/legal-staying-on-the-right-side-of-the-law.htm#.UgFe\_o3qnoI)

It will be obvious what 'conduct' and 'redundancy' dismissals are. A statutory restriction means that the employee is prevented by law from doing the job - for example, a driver who loses his driving licence. 'Some other substantial reason' means "Parliament can't be expected to think of everything".

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. Vote Neg –

#### 1. Limits – Regulation and oversight of authority allows a litany of new affs in each area – justifies indirect effects of statutory policies and affs that don’t alter presidential authority – undermines prep and clash

#### 2. Ground – Restriction ground is the locus of neg prep – their interpretation jacks all core disads – politics, presidential powers, and any area based disad because an aff doesn’t have to prevent the president from doing anything

### 1NC

#### Shutdown will be avoided now

Yglesias 9/18/13 (Matthew, business/economics correspondent @ Slate, "The Odds of a Government Shutdown Are Falling, Not Rising," http://www.slate.com/blogs/moneybox/2013/09/18/government\_shutdown\_odds\_falling\_not\_rising.html)

But read on to the second graf of the piece and you'll see that the odds are not rising at all. What's happening is that John Boehner is preparing to pass an appropriations bill that also defunds Obamacare that he knows perfectly well stands no chance of passing, and he's hoping that doing this will placate the right wing of the his caucus for when he surrenders.¶ Here they explain:¶ House leaders are hoping the vote on the defunding measure will placate conservatives once the Democratically controlled Senate rejects it. The House, they are betting, would then pass a stopgap spending measure unencumbered by such policy baggage and shift the argument to the debt ceiling, which must be raised by mid-October if the government is to avoid an economically debilitating default.¶ The key thing to remember here is that the House, as a discretionary decision, operates by the "Hastert Rule" in which only bills that are supported by a majority of GOP members can be brought to the floor for a vote. There is no Hastert-compliant appropriations bill that can pass the Senate. But there very likely is majority support in the House for the kind of "clean" funding bill that can also pass the Senate. All that has to happen is for John Boehner to violate the Hastert Rule. And the Hastert Rule isn't actually a rule, it's something Boehner has put aside many times. But it's also a rule he can't flagrantly ignore, lest his caucus get too grumpy and depose him. The operating theory here is that if Boehner has the whole House GOP indulge the maximalist faction by all passing a defuding bill, that creates enough room to move to later violate the Hastert Rule and pass a continuing resolution.¶ If anything is happening to the odds of a shutdown, in other words, they're falling, not rising.

#### Obama fights the plan and saps his political capital – controversy and policy trade-offs

Holman 13 (Kwame, “ACLU, Congress Await Obama's Next Action on Overseas Drone Strikes”, 3/29, http://www.pbs.org/newshour/rundown/2013/03/aclu-others-await-presidents-next-action-on-overseas-drone-strikes.html)

As the American Civil Liberties Union's chief Washington lobbyist, Chris Anders spends a lot of time with members of Congress and their staffs. But he says no one seems to know when President Barack Obama will fulfill his promise to engage Congress and the public on the controversial use of U.S. drone attacks to kill terror suspects. "I was just in a meeting yesterday with a couple of key congressional staff who've asked the White House if they have a proposal, if they have anything they want to engage on and they got nothing back in response," Anders said by phone Thursday as he rode in a taxi to a Capitol Hill meeting. "The administration has not given Congress any guidance on what [it's] looking for other than a promise that the president would be providing a longer explanation of the targeted killing program and explaining it to the country," said Anders. In October 2012 on The Daily Show, Mr. Obama said of the U.S. drone strike program, "we've got to ... put a legal architecture in place, and we need Congressional help in order to do that, to make sure that not only am I reined in but any president's reined in, in terms of some of the decisions that we're making." The highly secret drone program dates to the George W. Bush administration, but the vast majority of away-from-the-battlefield strikes -- largely in Pakistan and Yemen -- have occurred under Mr. Obama. The strikes have generated anti-American sentiment in both those countries. The New America Foundation counts more than 420 targeted strikes in the last eight years which killed between 2,426 and 3,969 people, overwhelmingly militants, as well as up to 368 civilians. A year ago, after an American-born suspected terrorist, Anwar al-Awlaki, was killed by a U.S. drone in Yemen, Attorney General Eric Holder endorsed the strikes as legally permissible. "The use of force in foreign territory would be consistent with ... international legal principles if conducted, for example, with the consent of the nation involved -- or after a determination that the nation is unable or unwilling to deal effectively with a threat to the United States," Holder said in a speech at the Northwestern University School of Law. "The U.S. government's use of lethal force in self-defense against a leader of al Qaida or an associated force who presents an imminent threat of violent attack would not be unlawful -- and therefore would not violate the Executive Order banning assassination," Holder said. The ACLU's Anders calls that an "elastic" interpretation of self-defense. And the administration has been reluctant to share the specific legal memoranda that certify their assertions. During the confirmation process for new CIA director John Brennan, documents certifying the legality of strikes on Americans on foreign soil were shown to members of the House and Senate Intelligence committees. But Anders says there are six more legal memos that claim perhaps even broader authority to attack non-Americans outside the U.S. that the administration has not shared. The ACLU has sued the government to get them. "What Congress needs to see are the other six legal opinions because if they saw [them] they would have a much better idea of the breadth of the legal authority the president is claiming to use drones and other lethal force away from the battlefield," Anders said. "It's telling that there isn't a single country in the entire world that agrees with the U.S's claims of authority to use lethal force away from the battlefield. So the U.S. is on its own. My guess is if the rest of the legal opinions dealing with non-citizens were publicly disclosed we would find that they're even farther afield from where the law is and ... that is why they haven't been disclosed." In recent weeks, supporters of President Obama, including Senate Majority Whip Dick Durbin, D-Ill., and former Clinton administration official John Podesta, have urged the president to involve Congress and open up about the drone program and its justifications. Meanwhile, fresh polls show the drone strikes are increasingly unpopular with the public, potentially cutting into Mr. Obama's political strength in coming policy battles with Congress.

#### Capital key

Dumain 9/18/13 (Emma, Roll Call, "Will House Democrats Balk at Sequester-Level CR?," http://blogs.rollcall.com/218/will-house-democrats-balk-at-sequester-level-cr/)

What would be helpful for the duration of the political battle over the CR between now and the end of the month, however, is if Obama more frequently took to the “bully pulpit” to blast Republicans and bolster Democrats, the aide said.¶ “The more the better,” he said.

#### Shutdown wrecks the economy

Wu 8/27/13 (Yi, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, <http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea>)

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### 1NC

#### The executive branch of the United States should mandate that the Inspector Generals of relevant executive agencies conduct internal, independent investigation of current targeted killing practices. The Executive Branch of the United States will change supervision of the drone program from the Title 50 of the United States Code to Title 10 of the United States Code. The findings of such investigations should be made public.

#### Independent review of targeted killing by Inspector General solves – ensures the accuracy and legality of strikes, curbs abuses, and provides necessary accountability

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

There are other candidates to conduct independent review. Executive officials, to be sure, are not as independent as federal judges. These officials have a natural impulse to avoid embarrassing the administration they work for. Moreover, if the media are correct that CIA Director Leon Panetta approves drone strikes, n181 then this review goes toward the most senior officials in the intelligence community. Despite these challenges, there is at least one official with a measure of independence for meaningful review of CIA drone strikes.¶ [\*1237] The CIA's Inspector General (IG) is charged with investigating the legality of CIA actions. n182 He or she is experienced with protecting classified information. His or her independence is protected by a statute that permits only the president to remove the IG. n183 And he or she has a dual reporting line to the CIA Director and to the congressional oversight committees. n184 The CIA's IG is thus our preferred candidate.¶ The CIA's IG should review all the CIA's targeted killings for reasoned decision making. Based on this review, an IG could recommend internal discipline, compensation to unwarranted victims of a strike, or, in an extreme case of abuse, referral to the Department of Justice for criminal proceedings. The IG should also be involved in reviewing the CIA's internal procedures on target selection and execution of attacks. IG's due process, so to speak, substitutes for what otherwise might come from the courts. To enhance accountability, the IG could prepare public reports detailing as much information on strikes as reasonably consonant with national security. Such reports would need to balance the interests of accountability against the CIA's need to enable foreign governments to keep their role in assisting U.S. intelligence a secret. They would also need to avoid excessive revelations of sensitive sources and methods.¶ Given the limited number of CIA strikes, the dangers this program poses to peaceful civilians now and in the future, and the extensive data concerning each strike, it is feasible for the IG to conduct an investigation of all CIA drone strikes. These investigations will not guarantee perfection. Nothing can. But they will help ensure the accuracy and the legality of strikes, curb abuses, and provide a modicum of accountability for a shadow war. Because they are feasible under the laws of war, IHL requires them.

#### Obama’s war powers maintain his presidential power

Rozell 12

[Mark Rozell is Professor of Public Policy, George Mason University, and is the author of Executive Privilege: Presidential Power, Secrecy and Accountability, From Idealism to Power: The Presidency in the Age of Obama, 2012,, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>]

And yet, as Jack Goldsmith accurately details in his latest book, President Barack Obama not only has not altered the course of controversial Bush-era practices, he has continued and expanded upon many of them. On initiating war, as a candidate for the presidency in 2007, Obama said that “the president doesn’t have the power under the Constitution to unilaterally authorize a military attack,” yet that is exactly what he did in exercising the war power in Libya. He has also said that he will exercise the power to act on his own to initiate military action in Syria if it’s leader ever crosses the “red line” (i.e., use of chemical weapons). He has issued a number of signing statements that directly violate congressional intent. He has vastly expanded, far beyond Bush’s actions, the use of unconfirmed and unaccountable executive branch czars to coordinate policies and to make regulatory and spending decisions. The president has made expanded use of executive privilege in circumstances where there is no legal merit to making such a claim and he has abused the principle of the state secrets privilege. His use of the recess appointment power on many occasions has been nothing more than a blatant effort to make an end-run around the Senate confirmation process. He has continued, and expanded upon, the practice of militarily detaining persons without trial or pressing charges (on the condition that the detention is not “indefinite”). In a complete reversal of his past campaign rhetoric, the president on a number of occasions has declared his intention to act unilaterally on a variety of fronts, and to avoid having to go to Congress whenever he can do so. There are varied explanations for the president’s total reversals. The hard-core cynics of course simply resort to the “they all lie” explanation. Politicians of all stripes say things to get elected but don’t mean much of it. Recently I saw a political bumper sticker announcing “BUSH 2.0” with a picture of Obama. Many who enthusiastically supported Obama are profoundly disappointed with his full-on embrace of Bush-like unilateralism and this administration’s continuation of many of his predecessor’s policies. Goldsmith, a law professor who led the Department of Justice’s (DOJ) Office of Legal Counsel from October 2003 to June 2004, during George W. Bush’s first term, says that there were powerful forces at work in the U.S. governmental system that ensured that the president would continue many of the policies and practices of his predecessor. The president reads the daily terrorism threat reports, which has forced him to understand that things really do look differently from the inside. From this standpoint, Obama likely determined that many of Bush’s policies actually were correct and needed to be continued. “The personal responsibility of the president for national security, combined with the continuing reality of a frightening and difficult-to-detect threat, unsurprisingly led Obama, like Bush, to use the full arsenal of presidential tools,” writes Goldsmith. He further argues that Obama lacked leeway to change course in part because many of Bush’s policies “were irreversibly woven into the fabric of the national security architecture.” For example, former president Bush’s decision to use the Guantanamo detention facility created an issue for Obama that he otherwise never would have confronted. And the use of coercion on suspects made it too complicated to then employ civilian courts to try them. In perhaps the most telling example of the limits of effecting change, Obama could not end what Bush had started, even though the president issued an executive order (never carried out) to close the detention center. Here Goldsmith somewhat overstates his case. Obama was not necessarily consigned to following Bush’s policies and practices, although undoubtedly his options may have been constrained by past decisions. But consider the decision whether the government should have investigated and then taken action against illegal and unconstitutional acts by officials in the Bush Administration, particularly in the DOJ, NSA, and CIA. President Obama said it was time to look forward, not backward, thus sweeping all under the rug. Nothing “irreversibly woven” there, but rather the new president made a choice that he absolutely did not have to make. Finally, Goldsmith adds that Obama, like most of his predecessors, assumed the executive branch’s institutional perspective once he became president. If it is true about Washington that where you stand on executive powers depends on where you sit, then should it be any surprise that President Obama’s understanding differs fundamentally from Senator Obama’s? Honestly, I find that quite sad. Do the Constitution and principles of separation of powers and checks & balances mean so little that we excuse such a fundamental shift in thinking as entirely justified by switching offices? Goldsmith’s analysis becomes especially controversial when he turns to his argument that, contrary to the critiques of presidential power run amok, the contemporary chief executive is more hampered in his ability to act in the national interest than ever before. In 2002, Vice President Richard Cheney expressed the view that in his more than three decades of service in both the executive and legislative branches, he had witnessed a withering of presidential powers and prerogatives at the hands of an overly intrusive and aggressive Congress. At a time when most observers had declared a continuing shift toward presidential unilateralism and legislative fecklessness, Cheney said that something quite opposite had been taking place. Goldsmith is far more in the Cheney camp on this issue than of the critics of modern exercises of presidential powers. Goldsmith goes beyond the usual emphasis on formal institutional constraints on presidential powers to claim that a variety of additional forces also are weighing down and hampering the ability of the chief executive to act. As he explains, “the other two branches of government, aided by the press and civil society, pushed back against the Chief Executive like never before in our nation’s history”. Defenders of former president Bush decry what they now perceive as a double standard: critics who lambasted his over expansive exercises of powers don’t seem so critical of President Obama doing the same. Goldsmith makes the persuasive case that in part the answer is that Bush was rarely mindful of the need to explain his actions as necessities rather than allow critics to fuel suspicions that he acted opportunistically in crisis situations to aggrandize power, whereas Obama has given similar actions a “prettier wrapping”. Further, Obama, to be fair, on several fronts early in his first term “developed a reputation for restraint and commitment to the rule of law”, thus giving him some political leeway later on. A substantial portion of Goldsmith’s book presents in detail his case that various forces outside of government, and some within, are responsible for hamstringing the president in unprecedented fashion: Aggressive, often intrusive, journalism, that at times endangers national security; human rights and other advocacy groups, some domestic and other cross-national, teamed with big resources and talented, aggressive lawyers, using every legal category and technicality possible to complicate executive action; courts thrust into the mix, having to decide critical national security law controversies, even when the judges themselves have little direct knowledge or expertise on the topics brought before them; attorneys within the executive branch itself advising against actions based on often narrow legal interpretations and with little understanding of the broader implications of tying down the president with legalisms. Just as he describes how a seemingly once idealistic candidate for president as Barack Obama could see things differently from inside government, so too was Goldsmith at one time on the inside, and thus perhaps it is no surprise that he would perceive more strongly than other academic observers the forces that he believes are constantly hamstringing the executive. But he is no apologist for unfettered executive power and he takes to task those in the Bush years who boldly extolled theories of the unitary executive and thereby gave credibility to critics of the former president who said that his objective was not merely to protect the country from attack, but to empower himself and the executive branch. Goldsmith praises institutional and outside-of-government constraints on the executive as necessary and beneficial to the Republic. In the end, he sees the balance shifting in a different direction than many leading scholars of separation of powers. And unlike a good many presidency scholars and observers, he is not a cheerleader for a vastly powerful chief executive. Goldsmith’s work too is one of careful and fair-minded research and analysis. He gives substantial due to those who present a counter-view to his own, and who devote their skills and resources to battling what they perceive as abuses of executive power. Whereas they see dangers to an unfettered executive, Goldsmith wants us to feel safe that there are procedural safeguards against presidential overreaching, although he also wants us to be uncomfortable with what he believes now are intrusive constraints on the chief executive’s ability to protect the country. Goldsmith may be correct that there are more actors than ever involved in trying to trip up the president’s plans, but that does not mean that our chief executives are losing power and control due to these forces. Whether it is war and anti-terrorism powers, czars, recess appointments, state secrets privilege, executive privilege, signing statements, or any of a number of other vehicles of presidential power, our chief executives are using more and more means of overriding institutional and external checks on their powers. And by any measure, they are succeeding much more than the countervailing forces are limiting them.

#### Congressional statutes restricting executive war powers destroy broader presidential powers

Freeman 7 -- JD @ Yale Law School (Daniel J., 11/1/2007, "The Canons of War," Yale Law Journal 117(280), EBSCO)

Outside the confines of partisan absolutism, determining the scope of executive war power is a delicate balancing act. Contrasting constitutional prerogatives must be evaluated while integrating **framework statutes**, executive orders, and quasi-constitutional custom. The Supreme Court’s preferred abacus is the elegant three-part framework described by Justice Jackson in his concurrence to Youngstown Sheet & Tube Co. v. Sawyer.9 When the President and Congress act in concert, the action harnesses the power of both branches and is unlikely to violate the principle of separation of powers. When Congress has failed either to authorize or to deny authority, the action lurks in a “zone of twilight” of questionable power. **When the President and Congress act in opposition,** the President’s power is “at its lowest ebb,” and the action raises conspicuous concerns over the separation of powers.10 Therein lies the rub. Justice Jackson wrote soon after the tremendous growth of the executive during the New Deal and World War II, but the scope of legislation expanded dramatically in subsequent decades. Congress waged a counteroffensive in the campaign over interbranch supremacy by legislating extensively in the fields of foreign relations and war powers. Particularly in the post-Watergate era, Congress filled nearly every shadowy corner of the zone of twilight with its own imprimatur.11 That is not to say that Congress placed a relentless series of checks on the executive. Rather, Congress strove to establish ground rules, providing a limiting framework such as the War Powers Resolution12 for each effusive authorization like the Patriot Act.13 This leaves Jackson’s second category essentially a dead letter.14 **The most sensitive questions** concerning the **effective distribution of governmental powers** and the **range of permissible executive action are** thereforeproblems of statutory interpretation. The question becomes more complicated still when successive Congresses act in apparent opposition. While recent executives have consistently pushed to expand their authority,15 shifting patterns of political allegiance between Congress and the President yield a hodgepodge of mandates and restraints.16 Whether an action falls into Jackson’s first or third category requires one to parse the complete legislative scheme. This question is most pointed in connection with the execution of authorized war powers. Presidential power in this area is simultaneously subject to enormously broad delegations and exacting statutory limitations, torn between clashing constitutional values regarding the proper balance between branches. On one side lie **authorizations for the use of military force** (AUMFs), statutes empowering the President to “**introduce United States Armed Forces into hostilities** or into situations wherein involvement in hostilities is clearly indicated.”17 On the other side lie framework statutes, enactments **defining the** mechanisms and **boundaries of the execution of those war powers**. Nevertheless, when faced with a conflict between an authorization for the use of military force and a preexisting framework, the Supreme Court must determine the net authorization, synthesizing those statutes while effectuating the underlying constitutional, structural, and historical concerns.

#### Multiple scenario for nuclear war

Yoo 06

[John, Law Professor at University of California, Berkeley and Visiting Scholar at the American Enterprise Institute Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Energy in the Executive: Re-examining Presidential Power in the Midst of the War on Terrorism, 8/24/06, <http://www.heritage.org/research/reports/2006/04/energy-in-the-executive-reexamining-presidential-power-in-the-midst-of-the-war-on-terrorism>]

Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. We did not win the four-decade Cold War by declarations of war. Rather, we prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led us into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the U.S. from entering conflicts that are in the national interest. Most would agree that congressional isolationism before World War II harmed U.S. interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought us into the conflict much earlier. Congressional participation does not automatically, or even consistently, produce desirable results in war decision-making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. Legislative deliberation may breed consensus in the best of cases, but it also may inhibit speed and decisiveness. In the post-Cold War era, the United States is confronting several major new threats to national security: **the proliferation of WMD**, **the emergence of rogue nations**, **and the rise of international terrorism**. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterwards. Take the threat posed by the al-Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than those posed by conventional armed forces. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Despite the fact that terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, weapons of mass destruction allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than was the norm during the time when nation-states generated the primary threats to American national security. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, **the executive branch needs flexibility to act quickly,** possibly in situations where congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, perhaps before WMD components have been fully assembled or before an al-Qaeda operative has left for the United States, **the executive branch might also be able to engage in a more limited, more precisely targeted, use of force**. Similarly, the least dangerous way to prevent rogue nations from acquiring weapons of mass destruction may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity.

### 1NC

#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### Enframing of security makes macro-political violence inevitable

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This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use of armed force, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form. I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational hegemony and closure that limits debate and questioning**, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.** This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, **instrumental violence is married to an ontology of insecure national existence which itself admits no questioning**. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including **other humans, which have no essence or integrity outside their value as objects**. In Heidegger's terms, **technology becomes being; epistemology immediately becomes technique, immediately being**. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. **The need is to critique dominant images of political being and dominant ways of securing that being at the same time**, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the limitless resort to strategic violence without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. **We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable**. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 **Identity**, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of **a craving for order, control and certainty in the face of continual uncertainty**. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has **deep roots in modern thought**, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather **technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy**. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind **demands that 'nature reports itself** in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes **trapped within its logic**. Man, he writes, 'comes to the very brink of a precipitous fall...where **he himself will have to be taken as standing-reserve**. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. **In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.** This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to **place under suspicion the underlying political ontologies** that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it **drives out every other possibility of revealing**...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but **by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence**. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for **a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing**. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives from outside the space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### Reject the affirmative’s security discourse – this untimely intervention is the only chance for a counter-discourse

Calkivik 10 – PhD in Poli Sci @ Univ Minnesota (Emine Asli, 10/2010, "DISMANTLING SECURITY," PhD dissertation submitted to Univ Minnesota for Raymond Duvall, http://conservancy.umn.edu/bitstream/99479/1/Calkivik\_umn\_0130E\_11576.pdf)

It is this self-evidence of security even for critical approaches and the antinomy stemming from dissident voices reproducing the language of those they dissent from that constitutes the starting point for this chapter, where I elaborate on the meaning of dismantling security as untimely critique. As mentioned in the vignette in the opening section, the suggestion to dismantle security was itself deemed as an untimely pursuit in a world where lives of millions were rendered brutally insecure by poverty, violence, disease, and ongoing political conflicts. Colored by the tone of a call to conscience in the face of the ongoing crisis of security, it was not the time, interlocutors argued, for self-indulgent critique. I will argue that it is the element of being untimely, the effort, in the words of Walter Benjamin, “to brush history against the grain” that gives critical thinking its power.291 It might appear as a trivial discussion to bring up the relation between time and critique because conceptions of critical thinking in the discipline of International Relations already possess the notion that critical thought needs to be untimely. In the first section, I will tease out what this notion of untimeliness entails by visiting ongoing conversations within the discipline about critical thought and political time. Through this discussion, I hope to clarify what sets apart dismantling security as untimely critique from the notion of untimeliness at work in critical international relations theory. The latter conception of the untimely, I will suggest, paradoxically calls on critical thought to be “on time” in that it champions a particular understanding of what it means for critical scholarship to be relevant and responsible for its times. This notion of the untimely demands that critique be strategic and respond to political exigency, that it provide answers in this light instead of raising more questions about which questions could be raised or what presuppositions underlie the questions that are deemed to be waiting for answers. After elaborating in the first section such strategic conceptions of the untimeliness of critical theorizing, in the second section I will turn to a different sense of the untimely by drawing upon Wendy Brown’s discussion of the relation between critique, crisis, and political time through her reading of Benjamin’s “Theses on the Philosophy of History.”292 In contrast to a notion of untimeliness that demands strategic thinking and punctuality, Brown’s exegesis provides a conception of historical materialism where critique is figured as a force of disruption, a form of intervention that reconfigures the meaning of the times and “contest[s] the very senses of time invoked to declare critique ‘untimely’.”293 Her exposition overturns the view of critique as a self-indulgent practice as it highlights the immediately political nature of critique and reconfigures the meaning of what it means for critical thought to be relevant.294 It is in this sense of the untimely, I will suggest, that dismantling security as a critique hopes to recover. I should point out that in this discussion my intention is neither to construct a theory of critique nor to provide an exhaustive review and evaluation of the forms of critical theorizing in International Relations. Rather, my aim is to contribute to the existing efforts that engage with the question of what it means to be critical apart from drawing the epistemological and methodological boundaries so as to think about how one is critical.295 While I do not deny the importance of epistemological questions, I contend that taking time to think about the meaning of critique beyond these issues presents itself as an important task. This task takes on additional importance within the context of security studies where any realm of investigation quickly begets its critical counterpart. The rapid emergence and institutionalization of critical terrorism studies when studies on terrorism were proliferating under the auspices of the so-called Global War on Terror provides a striking example to this trend. 296 Such instances are important reminders that, to the extent that epistemology and methodology are reified as the sole concerns in defining and assessing critical thinking297 or “wrong headed refusals”298 to get on with positive projects and empirical research gets branded as debilitating for critical projects, what is erased from sight is the political nature of the questions asked and what is lost is the chance to reflect upon what it means for critical thinking to respond to its times. In his meditation on the meaning of responding and the sense of responsibility entailed by writing, Jean-Luc Nancy suggests that “all writing is ‘committed.’” 299 This notion of commitment diverges from the programmatic sense of committed writing. What underlies this conception is an understanding of writing as responding: writing is a response to the voice of an other.In Nancy’s words, “[w]hoever writes responds” 300 and “makes himself responsible to in the absolute sense.”301 Suggesting that there is always an ethical commitment prior to any particular political commitment, such a notion of writing contests the notion of creative autonomy premised on the idea of a free, self-legislating subject who responds. In other words, it discredits the idea of an original voice by suggesting that there is no voice that is not a response to a prior response. Hence, to respond is configured as responding to an expectation rather than as an answer to a question and responsibility is cast as an “anticipated response to questions, to demands, to still-unformulated, not exactly predictable expectations.”302 Echoing Nancy, David Campbell makes an important reminder as he suggests that as international relations scholars “we are always already engaged,” although the sites, mechanisms and quality of engagements might vary.303 The question, then, is not whether as scholars we are engaged or not, but what the nature of this engagement is. Such a re-framing of the question is intended to highlight the political nature of all interpretation and the importance of developing an “ethos of political criticism that is concerned with assumptions, limits, their historical production, social and political effects, and the possibility of going beyond them in thought and action.”304 Taking as its object assumptions and limits, their historical production and social and political effects places the relevancy of critical thought and responsibility of critical scholarship on new ground. It is this ethos of critique that dismantling security hopes to recover for a discipline where security operates as the foundational principle and where critical thinking keeps on contributing to security’s impressing itself as a self-evident condition. Critical Theory and Punctuality Within the context of International Relations, critical thought’s orientation toward its time comes out strongly in Kimberley Hutchings’s formulation.305 According to Hutchings, no matter what form it takes, what distinguishes critical international relations theory from other forms of theorizing is “its orientation towards change and the possibility of futures that do not reproduce the hegemonic power of the present.”306 What this implies about the nature of critical thought is that it needs to be not only diagnostic, but also self-reflexive. In the words of Hutchings, “all critical theories lay claim to some kind of account not only of the present of international politics and its relation to possible futures, but also of the role of critical theory in the present and future in international politics.” 307 Not only analyzing the present, but also introducing the question of the future into analysis places political time at the center of critical enterprise and makes the problem of change a core concern. It is this question of change that situates different forms of critical thinking on a shared ground since they all attempt to expose the way in which what is presented as given and natural is historically produced and hence open to change. With their orientation to change, their efforts to go against the dominant currents and challenge the hegemony of existing power relations by showing how contemporary practices and discourses contribute to the perpetuation of structures of power and domination, critical theorists in general and critical security studies specialists in particular take on an untimely endeavor. It is this understanding of the untimely aspect of critical thinking that is emphasized by Mark Neufeld, who regards the development of critical approaches to security as “one of the more hopeful intellectual developments in recent years.”308 Despite nurturing from different theoretical traditions and therefore harboring “fundamental differences between modernist and postmodernist commitments,” writes Neufeld, scholars who are involved in the critical project nevertheless “share a common concern with calling into question ‘prevailing social and power relationships and the institutions into which they are organized.’” 309 The desire for change—through being untimely and making the way to alternative futures that would no longer resemble the present—have led some scholars to emphasize the utopian element that must accompany all critical thinking. Quoting Oscar Wilde’s aphorism—a map of the world that does not include Utopia is not even worth glancing at, Ken Booth argues for the need to restore the role and reputation of utopianism in the theory and practice of international politics. 310 According to Booth, what goes under the banner of realism—“ethnocentric self-interest writ large”311 — falls far beyond the realities of a drastically changed world political landscape at the end of the Cold War. He describes the new reality as “an egg-box containing the shells of sovereignty; but alongside it a global community omelette [sic] is cooking.”312 Rather than insisting on the inescapability of war in the international system as political realists argue, Booth argues for the need and possibility to work toward the utopia of overcoming the condition of war by banking on the opportunities provided by a globalizing world. The point that critical thought needs to be untimely by going against its time is also emphasized by Dunne and Wheeler, who assert that, regardless of the form it takes, “critical theory purport[s] to ‘think against’ the prevailing current” and that “[c]ritical security studies is no exception” to this enterprise.313 According to the authors, the function of critical approaches to security is to problematize what is taken for granted in the disciplinary production of knowledge about security by “resist[ing], transcend[ing] and defeat[ing]…theories of security, which take for granted who is to be secured (the state), how security is to be achieved (by defending core ‘national’ values, forcibly if necessary) and from whom security is needed (the enemy).”314 While critical theory in this way is figured as untimely, I want to suggest that this notion of untimeliness gets construed paradoxically in a quite timely fashion. With a perceived disjuncture between writing the world from within a discipline and acting in it placed at the center of the debates, the performance of critical thought gets evaluated to the extent that it is punctual and in synch with the times. Does critical thought provide concrete guidance and prescribe what is to be done? Can it move beyond mere talk and make timely political interventions by providing solutions? Does it have answers to the strategic questions of progressive movements? Demanding that critical theorizing come clean in the court of these questions, such conceptions of the untimely demand that critique respond to its times in a responsible way, where being responsible is understood in stark contrast to a notion of responding and responsibility that I briefly discussed in the introductory pages of this chapter (through the works of Jean-Luc Nancy and David Campbell). Let me visit two recent conversations ensuing from the declarations of the contemporary crisis of critical theorizing in order to clarify what I mean by a timely understanding of untimely critique. The first conversation was published as a special issue in the Review of International Studies (RIS), one of the major journals of the field. Prominent figures took the 25th anniversary of the journal’s publication of two key texts—regarded as canonical for the launching and development of critical theorizing in International Relations—as an opportunity to reflect upon and assess the impact of critical theory in the discipline and interrogate what its future might be. 315 The texts in question, which are depicted as having shaken the premises of the static world of the discipline, are Robert Cox’s 1981 essay entitled on “Social Forces, States, and World Orders”316 and Richard Ashley’s article, “Political Realism and Human Interests.”317 In their introductory essay to the issue, Rengger and Thirkell-White suggest that the essays by Cox and Ashley—followed by Andrew Linklater’s Men and Citizens in the Theory of International Relations318 —represent “the breach in the dyke” of the three dominant discourses in International Relations (i.e., positivists, English School, and Marxism), unleashing “a torrent [that would] soon become a flood” as variety of theoretical approaches in contemporary social theory (i.e., feminism, Neo-Gramscianism, poststructuralism, and post-colonialism) would get introduced through the works of critical scholars.319 After elaborating the various responses given to and resistance raised against the critical project in the discipline, the authors provide an overview and an assessment of the current state of critical theorizing in International Relations. They argue that the central question for much of the ongoing debate within the critical camp in its present state—a question that it cannot help but come to terms with and provide a response to—concerns the relation between critical thought and political practice. As they state, the “fundamental philosophical question [that] can no longer be sidestepped” by critical International Relations theory is the question of the relation between “knowledge of the world and action in it.”320 One of the points alluded to in the essay is that forms of critical theorizing, which leave the future “to contingency, uncertainty and the multiplicity of political projects” and therefore provide “less guidance for concrete political action”321 or, again, those that problematize underlying assumptions of thought and “say little about the potential political agency that might be involved in any subsequent struggles”322 may render the critical enterprise impotent and perhaps even suspect. This point comes out clearly in Craig Murphy’s contribution to the collection of essays in the RIS’s special issue. 323 Echoing William Wallace’s argument that critical theorists tend to be “monks,”324 who have little to offer for political actors engaged in real world politics, Murphy argues that the promise of critical theory is “partially kept” because of the limited influence it has had outside the academy towards changing the world.Building a different world, he suggests, requires more than isolated academic talk; that it demands not merely “words,” but “deeds.”325 This, according to Murphy, requires providing “knowledge that contributes to change.”326 Such knowledge would emanate from connections with the marginalized and would incorporate observations of actors in their everyday practices. More importantly, it would create an inspiring vision for social movements, such as the one provided by the concept of human development, which, according to Murphy, was especially powerful “because it embodied a value-oriented way of seeing, a vision, rather than only isolated observations.”327 In sum, if critical theory is to retain its critical edge, Murphy’s discussion suggests, it has to be in synch with political time and respond to its immediate demands. The second debate that is revelatory of this conception of the timing of critical theory—i.e., that critical thinking be strategic and efficient in relation to political time—takes place in relation to the contemporary in/security environment shaped by the so-called Global War on Terror. The theme that bears its mark on these debates is the extent to which critical inquiries about the contemporary security landscape become complicit in the workings of power and what critique can offer to render the world more legible for progressive struggles.328 For instance, warning critical theorists against being co-opted by or aligned with belligerence and war-mongering, Richard Devetak asserts that critical international theory has an urgent “need to distinguish its position all the more clearly from liberal imperialism.”329 While scholars such as Devetak, Booth,330 and Fierke331 take the critical task to be an attempt to rescue liberal internationalism from turning into liberal imperialism, others announce the “crisis of critical theorizing” and suggest that critical writings on the nature of the contemporary security order lack the resources to grasp their actual limitations, where the latter is said to reside not in the realm of academic debate, but in the realm of political practice.332 It is amidst these debates on critique, crisis, and political time that Richard Beardsworth raises the question of the future of critical philosophy in the face of the challenges posed by contemporary world politics.333 Recounting these challenges, he provides the matrix for a proper form of critical inquiry that could come to terms with “[o]ur historical actuality.”334 He describes this actuality as the “thick context” of modernity (“an epoch, delimited by the capitalization of social relations,” which imposes its own philosophical problematic—“that is, the attempt, following the social consequences of capitalism, to articulate the relation between individuality and collective spirit”335 ), American unilateralism in the aftermath of the attacks on September 11, 2001, and the growing political disempowerment of people worldwide. Arguing that “contemporary return of religion and new forms of irrationalism emerge, in large part, out of the failure of the second response of modernity to provide a secular solution to the inequalities of the nation-state and colonization,”336 he formulates the awaiting political task for critical endeavors as constructing a world polity to resist the disintegration of the world under the force of capital.It is with this goal in mind that he suggests that “responsible scholarship needs to rescue reason in the face irrational war”337 and that intellectuals need to provide “the framework for a world ethical community of law, endowed with political mechanisms of implementation in the context of a regulated planetary economy.”338 He suggests that an aporetic form of thinking such as Jacques Derrida’s—a thinking that “ignores the affirmative relation between the determining powers of reason and history”339 —would be an unhelpful resource because such thinking “does not open up to where work needs to be done for these new forms of polity to emerge.”340 In other words, critical thinking, according to Beardsworth, needs to articulate and point out possible political avenues and to orient thought and action in concrete ways so as to contribute to progressive political change rather than dwelling on the encounter of the incalculable and calculation and im-possibility of world democracy in a Derridean fashion. In similar ways to the first debate on critique that I discussed, critical thinking is once again called upon to respond to political time in a strategic and efficient manner. As critical inquiry gets summoned up to the court of reason in Beardsworth’s account, its realm of engagement is limited to that which the light of reason can be shed upon, and its politics is confined to mapping out the achievable and the doable in a given historical context without questioning or disrupting the limits of what is presented as “realistic” choices. Hence, if untimely critical thought is to be meaningful it has to be on time by responding to political exigency in a practical, efficient, and strategic manner. In contrast to this prevalent form of understanding the untimeliness of critical theory, I will now turn to a different account of the untimely provided by Wendy Brown whose work informs the project of dismantling security as untimely critique. Drawing from her discussion of the relationship between critique, crisis, and political time, I will suggest that untimely critique of security entails, simultaneously, an attunement to the times and an aggressive violation of their self-conception. It is in this different sense of the untimely that the suggestion of dismantling security needs to be situated. Critique and Political Time As I suggested in the Prelude to this chapter, elevating security itself to the position of major protagonist and extending a call to “dismantle security” was itself declared to be an untimely pursuit in a time depicted as the time of crisis in security. Such a declaration stood as an exemplary moment (not in the sense of illustration or allegory, but as a moment of crystallization) for disciplinary prohibitions to think and act otherwise—perhaps the moment when a doxa exhibits its most powerful hold. Hence, what is first needed is to overturn the taken-for-granted relations between crisis, timeliness, and critique. The roots krisis and kritik can be traced back to the Greek word krinõ, which meant “to separate”, to “choose,” to “judge,” to “decide.”341 While creating a broad spectrum of meanings, it was intimately related to politics as it connoted a “divorce” or “quarrel,” but also a moment of decision and a turning point. It was also used as a jurisprudential term in the sense of making a decision, reaching a verdict or judgment (kritik) on an alleged disorder so as to provide a way to restore order. Rather than being separated into two domains of meaning—that of “subjective critique” and “objective crisis”—krisis and kritik were conceived as interlinked moments. Koselleck explains this conceptual fusion: [I]t wasin the sense of “judgment,” “trial,” “legal decision,” and ultimately “court” that crisis achieved a high constitutionalstatus, through which the individual citizen and the community were bound together. The “for and against” wastherefore present in the original meaning of the word and thisin a manner that already conceptually anticipated the appropriate judgment. 342 Recognition of an objective crisis and subjective judgments to be passed on it so as to come up with a formula for restoring the health of the polity by setting the times right were thereby infused and implicated in each other.343 Consequently, as Brown notes, there could be no such thing as “mere critique” or “untimely critique” because critique always entailed a concern with political time: “[C]ritique as political krisis promise[d] to restore continuity by repairing or renewing the justice that gives an order the prospect of continuity, that indeed ma[de] it continuous.”344 The breaking of this intimate link between krisis and kritik, the consequent depoliticization of critique and its sundering from crisis coincides with the rise of modern political order and redistribution of the public space into the binary structure of sovereign and subject, public and private.345 Failing to note the link between the critique it practiced and the looming political crisis, emerging philosophies of history, according Koselleck, had the effect of obfuscating this crisis. As he explains, “[n]ever politically grasped, [this political crisis] remained concealed in historico-philosophical images of the future which cause the day’s events to pale.”346 It is this intimate, but severed, link between crisis and critique in historical narratives that Wendy Brown’s discussion brings to the fore and re-problematizes. She turns to Walter Benjamin’s “Theses on the Philosophy of History” and challenges conventional understandings of historical materialism, which conceives of the present in terms of unfolding laws of history.347 According to Brown, the practice of critical theory appeals to a concern with time to the extent that “[t]he crisis that incites critique and that critique engages itself signals a rupture of temporal continuity, which is at the same time a rupture in political imaginary.”348 Cast in these terms, it is a particular experience with time, with the present, that Brown suggests Benjamin’s theses aim to capture. Rather than an unmoving or an automatically overcome present (a present that is out of time), the present is interpreted as an opening that calls for a response to it. This call for a response highlights the idea that, far from being a luxury, critique is non-optional in its nature. Such an understanding of critical thought is premised on a historical consciousness that grasps the present historically so as to break with the selfconception of the age. Untimely critique transforms into a technique to blow up the present through fracturing its apparent seamlessness by insisting on alternatives to its closed political and epistemological universe.349 Such a conception resonates with the distinction that Žižek makes between a political subjectivity that is confined to choosing between the existing alternatives—one that takes the limits of what is given as the limits to what is possible—and a form of subjectivity that creates the very set of alternatives by “transcend[ing] the coordinates of a given situation [and] ‘posit[ing] the presuppositions’ of one's activity” by redefining the very situation within which one is active.”350 With its attempt to grasp the times in its singularity, critique is cast neither as a breaking free from the weight of time (which would amount to ahistoricity) nor being weighed down by the times (as in the case of teleology).351 It conceives the present as “historically contoured but not itself experienced as history because not necessarily continuous with what has been.”352 It is an attitude that renders the present as the site of “non-utopian possibility” since it is historically situated and constrained yet also a possibility since it is not historically foreordained or determined.353 It entails contesting the delimitations of choice and challenging the confinement of politics to existing possibilities. Rather than positing history as existing objectively outside of narration, what Brown’s discussion highlights is the intimate relation between the constitution of political subjectivity vis-à-vis the meaning of history for the present. It alludes to “the power of historical discourse,” which Mowitt explains as a power “to estrange us from that which is most familiar, namely, the fixity of the present” because “what we believe to have happened to us bears concretely on what we are prepared to do with ourselves both now and in the future.”354 Mark Neocleous concretizes the political stakes entailed in such encounters with history—with the dead—from the perspective of three political traditions: a conservative one, which aims to reconcile the dead with the living, a fascist one, which aims to resurrect the dead to legitimate its fascist program, and a historical materialist one, which seeks redemption with the dead as the source of hope and inspiration for the future.355 Brown’s discussion of critique and political time is significant for highlighting the immediately political nature of critique in contrast to contemporary invocations that cast it as a self-indulgent practice, an untimely luxury, a disinterested, distanced, academic endeavor. Her attempt to trace critique vis-à-vis its relation to political time provides a counter-narrative to the conservative and moralizing assertions that shun untimely critique of security as a luxurious interest that is committed to abstract ideals rather than to the “reality” of politics—i.e., running after utopia rather than modeling “real world” solutions. Dismantling security as untimely critique entails a similar claim to unsettle the accounts of “what the times are” with a “bid to reset time.”356 It aspires to be untimely in the face of the demands on critical thought to be on time; aims to challenge the moralizing move, the call to conscience that arrives in the form of assertions that saying “no!” to security, that refusing to write it, would be untimely. Rather than succumbing to the injunction that thought of political possibility is to be confined within the framework of security, dismantling security aims to open up space for alternative forms, for a different language of politics so as to “stop digging” the hole politics of security have dug us and start building a counter-discourse. Conclusion As an attempt to push a debate that is fixated on security to the limit and explore what it means to dismantle security, my engagement with various aspects of this move is not intended as an analysis raised at the level of causal interpretations or as an attempt to find better solutions to a problem that already has a name. Rather, it tries to recast what is taken-for-granted by attending to the conceptual assumptions, the historical and systemic conditions within which the politics of security plays itself out. As I tried to show in this chapter, it also entails a simultaneous move of refusing to be a disciple of the discipline of security. This implies overturning not only the silent disciplinary protocols about which questions are legitimate to ask, but also the very framework that informs those questions. It is from this perspective that I devoted two chapters to examining and clarifying the proposal to dismantle security as a claim on time. After explicating, in Chapter 4, the temporal structure that is enacted by politics of security and elaborating on how security structures the relation between the present and the future, in this chapter, I approached the question of temporality from a different perspective, by situating it in relation to disciplinary times in order to clarify what an untimely critique of security means. I tried to elaborate this notion of the untimely by exploring the understanding of untimeliness that informs certain conceptions of critical theorizing in International Relations. I suggested that such a notion of the untimely paradoxically calls on critical thought to be on time in the sense of being punctual and strategic. Turning to Wendy Brown’s discussion of the relation between critique and political time, I elaborated on the sense of untimely critique that dismantling security strives for—a critique that goes against the times that are saturated by the infinite passion to secure and works toward taking apart the architecture of security.

### Terror

#### Their impact is irresponsible fearmongering – there is NO capacity for terrorists to acquire and execute a nuclear attack

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It seems increasingly likely that the official and popular reaction to the terrorist attacks of September 11, 2001, has been substantially deluded—massively disproportionate to the threat that al-Qaida has ever actually presented either as an international menace or as an inspiration or model to homegrown amateurs. Applying the extensive datasets on terrorism that have been generated over the last decades, we conclude that the chances of an American perishing at the hands of a terrorist at present rates is one in 3.5 million per year—well within the range of what risk analysts hold to be “acceptable risk.”40 Yet, despite the importance of responsibly communicating risk and despite the costs of irresponsible fearmongering, just about the only official who has ever openly put the threat presented by terrorism in some sort of context is New York’s Mayor Michael Bloomberg, who in 2007 pointed out that people should “get a life” and that they have a greater chance of being hit by lightning than of being a victim of terrorism—an observation that may be a bit off the mark but is roughly accurate.41 (It might be noted that, despite this unorthodox outburst, Bloomberg still managed to be re-elected two years later.) Indeed, much of the reaction to the September 11 attacks calls to mind Hans Christian Andersen’s fable of delusion, “The Emperor’s New Clothes,” in which con artists convince the emperor’s court that they can weave stuffs of the most beautiful colors and elaborate patterns from the delicate silk and purest gold thread they are given. These stuffs, they further convincingly explain, have the property of remaining invisible to anyone who is unusually stupid or unfit for office. The emperor finds this quite appealing because not only will he have splendid new clothes, but he will be able to discover which of his officials are unfit for their posts—or in today’s terms, have lost their effectiveness. His courtiers, then, have great professional incentive to proclaim the stuffs on the loom to be absolutely magnificent even while mentally justifying this conclusion with the equivalent of “absence of evidence is not evidence of absence.” Unlike the emperor’s new clothes, terrorism does of course exist. Much of the reaction to the threat, however, has a distinctly delusionary quality. In Carle’s view, for example, the CIA has been “spinning in self-referential circles” in which “our premises were flawed, our facts used to fit our premises, our premises determined, and our fears justified our operational actions, in a self-contained process that arrived at a conclusion dramatically at odds with the facts.” The process “projected evil actions where there was, more often, muddled indirect and unavoidable complicity, or not much at all.” These “delusional ratiocinations,” he further observes, “were all sincerely, ardently held to have constituted a rigorous, rational process to identify terrorist threats” in which “the avalanche of reporting confirms its validity by its quantity,” in which there is a tendency to “reject incongruous or contradictory facts as erroneous, because they do not conform to accepted reality,” and in which potential dissenters are not-so-subtly reminded of career dangers: “Say what you want at meetings. It’s your decision. But you are doing yourself no favors.”42 Consider in this context the alarming and profoundly imaginary estimates of U.S. intelligence agencies in the year after the September 11 attacks that the number of trained al-Qaida operatives in the United States was between 2,000 and 5,000.43 Terrorist cells, they told reporters, were “embedded in most U.S. cities with sizable Islamic communities,” usually in the “run-down sections,” and were “up and active” because electronic intercepts had found some of them to be “talking to each other.”44 Another account relayed the view of “experts” that Osama bin Laden was ready to unleash an “11,000 strong terrorist army” operating in more than sixty countries “controlled by a Mr. Big who is based in Europe,” but that intelligence had “no idea where thousands of these men are.”45 Similarly, FBI Director Robert Mueller assured the Senate Intelligence Committee on February 11, 2003, that, although his agency had yet to identify even one al-Qaida cell in the United States, “I remain very concerned about what we are not seeing,” a sentence rendered in bold lettering in his prepared text. Moreover, he claimed that such unidentified entities presented “the greatest threat,” had “developed a support infrastructure” in the country, and had achieved both the “ability” and the “intent” to inflict “signi ficant casualties in the US with little warning.”46 Over the course of time, such essentially delusionary thinking has been internalized and institutionalized in a great many ways. For example, an extrapolation of delusionary proportions is evident in the common observation that, because terrorists were able, mostly by thuggish means, to crash airplanes into buildings, they might therefore be able to construct a nuclear bomb. Brian Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002.47 By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.”48 Few of the sleepless, it seems, found much solace in the fact that an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was $2,000 to $4,000.49 In the wake of the killing of Osama bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggest that the group had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb. This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders.50 If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that none of them were very close to creating, or having anything to do with, nuclear weapons—or for that matter biological, radiological, or chemical ones. In fact, with perhaps one exception, none seems to have even dreamed of the prospect; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a pail and then to make himself into a human centrifuge by swinging the pail around in great arcs.51 Even if a weapon were made abroad and then brought into the United States, its detonation would require individuals in-country with the capacity to receive and handle the complicated weapons and then to set them off. Thus far, the talent pool appears, to put mildly, very thin.

#### Targeted killing vital to effective counterterrorism---disrupts leadership and makes carrying out attacks impossible

Anderson 13 (Kenneth, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6, http://www.volokh.com/2013/05/22/the-case-for-drones/)

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.¶ Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.¶ If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.¶ Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Drones are highly effective - eliminate important terrorist human capital and prevent communication and training

Byman 13 (Daniel L., Research Director of Saban Center for Middle East Policy, “Why Drones Work: The Case for Washington's Weapon of Choice”, Foreign Affairs, July/August 2013, <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>)

The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban—top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers.¶ Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders.

#### Drone policy is Yemen is the litmus test for future US counter-terrorism policy

**Cilluffo & Watts 2011 [**Frank, previously served as Special Assistant to the President for Homeland Security and is currently Associate Vice President at The George Washington University and Director of the GW Homeland Security Policy Institute; Senior Fellow at the Homeland Security Policy Institute; “Yemen & Al Qaeda in the Arabian Peninsula: Exploiting a Window of Counterterrorism Opportunity,” George Washington University Homeland Security Policy Institute, June 24, 2011, <http://www.gwumc.edu/hspi/policy/issuebrief203_yemenAQAP.cfm>]

Increased use of drone and SOF strike missions is not without risks – yet the ratio of possible risks to potential benefits is far better than any other viable option. Leaning forward and seizing this window of opportunity with such a policy will provide the U.S. time to develop a strong, long-term relationship with Yemen’s successor government that addresses the persistent threat of AQAP and jihadi radicalization in the country. Pursuing this approach will also provide the U.S. an additional litmus test for creating a new long-run counterterrorism strategy in a post-bin Laden world. However, the present window of opportunity will close quickly – the U.S. must act now to prevent an inevitable attack from AQAP.

#### Drones solve Yemeni terrorism – response is proportionate and effective

Shekell 11 (Brian, JD Candidate @ Wayne State, "THE LEGALITY OF THE UNITED STATES' USE OF TARGETED KILLINGS IN THE WAR AGAINST TERROR," 57 Wayne L. Rev. 313, lexis)

U.S. use of targeted killings against many of the suspected terrorists in Yemen and similar states would meet the necessity requirement under this two-part test. Yemen is a failing state and its government has demonstrated that it is unable secure its entire territory. n50 Therefore, the Yemeni government's ability to capture, imprison and try terrorists located within its borders is highly suspect. Additional attempts by the U.S. government to help Yemen capture these terrorists have also proven ineffective. n51 Remote, targeted killings are therefore the most effective and logical means of protecting the "threatened person." Critics might argue that the targeted killings will be ineffective, as new terror leaders emerge after the capture or killing of another. However, this must not deter the U.S. in its mission to eliminate current and real threats to its security.¶ Next, it is necessary to determine the proportionality of the response to the threat. It is true that the Israeli experiences with targeted killings have resulted in the loss of innocent civilian lives. n52 However, Yemen may give the U.S. an opportunity to produce a proportional response with a minimized risk of civilian death. Most terror suspects are located [\*320] in desolate and uninhabited regions in Yemen. n53 Unlike the often crowded areas of the West Bank, Yemen allows for a greater opportunity to conduct targeted killings without the presence of civilians. Also, for targeted killing to be proportional, Predator drones or covert military operations must employ small and tactical activities to minimize risk to those civilians.

#### Direct counter-terror through drone strikes key to long term strategy – empirics prove

**Cilluffo & Watts 2011 [**Frank, previously served as Special Assistant to the President for Homeland Security and is currently Associate Vice President at The George Washington University and Director of the GW Homeland Security Policy Institute; Senior Fellow at the Homeland Security Policy Institute; “COUNTERING THE THREAT POSED BY AQAP: EMBRACE, DON’T CHASE YEMEN’S CHAOS,” Adfero Group – George Washington University Homeland Security Institute, July 14th, 2011, <http://securitydebrief.com/2011/07/14/countering-the-threat-posed-by-aqap-embrace-don%E2%80%99t-chase-yemen%E2%80%99s-chaos/>]

Johnsen: “I think this is what happens when smart people tackle a complex problem in an environment they don’t know particularly well.”¶ While we respect Johnsen’s knowledge of Yemen, we likewise believe his criticisms reflect what happens when smart regional experts encounter a complex enemy they don’t know particularly well.¶ Ten years of American counterterrorism efforts demonstrate that the best way to defeat al Qaeda is to go directly after al Qaeda. Bin Laden’s personal notes articulate that building schools in Afghanistan didn’t slow down al Qaeda but drone strikes halted many of their operations. Johnsen’s title “The Allure of Simple Solutions” suggests the only way to deter AQAP in the near term is via a complex solution instituted through a failed Saleh regime or its successor. Pursuing such a solution will fail to stop AQAP’s immediate threat to the United States and is not feasible in light of the current situation in Yemen.¶ As we noted in our original article, we believe our recommendation is neither comprehensive nor simple, but instead the best option for achieving immediate U.S. national security interests with regards to AQAP. If we’ve learned anything from the past ten years, it is ‘yes’ sometimes simple (as distinguished from simplistic) strategies with clear goals and objectives work far better in achieving our near term interests than costly, complex strategies spread across convoluted bureaucracies. Increased use of drone and SOF forces, when executed as designed, can help eliminate the immediate threat of AQAP and improve U.S. options for pursuing a long-run Yemen strategy less encumbered by counterterrorism concerns.¶ We respect Johnsen’s opinions and rely on his analysis of Yemen to improve our perspective. However, we have yet to see any other feasible near or long-term U.S. strategy for mitigating the threat of AQAP. We welcome any feasible alternative solution put forth. However, until that time, the U.S. must protect its citizens and interests. The AQAP threat remains acute and inaction is not an option.¶ We thank Gregory Johnsen for his thoughtful analysis and look forward to his policy recommendations with regards to Yemen. We’ll quickly respond to each of his individual points below with short rebuttals.

#### Impossible to eradicate AQAP in the short-term—reform efforts take too long to take root

Ng 11 (Aaron, International Centre for Political Violence and Terrorism Research, "In Focus: Al Qaeda in the Arabian Peninsula (AQAP) and the Yemen

Uprisings," http://www.pvtr.org/pdf/CTTA/2011/CTTA-June11.pdf)

To eradicate the problem of terrorism in Yemen, the United States and the international community must view the solution through the prism of state building. Yemen has, for many years, been on the brink of state failure. The Middle East revolts offer hope for the Arab countries to build democratic governments and create opportunities for the population that would curb Islamic extremism and terrorism. Any new regime in Yemen must improve governance, increase its social service in rural areas, run an effective public campaign against terrorism, and respond to the needs of the tribes. However, such reforms would require time to take root and be institutionalized. Thus any reforms by the regime will have little or no direct threat to AQAP in the near future. Any new regime in Yemen will not drastically alter the environment in which the AQAP currently thrives in. The group will continue to remain the most active branch of the Al Qaeda global terror network and the most serious threat to the West in the near future.

#### AQAP low – no territory, no attacks

Baron 13 [Aaron, correspondent with CSMonitor, 8/7 “With AQAP's strategy unclear, Yemen struggles to respond,” Christian Science Monitor <http://www.csmonitor.com/World/Middle-East/2013/0807/With-AQAP-s-strategy-unclear-Yemen-struggles-to-respond>]

In light of the raised alert level, focus is on AQAP’s potential offensive moves. Since losing control of ground they once held, they’ve made few, if any, concrete efforts toward establishing governance elsewhere and, despite the absence of large scale attacks, they’ve still been blamed for a series of assassinations of Yemeni security officials that have occurred across the country. Analysts are reluctant to speak with much certainty regarding the current threat.

The Yemeni government, while stressing its commitment to countering the threat and its belief in its severity, appears to think that the evacuation of the US and British embassy's staff was a bit of an overreaction.

"Yemen has taken all necessary precautions to ensure the safety and security of foreign missions in the capital Sanaa," the Yemeni embassy in Washington said in a statement Tuesday. "While the government of Yemen appreciates foreign governments' concern for the safety of their citizens, the evacuation of embassy staff serves the interests of the extremists and undermines the exceptional cooperation between Yemen and the international alliance against terrorism."

### Modeling

#### No East China Sea conflict

Rudd 3/14 -- Former Prime Minister and Former Foreign Minister, Member, Australian Parliament, interview with Jonathan Tepperman (Kevin, 2013, "The Situation in North Korea and the Future of U.S.-China Relations," http://www.cfr.org/australasia-and-the-pacific/situation-north-korea-future-us-china-relations/p30230)

What ultimately drives this is a -- is a conflicting set of interests between rampant nationalisms on the one hand and, on the other hand, a pragmatic recognition by governments both in Beijing and Tokyo that conflict, for both of them, would be absolutely disastrous and would retard economic growth and stability in the wider region and would further (retard China's ?) -- primacy of China's own economic development objectives. Now, if they're the two competing poles in this debate, both in Tokyo and Beijing, rational foreign policy actors would conclude that rational self-interest and rational economic self-interest would ultimately (prevail ?). As you know, history cautions us against reaching those conclusions. And I think if you've seen the drift in the numbers, both in terms of Sino-Japanese trade numbers and Sino-Japanese investment numbers over the last six to nine months, the impact in real numbers is palpable and measurable in terms of the state of the China-Japan relationship. I think my friends in Beijing, when I have spoken with them, including the military, I think it's fair to say, are working very actively behind the scenes to find face-saving mechanisms by which this can be managed to the point of stability for the period ahead and then put into some longer-term process with the Japanese. However, when I was last in Beijing, which was prior to the -- (audio interference) -- lock-on incident, the -- it was very much a question within the Chinese minds about how one would do that without actually losing face on the national mistakes in the public discourse both about Japan and with Japan.

#### New technology makes drone proliferation by state and non-state actors inevitable

Wood 12 (David, American Drones Ignite New Arms Race From Gaza To Iran To China, Huffington Post, 27 November 2012, http://www.huffingtonpost.com/2012/11/27/american-drones\_n\_2199193.html)

Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.¶ Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned aircraft," the Pentagon study reported.¶ Modern drones were first perfected by Israel, but the U.S. Air Force took the first steps in 2001 to mount sophisticated drones with precision weapons. Today the U.S. fields some 8,000 drones and plans to invest $36.9 billion to boost its fleet by 35 percent over the next eight years.¶ Current research on next-generation drones seems certain to exacerbate the drone arms race. The U.S. and other countries are developing "nano" drones, tiny weapons designed to attack in swarms. Both the U.S. and China are working to incorporate "stealth" technology into micro drones. The Pentagon is fielding a new weapon called the Switchblade, a 5.5-pound precision-attack drone that can be carried and fired by one person -- a capability sure to be envied by terrorists.¶ "This is a robotics revolution, but it's not just an American revolution -- everyone's involved, from Hezbollah to paparazzi," Singer, the Brookings Institution expert, told The Huffington Post. "This is a revolution in which billions and trillions of dollars will be made. To stop it you'd have to first stop science, and then business, and then war."

#### Low cost makes drone prolif inevitable - US policy not key

Lewis 12 (Michael, Associate Professor of Law at Ohio Northern University, "SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield," Spring, 47 Tex. Int'l L.J. 293, lexis)

The driving force behind the western militaries' development of drone technology was to minimize the number of human lives placed at risk to collect intelligence and to deliver small amounts of ordnance with some degree of precision. However, it is the relatively low cost of drones compared to that of modern combat aircraft that will drive the proliferation of drones over the next decade. More basic drones cost less than 1/20th as much as the latest combat aircraft and even the more advanced drones that feature jet propulsion and employ some stealth technology are less than 1/10th the cost. n13 With defense budgets around the world under increasing pressure, drones will be seen as an attractive alternative to manned aircraft for certain types of missions.

#### No large-scale drone war - susceptibility to air defenses ensures they'll be limited to only permissive environments

Lewis 12 (Michael, Associate Professor of Law at Ohio Northern University, "SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield," Spring, 47 Tex. Int'l L.J. 293, lexis)

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25

These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

#### No impact to drone prolif – don’t pose military threats and terrorists won’t seek to acquire

Lewis 11 (Michael, eaches international law and the law of war at Ohio Northern University School of Law, "Unfounded drone fears," http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.¶ Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are not effective weapons of conventional warfare. The unmanned aerial vehicles are slow and extremely vulnerable to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.¶ Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.¶ It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.

#### US drone policy doesn’t set a precedent – other countries don’t act based on our use

Boot 12 (Max, Senior Fellow for National Security Studies @ Council on Foreign Relations, "The Incoherence of a Drone-Strike Advocate," http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### China and Russia will inevitably use, no global support for norm creation, and Israel means targeted killing will continue

Fisher 7 (Jason, Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico, "Targeted Killing, Norms, and International Law," 45 Colum. J. Transnat'l L. 711, lexis)

The above discussion is not meant to suggest that the worldwide spread and acceptance of a targeted killing norm is preordained, rather only that it seems likely, at present, that the norm will achieve greater prominence. That prognosis could change, however, if a powerful State or group of States or collection of committed non-State actors with State support, or some combination thereof, acting as a norm entrepreneur, actively works to thwart the development of a norm permitting targeted killing for counter-terrorism purposes. n179 Several Arab and Middle Eastern States, the European Union, Russia, and others have made statements criticizing targeted killing after high-profile targeted killings have been carried out. n180 Yet none of them, it seems, has yet attempted to assume the position of norm entrepreneur and to engage in a sustained effort to end use of the tactic. Moreover, there is evidence that Russia and China, perhaps revealing their true preferences, have themselves employed targeted killing - Russia in its ongoing conflict with Chechen rebels and China in its hostilities with members of the East Turkistan Islamic Movement in Xinjiang province. n181 Currently, it does not appear that a norm entrepreneur with the status or relevance of the United States or Israel has emerged to challenge the targeted killing norm, something that would seem to be necessary if its present trajectory is to be altered.¶ A norm permitting the use of targeted killing for counter-terrorism purposes may be viewed as having already achieved a certain degree of prominence because of the status and visibility of the two States that are known to have adopted it: the United States and Israel. Furthermore, given the positioning of the United States and [\*742] Israel in the international system and the absence of a significant norm entrepreneur pushing in the opposite direction, it seems likely that, whether by emulation, restrained norm entrepreneurship, or both, a targeted killing norm will achieve even greater prominence.

#### China won't use its drones offensively - international pressure checks and past experience proves

Erickson 13 (Andrew, Assoc Prof @ Naval War College + Research Assoc @ Harvard, "China has drones. Now how will it use them?," http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html)

Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.¶ What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Myanmar drug criminal underscores its caution. According to Liu Yuejin, the director of the anti-drug bureau in China's Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham's mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham's capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators.¶ The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorisation is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and anti-piracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorisation, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries' sovereignty - something Beijing regularly decries when others do it.

### Solvency

#### Drones key to US global engagement – permit less costly forms of intervention

Rushforth 12 (Elinor, J.D. candidate, University of Arizona, James E. Rogers College of Law, "THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012," 29 Ariz. J. Int'l & Comp. Law 623, lexis)

During Operation Southern Watch, the military used drones to police no-fly zones in Iraq and they were eventually used to target Iraqi radar systems during the second Iraq War. n175 In Operation Enduring Freedom, the military has expanded its use of armed drones to provide air support to ground operations and to act as "killer scouts." n176 By providing immediate battle damage assessment, drones enable commanders to determine if further action is necessary, and provide a new perspective on the field. n177 In Operation Iraqi Freedom, the armed drone retained and expanded its roles targeting anti-aircraft vehicles, performing as a decoy revealing enemy positions, and aiding in a rescue mission. n178 Based on these successes, military leaders maintain the value of drones. n179 The CIA's use [\*650] of drones facilitates U.S. attacks in environments where it is deemed too dangerous for ground troops to have a physical presence. n180 The ability to protect American lives, keep military costs down, and damage terrorist infrastructure and leadership is central to proponents' view of this program.¶ Second, the American public has grown tired of drawn-out conflicts and foreign intervention, and the drone program offers a more palatable form of foreign involvement. n181 President Obama claims that "it is time to focus on nation-building here at home" and, presumably, the drone program allows the government to operate without deployment of ground troops to areas in which intervention is deemed necessary, be it for humanitarian or military purposes. n182 Lethal operations, surveillance for U.S. military operations, and less costly intervention all become possible when robots are the actual tools. With a weary electorate, the Executive can maintain a presence abroad militarily, while remaining able to argue that its full focus is on protecting and growing our nation at home.

#### That solves extinction

Barnett 11 (Thomas, Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, Center for Naval Warfare Studies, U.S. Naval War College American military geostrategist and Chief Analyst at Wikistrat., worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” March 7 <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>)

It is worth first examining the larger picture: **We live in a time of arguably the greatest structural change in the global order yet endured**, **with this historical moment's most amazing feature being its** relative and absolute **lack of mass violence**. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our **stunningly successful stewardship of global order** since World War II. Let me be more blunt: **As the guardian of globalization**, **the U.S. military has been the greatest force for peace the world has ever known**. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the **world did not keep sliding down that path of perpetual war**. **Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace**. **We introduced the international liberal trade order known as globalization** and played loyal Leviathan over its spread. **What resulted was the collapse of empires, an explosion of democracy**, the **persistent spread of human rights**, the liberation of women, **the doubling of life expectancy**, a roughly **10-fold increase in adjusted global GDP** **and a profound and persistent reduction in battle deaths from state-based conflicts.** That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. **¶** As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. **The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars.** That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude**, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity,** something the American-birthed system was designed to both encourage and accommodate. **But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come.¶** To continue the historical survey, after salvaging Western Europe from its half-century of civil war, **the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism.** America then successfully replicated globalization further in East Asia over the second half of the 20th century, **setting the stage for the Pacific Century now unfolding.**

#### Drone strikes decreasing – their authors blow it out of proportion

Shane 13 (Scott, New York Times, Debate Aside, Number of Drone Strikes Drops Sharply, <http://www.nytimes.com/2013/05/22/us/debate-aside-drone-strikes-drop-sharply.html?pagewanted=all&_r=1&>)

But lost in the contentious debate over the legality, morality and effectiveness of a novel weapon is the fact that the number of strikes has actually been in decline. Strikes in Pakistan peaked in 2010 and have fallen sharply since then; their pace in Yemen has slowed to half of last year’s rate; and no strike has been reported in Somalia for more than a year. In a long-awaited address on Thursday at the National Defense University, Mr. Obama will make his most ambitious attempt to date to lay out his justification for the strikes and what they have achieved. He may follow up on public promises, including one he made in his State of the Union speech in February to define a “legal architecture” for choosing targets, possibly shifting more strikes from the C.I.A. to the military; explain how he believes that presidents should be “reined in” in their exercise of lethal power; and take steps to make a program veiled in secrecy more transparent. Previewing the speech last weekend, an administration official speaking on the condition of anonymity said Mr. Obama would also “review our detention policy and efforts to close the detention facility at Guantánamo Bay; and he will frame the future of our efforts against Al Qaeda, its affiliates and adherents.” Some Obama supporters have urged him to use the occasion to announce that part of a 6,000-page Senate study of the C.I.A.'s former interrogation program will be declassified and made public. Mr. Obama, who insisted early in his presidency on a personal role in many strike decisions, may also shed light on the declining use of drone strikes. Current and former officials say the reasons include a shrinking list of important Qaeda targets, a result of the success of past strikes, and transient factors ranging from bad weather to diplomatic strains. But more broadly, the decline may reflect a changing calculation of the long-term costs and benefits of targeted killings. Obama administration officials have sometimes contrasted the drone program’s relative precision, economy and safety for Americans with the huge costs in lives and money of the two wars in Iraq and Afghanistan. Over time, however, the costs of the drone strikes themselves have become more evident. Reports of innocent civilians killed by drones — whether real or, as American officials often assert, exaggerated — have shaken the claims of precise targeting. The strikes have become a staple of Qaeda propaganda, cited to support the notion that the United States is at war with Islam. They have been described by convicted terrorists as a motivation for their crimes, including the failed attack on a Detroit-bound airliner in 2009 and the attempted car bombing of Times Square in 2010. Notably, a growing list of former senior Bush and Obama administration security officials have expressed concern that the short-term gains of drone strikes in eliminating specific militants may be outweighed by long-term strategic costs. Among the cautionary voices are Michael V. Hayden, who as C.I.A. director in 2008 oversaw the first escalation of strikes in Pakistan; Stanley A. McChrystal, the retired general who commanded American forces in Afghanistan; James E. Cartwright, the former vice chairman of the Joint Chiefs of Staff; and Dennis C. Blair, the former director of national intelligence. “I think the strikes have been tremendously effective,” said Mr. Hayden, a retired Air Force general, who said he was speaking generally and not discussing any particular operation. “But circumstances change. We’re in a much safer place than we were before, and maybe it’s time to recalibrate.”

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

Cohen 13 (Michael, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, <http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified>)

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels". ¶ I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so. ¶ This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy. ¶ Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates. ¶ There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones. ¶ When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there." ¶ While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage. ¶ Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen. ¶ These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year. ¶ Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".¶ Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.¶ Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Substantial oversight over US targeted killing policy now

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

Notwithstanding the agency's reputation for playing fast and loose with the law, CIA officials have strong reasons to ensure compliance with IHL. One reason is that someday the CIA's targeted killings by drone, like other embarrassing "family jewels," will become public. n156 A stronger reason is that CIA officials must be acutely aware that, for many members of the United States and international public, targeted killings come close to prohibited acts of assassination. To stay on the safe side on controversial programs, CIA officials seek both political and legal cover. n157 From past lessons on other covert actions, CIA officials have learned to obtain presidential authorization in writing, to brief the oversight committees, and to obtain legal opinions. It is safe to bet that President Obama has blessed the CIA drone strikes; that the oversight committees have not been kept completely in the dark; that the CIA has developed internal procedures on targeted killing it hopes will withstand scrutiny; and that the agency has presented these procedures to the Justice Department's Office of Legal Counsel for approval. n158

#### Substantial oversight over drone strikes now

Murphy 11 (Richard, AT&T Professor of Law, Texas Tech University, "PART I: TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS," 37 Wm. Mitchell L. Rev. 5062, lexis)

Not much is publicly known about the standards and procedures that the CIA uses to ensure that targeted killings are directed only at legitimate targets. For what it may be worth, according to Harold Koh, leading human rights expert, former dean of Yale Law School, and current Legal Adviser to the State Department, all targeted killings by drone carried out by the United States government use "extremely robust" procedures that are "implemented rigorously" using "advanced technology." n8 At [\*5065] the CIA, these robust procedures apparently include approval of each strike by Director Leon Panetta. n9 Agency lawyers play an integral role, preparing detailed cables to justify targeting of particular individuals. n10 These cables include a signature line for the agency's general counsel. n11 According to former Acting General Counsel John Rizzo, during his tenure, the agency had about thirty persons targeted at any given time. n12

## 2NC – Case, CP

## Case

### 2NC Senkaku

#### No Senkaku conflict – this isn’t WWI

Walt 13 -- American professor of international affairs at Harvard University's John F. Kennedy School of Government, previously taught at Princeton University and the University of Chicago (Stephen M, 2/8/2013, "Good news: World War I is over and will not happen again," http://walt.foreignpolicy.com/posts/2013/02/08/good\_news\_world\_war\_i\_is\_over\_and\_will\_not\_happen\_again)

It therefore pains me to have to take issue with Rachman's recent column warning of rising tensions in East Asia, and all the more so because he quotes two respected colleagues, Joe Nye and Graham Allison. His concern is the possibility of some sort of clash between China and Japan, precipitated by the territorial dispute over the Diaoyu/Senkaku islands exacerbated by rising nationalism in both countries and concerns over shifting balances of power. These are all legitimate worries, although it's hard to know just how serious or volatile the situation really is. The problem lies in Rachman's use of the World War I analogy -- specifically, the July Crisis that led to the war -- to illustrate the dangers we might be facing in East Asia. The 1914 analogy has been invoked by many experts over the years, of course, in part because World War I is correctly seen as an exceptionally foolhardy and destructive war that left virtually all of the participants far worse off. Moreover, popular histories like Barbara Tuchman's The Guns of August (which is said to have influenced John F. Kennedy's handling of the Cuban Missile Crisis), and A.J.P. Taylor's War by Timetable have reinforced an image of World War I as a tragic accident, a war that nobody really intended. In this version of history, the European great powers stumbled into a war that nobody wanted, due to miscalculations, rigid mobilization plans, extended alliance commitments, and poor communications. This interpretation of 1914 has been especially popular during the nuclear age, as it seemed to provide a bright warning sign for how great powers could blunder into disaster through misplaced military policies or poor crisis management. And given Rachman's concerns about the possibility of a Sino-Japanese military clash over the disputed islands, and the obvious costs that any serious clash of arms would entail, it's not hard to see why he's drawn to the 1914 case. The problem, however, is that this interpretation of the origins of 1914 is wrong. World War I was not an accident, and the European great powers didn't stumble into it by mistake. On the contrary, the war resulted from a deliberate German decision to go to war, based primarily on their concerns about the long-term balance of power and their hope that they could win a quick victory that would ensure their predominance for many years to come. As Dale Copeland lays out in the fourth chapter of his masterful book, The Origins of Major Wars, German Chancellor Theobald von Bethman-Hollweg used the assassination of Archduke Franz Ferdinand of Austria as a pretext to launch a preventive war -- something Germany's leaders had been contemplating for some time -- and he cleverly manipulated the July Crisis in an attempt to pin the blame for the war on others. Not only did Germany's leaders give Austria-Hungary a "blank check" to go after Serbia (which had backed the terrorist group that had assassinated the Archduke), they egged the reluctant Austrians on at every turn. German leaders also knew that a Balkan war was likely to trigger Russian military mobilization -- as it eventually did -- and that this step would give them the pretext for war that they were looking for. The war, in short, was not an accident, at least not in the sense that Rachman means. This is not to say that errors and miscalculations were not at play in 1914. Russia and Great Britain failed to figure out what Germany was planning in a sufficiently timely fashion, and Germany's leaders almost certainly exaggerated the long-term threat posed by Russian power (which was their main motivation for going to war). German military planners were also less confident of securing the rapid victory that the infamous Schlieffen plan assumed, yet they chose to roll the iron dice of war anyway. But the key point is that the European powers did not go to war in 1914 because a minor incident suddenly and uncontrollably escalated into a hegemonic war. The real lesson of 1914 for the present day, therefore, is to ask whether any Asian powers are interested in deliberately launching a preventive war intended to establish regional hegemony, as Germany sought to do a century ago. The good news is that this seems most unlikely. Japan is no position to do so, and China's military capabilities are still too weak to take on its various neighbors (and the United States) in this fashion. And in the nuclear age, it is not even clear that this sort of hegemony can be established by military means. If China does hope to become the dominant power in Asia (and there are good realist reasons why it should), it will do so in part by building up its military power over time -- to increase the costs and risks to the United States of staying there -- and by using its economic clout to encourage America's current Asian allies to distance themselves from Washington. It is not yet clear if this will happen, however, because China's future economic and political trajectory remains highly uncertain. But deliberately launching a great power war to achieve this goal doesn't seem likely, and especially not at the present time.

#### Cooperation over Senkaku now

Yoshioka 3/22

[Keiko, Asahi Shimbun, Japanese economic leaders, Beijing politicos seek to improve ties, 3/22/13, http://ajw.asahi.com/article/economy/business/AJ201303220084]

Members of the Japan-China Economic Association met with a former Chinese state official on March 21 in the Chinese capital to discuss ways to improve ties between the two countries, which have been strained since last fall over the Senkaku Islands dispute. Fujio Cho, Toyota Motor Corp. chairman, and Hiromasa Yonekura, chairman of Keidanren (Japan Business Federation), told Tang Jiaxuan, a former Chinese state councilor and chairman of the China-Japan Friendship Association, that they would be glad to help China solve its serious air pollution problems in Beijing and other cities. About 500 member companies of the Japan-China Economic Association are ready to pass along their technologies and experiences through private-sector exchanges, and they hope to find a path to negotiations within the economic field during the latest visit. The association previously planned to visit Beijing in September, but the storm of anti-Japan demonstrations across China after the Japanese government purchased three of the Senkaku Islands the same month caused the meeting to be postponed. The approximately 20 members in Beijing on March 21 represent only about one-10th the number the group had originally planned to send. "(Sino-Japanese relations are) in the toughest situation since the normalization of our diplomatic relationship," Tang told the Japanese representatives. "We both have to make efforts so that we can get back on track toward the normalization (of our bilateral ties) as soon as possible. “The economies of Japan and China have been molded into one. It will be better to promote exchanges and cooperation (in economic fields) as planned.”

### US Not k2 Modeling

#### US drone policy doesn’t set a precedent – other countries don’t act based on our use

Boot 12 (Max, Senior Fellow for National Security Studies @ Council on Foreign Relations, "The Incoherence of a Drone-Strike Advocate," http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### Other countries won’t model US legal standards or oversight

Saunders 13 (Paul J., executive director of the Center for the National Interest and associate publisher of The National Interest, 3/4, “We Won’t Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177?page=1>)

That said, the United States has well-established rules for the use of lethal force in war and in law enforcement operations. There are extensive rules governing surveillance, too. From this perspective, drones represent a new way of doing things that the executive branch has done for some time and do not pose a radical challenge to existing policies and procedures—except, perhaps, for strains imposed by the sheer number of strikes. Ultimately, however, America has had the drone debate before in various guises and will eventually find a way forward that satisfies legal and oversight concerns.¶ A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.

#### The US isn’t key to drone use or proliferation – tech advances and necessities mean that their development is inevitable

Anderson 11 (Kenneth, Professor at Washington College of Law, American University; and Hoover Institution visiting fellow, member of Hoover Task Force on National Security and Law; nonresident senior fellow, Brookings Institution, "What Kind of Drones Arms Race is Coming?," http://www.volokh.com/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. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)¶ 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). 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.

#### US restrictions won’t deter global drone use and self-interests drive other countries desires to use

Etzioni 13 (Amitai, professor of international relations at George Washington University, March-April 2013 “The Great Drone Debate” MILITARY REVIEW, March-April 2013, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, 11)

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 hard to-reach 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 employing 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 modeling – state interests trump

Metz 13 (Steven, defense analyst and the author of "Iraq and the Evolution of American Strategy." His weekly WPR column, Strategic Horizons, appears every Wednesday 27 Feb 2013 World Politics Review “Strategic Horizons: The Strategy Behind U.S. Drone Strikes” <http://www.worldpoliticsreview.com/articles/12747/strategic-horizons-the-strategy-behind-u-s-drone-strikes>)

Both of these arguments are shaky. There is little or no evidence that nations facing a serious enemy base their response on U.S. actions. States do what they feel they have to do. The implication that if the United States did not use drones against insurgents other nations would not simply defies common sense. On the second point, there is no doubt that drone strikes create anger. Unfortunately, this does tend to be directed at the United States rather than at the extremists who elected to use human shields in the first place. But again there is no evidence that a significant number of potential terrorists or terrorist supporters were motivated exclusively or primarily by American drone strikes.

#### Drone prolif now AND US policy isn’t key

Anderson 10 (Kenneth, law professor at Washington College of Law, American University, a research fellow of the Hoover Institution at Stanford University and a Non-Resident Visiting Fellow at the Brookings Institution, April 10th 2010, “Acquiring UAV Technology”, http://www.volokh.com/2010/04/09/acquiring-uav-technology/)

I’ve noticed a number of posts and comments around the blogosphere on the spread of UAV technology. Which indeed is happening; many states are developing and deploying UAVs of various kinds. The WCL National Security Law Brief blog, for example, notes that India is now acquiring weaponized UAVs: India is reportedly preparing to have “killer” unmanned aerial vehicles (UAVs) in response to possible threats from Pakistan and China. Until now India has denied the use of armed UAVs, but they did use UAVs that can detect incoming missile attacks or border incursions. The importance of obtaining armed UAVs grew enormously after the recent attack on paramilitary forces in Chhattisgarh that killed 75 security personnel. Sources reveal that the Indian Air Force (IAF) has been in contact with Israeli arms suppliers in New Delhi recently. The IAF is looking to operate Israeli Harop armed UAVs from 2011 onwards, and other units of the armed forces will follow. I’ve also read comments various places suggesting that increased use of drone technologies by the United States causes other countries to follow suit, or to develop or acquire similar technologies. In some cases, the dangling implication is that if the US would not get involved in such technologies, others would not follow suit. In some relatively rare cases of weapons technologies, the US refraining from undertaking the R&D, or stopping short of a deployable weapon, might induce others not to build the same weapon. Perhaps the best example is the US stopping its development of blinding laser antipersonnel weapons in the 1990s; if others, particularly the Chinese, have developed them to a deployable weapon, I’m not aware of it. The US stopped partly in relation to a developing international campaign, modeled on the landmines ban campaign, but mostly because of a strong sense of revulsion and pushback by US line officers. Moreover, there was a strong sense that such a weapon (somewhat like chemical weapons) would be not deeply useful on a battlefield – but would be tremendously threatening as a pure terrorism weapon against civilians. In any case, the technologies involved would be advanced for R&D, construction, maintenance, and deployment, at least for a while. The situation is altogether different in the case of UAVs. The biggest reason is that the flying-around part of UAVs – the avionics and control of a drone aircraft in flight – is not particularly high technology at all. It is in range of pretty much any functioning state military that flies anything at all. The same for the weaponry, if all you’re looking to do is fire a missile, such as an anti-tank missile like the Hellfire. It’s not high technology, it is well within the reach of pretty much any state military. Iran? Without thinking twice. Burma? Sure. Zimbabwe? If it really wanted to, probably. So it doesn’t make any substantial difference whether or not the US deploys UAVs, not in relation to a decision by other states to deploy their own. The US decision to use and deploy UAVs does not drive others’ decisions one way or the other. They make that decision in nearly all cases – Iran perhaps being an exception in wanting to be able to show that they can use them in or over the Iraqi border – in relation to their particular security perceptions. Many states have reasons to want to have UAVs, for surveillance as well as use of force. It is not as a counter or defense to the US use of UAVs. The real issue is not flying the plane or putting a missile on it. The question is the sensor technology (and related communication links) – for two reasons. One is the ability to identify the target; the other is to determine the level, acceptable or not, of collateral damage in relation to the target. That’s the technologically difficult part. And yet it is not something important to very many of the militaries that might want to use UAVs, because not that many are going to be worried about the use of UAVs for discrete, targeted killing. Not so discrete and not so targeted will be just fine – and that does not require super-advanced technology. China might decide that it wants an advanced assassination platform that would depend on such sensors, and in any case be interested in investing in such technology for many reasons – but that is not going to describe Iran or very many other places that are capable of deploying and using weaponized UAVs. Iran, for example, won’t have super advanced sensor technology (unless China sells it to them), but they will have UAVs. (The attached weaponry follows the same pattern. Most countries will find a Hellfire type missile just fine. The US will continue to develop smaller weapons finally capable of a single person hit. Few others will develop it, partly because they don’t care and partly because its effectiveness depends on advanced sensors that they are not likely to have.) Robots are broadly defined by three characteristics – computation, sensor inputs, and gross movement. Movement in the case of a weaponized robot includes both movement and the use of its weapon – meaning, flying the UAV and firing a weapon. The first of those, flying the UAV, is available widely; primitive weapons are available widely as well, and so is the fundamental computational power. Sensors are much, much more difficult – but only to the extent that a party cares about discretion in targeting. But it is not the case that they are making these decisions on account of US decisions about UAVs; UAVs are useful for many other reasons for many other parties, all on their own.

### No Drone War

#### No global drone war - diplomatic and political costs are too high

Singh 12 (Joseph, researcher at the Center for a New American Security, "Betting Against a Drone Arms Race," nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2fBGQibv1)

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.

#### Drone proliferation won't escalate - deterrence theory checks

Singh 12 (Joseph, researcher at the Center for a New American Security, "Betting Against a Drone Arms Race," nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2fBGQibv1)

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.¶

#### Drones are useless without the host country’s network

Zenko 13 [Micah, January, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council of Foreign Relations, Council Special Report No. 65, Page 6-7]

Altogether, such advantages result in far less collateral damage from drones than other weapons platforms or special operations raids, according to U.S. military officials.8 However, drones suffer two limitations. First, the precision and discrimination of drones are only as good as the supporting intelligence, which is derived from multiple sources. In the tribal areas along the border of Afghanistan and Pakistan, for instance, the Central Intelligence Agency (CIA) reportedly maintains a paramilitary force of three thousand ethnic Pashtuns to capture, kill, and collect intelligence.9 The CIA and U.S. military also cooperate with their Pakistani counterparts to collect human and signals intelligence to identify and track suspected militants.10 In addition, the Pakistani army clears the airspace for U.S. drones, and when they inadvertently crash, Pakistani troops have repeatedly fought the Taliban to recover the wreckage.11 In states without a vast network of enabling intelligence, the CIA or Joint Special Operations Command (JSOC) have significantly less situational awareness and precise targeting information for drones.

#### Drones aren’t combat tools. Need host country support.

Zenko 13 [Micah, January, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council of Foreign Relations, Council Special Report No. 65, Page 6-7]

Second, U.S. drones have benefited from host-state support, which the United States has helped to secure with extensive side payments in foreign aid and security assistance. The few hundred Predator and Reaper drones that currently conduct distant airstrikes leverage a system-wide infrastructure that includes host-state permission to base drones and associated launch and recovery personnel, overflight rights in transit countries, nearby search-and-rescue forces to recover downed drones, satellites or assured access to commercial satellite bandwidth to transmit command-and-control data, and human intelligence assets on the ground to help identify targets.12 To this end, the United States takes advantage of relatively permissive environments, largely unthreatened by antiaircraft guns or surface-to-air missiles, in the countries where nonbattlefield targeted killings have occurred. According to Lieutenant General David Deptula, former Air Force deputy chief of staff for intelligence, “Some of the [drones] that we have today, you put in a high-threat environment, and they’ll start falling from the sky like rain.” In fact, in 1995, relatively unsophisticated Serbian antiaircraft guns shot down two of the first three Predator drones deployed outside of the United States, and Iraqi jet fighters shot down a Predator in 2002.13 Although the next generation of armed drones should be more resilient, current versions lack the speed, stealth, and decoy capabilities to protect themselves against even relatively simple air defense systems.

### 2NC No Terror !

#### No risk of terrorism – a Harvard professor says to prefer our study

Walt 12 (Stephen, Belfer Professor of International Affairs – Harvard University, “What Terrorist Threat?,” Foreign Policy, 8-13, http://walt.foreignpolicy.com/posts/2012/08/13/what\_terrorist\_threat)

Remember how the London Olympics were supposedly left vulnerable to terrorists after the security firm hired for the games admitted that it couldn't supply enough manpower? This "humiliating shambles" forced the British government to call in 3,500 security personnel of its own, and led GOP presidential candidate Mitt Romney to utter some tactless remarks about Britain's alleged mismanagement during his official "Foot-in-Mouth" foreign tour last month. Well, surprise, surprise. Not only was there no terrorist attack, the Games themselves came off rather well. There were the inevitable minor glitches, of course, but no disasters and some quite impressive organizational achievements. And of course, athletes from around the world delivered inspiring, impressive, heroic, and sometimes disappointing performances, which is what the Games are all about. Two lessons might be drawn from this event. The first is that the head-long rush to privatize everything -- including the provision of security -- has some obvious downsides. When markets and private firms fail, it is the state that has to come to the rescue. It was true after the 2007-08 financial crisis, it's true in the ongoing euro-mess, and it was true in the Olympics. Bear that in mind when Romney and new VP nominee Paul Ryan tout the virtues of shrinking government, especially the need to privatize Social Security and Medicare. The second lesson is that we continue to over-react to the "terrorist threat." Here I recommend you read John Mueller and Mark G. Stewart's The Terrorism Delusion: America's Overwrought Response to September 11, in the latest issue of International Security. Mueller and Stewart analyze 50 cases of supposed "Islamic terrorist plots" against the United States, and show how virtually all of the perpetrators were (in their words) "incompetent, ineffective, unintelligent, idiotic, ignorant, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational and foolish." They quote former Glenn Carle, former deputy national intelligence officer for transnational threats saying "we must see jihadists for the small, lethal, disjointed and miserable opponents that they are," noting further that al Qaeda's "capabilities are far inferior to its desires." Further, Mueller and Stewart estimate that expenditures on domestic homeland security (i.e., not counting the wars in Iraq or Afghanistan) have increased by more than $1 trillion since 9/11, even though the annual risk of dying in a domestic terrorist attack is about 1 in 3.5 million. Using conservative assumptions and conventional risk-assessment methodology, they estimate that for these expenditures to be cost-effective "they would have had to deter, prevent, foil or protect against 333 very large attacks that would otherwise have been successful every year." Finally, they worry that this exaggerated sense of danger has now been "internalized": even when politicians and "terrorism experts" aren't hyping the danger, the public still sees the threat as large and imminent. As they conclude: ... Americans seems to have internalized their anxiety about terrorism, and politicians and policymakers have come to believe that they can defy it only at their own peril.  Concern about appearing to be soft on terrorism has replaced concern about seeming to be soft on communism, a phenomenon that lasted far longer than the dramatic that generated it ... This extraordinarily exaggerated and essentially delusional response may prove to be perpetual." Which is another way of saying that you should be prepared to keep standing in those pleasant and efficient TSA lines for the rest of your life, and to keep paying for far-flung foreign interventions designed to "root out" those nasty jihadis.

#### No nuclear terror – operation, cohesion and coordination

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12 The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14 In addition, although some of the plotters in the cases targeting the United States harbored visions of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all were nothing more than wild fantasies, far beyond the plotters’ capacities however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15 Although the efforts of would-be terrorists have often seemed pathetic, even comical or absurd, the comedy remains a dark one. Left to their own devices, at least a few of these often inept and almost always self-deluded individuals could eventually have committed some serious, if small-scale, damage.16

#### Even if there is an attack – it would be small scale and disorganized

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

Calculating the Costs of the Counterterrorism Delusion Delusion is a quality that is difficult to quantify. Nevertheless, there may be a way to get a sense of its dimensions—or at least of its cost consequences. We have argued that terrorism is a limited problem with limited consequences and that the reaction to it has been excessive, and even delusional. Some degree of effort to deal with the terrorism hazard is, however, certainly appropriate—and is decidedly not delusional. The issue then is a quantitative one: At what point does a reaction to a threat that is real become excessive or even delusional? At present rates, as noted earlier, an American’s chance of being killed by terrorism is one in 3.5 million in a given year. This calculation is based on history (but one that includes the September 11 attacks in the count), and things could, of course, become worse in the future. The analysis here, however, suggests that terrorists are not really all that capable, that terrorism tends to be a counterproductive exercise, and that September 11 is increasingly standing out as an aberration, not a harbinger. Moreover, it has essentially become officially accepted that the likelihood of a large-scale organized attack such as September 11 has declined and that the terrorist attacks to fear most are ones that are small scale and disorganized.66 Attacks such as these can inflict painful losses, of course, but they are quite limited in their effect and, even if they do occur, they would not change the fatality risk for the American population very much.

#### Al Qaeda is crumbling internally by alienating foreign supporters

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

In fact, it is unclear whether al-Qaida central, now holed up in Pakistan and under sustained attack, has done much of anything since September 11 except issue videos filled with empty, self-infatuated, and essentially delusional threats. For example, it was in October 2002 that Osama bin Laden proclaimed, “Understand the lesson of New York and Washington raids, which came in response to some of your previous crimes. . . . God is my witness, the youth of Islam are preparing things that will fill your hearts with fear. They will target key sectors of your economy until you stop your injustice and aggression or until the more short-lived of us die.” And in January 2006, he insisted that the “delay” in carrying out operations in the United States “was not due to failure to breach your security measures,” and that “operations are under preparation, and you will see them on your own ground once they are finished, God willing.”18 Bin Laden’s tiny group of 100 or so followers does appear to have served as something of an inspiration to some Muslim extremists, may have done some training, has contributed a bit to the Taliban’s far larger insurgency in Afghanistan, and may have participated in a few terrorist acts in Pakistan.19 In his examination of the major terrorist plots against the West since September 11, Mitchell Silber finds only two (cases 1 and 20) that could be said to be under the “command and control” of al-Qaida central (as opposed to ones suggested, endorsed, or inspired by the organization), and there are questions about how full its control was even in these two instances.20 This highly limited record suggests that Carle was right in 2008 when he warned, “We must not take fright at the specter our leaders have exaggerated. In fact, we must see jihadists for the small, lethal, disjointed and miserable opponents that they are.” Al-Qaida “has only a handful of individuals capable of planning, organizing and leading a terrorist organization,” and although it has threatened attacks, “its capabilities are far inferior to its desires.”21 Impressively, bin Laden appears to have remained in a state of self-delusion even to his brutal and abrupt end. He continued to cling to the belief that another attack such as September 11 might force the United States out of the Middle East, and he was unfazed that the first such effort had proven to be spectacularly counterproductive in this respect by triggering a deadly invasion of his base in Afghanistan and an equally deadly pursuit of his operatives.22 Other terrorist groups around the world affiliated or aligned or otherwise connected to al-Qaida may be able to do intermittent damage to people and infrastructure, but nothing that is very sustained or focused. In all, extremist Islamist terrorism—whether associated with al-Qaida or not—has claimed 200 to 400 lives yearly worldwide outside war zones. That is 200 to 400 too many, of course, but it is about the same number as bathtub drownings every year in the United States.23 In addition to its delusional tendencies, al-Qaida has, as Patrick Porter notes, a “talent at self-destruction.”24 With the September 11 attacks and subsequent activity, bin Laden and his followers mainly succeeded in uniting the world, including its huge Muslim population, against their violent global jihad.25 These activities also turned many radical Islamists against them, including some of the most prominent and respected.26 No matter how much states around the world might disagree with the United States on other issues (most notably on its war in Iraq), there is a compelling incentive for them to cooperate to confront any international terrorist problem emanating from groups and individuals connected to, or sympathetic with, al-Qaida. Although these multilateral efforts, particularly by such Muslim states as Libya, Pakistan, Sudan, Syria, and even Iran, may not have received sufficient publicity, these countries have felt directly threatened by the militant network, and their diligent and aggressive efforts have led to important breakthroughs against the group.27 Thus a terrorist bombing in Bali in 2002 galvanized the Indonesian government into action and into making extensive arrests and obtaining convictions. When terrorists attacked Saudis in Saudi Arabia in 2003, the government became considerably more serious about dealing with internal terrorism, including a clampdown on radical clerics and preachers. The main result of al-Qaida-linked suicide terrorism in Jordan in 2005 was to outrage Jordanians and other Arabs against the perpetrators. In polls conducted in thirty-five predominantly Muslim countries by 2008, more than 90 percent condemned bin Laden’s terrorism on religious grounds.28 In addition, the mindless brutalities of al-Qaida-affiliated combatants in Iraq—staging beheadings at mosques, bombing playgrounds, taking over hospitals, executing ordinary citizens, performing forced marriages—eventually turned the Iraqis against them, including many of those who had previously been fighting the U.S. occupation either on their own or in connection with the group.29 In fact, they seem to have managed to alienate the entire population: data from polls in Iraq in 2007 indicate that 97 percent of those surveyed opposed efforts to recruit foreigners to fight in Iraq; 98 percent opposed the militants’ efforts to gain control of territory; and 100 percent considered attacks against Iraqi civilians “unacceptable.”30 In Iraq as in other places, “al-Qaeda is its own worst enemy,” notes Robert Grenier, a former top CIA counterterrorism official. “Where they have succeeded initially, they very quickly discredit themselves.”31 Grenier’s improbable company in this observation is Osama bin Laden, who was so concerned about al-Qaida’s alienation of most Muslims that he argued from his hideout that the organization should take on a new name.32 Al-Qaida has also had great difficulty recruiting Americans. The group’s most important, and perhaps only, effort at this is the Lackawanna experience, when a smooth-talking operative returned to the upstate New York town in early 2000 and tried to convert young Yemini-American men to join the cause (case 5). In the summer of 2001, seven agreed to accompany him to an al-Qaida training camp, and several more were apparently planning to go later. Appalled at what they found there, however, six of the seven returned home and helped to dissuade those in the next contingent.

### A2 Drones Empower AQAP

#### Alternative causalities to AQAP – poverty, instability, power vacuum

**TheWeek 8/7/13** [The Week Magazine, “Yemen terror threat – why the West is so worried by AQAP,” The Week Magazine with the First Post, <http://www.theweek.co.uk/world-news/54494/yemen-terror-threat-al-qaeda-aqap-west-worried>]

Yemen is poor and unstable: The country was only formed in 1990 when the independent north and south were united, but it remains deeply tribal and civil war broke out in 2004. It is also one of the least developed countries in the Arab world and has very small oil reserves. "After years of civil war, Yemen's central government under President Abd Rabbuh Mansour al-Hadi has little control over much of the country," notes the Daily Telegraph.

The Arab spring made things worse: Yemeni president Ali Abdullah Saleh, who had ruled the country since unification, was one of the leaders to be overthrown in 2011. Although his regime was unpopular and corrupt, his overthrow created a power vaccuum that helped radicals establish themselves in the country. Geopolitical Monitor reports that "as the Arab Spring intensified in Yemen... al-Qaeda significantly expanded its operations, particularly against the Yemeni armed forces".

### Yemen Anti-Americanism Inevitable

#### Hearts and minds non-unique – historical Yemeni anti-americanism – and saleh’s fall means strikes key now

**Cilluffo & Watts 2011 [**Frank, previously served as Special Assistant to the President for Homeland Security and is currently Associate Vice President at The George Washington University and Director of the GW Homeland Security Policy Institute; Senior Fellow at the Homeland Security Policy Institute; “COUNTERING THE THREAT POSED BY AQAP: EMBRACE, DON’T CHASE YEMEN’S CHAOS,” Adfero Group – George Washington University Homeland Security Institute, July 14th, 2011, <http://securitydebrief.com/2011/07/14/countering-the-threat-posed-by-aqap-embrace-don%E2%80%99t-chase-yemen%E2%80%99s-chaos/>]

Ciluffo and Watts: “This week’s escape of 63 suspected al Qaeda in the Arabian Peninsula (AQAP) fighters from a Yemeni prison exemplifies how President Saleh’s departure to Saudi Arabia and Yemeni instability embolden this lethal al Qaeda affiliate.“¶ Johnsen: “I’m pretty sure that AQAP was emboldened prior to Salih’s departure, the group has been incredibly active in Yemen recently and I would argue that largely as a result of US air strikes between December 2009 and May 2010, the organization is actually stronger now in terms of recruits than it was when it dispatched the so-called underwear bomber who tried to bring down the airplane over Detroit on Christmas Day 2009.”¶ In short, AQAP, after the fall of the Saleh regime, took advantage of the chaos to expand its safe haven in south Yemen. Today, (even more than last month) it has greater maneuverability to plan, train and execute terrorist attacks at an even greater level than it has in the past. So, yes, until additional pressure is applied to deny them of their safe haven, AQAP will continue to grow stronger and hence more dangerous.¶ Johnsen argues that AQAP is more emboldened, “largely as a result of US air strikes between December 2009 and May 2010.” The airstrikes equal radicalization argument is popular amongst critics of drones. However, in the case of Yemen, the populace has never been particularly pro-U.S. The 2000 U.S.S. Cole bombing, the recruitment of John Walker Lindh, the droves of AQ foreign fighters of Yemeni descent, and countless other historical indicators demonstrate more than a decade of Yemeni-based extremism against the U.S. Prior to the airstrikes noted by Johnsen, AQAP situated in Yemen in part because of its natural base of Yemeni popular support. Yemeni “hearts and minds” were not lost in recent American airstrikes and will not be immediately lost if limited drone operations hunt key AQAP leaders. Yemeni popular support for the U.S. was lost long ago.¶

### Stability Alt Caus

#### Alternative causalities to AQAP – poverty, instability, power vacuum

**TheWeek, August 7** [The Week Magazine, “Yemen terror threat – why the West is so worried by AQAP,” The Week Magazine with the First Post, <http://www.theweek.co.uk/world-news/54494/yemen-terror-threat-al-qaeda-aqap-west-worried>]

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#### Chaos and instability inevitable in Yemen—economic, political, and security issues overwhelm

Nath 9/23/11 (Adalala'a, International Strategic Research Organization, "The End for Yemen: Tribal Rules and Economic Hardships," http://www.usak.org.tr/EN/makale.asp?id=2339)

Accordingly, while chaos remains today’s dictating force, **the future of Yemen is bleak; the country has neither economic nor political means to sustain a positive future for itself as a united nation with a central government capable of overseeing the ‘spring’ the protestors wish for**. My perception is that the Yemeni protestors were either oblivious to the miserable economic situation, or if they knew they remain unaware of the consequences. Whichever the case, protests in Yemen were both premature and immature. And in fact, these protests have accelerated the end for Yemen as a united country, and more worryingly have put the safety and security of ordinary Yemenis in jeopardy. Now, many months since the protests began, the situation seems to be veering towards civil war. Saleh was correct in his impulse to remain in charge until a smooth transition of power could take place, but the euphoria evoked by the toppling of regimes across the region bypassed rationale thought. It is now inevitable that Yemen will become a hub for fighting and conflict. You have people with guns, qat, and no rule of law. Yemen, as Christopher Boucek put it, is the “poorest country in the Arab world, with an annual per capita income of under $900 per year and nearly half the population earning less than $2 per day. The population growth rate, which exceeds 3 percent per year, is among the highest in the world. In the next two decades, the population is expected to double to over 40 million. More than 5 million Yemenis go hungry each day and the country’s childhood malnutrition rates are among the highest in the world.” These statistics are accompanied by political turmoil, and compounded by the fact that al-Qaeda is now in the process of building, not only its terrorist networks, but also consolidating its image of intimidation. A situation almost guaranteed to erode any trust amongst local communities. This is a very important factor, because should al-Qaeda have a strong hold in Yemen, it will not only determine how external forces deal with the country, but also, it will cause further unease and tension within the populace. This disquiet can generate a complex web of accusation and counter-accusation about affiliations with al-Qaeda. If not checked this will create a rich soil on which to nurture a long and bloody conflict in the country. A plotting of Yemen’s recent history indicates the government in Sana’a never had full control of the country, as certain pockets remained rebellious. At the local level there have always been degrees of independence from the control of central government. Yet, if a relatively effective government could be installed in the near future and survive the current unrest, **such a government will soon be undermined by other economic and security factors**. **This will cause a civil war which is likely to draw in all Yemenis**. Therefore the best outlook for Yemen is to speed up its division into at least three separate self-rule systems that would guarantee a peaceful and legitimate demarcation between the regions. In any case, **Yemen is bound to become submerged in conflict and propelled into further chaos**. If a situation of self-rule and recognised boundaries is brought to bear, this would help to minimise the number of warring parties, it will make the coming crisis in the country manageable, and more importantly it is a short-cut response to inevitable changes unfolding in the country.

#### Meeting humanitarian needs is a prerequisite to Yememi stability - huge alt caus

OCHA 13 (UN Office for the Coordination of Human Affairs, "Yemen: Efforts to bring stability could fail unless basic needs are met, warns UN," http://www.unocha.org/top-stories/all-stories/yemen-efforts-bring-stability-could-fail-unless-basic-needs-are-met-warns-un)

The UN has warned that efforts to find a political solution to the insecurity that has plagued Yemen since 2011 could be undermined unless support for humanitarian programmes is quickly and dramatically increased.¶ This warning came as UN agencies and partners released their revised humanitarian appeal for 2013. The revised plan now calls for US$702 million to assist approximately 7.7 million Yemenis. The original plan released at the end of 2012 called for $716 million. The slight decrease is partly the result of some unfunded projects that were intended for the first half of the year. So far, only about 38 per cent of funds needed have been received.¶ “The ongoing political transition (has) overshadowed the humanitarian crisis,” said Mr. OuldCheikh Ahmed, the UN Resident and Humanitarian Coordinator for Yemen. “Our fear is that any movement towards stability could collapse unless people’s very basic needs are met.”¶ Mr. Ahmed’s warning echoes that of the Secretary-General’s Humanitarian Envoy for Kuwait, Dr. Abdullah Al-Matouq, who visited Yemen at the beginning of July.¶ “Yemen is going through a period of political transition, but the humanitarian situation remains serious with millions of vulnerable people in urgent need of emergency and early recovery assistance,” said Dr. Al-Matouq.¶ Yemen: Key humanitarian needs (Source: OCHA)¶ “There can be no sustainable transition unless their basic humanitarian needs are met. This crisis could affect the recent political achievements unless it is comprehensively addressed.”

#### Yemeni instability inevitable - refugee and displacement crises

OCHA 13 (UN Office for the Coordination of Human Affairs, "Yemen: Efforts to bring stability could fail unless basic needs are met, warns UN," http://www.unocha.org/top-stories/all-stories/yemen-efforts-bring-stability-could-fail-unless-basic-needs-are-met-warns-un)

For people in the north, the situation is more uncertain. About 300,000 people there are displaced, and chances of them returning home soon are remote. While they urgently need basic services, more durable solutions to this protracted displacement crisis are also needed. Authorities have recently adopted a national policy on IDPs that seeks to protect people who have been forced from their homes, and that seeks to find safe, voluntary and permanent solutions to displacement.¶ The situation in Yemen is likely to worsen with news that tens of thousands of Yemenis are expected to return from Saudi Arabia following a crackdown on undocumented workers by the Saudi authorities. Their return will place further pressure on scarce resources and basic services, and will add to pressure on households who rely on remittances for their livelihoods.

## CP

### Theory – Agent CP – 2NC

#### Counterplan is legitimate –

#### 1. Tests “statutory” and “judicial” – executive action is a different mechanism. Its non-topical, core ground, and something they should be prepared for – that’s Duncan

#### 2. Inter-branch politics are crucial in the context of war powers – it's the reason restrictions exist – makes the counterplan educational and necessary ground

Jenkins 10 (David – Assistant Professor of Law, University of Copenhagen, “Judicial Review Under a British War Powers Act”, Vanderbilt Journal of Transnational Law, May, 43 Vand. J. Transnat'l L. 611, lexis)

In this pragmatic way, the Constitution attempts to balance the efficiency of centralized, executive military command with heightened democratic accountability through legislative debate, scrutiny, and approval. n28 Therefore, despite the Constitution's formal division of war powers between the executive and the legislature, disputes over these powers in the U.S. are usually resolved politically rather than judicially. n29 This constitutional arrangement implicitly acknowledges that both political branches possess certain institutional qualities suited to war-making. n30 These include the dispatch, decisiveness, and discretion of the executive with the open deliberation of the legislature and localized political accountability of its members, which are virtues that the slow, case specific, and electorally isolated courts do not possess. n31 The open, politically contestable allocation of [\*618] war powers under the Constitution not only permits differing and perhaps conflicting interpretations of the legal demarcations of branch authority but also accommodates differing normative preferences for determining which values and which branches are best-suited for war-making. n32 Furthermore, this system adapts over time in response to inter-branch dynamics and shifting value judgments that are themselves politically contingent. Thus, the American war powers model is an intrinsically political - not legal - process for adjusting and managing the different institutional capabilities of the legislative and executive branches to substantiate and reconcile accountability and efficiency concerns. A deeper understanding of why this might be so, despite the judiciary's power to invalidate even primary legislation, can inform further discussions in the United Kingdom about the desirability and advisability of putting the Crown's ancient war prerogative on a statutory footing.

#### 3. Process key to education

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

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

#### 4. Neg flex – we need to test from all angles – agent ground is vital to fairness, particularly on this topic – most neg lit is about how restrictions are put in place, not whether they should be there

Fisher 3 (Louis – Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress. Ph.D., New School for Social Research, “A Constitutional Structure for Foreign Affairs”, 2003, 19 Ga. St. U.L. Rev. 1059, lexis)

It is conventional, and I suppose convenient, to divide scholars on the war power and foreign affairs into "pro-congressionalists" and "propresidentialists." Their writings may seem to demonstrate a sympathy for one branch over another. However, scholarship is shallow if it merely latches itself onto one branch of government while shooting holes in the other. Analysis of the war power and foreign affairs demands a higher standard: recognizing institutional weaknesses along with institutional strengths, appreciating that the democratic process requires deliberation and collective action, and promoting policies that can endure rather than attempting short-term, unilateral solutions that fail. Moreover, the important point is not which branch has the political power to prevail. If that were the standard, we would always side with autocratic and even totalitarian regimes, or perhaps, in the current United States, an elected monarch. More fundamental to the discussion are the principles and procedures that support and sustain constitutional government.

#### 5. Fair & Predictable – they can defend “congress/judiciary key”, our net-benefit proves it’s not trivial, and it’s at the heart of the topic

#### 6. Not a voter – reject the argument, not the team

#### 7. DAs Aren’t Enough

#### A. Comparative necessity - backlash DAs don’t help decide which branch is better suited in foreign policy

#### B. CPs are needed to deal with entrenched status quo trends as well as understand different processes, instead of simply debating DAs every round that never get the heart of agent debates

### A2: Perm – Do CP

#### -- Severs the mechanism –

#### Statutory restrictions require congressional statutes

Barron and Lederman 8 (David J. – Professor of Law, Harvard Law School, and Martin S. – Visiting Professor of Law, Georgetown University Law Center, “THE COMMANDER IN CHIEF AT THE LOWEST EBB - FRAMING THE PROBLEM, DOCTRINE, AND ORIGINAL UNDERSTANDING”, January, 121 Harv. L. Rev. 689, lexis)

2. Congress (Almost) Always Wins Under the Separation of Powers Principle. - We must also consider a related argument for congressional supremacy. This claim is based on the doctrinal test that generally governs separation of powers issues arising from clashes between the President and the Congress in the domestic setting. n149 Under this test, the "real question" the Court asks is whether the statute "impedes the President's ability to perform" his constitutionally assigned functions. n150 And even if such a potential for disruption of executive authority is present, the Court employs a balancing test to "determine whether that impact is justified by an overriding need to promote objectives within the constitutional authority of Congress." n151 Thus, under the general separation of powers principle, even a "serious impact ... on the ability of the Executive Branch to accomplish its assigned mission" might not be enough to render a statute invalid. n152 This approach appears to have a pro-congressional tilt; yet it actually does little more than relocate the dilemma it is impressed to avoid. Even under this deferential test, it is well understood that certain statutes can infringe the President's constitutionally assigned authority to exercise discretion; a statutory restriction on the pardoning of a given category of persons is an obvious example. Nothing in the application of the separation of powers test, then, explains why certain core executive powers (including merely discretionary authorities, rather than obligatory duties) cannot be infringed, even though it is generally understood that such inviolable cores might exist. For this reason, the general separation of powers principle does not actually resolve the question that arises in a Youngstown Category Three case. In all [\*739] events, the question remains whether the President possesses an illimitable reserve of wartime authority. Insofar as the separation of powers principle is thought to provide affirmative support for congressional control, it seems objectionable because it, too, fails to require the analyst to explain why the particular wartime power the President is asserting is not one that Congress can countermand. It simply asserts that it is not.

#### Statutes are enacted by legislative action

Ballentine’s 10 (Ballentine’s Law Dictionary, “Act”, 2010, lexis)

1. Verb: To perform; to fulfill a function; to put forth energy; to move, as opposed to remaining at rest; to carry into effect a determination of the will. Holt v Middlebrook (CA4 Va) 214 F2d 187, 52 ALR2d 1043. To simulate; to perform on stage, screen or television. 2. Noun: A thing done or established; a part of a play or musical comedy; a deed or other written instrument evidencing a contract or an obligation. A statute; a bill which has been enacted by the legislature into a law, as distinguished from a bill which is in the form of a law presented to the legislature for enactment.

#### Judicial restrictions are imposed by courts

Kang 6 (Michael – Assistant Professor, Emory University School of Law, “De-Rigging Elections: Direct Democracy and the Future of Redistricting Reform”, 2006, 84 Wash. U. L. Rev. 667, lexis)

The Court's general reluctance to restrict partisan gerrymandering appeared motivated by a lack of judicial confidence. Judicial restriction of gerrymandering would draw courts, which are putatively nonpartisan and apolitical institutions, n39 into the untenable position of managing what is fundamentally a political exercise. Justice Kennedy emphasized the difficulty for courts of "acting without a legislature's expertise" and the unwelcome task of removing from the democratic process "one of the most significant acts a State can perform to ensure citizen participation in republican self-governance." n40 Indeed, challenges to gerrymanders demand more of courts than simply striking down excessively partisan plans. Today, judicial intervention against gerrymandering almost necessarily brings with it active judicial management of the redistricting process. A court that strikes down a redistricting plan, for whatever reason, n41 invariably is drawn into authorship of a new redistricting plan to replace it, or a close interaction with legislators working to formulate a new plan (or both). n42 Courts "become active players often placed in the uncomfortable role of determining winners and losers in redistricting, and, therefore, elections." n43 When courts have involved themselves in redistricting matters, namely in racial gerrymandering and one person, one vote cases, [\*675] the courts have drawn heavy criticism. n44 Even so, Justice Stevens predicted that "the present "failure of judicial will' will be replaced by stern condemnation of partisan gerrymandering." n45 Greater judicial direction of the redistricting process is a price that Justice Stevens and reformers seem happy to pay. They are more than willing to trade the costs of judicial entanglement for the perceived benefits of judicial oversight in redistricting. I further discuss the costs of this approach in Part III.

#### Severance is a voter – makes the aff a moving target and makes it impossible for the neg to have stable ground because of shifting, late-breaking debates

#### They destroy legal precision about agency implementation that’s key to topic education and the ability to test “statutory/judicial restrictions”

#### Severs –

#### US can’t be the executive

Cox 89 (Bartholomew, Legal Historian; A.B. 1959, Princeton University; M.A. 1962, Ph.D. 1967, George Washington University; J.D. 1976, George Washington University National Law Center, "Raison d'Etat and World Survival: Who Constitutionally Makes Nuclear War?," August, 57 Geo. Wash. L. Rev. 1614, lexis)

The formal Constitution also seems to allocate ultimate power in governmental matters to Congress. Despite language to the contrary from executive branch lawyers and even the Supreme Court, "the state" or "the government" or "the United States" is surely not to be equated with the executive branch. n23 The United States is [\*1619] a single metaphysical entity, encompassing state, society, and government in one artificial being. As a single entity, when disputes arise between the branches, the plain language of the document of 1787 requires the legislature to prevail. For example, Congress under Article III has express power to regulate the appellate jurisdiction of the Supreme Court, a power sustained more than a century ago in Ex parte McCardle. n24 Of more direct, present relevance, Article I, section 8, clause 18, reads: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, n25 and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." William Van Alstyne has argued that this clause plainly gives Congress "horizontal" powers to control the activities of the other two branches. n26 The problem thus becomes not whether Congress may exercise such control under the formal Constitution, but whether it will. Professor Charles Black appears to agree: The powers of Congress are adequate to the control of every national interest of any importance, including all those with which the president might, by piling inference on inference, be thought to be entrusted. And underlying all the powers of Congress is the appropriations power, the power that brought the kings of England to heel. . . . [B]y simple majorities, Congress could at the start of any fiscal biennium reduce the president's staff to one secretary for answering social correspondence, and . . . by two-thirds majorities, Congress could put the White House up at auction. n27

#### -- Severs the actor –

#### A) “The” means all parts

**Encarta 9** (World English Dictionary, “The”, http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495)

2. indicating **generic** class: used to refer to a person or thing **considered** **generically or universally**  
Description: bulletDescription: transExercise is good for **the heart**.  
Description: bulletDescription: transShe played the violin.  
Description: bulletDescription: transThe dog is a loyal pet.

#### B) That means all 3 branches have to act

Miller 86 (Arthur, Distinguished Visiting Professor of Law – Emory University, “Congress, the Constitution, and First Use of Nuclear Weapons”, Review of Politics, 48(3), Summer)

Three other points merit mention in this discussion of collective decision-making. First, both the formal and the secret constitutions allocate power over foreign relations and defense to the central government, to, that is, the United States of America visualized as a single entity. What, however, is "the" United States? The question has never been definitively answered; and indeed has sel-dom been asked in judicial opinion or scholarly discourse.42 Asked another way, the question is this: Where does sovereignty lie in the American polity? The formal constitution is supposedly based on popular sovereignty, with ultimate power resting in the people. That, however, is far from accurate. Proof positive that sover-eignty lies in the "state" came when General Robert E. Lee sur- rendered at Appomattox: "the people" of the South were not to be permitted to exercise their "sovereignty." The powers of the national government are supposedly only those delegated to it, either expressly or impliedly. But that is scarcely accurate, as 200 years of constitutional development attest. The Framers of the formal constitution established a governmental system that, as Justice Robert Jackson commented, would ensure that the dispersed powers of the federal government would be integrated into a workable government. "Separateness but interdependence, autonomy but reciprocity" was the constitutional command.43 The meaning is unmistakable: "the" United States is a single metaphysical entity, encompassing state, society, and government in one artificial being. These terms are not synonymous. The state is the fundamental entity; governmenits its apparatus; and society is composed of the individuals and groups governed. Much like the business corporation, the state-"the" United States-is an artificial construct, more a method than a thing. It exists in constitutional theory-in, for example, the state secrets privilege in litigation-even though judges and commentators alike often confuse the term with government and with society. A legal fiction that by itself can do no act, speak no work, and think no thought, the state (like the corporation) has "no anatomical parts to be kicked or consigned to the calaboose; no soul for whose salvation the parson may struggle; no body to be roasted in hell or purged for celestial enjoyment." 44 Despite loose language to the contrary from executive branch lawyers and even the Supreme Court, "the" state or "the" government-or "the" United States-is not to be equated with the executive branch. Nor with any one branch, for that matter; each branch is part of an indivisible whole.

### AT Congress OK at Foreign Policy

#### The structure of Congress inherently favors delay and inaction --- that’s awful for crisis response

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In order to weigh the advantages of the Congress-first approach, it is also important to understand its potential costs. The costs may not be obvious, since grounding the use of force in ex ante congressional consent bears a close resemblance to the process for enacting legislation. The legislative process increases the costs of government action. It is heavily slanted against the enactment of legislation by requiring the concurrence not just of the popularly elected House but also the state-representing Senate and the President. This raises decision costs by increasing the delay needed to get legislative concurrence, requiring an effort to coordinate between executive and legislature, and demanding an open, public discussion of potentially sensitive information. Decision costs are not encapsulated merely in the time-worn hypotheticals that ask whether the President must go to Congress for permissions to launch a preemptive strike against a nation about to launch its own nuclear attack. Rather, these decision costs might arise from delay in using force that misses a window of opportunity, or one in which legislative discussion alerts an enemy to a possible attack, or the uncertainty over whether congressional authorization will be forthcoming.

#### Congress is too slow to respond to 21st century threats --- executive deference is critical

Rudalevige 6 – Thomas Brackett Reed Professor of Government @ Bowdoin College (Andrew, “The New Imperial Presidency,” UMich-Ann Arbor Press, Book, p. 264-67)

That fragmentation is most obvious at the other end of Pennsylvania Avenue. Despite common grammatical usage, including in this book, Congress is not an “it” but a “they.” That is, Congress is not singular but plural and a fractious plural at that. The geographic basis of House representation— the “territorial imperative”—means that no two House members share identical interests.6 The distinctive constituencies and terms of the House and Senate generate few overlapping sympathies across the chambers. Sequential majorities and supermajorities are required for action, but only a small minority for inaction. This became even more true after the application of reforms in the 1970s designed to apply the openness and decentralization aimed at the executive branch to Congress itself. The reforms enhanced the power of subcommittees and gave party rank-and-‹le more power to override seniority in selecting committee chairs. What nineteenth-century observers like Woodrow Wilson condemned as “committee government” often atomized further into “subcommittee government” instead. As a result, one scholar noted, members of Congress can make laws “only with sweat patience, and a remarkable skill in the handling of creaking machinery.” But stopping laws is a feat “they perform daily, with ease and infinite variety.”7¶ Thus even an alert and aggressive Congress has endemic weaknesses.8 Its large size and relative lack of hierarchy hamper quick decision making. The specialized jurisdictions inherent in the committee system, so necessary for dividing labor, also divide issues and make their comprehensive consideration across functional lines nearly impossible. (Nor do House members’ two-year terms give much incentive for long-term planning.) For similar reasons Congress has difficulty in planning and agenda setting. The ready acceptance of the idea of a presidential legislative program after World War II was partly a question of legislative convenience, a way to weed through innumerable proposals and provide a focus for limited floor time. Finally, with so many members, each seeking press attention, Congress also finds it hard to keep a secret. As President George H. W. Bush’s counsel, Boyden Gray, put it, “any time you notify Congress, it’s like putting an ad in the Washington Post. Notification is tantamount to declaration.”9¶ In short, Congress has the problems inherent to any body of individuals that must take collective action. The decisions that are rational for a single member—especially those aimed at gaining particular benefits for his or her district—are not always good decisions for the body as a whole.10 James Madison wrote as early as 1791 that whenever a question of “general. . . advantage to the Union was before the House . . . [members] commonly resorted to local views.” Then, as now, coalition building had to overcome decentralized inertia, with the result that governing often comes down to, in the words of LBJ budget official Charles Schultze, “a lot of boodle being handed out in large numbers of small boodle.”11¶ Worse, fragmentation is not limited to the legislative branch. After all, Congress created most of the executive branch as well—and in its own image. The “politics of bureaucratic structure” result in a bureaucracy far different than what organization theorists would draw up on a blank page, one rarely aligned along functional lines or with clear lines of executive authority. Legislative majorities hope to institutionalize their own interests in government agencies and to structurally insulate those preferences against future majorities seeking to meddle. They hope to gain access to the bureaucratic decision-making process and to influence it whenever desirable. They hope to gain points with constituents for fixing the errors agencies make, perhaps to the point of structuring agencies that cannot help but make errors. If nothing else, the historical pattern of executive branch development has spurred a particular array of legislative committees—and organized special interests linked to both.12¶ As the size and scope of the national government grew, its organizational inefficiencies became more obvious and more meaningful. This in turn focused increased attention on the need for direction and coordination— for a chief executive who could actually manage the executive branch. The areas of homeland security and intelligence analysis are only the most recent cases where failures of communication or analysis within the bureaucracy have magnified the need for those qualities.¶ Globalization in some ways highlights the continuing limits of the presidency’s authority: its incumbent is not, after all, president of the world. Yet the practical advantages of presidential leadership vis-à-vis the legislature, at least, are further magnified in an era where rapid transportation, instantaneous communication, and huge flows of trade have changed the context of governance in ways that play to presidential strengths. Both opportunities and threats arise quickly and demand immediate response. Their resolution requires a broad national view, not territorialism; resident expertise, not the give-and-take of log-rolling compromise. Further, if, as Richard Neustadt suggested, the cold war’s omnipresent fear of nuclear war made the president for a time the “final arbiter” in the balance of power, the rise of rogue states and nonstate actors with access to similar weaponry ups the ante again. In this one sense at least the “modern presidency” described earlier may have given way to a “postmodern” one.13 As the Bush administration argued to the Supreme Court on behalf of the president’s power to designate enemy combatants,¶ The court of appeals’ attempt to cabin the Commander-in-Chief authority to the conduct of combat operations on a traditional battlefield is particularly ill-considered in the context of the current conflict. . . . The September 11 attacks not only struck targets on United States soil; they also were launched from inside the Nation’s borders. The “full power to repel and defeat the enemy” thus necessarily embraces determining what measures to take against enemy combatants found within the United States. As the September 11 attacks make manifestly clear, moreover, al Qaeda eschews conventional battlefield combat, yet indiicts damage that, if anything, is more devastating.14

#### Seriously, Congress sucks – causes isolationism

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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.

### AT Rollback

#### That means the President will circumvent the plan

Paulsen 10 -- Distinguished University Chair & Prof of Law @ Univ St. Thomas (Michael Stokes, 1/1/2010, "The War Power," Harvard Journal of Law & Public Policy 33(1), EBSCO)

What, then, do you do when the judiciary suddenly begins to intrude on the Constitution’s allocation of powers, interfering with the proper Article II presidential power to wage war, de‐ tain prisoners, and impose military punishments on unlawful enemy combatants? One option is simple legislative correction. This solution is available when the Courtrests its decision on a separation of powers ground that the President’s action legally requires congressional authorization and such authorization has not been given. Regardless of whether such a judicial deci‐ sion is sound or unsound, it often can be remedied by the ex‐ pedient of going to Congress for the authorization the Court thought necessary. This is what happened in the aftermath of the Court’s 2006 decision in Hamdan—an egregious and poten‐ tially dangerous decision, but one that proved capable of legis‐ lative correction because it ultimately rested on the ground that the President’s military commission procedures were uncon‐ stitutional only because not legislatively authorized. President George W. Bush chose to put the issue to Congress—and raised the stakes by transferring several high‐value terrorist unlawful combatants to Guantanamo.62 Congress responded with the Military Commissions Act of 2006 (MCA).63 The MCA was, in effect, a sweeping legislative repudiation of Hamdan and a broad reaffirmation of President Bush’s position, but‐ tressing presidential power.64 Congress (to use Youngstown‐ speak) added its legislative powers to those that the President possesses in this area by virtue of his exclusive Article II pow‐ ers. Presidential actions consistent with the MCA fall within the safest harbor of Youngstown’s “Category I” of most‐ indisputably‐authorized presidential actions. The MCA thus gave President Bush, and now President Obama, all the author‐ ity he could possibly need with respect to military commissions and war prisoner detentions. When one adds the MCA to the already‐existing authorizations for use of military force, it is impossible not to conclude that the waging of the war on ter‐ ror, with respect to matters of capture, detention, interrogation, and military punishment, stands on anything but the firmest of constitutional footings. The President is at the very height of his constitutional powers. One could think of this as Youngs‐ town Category I on steroids—a sort of a super‐duper Youngs‐ town Category I situation. Just about the only aspect of Hamdan that the MCA did not repudiate was the proposition that such legislative authoriza‐ tion was constitutionally necessary in the first place. Is there not a certain implicit weakening of presidential power by the very act of acquiescing to the supposed need to get Congress’s approval? Not necessarily, but one can certainly understand the concern that asking Congress for authority implies, or could be taken to imply, a lack of independent authority. There is also the concern that Congress might refuse to act or might legislate in support of the President’s position in a not fully‐ supportive way. This concern no doubt influenced the Bush administration’s decisions not to seek specific legislative au‐ thority or support in the first instance. With respect to the MCA, the story had a mostly happy legislative ending. But what if it had not? Sometimes, the Court will erroneously hold legislative au‐ thorization necessary for presidential action and Congress will not grant that authorization to the full extent the President feels necessary. And sometimes the Court keeps invalidating presi‐ dential action, notwithstanding congressional authorization, or finds aspects of the authorization unconstitutional. This is an apt description of what happened in Boumediene. 65 What then? I submit that the scheme of separation of powers—the logic of the Framers’ design and the clear implication of the words they used to explain and defend that design—must permit the President, as Commander‐in‐Chief, to refuse to be bound by erro‐ neous decisions of the Supreme Court that pose a serious harm to the nation. 66 I expect that President Bush would have so refused, had he thought it necessary. This position, of course, is contro‐ versial in today’s legal culture. But it should not be. The idea of “executive review” of unlawful Supreme Court decisions fol‐ lows from the same premises that justify judicial review of congressional decisions: No one branch is bound by the consti‐ tutional interpretations of any of the others.67 Indeed, I submit that it would be a violation of the President’s oath if he were, in a case endangering the nation’s security, deliberately and con‐ sciously to adhere to what he concludes is an erroneous judicial determination that poses a grave threat to national security. President Lincoln clearly understood this duty and saw in the Presidential Oath Clause a duty to defend the nation and to resist erroneous judicial decisions threatening the Constitution and the constitutional order.68 The President swears an oath to “preserve, protect, and defend” the Constitution, a personal, nondelegable, nondefeasible moral and legal obligation that logically includes the preservation, protection, and defense of the nation whose Constitution it is and upon whose existence everything else in the Constitution depends. To put it as plainly as I can: It would be a violation of the President’s oath to accede to a judicial violation of the Consti‐ tution that endangers the nation’s security. If, in consequence of Hamdi, Hamdan, Boumediene, or any other erroneous judicial decision, the President of the United States would be re‐ quired to take action endangering the nation’s security, he should announce that he will, to that extent, refuse to honor that judicial decision.

### A2: Rollback – Congress – 2NC

#### -- Durable fiat means no rollback from any branch – it’s justified – ensures the Aff doesn’t lose solvency on repeal, judicial strike down and ensures disad ground – most educational because it makes debates about “should” not “would”. If not, vote Neg on presumption because the plan gets rolled back too

#### -- Doesn’t make sense in the context of the plan – Congress would like the concept of putting checks and balances on presidential war powers

#### Executive orders aren’t overturned – reluctance, collective action, and data prove

Krause and Cohen 00 (George and David – Professors of Political Science at South Carolina, “Opportunity, Constraints, and the Development of the Institutional Presidency: The Issuance of Executive Orders” The Journal Of Politics, Vol. 62, No. 1, February 2000, JSTOR)

We use the annual number of executive orders issued by presidents from 1939 to 1996 to test our hypotheses. Executive orders possess a number of properties that make them appropriate for our purposes. First, the series of executive orders is long, and we can cover the entirety of the institutionalizing and institutional-ized eras to date.6 Second, unlike research on presidential vetoes (Shields and Huang 1997) and public activities (Hager and Sullivan 1994), which have found support for presidency-centered variables but not president-centered factors, executive orders offer a stronger possibility that the latter set of factors will be more prominent in explaining their use. One, they are more highly discretionary than vetoes.7 More critically, presidents take action first and unilaterally. In ad-dition, Congress has tended to allow executive orders to stand due to its own collective action problems and the cumbersomeness of using the legislative process to reverse or stop such presidential actions. Moe and Howell (1998) report that between 1973 and 1997, Congress challenged only 36 of more than 1,000 executive orders issued. And only two of these 36 challenges led to overturning the president's executive order. Therefore, presidents are likely to be very successful in implementing their own agendas through such actions. In fact, the nature of executive orders leads one to surmise that idiopathic factors will be relatively more important than presidency-centered variables in explaining this form of presidential action. Finally, executive orders have rarely been studied quantitatively (see Gleiber and Shull 1992; Gomez and Shull 1995; Krause and Cohen 1997)8, so a description of the factors motivating their use is worth-while.9 Such a description will allow us to determine the relative efficacy of these competing perspectives on presidential behavior.10

#### Congress won’t challenge – empirically proven

Devins 9 (Neal Devins, Goodrich Professor of Law and Professor of Government, College of William and Mary. Presidential power in the 21st century symposium: “presidential unilateralism and political polarization: why today's Congress lacks the will and the way to stop Presidential initiatives”, Williamette Law Review, 45 (395). Spring, lexis)

Most significant, when Presidents act, it is up to the other branches to respond. In other words, Presidents often win by default - either because Congress chooses not to respond or because its response is ineffective. Furthermore, by end running the burdensome and often unsuccessful strategy of seeking legislative authorization, unilateral presidential action expands the institutional powers and prerogatives of the presidency. In other words, the President's personal interests and the presidency's institutional [\*400] interests are often one and the same. For this very reason, Presidents have expanded the reach of presidential power by advancing favored policies through executive orders, Office of Management and Budget review of proposed agency regulations, pre-enforcement directives (especially signing statements), and broad claims of inherent presidential power (especially the power to launch military strikes and the power to withhold information from Congress). Unlike the presidency, the individual and institutional interests of members of Congress are often in conflict with one another. While each of Congress's 535 members has some stake in Congress as an institution, parochial interests will overwhelm this collective good. In particular, members of Congress regularly tradeoff their interest in Congress as an institution for their personal interests - most notably, reelection and advancing their (and their constituents') policy agenda. In describing this collective action problem, Moe and Howell note that lawmakers are "trapped in a prisoner's dilemma: all might benefit if they could cooperate in defending or advancing Congress's power, but each has a strong incentive to free ride in favor of the local constituency." n8 For this reason, lawmakers have no incentive to stop presidential unilateralism simply because the President is expanding his powers vis-a-vis Congress. Consider, for example, the President's use of executive orders to advance favored policies and presidential initiatives to launch military initiatives. Between 1973 and 1998, Presidents issued about 1,000 executive orders. Only 37 of these orders were challenged in Congress and only 3 of these challenges resulted in legislation.

#### Institutional factors prevents the counterplan from being overturned

Stack 9 (Kevin M. – Assistant Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University, “The Statutory President”, 2005, 90 Iowa L. Rev. 539, lexis)

This uncertainty has high costs. The absence of a framework for review of presidential assertions of statutory authority does nothing to check the incentives of the president and his counsel to seek the widest possible construction of the president's authority. While wide constructions are not in themselves objectionable, without oversight from other actors, they pose the risks associated with the concentration of power. Moreover, Congress - [\*542] one potential source of constraint and oversight - has been a less than robust monitor of the president's assertions of statutory authority. The incentives for Congress to delegate authority broadly have been well documented. n6 But despite the breadth of congressional delegations generally, and delegations to the president in particular, Congress has provided scant formal policing of the president's own assertions of authority under those delegations. Between 1945 and 1998, Congress legislatively overturned only four of the more than 3,500 executive orders issued. n7 For a wide range of institutional reasons, from constituent-driven pressures to the costs attendant to coordinated action, Congress is a poor source of constraint on presidential action. n8 The judiciary thus has a critical role to play in monitoring presidential compliance with statutory authority and requires a theory of review to do so.

### Solvency – 2nc (Must Read)

#### Independent, intra-executive review of targeted killing solves – ensures accountability, encourages restraint and avoids disclosure of vital information

Murphy and Rasdan 9 (Richard and Afsheen, AT&T Professor of Law, Texas Tech University + Professor, William Mitchell College of Law, "DUE PROCESS AND TARGETED KILLING OF TERRORISTS," 32 Cardozo L. Rev. 405, lexis)

It should never be impracticable or anomalous, however, for the executive branch to follow its own views of what is fair and reasonable for due process. Our conclusion flows from a simple, definitional point: By determining that a procedure is fair and reasonable, the executive necessarily concludes that the procedure is not impracticable or anomalous. Therefore, the executive's obligation to provide due process must follow it everywhere without any functionalist excuses. For this reason, FBI Director Mueller could not have been more wrong when, responding to concerns that the United States was using illegal interrogation techniques overseas, he quipped, "I'm not concerned about due process abroad." n227¶ The executive, like the courts, cannot practicably offer suspected terrorists full-blown notice and an opportunity to be heard before an attempted targeted killing. The CIA, before firing a missile, need not [\*446] and should not invite Osama bin Laden or his lawyer to a hearing to contest whether he is, in fact, a committed member of al Qaeda.¶ But if due process for a targeted killing should not take the form of pre-deprivation notice and an opportunity to be heard, what form should it take? Many systems might be devised under a Mathews v. Eldridge analysis. n228 Rather than discuss the merits and demerits of imaginary systems, however, here we highlight one procedural requirement that two foreign courts have already imposed: After using deadly force in counterterrorism operations, executive authorities should conduct an independent, impartial, prompt, and (presumptively) public investigation of its legality. n229¶ The Supreme Court of Israel's decision in PCATI is again informative. n230 As noted above, the Court regarded the Israeli-Palestinian conflict as subject to the law of international armed conflict. n231 It categorized the Palestinian targets as "civilians" who could be targeted only when directly participating in hostilities. n232 This decision did not put security forces in a straitjacket, though, because the Court also adopted a generous interpretation of what it means to "directly participate" in hostilities. n233¶ The Court recognized that this generous interpretation increased the risk of improper targeting of peaceful civilians. It therefore crafted a set of legal limits to curb errors and abuses, citing customary international law, human rights case law, and a raft of secondary authorities. n234 The checks include: (a) thorough verification "regarding the identity and activity of the civilian who is allegedly taking part in the hostilities"; (b) forbidding deadly attacks if other means, such as arrest, can be used without imposing too great a risk on security forces or others; and (c) following up an attack on a civilian by an independent, intra-executive investigation "regarding the precision of the identification of the target and the circumstances of the attack." n235 [\*447] For good measure, the Court said the internal investigation should be subject to judicial review. n236¶ In fashioning these limits, the Israeli Court relied on, among other sources, human rights law developed by the European Court of Human Rights. For example, in McKerr v. United Kingdom, that court addressed the legality of shooting three suspected IRA terrorists after they ran a police roadblock at high-speed. n237 After years of inquests, criminal investigations, and civil litigation, the son of one of the decedents, McKerr, filed an application with the European Court of Human Rights. In this filing, McKerr claimed that the state had not satisfied its duty under Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This provision declares that "everyone's right to life shall be protected by law," but that a killing does not violate this right if it results from the "use of force which is no more than absolutely necessary ... in defence of any person from unlawful violence ... [or] to effect a lawful arrest." n238 The European Court has repeatedly held that, by implication, protection of this right to life "requires that there should be some form of effective official investigation when individuals have been killed as a result of the use of force by ... agents of the State." n239¶ Responding to McKerr's petition, the Court elaborated that Article 2's purpose "is to secure the effective implementation of the domestic laws which protect the right to life and, in those cases involving State agents or bodies, to ensure their accountability for deaths occurring under their responsibility." n240 To perform this function adequately: (a) the state must initiate an investigation promptly and not rely on the next-of-kin to initiate action; (b) the persons "responsible for and carrying out the investigation" should be "independent from those implicated in the events"; (c) the investigation should be designed to determine whether the use of deadly force was justified and should lead to identification and punishment of those responsible if the use of force was illegal; and (d) there must be "a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory." n241¶ In both PCATI and McKerr, the courts rooted the duty to investigate in an express right to life. In the United States, this right to life finds a home in the doctrine of substantive due process. n242 A [\*448] Mathews-style balancing suggests that to protect this right to life, the United States, too, has a duty to conduct intra-executive review of the use of deadly force through targeted killing. Of course, one can imagine situations in which an investigation that satisfied everything spelled out by the Israeli or European courts would be unwise. For instance, official acknowledgment of the United States' role in a fully public investigation of a Predator strike might cause diplomatic repercussions with countries that had helped us or had looked the other way. Further, the executive might not be able to explain its targeting decision without compromising intelligence sources and methods. n243¶ Internal investigations, however, do not always pose a plausible threat to national security. Consider the Predator program. Within the CIA, the task of investigating the legality of its actions is entrusted to the CIA's Inspector General (IG). He holds an office created by statute, is subject to Senate confirmation, and can only be removed by the President. n244 Where the IG's investigation finds evidence of criminality, he or she refers the matter to the Department of Justice for further investigation and possible prosecution. n245 One could easily impose a categorical requirement that all CIA targeted killings be subject to IG review. To support the IG, review teams could be established within the CIA's Clandestine Service or existing "accountability boards" could be used. The CIA's Office of General Counsel could also play a role. And the National Security Council, a link between the CIA and the White House, could coordinate the internal oversight.¶ Review within the CIA ensures the proper handling of classified information. Plus, internal review protects private interests by encouraging careful, sparing use of targeted killing and by ensuring some accountability when mistakes or abuses do occur. The increasing accountability on Predator strikes, in turn, serves an even broader interest in the legitimacy and fairness of deadly government action. Thus, the Mathews balance favors an intra-executive review at least as intrusive as IG review.

#### Independent oversight of targeted killing by the executive is sufficient to solve due process and accountability AND squo methods of review can fill in any gaps

Murphy and Rasdan 9 (Richard and Afsheen, AT&T Professor of Law, Texas Tech University + Professor, William Mitchell College of Law, "DUE PROCESS AND TARGETED KILLING OF TERRORISTS," 32 Cardozo L. Rev. 405, lexis)

One might object that the investigatory program just sketched for Predator strikes does not go far enough to protect the right to life. Taking a page from the McKerr case, one might contend: (a) that the [\*449] IG's independence from political influence upon the CIA is questionable; n246 and (b) that internal investigations cannot generate accountability unless they are made public. n247 There are many responses to such objections. First, investigations of targeted killings could be made public except when it is clear that publicity would cause substantial harm to national security. Second, some judicial review could be included. n248 To alleviate security concerns while honoring accountability, judicial review might take place in a special national security court designed along the lines of the Foreign Intelligence Surveillance Court. n249 To the degree these (and other) moves toward openness might threaten intelligence sources or otherwise compromise security, they present closer calls under Mathews.¶ To stress, our argument for serious intra-executive review of targeted killings, after the fact, does not preclude other types of controls - some of which due process might also require. Many such requirements may already be in place. We assume, for instance, the CIA corroborates its intelligence before anyone is targeted; a human's eyes on the target may be part of the CIA's procedures. More generally, we hope the CIA has developed pre-mission controls on targeting that draw on Department of Defense procedures. n250 Further, the legislative branch plays a role in light of the executive's statutory obligation to keep the Intelligence Committees of the House and Senate apprised of "covert actions" and other "intelligence activities" - which, under either label, include targeted killing by the CIA. n251 Congress, after all, controls the purse on the Predator program.¶ No matter the variations between internal and external oversight, we stand by our central point: Under the Due Process Clause, the executive must conduct some kind of serious investigation of any targeted killing. In keeping with the purpose and the pragmatism of Mathews v. Eldridge, this investigation should be as thorough, independent, and public as possible without damage to national security.¶ [\*450] Striking the balance between openness and security requires nuance. Even so, failing to develop any investigatory program for Predator strikes is not an option under law. Since executive officials swear to uphold the Constitution, they should - if they have not done so already - develop a solid review of the Predator program without waiting for a court order which is unlikely to come.¶ Conclusion¶ ¶ This Article has explored the implications of the due process model that the Supreme Court developed in Hamdi v. Rumsfeld n252 and Boumediene v. Bush n253 for targeted killing - particularly Predator strikes by the CIA. Contrary to Justice Thomas's charge, n254 this model does not break down in the extreme context of targeted killing but, instead, suggests useful means to control this practice and heighten accountability. One modest control is for appropriate plaintiffs to bring Bivens-style actions to challenge the legality of targeted killings, no matter where they may have occurred in the world. Resolution of any such action that surmounted all the practical and legal obstacles in its way - including the state-secrets privilege and qualified immunity - would enhance accountability without causing substantial risk to national security. Yet as a practical matter, this role for the courts is vanishingly small. It is therefore all the more important that the executive branch itself develop fair, rational procedures for its use of targeted killing. Under Boumediene, it has a constitutional obligation to do so. To implement this duty, the executive should, following the lead of the Supreme Court of Israel and the European Court of Human Rights, require an independent, intra-executive investigation of targeted killing by the CIA. Even in a war on terror, due process demands at least this level of accountability for the power to kill suspected terrorists.

### Solvency – 2nc

#### Executive-led independent review of targeted killing policy solves

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

Second, to ensure compliance with a heightened standard of certainty, all CIA targeted killings should receive an independent review that is as public as national security permits. n24 More specifically, "hard look" review by the CIA's Inspector General at all of the agency's drone strikes would help ensure that they occur only after careful, reasoned consideration of all reasonably available and relevant information. n25¶ After advancing these two claims, this Article closes by briefly considering the implications of targeted killing of U.S. citizens by the U.S. government. As noted, the Obama administration's placing of a U.S. citizen on the list of targets has sparked controversy. n26 This controversy is misdirected. The problem with targeted killing is not that the U.S. government might kill a U.S. citizen who is demonstrably an enemy combatant without first giving him or her a trial. The problem is that the U.S. government - or any other government that uses drones - might fire missiles inaccurately or without legal justification. The solution does not lie in distinguishing the killing of Americans from less fortunate creatures. The solution lies in developing careful standards and procedures that apply regardless of citizenship. These standards protect against mistakes [\*1208] resulting in unnecessary deaths while still respecting the government's authority (and duty) to deal with terrorists that seek to commit mass murder. The duties described - of certainty in targeting and independent review - are necessary steps toward development of a due process for the age of terror.

#### Public, independent review of targeted killing solves – ensures precaution and accountability

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

Because the concept of precaution is so vague, the procedures to fulfill this duty might reasonably take many forms. Moreover, those procedures should depend in large part on detailed studies from the field. If experience from the classified setting shows that particular procedures result in too much collateral damage, then the CIA must adopt stricter procedures. This is the sort of feedback loop the Defense Department is accustomed to in its "after-action" studies from prior bombing campaigns. The CIA must do the same.¶ The duty of precaution requires the CIA, in general, to adopt procedures reasonably expected to improve accuracy and to curb abuse without excessive military or humanitarian costs. It is a delicate balance. As part of this balance, the CIA's targeted killing should be subject to as much independent, public, ex post review as national security reasonably permits.¶ Whatever the CIA's standards and procedures, they can do little good unless they are enforced. Long experience teaches that standards and procedures are much more likely to be enforced when the decision [\*1232] maker must explain his or her decision to an independent authority at a later time. This is the basic interest in accountability. For CIA drone strikes, the interest in accountability is acute given the veil of secrecy over CIA activities and the specter that targeted killing could become distorted into arbitrary acts of murder. At the same time, the CIA has an interest in protecting the sources and methods of intelligence for national security. The question, in reconciling democracy with secrecy, becomes what model of accountability best balances these interests.

#### Hard-look, independent review of targeted killing solves – spurs accountability and effective decision-making

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

To flesh out the scope of this review, U.S. administrative law is also useful. In particular, the doctrine of "reasoned decision making" (also known as "hard look" review) provides a template for reviewing CIA drone strikes. Using this template, a court examines whether an agency made its decision based on all "relevant factors" or whether the agency has made a "clear error of judgment." n174 Relevant factors are those the law instructs the agency to consider in making a certain decision. For instance, Congress has instructed the Environmental Protection Agency, in setting a national ambient air quality standard, to consider what limits on pollutants are "requisite to protect the public health" with an "adequate margin of safety." n175 The agency should therefore set limits based on health and safety, not on the irrelevant factor of the profitability of the coal industry. n176¶ Review for reasoned decision making is supposed to examine what an agency actually considered in making its decision. n177 To do that, the court looks to the contemporaneous explanation an agency gave for its action. n178 By this technique, courts prevent agencies from using post-hoc rationalizations for decisions reached on less defensible grounds.¶ For CIA drone strikes, this "hard look" is an especially good fit for review of target selection - i.e., identification of particular persons for targeted killing. To select a particular person as a target, the agency must seek and assess all available intelligence. This assessment should be memorialized in exhaustive findings that assess all relevant factors. Under our interpretation of IHL, those factors include: (1) all grounds for concluding the target is a combatant member of AQ/T; (2) any grounds for doubting this status; (3) whether killing the target creates a concrete and direct military advantage; (4) whether that advantage is sufficient to justify any risk of collateral damage, and, if any, how much; and (5) any military or political disadvantages that might result from a strike against the target.¶ Hard-look review presupposes that an agency has the time and the resources for careful deliberation before it acts. Even though a drone [\*1236] can hover over a target for many hours, this form of review does not fit firing decisions; that is not the time for operators to be drafting findings. A drone operator can, however, prepare an exhaustive after-action report minutes or hours later. Those reports would include, at minimum, video feeds, audio traffic, electronic mail, and telephone logs. Reports would explain: (1) the grounds for concluding that the strike was, in fact, directed at the preselected target; and (2) grounds for concluding that any expected collateral damage was acceptable.¶ In sum, a variation on hard-look review could promote accountability by having the agency memorialize its decision making on drone strikes and exposing it to scrutiny. At the same time, this review would incorporate a deferential standard of clear error that respects the CIA's split-second judgments in conducting attacks.

#### Subjecting targeted killing to independent review by the CIA inspector general solves – ensures accuracy, legality, and accountability

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

The CIA must have detailed standards and procedures for identifying its targets and for carrying out its drone strikes. But the agency has not seen fit to share these standards and procedures to those without security clearances and a "need to know." As the CIA's actual standards and procedures cannot be critiqued, this Article focuses on what these standards and procedures should be to comply with IHL. This leads to two primary claims.¶ First, the agency should impose a very high standard in identifying targets. Except in extraordinary circumstances, the agency may strike only if satisfied beyond a reasonable doubt that its target is a combatant-member of AQ/T. Those who believe that this reasonable doubt standard carries too much baggage from criminal law or that it inappropriately mixes criminal justice with war should substitute some other label for a very high level of certainty. This alternative label could be clear and convincing evidence or some other similar formulation. The idea, however labeled, is for the drone operator to be really sure before pulling the trigger on a lethal missile. Drone strikes, after all, are executions without any appeals in the courts.¶ Second, as part of a system to ensure the interrelated goals of accuracy, legality, and accountability, all CIA targeted killings should be subject to independent review by the CIA's Inspector General that is as public as national security permits. n131

#### The CP helps ensure appropriate limits on the use of targeted killing globally

Murphy 11 (Richard, AT&T Professor of Law, Texas Tech University, "PART I: TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS," 37 Wm. Mitchell L. Rev. 5062, lexis)

Ideally, the law of targeted killing by drone, currently subject to its own rule of reason, should move in a similar direction by developing more specific standards spelling out what distinction, proportionality, precaution, and related principles demand. Generic circumstances applicable to targeted killing by drone include: (a) the attacker has time to develop and assess intelligence in determining whom to target; (b) the drone streams video to its controllers of its surveillance and its strike; (c) all of this information is available for review after the fact; (d) the drone's controllers are in no physical danger (unlike, say, a fighter on the ground); (e) the technology of drone strikes is continually [\*5071] advancing; (f) drone strikes targeting preselected individuals will likely be relatively limited in number in any given conflict; (g) in a counterinsurgency, strikes that go awry and kill the wrong people, in addition to causing an obvious humanitarian harm, also impede military efforts by alienating the local population; and (h) whatever the legal niceties, targeted killing by drone seems frighteningly close to assassination.

Given the time, resources, and technology available - as well as the extreme importance of correct targeting - surely reason must demand extreme care for targeted killing by drone. The trick is to tease out more specific standards spelling out the requirements of extreme care. To try to move this conversation forward, John Radsan and I have argued in another piece that distinction in this context should require the United States to be sure of its targets beyond a reasonable doubt. n35 Also, to satisfy precaution, all CIA strikes should be subjected to review by the CIA's Inspector General, and the results should be made as public as reasonably consonant with national security. n36 Some may take issue with these suggestions for being too strong or too weak; some might have other suggestions to make. The most important point for now, however, is that targeted killing by drone demands this sort of conversation to ensure that this dangerous and quickly evolving form of warfare - which the United States initiated in response to a devastating attack by forces that remain committed to mass killing - develops proper bounds and stays within them.

#### CIA IG independent review solves accuracy, fairness, and accountability regarding targeted killing

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

Due process, however, does not always require a judicial trial. Rather, at bottom, the right to due process is the right to fair and reasonable procedures. n194 And how can it be impracticable and unreasonable for the CIA or any other U.S. agency to apply internal checks and guidelines [\*1240] to targeted killing? Boumediene therefore suggests that the U.S. government, as a matter of due process, has a constitutional obligation to apply fair and reasonable procedures when it engages in targeted killing of people abroad - whatever their citizenship. n195¶ The question thus transforms from whether due process applies at all in the targeted killing of suspected terrorists to what process is due. In considering the transformed question, it bears stressing that due process is not an all-or-nothing proposition. It is famously fact sensitive, developing different models for different contexts. n196 There is a due process of prisons, n197 a due process for discipline in schools, n198 and a due process for detaining U.S. citizens in the war on terror. n199 All these models strive for procedures that ensure fairness and accuracy while recognizing that the government must carry out its duties.¶ Our country must now develop a due process for targeted killing by drone. As we do so, we should not be surprised to see a convergence between the due process model and the IHL model. The IHL requirement of precaution, in particular, is closely related to due process insofar as it requires combatants to adopt all feasible measures to ensure that targets are proper objects of attack. n200¶ Also, as we develop this model, we should avoid discriminating in favor of Americans. If the internal checks and guidelines on targeted killing are not good enough for killing Americans, then we should not use them for killing Pakistanis. No matter the citizenship of the target, the controls on armed drones should take all feasible steps to ensure that strikes are accurate and warranted. Due process and IHL both demand as much.¶ VI. Conclusion¶ ¶ International humanitarian law can be developed into specific regulations for the CIA's targeted killing of active members of Al Qaeda and the Taliban. To honor the IHL principles of distinction and military necessity, [\*1241] CIA officers must be sure, beyond a reasonable doubt, that a target is legitimate before authorizing or pulling the trigger on a drone strike. In addition, to honor the IHL principle of precaution, the CIA's Inspector General, with sufficient independence, must review every CIA drone strike, including the agency's compliance with a checklist of stand-ards and procedures for the drone program.¶ A program that establishes a high level of certainty for targeting, as well as a hard-look review after each strike, should help ensure fairness and accuracy regardless of whether the people in the crosshairs are Americans or citizens from other countries. In today's language of IHL, these are feasible precautions for the remote-control weapons of the new century.

#### Independent, intra-executive review of targeted killings solve – ensures sufficient due process

Murphy and Rasdan 9 (Richard and Afsheen, AT&T Professor of Law, Texas Tech University + Professor, William Mitchell College of Law, "DUE PROCESS AND TARGETED KILLING OF TERRORISTS," 32 Cardozo L. Rev. 405, lexis)

"Targeted killing" is extra-judicial, premeditated killing by a state of a specifically identified person not in its custody. States have used this tool, secretly or not, throughout history. In recent years, targeted killing has generated new controversy as two states in particular - Israel and the United States - have struggled against opponents embedded in civilian populations. As a matter of express policy, Israel engages in targeted killing of persons it deems members of terrorist organizations involved in attacks on Israel. The United States, less expressly, has adopted a similar policy against al Qaeda - particularly in the border areas of Afghanistan and Pakistan, where the CIA has used unmanned Predator drones to fire Hellfire missiles to kill al Qaeda leaders and affiliates. This campaign of Predator strikes has continued into the Obama Administration.¶ This Article explores the implications for targeted killing of the due process model that the Supreme Court has developed in Hamdi v. Rumsfeld and Boumediene v. Bush for detention of enemy combatants. Contrary to a charge leveled by Justice Thomas in his Hamdi dissent, this model does not break down in the extreme context of targeted killing. Instead, it suggests useful means to control this practice and heighten accountability. Our primary conclusion is that under Boumediene, the executive has a due process obligation to develop fair, rational procedures for its use of targeted killing no matter whom it might be targeting anywhere in the world. To implement this duty, the executive should, following the lead of the Supreme Court of Israel (among others), require an independent, intra-executive investigation of any targeted killing by the CIA. These investigations should be as public as is reasonably consistent with national security. Even in a war on terror, due process demands at least this level of accountability for the power to kill suspected terrorists.

#### Independent executive oversight solves due process over targeted killing

Murphy and Rasdan 9 (Richard and Afsheen, AT&T Professor of Law, Texas Tech University + Professor, William Mitchell College of Law, "DUE PROCESS AND TARGETED KILLING OF TERRORISTS," 32 Cardozo L. Rev. 405, lexis)

The second claim relates to executive self-control. Given the limited role of courts in national security, it is imperative for the executive to develop internal procedures to ensure accuracy of targeted killings and accountability for the officials who order them. Both the Supreme Court of Israel and the European Court of Human Rights have ruled that targeted killings conducted in counter-terrorism operations must receive close, independent review within the executive branch. n188 We explain why due process demands the same of American authorities. If the CIA has not already done so, it should put these procedures in place to help bring Predator strikes within the rule of law.

#### Oversight led by the inspector general can ensure due process in targeted killing

Hutchinson 12 (Chester, JD @ Saint Louis Univ, “AL-BIHANI v. OBAMA & CONGRESSIONAL TESTIMONY ON TARGETED KILLINGS: EVALUATING CUSTOM AS A SOURCE OF LAW IN THE WAR ON TERROR,” 31 St. Louis U. Pub. L. Rev. 579)

William C. Banks, in an April 2010 hearing before the House of Representatives Subcommittee on National Security and Foreign Affairs, [\*607] indicated that custom was a source of legal authority for targeted killings. n190 In his written statements, Banks posed the question: "Just what does distinguish lawful targeted killing from unlawful political assassination?" n191 For Banks, the answer depended on whether the killing occurred during war, peacetime, or during the "nontraditional war on terrorism." n192 In the war on terrorism Banks found a legal basis for targeted killings in "a domestic law anticipatory self-defense custom" and "intelligence legislation regulating the activities of the CIA." n193 Banks indicated that this law was "not well articulated or understood," but did "supply adequate ... legal authority for drone strikes." n194¶ 2012¶ n190. Legality of Drones Hearings, supra note 11, at 36.¶ n191. Id. at 42.¶ n192. Id. at 42-43.¶ n193. Id. at 40, 43. Banks' argument for a "domestic law anticipatory self-defense custom" takes the following progression:¶ ¶ Under the Constitution, the President may order targeted killing in defense of the United States in war. The President's authority as Commander in Chief to "repel sudden attacks" has traditionally had a real time dimension, or a sort of imminence requirement, by analogy to the doctrine of self-defense at international law. Yet a terrorist attack is usually over before it can be repelled in real time, and when the attack is a suicide attack, it is impracticable to strike back. In addition, the United States has learned to expect terrorists to pursue a course of continuing attacks against us. As such, over time a domestic law anticipatory self-defense custom has emerged that permits the President to use deadly force against a positively identified terrorist if he has exhausted other means of apprehending him.¶ ¶ Id. at 40 (emphasis added) (citing William C. Banks & Peter Raven-Hansen, Targeted Killing and Assassination: The U.S. Legal Framework, 37 U. Rich. L. Rev. 667, 677-81 (2003) (discussing the rubric of anticipatory self-defense within the "twilight zone" of terrorist attacks)).¶ n194. Id. at 43. Others have argued that the United States Constitution and its due process provisions apply to the practice of targeted killings. See Richard Murphy & Afsheen John Radsan, Due Process and Targeted Killing of Terrorists, 31 Cardozo L. Rev. 405, 411 (2009) (contending that Boumediene v. Bush, 553 U.S. 723 (2008), subjects the U.S. government to due-process restrictions wherever it acts in the world); see also Legality of Drones Hearings, supra note 11, at 39 (arguing before Congress that "at bottom, the right to due process is the right to fair and reasonable procedures," and "for CIA activities, the due process might come from some combination of CIA lawyers, the Inspector General, and the review boards within the CIA's clandestine service").

### AT Syria Collapsed War/Pres Powers

#### Your authors overstate the negative effect of the Syria vote

Bradley 9/2 -- William Van Alstyne Professor of Law, Professor of Public Policy Studies, and Senior Associate Dean for Academic Affairs @ Duke Law School (Curtis, 2013, "War Powers, Syria, and Non-Judicial Precedent," http://www.lawfareblog.com/2013/09/war-powers-syria-and-non-judicial-precedent/)

One claim that is being made about President Obama’s decision to seek congressional authorization for military action in Syria is that it is likely to weaken the authority of the presidency with respect to the use of force. Peter Spiro contends, for example, that Obama’s action is “a watershed in the modern history of war power” that may end up making congressional pre-authorization a necessary condition for even small-scale military operations. David Rothkopf states even more dramatically that “Obama’s decision may have done more—for better or worse—to dial back the imperial presidency than anything his predecessors or Congress have done for decades.” If this claim is correct, it will be welcome news to those concerned about the growth of executive power and a matter of concern for those who are fans of robust executive unilateralism. Unfortunately, the commentators making this claim do not identify the mechanism through which the weakening of presidential war authority will occur and have relied instead only on vague intuitions. As an initial matter, we need to bracket the issue of whether Obama’s action will weaken his own power as a political matter. This is a complicated issue: on the one hand, it may signal weakness both to Congress and to other nations; on the other hand, if he obtains congressional authorization, he may be in an ultimately stronger political position, as Jack Goldsmith has pointed out. As I understand it, the claim being made by Spiro, Rothkopf, and others is that the power of the presidency more generally is being weakened. How might this happen? Not through an influence on judicial doctrine: Although courts sometimes take account of historic governmental practices when assessing the scope of presidential authority, they have consistently invoked limitations on standing and ripeness, as well as the political question doctrine, to avoid addressing constitutional issues relating to war powers. In the absence of judicial review, what is the causal mechanism by which the “precedent” of Obama seeking congressional authorization for the action in Syria could constrain future presidential action? When judicial review is unavailable, the most obvious way in which the President is constrained is through the political process—pressure from Congress, the public, his party, etc. In an extreme case, this pressure could take the form of impeachment proceedings, but it does not take such an extreme case for the pressure to have a significant effect on presidential decisionmaking. Indeed, it is easy to think of political considerations that might have motivated Obama to go to Congress with respect to Syria. That’s all fairly clear, but what is unclear is how a non-judicial precedent, such as Obama’s decision to seek congressional authorization for Syria, will have an effect on later decisions with respect to the use of force. The intuition, I think, is that Obama’s action will strengthen the hand of critics of later efforts by presidents to act unilaterally. It will give the critics more “ammunition,” so to speak. But why is this so, and what is meant, specifically, by “ammunition”? Obama claims that he is seeking congressional authorization for policy reasons, not because he is required to do so, and a later president is likely to reiterate that explanation. Moreover, if Obama is seeking congressional authorization for Syria because of political considerations (weak international and domestic support, public weariness about war, etc.), why would a later president feel compelled to follow that precedent when those political considerations do not apply? It is easier to imagine a constraining precedential effect, I think, if Congress votes down an authorization bill on Syria, and the President then declines to take action. After all, Obama has already stated that he has made a decision as Commander in Chief to use force. If he responds to a negative vote in Congress by not doing so, it might seem like a concession against interest that he lacks authority to act when Congress is opposed. Even if this did produce a constraining precedent, it would have limited effect, since it would not apply when (as is often the case) Congress does not take action one way or the other. But even here, the mechanism of the constraint is uncertain: Obama would likely claim that he was declining to take action for political reasons, such as the reduced likelihood of success created by the disunity between the branches, or the passage of time, or the lack of sufficient international support. Why would a future president facing different circumstances feel constrained by Obama’s inaction? My questions are not meant to suggest that an event like this will have no constraining effect on future decisionmaking. Executive Branch lawyers place a lot of weight on non-judicial precedent in assessing presidential power, and future lawyers will need to incorporate the Syria episode into their analysis. As a result, one could imagine that it will make it marginally more likely that Executive Branch lawyers will push back against the President in a future situation. Moreover, regardless of its ambiguities, the Syria situation will give critics of presidential unilateralism an additional data point to invoke in their constitutional analysis, at least as a rebuttal to the claim that modern historical practice entirely favors unilateral presidential war-making. If this makes their criticism more persuasive, to elites or to the general public, then it could have an effect. But these effects are speculative, and the degree to which they are likely to have an influence is unclear. Importantly, these speculations reveal how difficult it can be to separate legal and political considerations in contexts like this one, something that Trevor Morrison and I recently explored in an essay in the Columbia Law Review. For example, it is possible that Obama’s action will create expectations in Congress about what is proper when the United States is considering military action and that such expectations could have an effect on future congressional-executive relations, at least during the remainder of the Obama presidency. But this “expectation effect” could occur regardless of whether there has been a shift in perceptions about the constitutional law of war powers. Similarly, while it is possible that Obama made the decision to go to Congress entirely for political reasons, it is also possible that he was motivated in part by legal considerations, both based on his own internal legal sensibilities as well as concerns about how his presidency and its relationship to law would be judged in the future. Obama’s action thus highlights how presidential power over war involves an overlapping mix of law, politics, and practice. Commentators need to do a better job of sorting these out before making bold predictions about the trajectory of executive power.

#### Syria didn't matter - experts agree

Caldwell 9/4 -- staff writer @ CNN (Leigh Ann, 2013, "Is Obama setting bad precedent for future presidents?" http://www.cnn.com/2013/09/04/politics/obama-syria-precedent/)

Other legal analysts disagree, however, with Spiro's assessment that the president is diluting the power of the office. On the legal blog Lawfare, Harvard Law professor Jack Goldsmith wrote: "What would have been unprecedented, and a huge development for separation of powers, is a unilateral strike in Syria." Oona Hathaway, a Yale Law School professor, agreed. She argued that the president had to seek Congress' approval because he didn't have support from the United Nations Security Council. "Going to war under these circumstances (without congressional or Security Council support) would have put him out on a limb politically and legally," Hathaway said. Ari Fleischer, who was press secretary for President George W. Bush, sided with Obama. He said on CNN's "New Day" that this is "a voluntary exercise where the executive has said to the legislature, 'I want you to act.' "

#### Syria's irrelevant to broader powers

Savage 9/8 -- staff writer @ NYT (Charlie, 2013, "Obama Tests Limits of Power in Syrian Conflict," http://www.nytimes.com/2013/09/09/world/middleeast/obama-tests-limits-of-power-in-syrian-conflict.html?pagewanted=all&\_r=0)

Steven G. Bradbury, a head of the Office of Legal Counsel in the Bush administration, said it would be “politically difficult” to order strikes if Congress refused to approve them. But he predicted future presidents would not feel legally constrained to echo Mr. Obama’s request. “Every overseas situation, every set of exigent circumstances, is a little different, so I don’t really buy that it’s going to tie future presidents’ hands very much,” he said.

### ovw

#### Presidential power solves nuclear war

Yoo 08

[John, Law Professor at University of California, Berkeley and Visiting Scholar at the American Enterprise Institute Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, On Presidential Power, 2008, <http://www.writersreps.com/feature.aspx?FeatureID=152>]

The postwar period has taken place within the outlines established by FDR. Individual presidents have expanded executive power in some areas, but lost it in others. Truman, Kennedy, Johnson, Reagan, Bush, and Clinton continued to rely on the President’s primacy over foreign affairs to launch wars without congressional approval other than funding support, including an enormous standing army and intelligence bureaucracy without precedent in American history, basing troops abroad on a virtually permanent basis—mostly with the full agreement of Congress. Presidents have relied on national security to develop an intricate system of clearances and classification to keep ever more information secret. Presidents, most notably Presidents Reagan and Clinton, have sought to exercise ever greater control over the bureaucracy by exercising the power of removal, and claims to issue binding orders on all executive branch officials. And Congress has delegated ever more power to the administrative state. Our chief executives have become the center of power of their political parties, to the point where Presidents decide their parties’ platforms, run the nominating conventions, and assemble coalitions. Throughout the postwar period, we have witnessed a hyperactive Presidency that has justified its exercises of power by the needs of a newly complex economy, and the existential threat posed by the spectre of nuclear Armageddon—first Soviet, and now from terrorists. And yet the expansion of executive power during this period, for the most part, has, in my view, been both a natural evolution which seemed then and now to be necessary, and, overall, to the benefit of the country. It has allowed our nation to move swiftly and decisively to address both domestic and foreign challenges. Congress, it is true, reacted to the expansion of the Presidency of the 1970s by enacting a series of laws, such as the War Powers Resolution, the Foreign Intelligence Surveillance Act, and the Budget and Impoundment Act—all written in overreaction to one president, Richard Nixon. These laws did not address any true structural need to re-balance the political system.

#### **Yoo says a flexible executive is critical to solving a number of security threats –**

#### Terrorism

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

*A Catalytic Response: Dragging in the Major Nuclear Powers*

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

#### Prolif

Utgoff 2 (Victor A., Deputy Director of the Strategy, Forces, and Resources Division of the Institute for Defense Analysis, Survival Vol 44 No 2 Proliferation, Missile Defence and American Ambitions, p. 87-90)

In sum, widespread proliferation is likely to lead to an occasional shoot-out with nuclear weapons, and that such shoot-outs will have a substantial probability of escalating to the maximum destruction possible with the weapons at hand. Unless nuclear proliferation is stopped, we are headed toward a world that will mirror the American Wild West of the late 1800s. With most, if not all, nations wearing nuclear 'six-shooters' on their hips, the world may even be a more polite place than it is today, but every once in a while we will all gather on a hill to bury the bodies of dead cities or even whole nations.

### XT Deference k2 Solve Terror

#### Speed matters in dealing with terror – executive best

Knowles 9 -- Acting assistant Professor, New York University School of Law (Robert, 2009, “American Hegemony and the Foreign Affairs Constitution,” Arizona State Law Journal, 41 Ariz. St. L.J. 87, October)

Nonetheless, foreign relations rem ain special, and courts must treat them differently in one important respect. In the 21 st Century, speed matters, and the executive branch alone possesses th e ability to articulate and implement foreign policy quickly. Even non-realists will acknowledge that the international realm is much more sus ceptible to crisis and emergency than the domestic realm. But speed remains more important even to non-crisis foreign affairs cases. 389 It is true that the stable nature of American hegemony will prevent truly destabili zing events from happening without great changes in the geopo litical situation—the sort that occur over decades. China, for example, will not be able to match America’s military might until at least 2050. 390 The United States will not, for a long time, face the same sorts of existential threats as in the past. 391 Nonetheless, in foreign affairs matters, it is only the exec utive branch that has the capacity successfully to conduct trea ty negotiations, for example, which depend on adjusting positions quickly. The need for speed is particularly acute in crises. Threats from transnational terrorist groups and loose nuclear weapons are among the most serious problems facing the Unite d States today. The United States maintains a “quasi-monopoly on the use of force,” 392 but the rapid pace of change and improvements in weapons technology mean th at the executive branch must respond to emergencies long before the courts have an opportunity to weigh in. Even were a court able to respond quickly enough, it is not clear that we w ould want courts to adjudi cate foreign affairs crises without the deliberation and opportunitie s for review that are essential aspects of their institutional competen ce. Therefore, courts should grant a higher level of deference to executive branch determinations in deciding whether to grant a temporary restraini ng order or a preliminary injunction in foreign affairs matters. Under the super-strong Curtiss-Wright deference scheme, the court should accept the executive branch interpretation unless Congress has specifically addressed th e matter and the issue does not fall within the President’s textuall y-specified Article I powers.

### 2NC Threat Cred – Congress

#### Congressional opposition to the president destroys his threat credibility – causes allied resentment and presidential abandonment

Waxman 8/25 – Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR (Matthew, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN)

Whereas most lawyers usually begin their analysis of the President’s and Congress’s war powers by focusing on their formal legal authorities, political scientists usually take for granted these days that the President is – in practice – the dominant branch with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. A major school of thought, however, is that congressional members nevertheless wield significant influence over decisions about force, and that this influence extends to threatened force, so that Presidents generally refrain from threats that would provoke strong congressional opposition. Even without any serious prospect for legislatively blocking the President’s threatened actions, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; even when it cannot, congressional members can oblige the President expend lots of political capital. As Jon Pevehouse and William Howell explain: When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests.145 This statement also highlights the important point, alluded to earlier, that force and threatened force are not neatly separable categories. Often limited uses of force are intended as signals of resolve to escalate, and most conflicts involve bargaining in which the threat of future violence – rather than what Schelling calls “brute force”146 – is used to try to extract concessions. The formal participation of political opponents in legislative bodies provides them with a forum for registering dissent to presidential policies of force through such mechanisms floor statements, committee oversight hearings, resolution votes, and funding decisions.147 These official actions prevent the President “from monopolizing the nation’s political discourse” on decisions regarding military actions can thereby make it difficult for the President to depart too far from congressional preferences.148 Members of the political opposition in Congress also have access to resources for gathering policyrelevant information from the government that informs their policy preferences. Their active participation in specialized legislative committees similarly gives opponent party members access to fact-finding resources and forums for registering informed dissent from decisions within the committee’s purview.149 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on executive’s decisions regarding force than can opponents among the general public. Moreover, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements.150 In short, these findings among political scientists suggest that, even without having to pass legislation or formally approve of actions, Congress often operates as an important check on threatened force by providing the president’s political opponents with a forum for registering dissent from the executive’s decisions regarding force in ways that attach domestic political costs to contemplated military actions or even the threats to use force. Under this logic, Presidents, anticipating dissent, will be more selective in issuing threats in the first place, making only those commitments that would not incite widespread political opposition should the threat be carried through.151 Political opponents within a legislature also have few electoral incentives to collude in an executive’s bluff, and they are capable of expressing opposition to a threatened use of force in ways that could expose the bluff to a threatened adversary.152 This again narrows the President’s range of viable policy options for brandishing military force.

#### Threat credibility solves everything – [terrorism, prolif, East Asia arms race, Iran, China, North Korea, Asian alliances]

Waxman 8/25 – Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR (Matthew, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN)

After the Cold War, the United States continued to rely on coercive force – threatened force to deter or compel behavior by other actors – as a central pillar of its grand strategy. During the 1990s, the United States wielded coercive power with varied results against rogue actors in many cases that, without the overlay of superpower enmities, were considered secondary or peripheral, not vital, interests: Iraq, Somalia, Haiti, Bosnia, and elsewhere. For analysts of U.S. national security policy, a major puzzle was reconciling the fact that the United States possessed overwhelming military superiority in raw terms over any rivals with its difficult time during this era in compelling changes in their behavior.104 As Daniel Byman and I wrote about that decade in our study of threats of force and American foreign policy: U.S. conventional and nuclear forces dwarf those of any adversaries, and the U.S. economy remains the largest and most robust in the world. Because of these overwhelming advantages, the United States can threaten any conceivable adversary with little danger of a major defeat or even significant retaliation. Yet coercion remains difficult. Despite the United States’ lopsided edge in raw strength, regional foes persist in defying the threats and ultimatums brought by the United States and its allies. In confrontations with Somali militants, Serb nationalists, and an Iraqi dictator, the U.S. and allied record or coercion has been mixed over recent years…. Despite its mixed record of success, however, coercion will remain a critical element of U.S. foreign policy.105 One important factor that seemed to undermine the effectiveness of U.S. coercive threats during this period was that many adversaries perceived the United States as still afflicted with “Vietnam Syndrome,” unwilling to make good on its military threats and see military operations through.106 Since the turn of the 21st Century, major U.S. security challenges have included non-state terrorist threats, the proliferation of nuclear and other weapons of mass destruction (WMD), and rapidly changing power balances in East Asia, and the United States has accordingly been reorienting but retaining its strategic reliance on threatened force. The Bush Administration’s “preemption doctrine” was premised on the idea that some dangerous actors – including terrorist organizations and some states seeking WMD arsenals – are undeterrable, so the United States might have to strike them first rather than waiting to be struck.107 On one hand, this was a move away from reliance on threatened force: “[t]he inability to deter a potential attacker, the immediacy of today’s threats, and the magnitude of potential harm that could be caused by our adversaries’ choice of weapons, do not permit” a reactive posture.108 Yet the very enunciation of such a policy – that “[t]o forestall or prevent such hostile acts by our *adversaries*, the United States will, if necessary, act preemptively”109 – was intended to persuade those adversaries to alter their policies that the United States regarded as destabilizing and threatening. Although the Obama administration pulled back from this rhetoric and placed greater emphasis on international institutions, it has continued to rely on threatened force as a key pillar of its strategy with regard to deterring threats (such as aggressive Iranian moves), intervening in humanitarian crises (as in Libya), and reassuring allies.110 With regard to East Asia, for example, the credible threat of U.S. military force is a significant element of U.S. strategy for deterring Chinese and North Korean aggression as well as reassuring other Asian powers of U.S. protection, to avert a destabilizing arms race.111

### Threat Cred LL Impacts

**We’ll impact each one –**

#### Asian arms races

**Cimbala 10** - Prof. of Political Science @ Penn State, (Stephen, Nuclear Weapons and Cooperative Security in the 21st Century, p. 117-8)

Failure to contain proliferation in Pyongyang could spread nuclear fever throughout Asia. Japan and South Korea might seek nuclear weapons and missile defenses. A pentagonal configuration of nuclear powers in the Pacific basis (Russia, China, Japan, and the two Koreas – not including the United States, with its own Pacific interests) could put deterrence at risk and create **enormous temptation toward nuclear preemption**. Apart from actual use or threat of use, North Korea could exploit the mere existence of an assumed nuclear capability in order to support its coercive diplomacy. As George H. Quester has noted: If the Pyongyang regime plays its cards sensibly and well, therefore, the world will not see its nuclear weapons being used against Japan or South Korea or anyone else, but will rather see this new nuclear arsenal held in reserve (just as the putative Israeli nuclear arsenal has been held in reserve), as a deterrent against the outside world’s applying maximal pressure on Pyongyang and as a bargaining chip to extract the economic and political concessions that the DPRK needs if it wishes to avoid giving up its peculiar approach to social engineering. A **five-sided nuclear competition** in the Pacific would be linked, in geopolitical deterrence and proliferation space, to the existing nuclear deterrents in India and Pakistan, and to the emerging nuclear weapons status of Iran. An **arc of nuclear instability** from Tehran to Tokyo could place U.S. proliferation strategies into the ash heap of history and call for more drastic military options, not excluding preemptive war, defenses, and counter-deterrent special operations. In addition, an eight-sided nuclear arms race in Asia would increase the likelihood of accidental or inadvertent nuclear war. It would do so because: (1) some of these states already have histories of protracted conflict; (2) states may have politically unreliable or immature command and control systems, especially during a crisis involving a decision for nuclear first strike or retaliation; unreliable or immature systems might permit a technical malfunction that caused an unintended launch, or a deliberate but unauthorized launch by rogue commanders; (3) faulty intelligence and warning systems might cause one side to misinterpret the other’s defensive moves to forestall attack as offensive preparations for attack, thus triggering a mistaken preemption.

#### Terror

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia's use of nuclear weapons, including outside Russia's traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase “how dare they tell us what to do” immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

#### Iranian adventurism

**Ben-Meir 7** (Alon – professor of international relations at the Center for Global Affairs, Ending iranian defiance, United Press International, 2-6, p. lexis)

That Iran stands today able to challenge or even defy the United States in every sphere of American influence in the Middle East attests to the dismal failure of the Bush administration's policy toward it during the last six years. **Feeling emboldened and unrestrained**, Tehran may, however, miscalculate the consequences of its own actions, which could **precipitate a catastrophic regional war**. The Bush administration has less than a year to rein in Iran's reckless behavior if it hopes to prevent such an ominous outcome and achieve, at least, a modicum of regional stability. By all assessments, Iran has reaped the greatest benefits from the Iraq war. The war's consequences and the American preoccupation with it have provided Iran with an historic opportunity to establish Shiite dominance in the region while aggressively pursuing a nuclear weapon program to deter any challenge to its strategy. Tehran is fully cognizant that the successful pursuit of its regional hegemony has now become intertwined with the clout that a nuclear program bestows. Therefore, it is most unlikely that Iran will give up its nuclear ambitions at this juncture, unless it concludes that the price will be too high to bear. That is, whereas before the Iraq war Washington could deal with Iran's nuclear program by itself, now the Bush administration must also disabuse Iran of the belief that it can achieve its regional objectives with impunity. Thus, while the administration attempts to stem the Sunni-Shiite violence in Iraq to prevent it from engulfing other states in the region, Washington must also take a clear stand in Lebanon. Under no circumstances should Iranian-backed Hezbollah be allowed to topple the secular Lebanese government. If this were to occur, it would trigger not only a devastating civil war in Lebanon but a wider Sunni-Shiite bloody conflict. The Arab Sunni states, especially, Saudi Arabia, Egypt and Jordan, are terrified of this possible outcome. For them Lebanon may well provide the litmus test of the administration's resolve to inhibit Tehran's adventurism but they must be prepared to directly support U.S. efforts. In this regard, the Bush administration must wean Syria from Iran. This move is of paramount importance because not only could Syria end its political and logistical support for Hezbollah, but it could return Syria, which is predominantly Sunni, to the Arab-Sunni fold. President Bush must realize that Damascus' strategic interests are not compatible with Tehran's and the Assad regime knows only too well its future political stability and economic prosperity depends on peace with Israel and normal relations with the United States. President Bashar Assad may talk tough and embrace militancy as a policy tool; he is, however, the same president who called, more than once, for unconditional resumption of peace negotiation with Israel and was rebuffed. The stakes for the United States and its allies in the region are too high to preclude testing Syria's real intentions which can be ascertained only through direct talks. It is high time for the administration to reassess its policy toward Syria and begin by abandoning its schemes of regime change in Damascus. Syria simply matters; the administration must end its efforts to marginalize a country that can play such a pivotal role in changing the political dynamic for the better throughout the region. Although ideally direct negotiations between the United States and Iran should be the first resort to resolve the nuclear issue, as long as Tehran does not feel seriously threatened, it seems unlikely that the clergy will at this stage end the nuclear program. In possession of nuclear weapons Iran will intimidate the larger Sunni Arab states in the region, bully smaller states into submission, threaten Israel's very existence, use oil as a political weapon to blackmail the West and instigate regional proliferation of nuclear weapons' programs. In short, if unchecked, Iran could **plunge the Middle East into** a deliberate or inadvertent **nuclear conflagration**. If we take the administration at its word that it would not tolerate a nuclear Iran and considering these regional implications, Washington is left with no choice but to warn Iran of the severe consequences of not halting its nuclear program.

#### Allies

**Ross**, Winter 1998/**1999** (Douglas – professor of political science at Simon Fraser University, Canada’s functional isolationism and the future of weapons of mass destruction, International Journal, p. lexis)

Thus, an easily accessible tax base has long been available for spending much more on international security than recent governments have been willing to contemplate. Negotiating the landmines ban, discouraging trade in small arms, promoting the United Nations arms register are all worthwhile, popular activities that polish the national self-image. But they should all be supplements to, not substitutes for, a proportionately equitable commitment of resources to the management and prevention of international conflict – and thus the containment of the WMD threat. Future American governments will not ‘police the world’ alone. For almost fifty years the Soviet threat compelled disproportionate military expenditures and sacrifice by the United States. That world is gone. Only by enmeshing the capabilities of the United States and other leading powers in a co-operative security management regime where the burdens are widely shared does the world community have any plausible hope of avoiding **warfare involving nuclear or other WMD**.

### 2NC Conflict – Congress

#### Deference k2 executive urgency and flexibility

Posner & Sunstein 7 -- \* Kirkland & Ellis Professor of Law, University of Chicago AND\*\* Karl N. Llewellyn Distinguished Service Professor, Law School and Department of Political Science, University of Chicago (Eric A. and Cass R., 4/1/2007, "Chevronizing foreign relations law" Yale Law Journal, L/N)

Critics of this transformation greatly fear executive overreaching, 180 and there is reasonable dispute about the extent of this risk and about how best to limit it; but critics and supporters agree that changes in the global environment jus tify at least some expansion of executive powers. A modern president, unlike George Washington, needs to be able to respond quickly to intercontinental ballistic missiles, cyberattacks, terrorist attacks, global financial crises, and other dangers that will not wait for Congress to act. The critics of broad executive power have not argued that ambiguities in federal statutes should be construed by judges, rather than by the Pr esident and those who operate under him. To say this is not to take a stand on th e question whether the President can act on his own. It is merely to acknowledge that legislation often grants the executive some discretion to act rapidly in response to perceived threat s—and hence the increase in executive power, usually made possible by statutes, has reflect ed a recognition by Congress itself of this pragmatic point. 181 In these circumstances, deference to the executive’s views on the meaning of ambiguous statutes, rather than invocation of the comity principles, is a step that seems at once modest and a bit late.

#### Deference to the president solves nuclear war

Paul 98

[Joel R. Paul, Professor, University of Connecticut School of Law, 7.98.- 86 Calif. L. Rev. 671 lexis]

Whatever the complexity of causes that led to the Cold War - ideology, economics, power politics, Stalin's personality, Soviet intrigue, or American ineptitude - the tension of the bipolar order seemed real, immutable, and threatening to the U.S. public. [135](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n135#n135" \t "_self) The broad consensus of U.S. leadership held that the immediacy of the nuclear threat, the need for covert operations and intelligence gathering, and the complexity of U.S. relations with both democracies and dictatorships made it impractical to engage in congressional debate and oversight of foreign policy-making. [136](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n136#n136" \t "_self) The eighteenth-century Constitution did not permit a rapid response to twentieth-century foreign aggression. The reality of transcontinental ballistic missiles collapsed the real time for decision-making to a matter of minutes. Faced with the apparent choice between the risk of nuclear annihilation or amending the constitutional process for policy-making, the preference for a powerful executive was clear. [137](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n137#n137" \t "_self) Early in the Cold War one skeptic of executive power, C.C. Rossiter, acknowledged that the steady increase in executive power is unquestionably a cause for worry, but so, too, is the steady increase in the magnitude and complexity of the problems the president has been called upon by the American people to solve in their behalf. They still have more to fear from the ravages of depression, rebellion, and especially atomic war than they do from whatever decisive actions may issue from the White House in an attempt to put any such future crises to rout....It is not too much to say that the destiny of this nation in the Atomic Age will rest in the  [\*700]  capacity of the Presidency as an institution of constitutional dictatorship. [138](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n138#n138" \t "_self) The call for executive leadership in the face of international crisis came not only from members of the executive branch, [139](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n139#n139" \t "_self) but also from members of Congress, [140](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n140#n140" \t "_self) academics, [141](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n141#n141" \t "_self) and legal commentators. [142](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n142#n142" \t "_self) Reviewing the history of this period, the Senate Foreign Relations Committee reported at the height of the Vietnam War, our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the Armed Forces. So far has this process advanced that in the committee's view, it is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers checked and balanced, against each other... [143](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n143#n143" \t "_self)  [\*701]  In the committee's view, the continuing series of Cold War crises and the perceived need to expedite decision-making in the nuclear age led to a concentration of power in the executive: Since 1940 crisis has been chronic and, coming as something new in our experience, has given rise to a tendency toward anxious expediency in our response to it. The natural expedient - natural because of the real or seeming need for speed - has been executive action....Perceiving, and sometimes exaggerating, the need for prompt action, and lacking traditional guidelines for the making of decisions in an emergency, we have tended to think principally of what needed to be done and little, if at all, of the means of doing it. [144](http://www.lexis.com/research/retrieve?_m=3dfef83817c1e0c1bfd5ae3fc10ee7f2&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLbVtz-zSkAV&_md5=fd6d9a3a4636a89c21e0c003d3344ee1&focBudTerms=&focBudSel=all" \l "n144#n144" \t "_self)

### Executive Best\*

#### The executive is better than the courts at foreign policy

Ku & Yoo 6 -- \*Associate Professor of Law, Hofstra University School of Law; Visiting Associate Professor of Law, William & Mary Marshall-Wythe School of Law AND \*\*Professor of Law, University of California at Berkeley School of Law; Visiting Scholar, American Enterprise Institute (Julian and John, 10/27/2006, "HAMDAN V. RUMSFELD: THE FUNCTIONAL CASE FOR FOREIGN AFFAIRS DEFERENCE TO THE EXECUTIVE BRANCH," http://works.bepress.com/cgi/viewcontent.cgi?article=1034&context=johnyoo)

A. I NSTITUTIONAL C OMPETENCE : T HE J UDICIARY While courts are the primary institutions in the U.S. system for interpreting and applying laws, some of their key institutional characteristics undercut their ability in the foreign affairs law context. In particular, courts have access to limited information in foreign affairs cases and are unable to take into account the broader factual context underlying the application of laws in such areas. These limitations are not a failing. They are part of the in- herent design of the federal cour t system, which is intended to be independent from politics, to allow parties to drive litigation in particular cases, and to receive information in highly formal and limited ways. While these characteristics are helpful for the pur- poses of neutral decisionmaking, they also may render courts less effective tools in resolving ambiguities in laws designed to achieve national goals in international relations. Courts do not actively gather in formation about a particular case or a particular law. Rather, that information is provided to them by the contending parties, in many cases through the ex- pensive process of discovery. Any information provided to the court for evidentiary purposes must survive rules that impose tests for relevance, credibility, and reliability that are designed to ensure fairness toward the contending parties. In the criminal context, such information is further limited to prevent violating a defendant’s constitutional rights. By contrast, the executive branch itself collects a wide vari- ety of information through its own institutional experts and a wide global network of contacts without the necessity of strict rules of evidentiary exclusion. While this information may be presented to the executive branch at any time, a court generally cannot account for new information except in the context of a new case. 70 Courts also cannot update statutory mandates to re- flect new information, but instead must continue to enforce poli- cies even when they are no longer appropriate. For instance, once the political branches have enacted a statute or approved a treaty, the courts cannot alter or refuse to execute those laws, even if the original circumstances that gave rise to the statute or treaty have changed or even if the national interest would be harmed. 71 Aside from the judiciary’s information-gathering limita- tions, there are strong reasons to doubt the ability of the mem- bers of the federal judiciary to resolve effectively foreign affairs laws ambiguities. Judges are not chosen based on their expertise in a particular field. Federal judges, with a few minor exceptions, handle a wide variety of cases without any subject matter spe- cialties. None, for instance, is chosen because of his or her exper- tise on matters relating to foreign affairs or foreign affairs laws. Courts are also highly decentra lized. With 94 district courts and 667 judges, differing interpretations of ambiguous foreign affairs laws could result in broad conflicts between different ju- dicial districts. Although the appellate process can eventually unify inconsistent interpretations, the process is notoriously slow and limited. The Supreme Court itself hears about 70-85 cases a year compared to the estimated 325,000 appeals that are filed from district court decisions a nnually. As a result, the system is poorly designed for achieving a speedy and unified interpreta- tion of an ambiguous statute, treat y, or rule of customary inter- national law. Such inflexibility surely advances the goals of a domestic le- gal system in uniformity, predictability, and stability in the inter- pretation and application of federal law. For these reasons, def- erence doctrines do not require judicial abdication to the executive branch. Rather, they typically allow the courts to make the initial judgment about the proper meaning of a statute or treaty. Where such statutes or treaties are ambiguous or broadly phrased, however, a continued resort to a rigid, slow, inflexible B. E XECUTIVE B RANCH C OMPETENCE If the judiciary is not the ideal institution for resolving am- biguities in foreign affairs laws, the deference doctrines may still not be worth following if the executive branch does not possess any advantages over the courts . We believe, however, that the executive branch has superior institutional competence that jus- tifies the existence of the deference doctrines. As Chevron recognized , 72 the executive branch possesses two institutional characteristics that make it superior to courts in the interpretations of certain kinds of laws. First, executive agencies usually possess expertise in the administration of cer- tain statutes, particularly thos e in complex areas. Second, the ex- ecutive branch is subject to greater political accountability than the judiciary, and the electorate could ultimately change un- wanted interpretations. 73 As Justice Stevens himself explained in Chevron , “Judges are not experts in th e field, and are not part of either political branch of the Government.” 74 While agencies are not directly accountable to the people, the Chief Executive is, and it is entirely appropriate for this political branch of the Gov- ernment to make such policy choices—resolving the competing interests which Congress itself either inadvertently did not re- solve, or intentionally left to be resolved by the agency charged with the administration of the statute in light of everyday reali- ties. One way to think about the ex ecutive branch’s comparative advantage is in terms of the likelihood of errors. Agencies which possess greater expertise over a complex and technical statute are less likely to depart from Congressional intent in their inter- pretations of those statutes, espe cially ambiguous provisions in those statutes. While agencies m ay well incur greater costs in making those decisions, such costs reflect the likelihood that they will seek a broader set of information about their legal in- terpretation than that presented to courts. Indeed, unlike courts, the executive branch is designed to develop specialized competence. In the area of foreign policy, the executive branch is com- posed of large bureaucracies solely focused on designing and implementing foreign policy. The more common criticism of the executive branch is that it is likely to manipulate its expertise in the service of political goals. While this may seem like a cr iticism, it is actually a virtue in the context of resolving ambiguities in laws implicating for- eign affairs. Such laws nearly always implicate broad policy deci- sions or political values and the political nature of the executive branch gives it advantages in maki ng such decisions. If Congress leaves ambiguities in a foreign affairs statute, for instance, it is reasonable to assume it would prefer such ambiguities to be re- solved by the more politically responsive institution. Indeed, it is doubtful that there is substantial popular support for transferring authority to the judiciary in case s where the law relates to how to deal with a serious external threat. 75 C. T HE H AMDAN C OURT ’ S I NSTITUTIONAL I NCOMPETENCE The Hamdan Court’s refusal to follow (or acknowledge) the deference doctrines only furthe r illustrates the institutional weaknesses of courts in resolvin g ambiguities in foreign affairs law. In each of its interpretive moves, the Court resolved the ambiguity in a statute, treaty, or customary international law against the government and in favor of the enemy combatant de- tainee. For instance, the Court found that the President’s use of military commissions failed the “practicability” test as used in Article 36(b) of the UCMJ. The Court held that “[n]othing in the record before us demonstrates that it would be impracticable to apply court-martial rules in this case.” 76 The Court brushed aside the claim that “the danger posed by international terror- ism” could justify variance from court-martial procedures. 77 But the Court itself could give no serious content to the practicability requirement. It cited no precedents explaining why the courts allowed variance from court-martials in the past and what the standard for determining practicability might be in this context. In other words, it coul d not reduce the inherent ambigu- ity in a phrase like “practicability” in this context and essentially relied on its own assessment of the “dangers posed by interna- tional terrorism” to reach its decision. But the Court was in no position to evaluate the level of that danger because it had no access to information about the scope and nature of that danger in the context of military trials. Given its comparative institu- tional incompetence in making that difficult assessment, the Court’s refusal to give deference to the government’s construc- tion of “practicability” seems based less on facts and information and more on the majority’s general impressions about the course of the war on terrorism. Similarly, the Court’s non-deference to the executive branch’s interpretation of Common Article 3 required it to as- sess whether or not the war with Al Qaeda is an “armed conflict of an international character.” The Court admitted that the phrase appeared to apply to ci vil wars and other purely domestic conflicts but relied on commentaries suggesting that the article should be interpreted as broadly as possible. But the nature of the war with Al Qaeda and its international versus domestic character requires more than an assessment of the meaning of the phrase “international characte r.” It requires an analysis of the nature of the military conflict engaged in by the U.S. gov- ernment against Al Qaeda and the likely effect of its compliance with Common Article 3 on its ability to wage that conflict. It seems obvious to conclude that the Court has little competence or access to information that would allow it to make such a de- termination. Hamdan’s enforcement of Common Article 3 also intrudes upon the political and diplomatic methods that had traditionally been used to implement the Geneva Conventions, and that were contemplated in the text of the treaties itself. The Geneva Con- ventions rely upon the ICRC, not courts, to perform various ser- vices in monitoring state performance and helping to mediate disputes. Geneva also specifica lly contemplates that the state parties will “bring into force” its terms through “special agree- ments.” Again, the Conventions re ly on political and diplomatic means, not judicial. Finally, some of the terms in Common Arti- cle 3 are so vague and imprecise that they would have implied future executive and legislative interpretation. Geneva nowhere explicitly calls upon direct enforcement by domestic judiciaries of its terms; such an approach would have been, at the time, ut- terly revolutionary. Finally, the Court’s contribution to the development of cus- tomary international law regarding conspiracy and the “right to be privy to all evidence” was an inherently difficult and complex enterprise. Despite the Court’s efforts to present the “right to be privy to all evidence” as indisputable, its failure to cite any seri- ous evidence of state practice conc erning this right in the context of a military trial suggests that right might indeed be disputable. More broadly, the U.S. executive branch, which is largely re- sponsible for directing U.S. state practice with respect to the law of war, is likely to have more expertise, information, and ability when assessing the effect of reje cting or accepting conspiracy as a war crime or the right to be privy to evidence on larger U.S. ef- forts to develop the law of war. None of this analysis, it bears repeating, suggests that the executive cannot make mistakes or poor judgments in the inter- pretations of laws relating to foreign affairs. The question is whether it will make more mistakes or poorer judgments and whether it is less costly to correct its mistakes. Both institutions can make mistakes, but our anal ysis suggests courts are more likely to make mistakes and that the costs of reversing those mis- takes will be substantial. As the next Part explains, the failure to defer to executive interpretations in the Hamdan case could sig- nificantly raise the costs for adjusting or conforming U.S. na- tional policy toward the war on terrorism.

#### The executive is best for foreign affairs

Posner & Abebe 11 -- Assistant Professor and Kirkland & Ellis Professor, University of Chicago Law School (Eric A. & Daniel, 2011, "The Flaws of Foreign Affairs Legalism," Virgina Journal of International Law 51:507, http://www.ericposner.com/THE%20FLAWS%20OF%20FOREIGN%20AFFAIRS%20LEGALISM.pdf)

To sum up, the case for giving the judiciary a greater role in foreign affairs has not been made. The judicial office has evolved to handle domestic disputes, not foreign policy disputes, and reorienting it to ad- dress foreign affairs would require radical surgery. Judges lack the tem- perament and ability for addressing foreign affairs, and their impartiali- ty, such as it is, comes at a price: They are not accountable to the public and have little feel for international politics and the public interest. The executive, by contrast, is the primary foreign affairs office because it is best suited for foreign affairs issues. What is claimed to be its major disadvantage — that the executive has a short-term perspective driven by elections — is one of its chief merits, namely, that it is accountable to the public. C. What Does It Mean to Promote International Law? We have argued that history shows that the executive has been the primary motor for promoting international law, while the judiciary has more frequently served as a brake or (in most cases) a passenger. This record is consistent with the in centives and capacities built into these offices. The executive takes an interest in international law because it has the responsibility for national security; the judiciary does not. Fur- thermore, the executive’s office is supplied with the tools it needs for addressing foreign affairs; the judiciary lacks those tools. We have generally assumed that “promoting international law” is a good thing, a premise we take from the foreign affairs legalists. But there are some important ambiguities about this premise, which we will address now. “Promoting international law” has a traditional meaning that has come under pressure in recent years. Under the traditional view, interna- tional law is based on the consent of states. Promoting international law, then, means obtaining the consent of states to new international treaties and institutions, and encouraging states to keep their obligations. An executive might promote international law by consenting, on behalf of its state, to existing multinational treaties; negotiating new treaties; expressing agreement with norms of customary international law; and en- suring that its state complies with its international legal obligations. In this positivist conception, international law need not always be “good” in the sense of promoting global values. The Molotov– Ribbentrop Pact, 187 which carved up Poland, was a piece of internation- al law and clearly not good. Thus, we should be aware that when we say that the executive is in the best position to promote international law, we mean that the executive can promote international law for ill as well as for good. The precise way to put this point is that the executive has better incentives and capacities for using international law to promote the national interest than the judiciary does. The national interest will not always coincide with the global interest. Nonetheless, if we take the perspective of national interest, then foreign affairs legalism has little to recommend it. The best case for foreign affairs legalism rests on a different concep- tion of international law. In this view, international law consists of a web of norms that extend beyond ordinary treaty and customary interna- tional law and include jus cogens rules that reflect fundamental values in the international order. 188 Typical examples of jus cogens norms in- clude prohibitions on aggression, torture, and genocide. In the hands of some scholars, general human rights norms have become part of a kind of ‘world constitution.’ 189 The key idea here is that these norms do not depend on state consent: States cannot withdraw their consent from them, and any effort to do so is simply a manifestation of an intention to engage in illegal behavior. Foreign affairs legalism draws its spirit from this conception of inter- national law. The executive shoulders the national interest, which may reflect a selfish or myopic preference for behavior that aggrandizes the nation but hurts people in other countries. No national institution can check this behavior except courts because of the courts’ independence — their lack of accountability to the people. By enforcing and hence preserving jus cogens and related norms, and by developing them, courts promote international law, rightly understood, in the teeth of ex- ecutive interests. One is more likely to find this kind of argument in a European inter- national law journal than an American one, but it provides the best case for foreign affairs legalism. Nonetheless, it is seriously flawed. The idea that jus cogens and other fundamental norms underlie inter- national law and exist in the absence of state consent is highly contro- versial, to say the least. 190 It is a throwback to natural law thinking, which was repudiated more than a century ago. Natural law ideas were repudiated because in practice states could not agree what they were, and so they could not provide grounds for resolving international dis- putes. Positivism took over because states could at least refer to the sources of law they had consented to, which could be made as precise as they chose. Further, because states — so far — have expressed their consent to the substance of these nor ms — against torture, for example — the idea that jus cogens norms somehow transcend state consent has never been tested. It remains in the realm of speculation. 191 Finally, no one has explained why courts would, and how they could, enforce international legal norms against the interest of their own na- tions, as perceived by the executive. Judges have no particular incentive to defy their own national governments for the sake of ambiguous inter- national ideals. And, if they did, it is not clear how they could constrain their governments, most of which demand, and receive, freedom of ac- tion in foreign affairs. D. An Alternative View We are now prepared to state the case for executive primacy in for- eign affairs law. Executive primacy holds that courts should, as much as possible, solicit the executive’s views on disputes involving foreign af- fairs and defer to these views except under unusual circumstances. In cases of statutory and treaty interpretation — including the question of whether a treaty is self-executing or creates judicially enforceable rights — the judiciary should defer to the executive’s views as much as possible. In cases of federal common law development, the judiciary should give the executive the power to opt out of judge-made doctrines, as in The Paquete Habana . 192 When the executive declines to give its views, the judiciary should not necessarily understand its task to be that of promoting international law. It may be proper to interpret statutes so as to avoid violating international law, but only to the extent the alleged international law norm has been endorsed by the executive, such as in a treaty, by endorsing a particular CIL norm, or in other ways. Similar points apply to constitutional interpretation. It may be proper for judges to take account of foreign and international law when inter- preting American constitutional law because these sources of interna- tional law provide a fund of knowledge. 193 But courts should not do this in order to promote international law. That is a task for the executive. The case for executive primacy rests on the constitutional division of labor between the executive and the judiciary. The U.S. Constitution, as interpreted over the years, has given different incentives and capacities to the holders of these offices. Executives are held responsible for na- tional security and the national interest in general. The judiciary is not. Executives who seek to do well thus have strong incentives to advance international law in a way that promotes the national interest. Because Congress has refused to assert itself in foreign affairs thus far, the judi- ciary must either defer to executive-made foreign policy or invent its own. Because the judiciary has no foreign affairs expertise and, given its decentralization and traditional inward focus, no means for develop- ing such an expertise, it should defer to the executive. Our case for executive primacy rejects an enhanced role of the judici- ary in foreign affairs. If the promotion of international law and an inter- national legal system is in the national interest, the executive — not the judiciary — is the branch best placed to achieve this goal. The political question doctrine, 194 the act of state doctrine, 195 international comity 192. See supra text accompanying notes 114–15. 193. See, e.g. , Posner & Sunstein, supra note 145, at 171–73. 194. See Goldwater v. Carter, 444 U.S. 996, 1002–06 (1979) (Rehnquist, J., concurring); Made in the USA Found. v. United Stat es, 242 F.3d 1300, 1311–20 (11th Cir. 2001). 195. The most important case on the act-of-state doctrine is Banco Nacional de Cuba v. 548 [Vol. 51:507 doctrines, 196 and deference to the executive’s treaty interpretations, 197 for example, have properly barred the judiciary from making foreign af- fairs determinations for which it is poorly suited. Increased deference to the executive would ensure that the most accountable branch continues to exercise primary foreign affairs decision-making authority. C ONCLUSION Foreign affairs legalism awaits an advocate who not only asserts the value of legalizing foreign relations but also roots this assertion in a plausible account of judicial motivation and institutional competence. Until such a theory is advanced, the tradition of judicial deference to the executive in matters of foreign affairs deserves continued support.

## 1NR – Politics

### CP

#### Asian arms races

**Cimbala 10** - Prof. of Political Science @ Penn State, (Stephen, Nuclear Weapons and Cooperative Security in the 21st Century, p. 117-8)

Failure to contain proliferation in Pyongyang could spread nuclear fever throughout Asia. Japan and South Korea might seek nuclear weapons and missile defenses. A pentagonal configuration of nuclear powers in the Pacific basis (Russia, China, Japan, and the two Koreas – not including the United States, with its own Pacific interests) could put deterrence at risk and create **enormous temptation toward nuclear preemption**. Apart from actual use or threat of use, North Korea could exploit the mere existence of an assumed nuclear capability in order to support its coercive diplomacy. As George H. Quester has noted: If the Pyongyang regime plays its cards sensibly and well, therefore, the world will not see its nuclear weapons being used against Japan or South Korea or anyone else, but will rather see this new nuclear arsenal held in reserve (just as the putative Israeli nuclear arsenal has been held in reserve), as a deterrent against the outside world’s applying maximal pressure on Pyongyang and as a bargaining chip to extract the economic and political concessions that the DPRK needs if it wishes to avoid giving up its peculiar approach to social engineering. A **five-sided nuclear competition** in the Pacific would be linked, in geopolitical deterrence and proliferation space, to the existing nuclear deterrents in India and Pakistan, and to the emerging nuclear weapons status of Iran. An **arc of nuclear instability** from Tehran to Tokyo could place U.S. proliferation strategies into the ash heap of history and call for more drastic military options, not excluding preemptive war, defenses, and counter-deterrent special operations. In addition, an eight-sided nuclear arms race in Asia would increase the likelihood of accidental or inadvertent nuclear war. It would do so because: (1) some of these states already have histories of protracted conflict; (2) states may have politically unreliable or immature command and control systems, especially during a crisis involving a decision for nuclear first strike or retaliation; unreliable or immature systems might permit a technical malfunction that caused an unintended launch, or a deliberate but unauthorized launch by rogue commanders; (3) faulty intelligence and warning systems might cause one side to misinterpret the other’s defensive moves to forestall attack as offensive preparations for attack, thus triggering a mistaken preemption.

#### Allies

**Ross**, Winter 1998/**1999** (Douglas – professor of political science at Simon Fraser University, Canada’s functional isolationism and the future of weapons of mass destruction, International Journal, p. lexis)

#### Thus, an easily accessible tax base has long been available for spending much more on international security than recent governments have been willing to contemplate. Negotiating the landmines ban, discouraging trade in small arms, promoting the United Nations arms register are all worthwhile, popular activities that polish the national self-image. But they should all be supplements to, not substitutes for, a proportionately equitable commitment of resources to the management and prevention of international conflict – and thus the containment of the WMD threat. Future American governments will not ‘police the world’ alone. For almost fifty years the Soviet threat compelled disproportionate military expenditures and sacrifice by the United States. That world is gone. Only by enmeshing the capabilities of the United States and other leading powers in a co-operative security management regime where the burdens are widely shared does the world community have any plausible hope of avoiding warfare involving nuclear or other WMD.

### 2NC/1NR

#### Multiple conditional worlds are good Here’s our offense:

#### 1. Most real world – the status quo is always an option for a rational policy maker 2. Prefer breadth over depth – we must know multiple policy options – it’s a prerequisite to in depth debates, without debating multiple ideas we can’t decide which in depth debate would promote the best education

#### 3. Key to critical thinking – conditionality forces the 2AC to make strategic choices and specific answers 4. Key to efficient thinking – it teaches the 2A how much effort to put into one position 5. Counter interpretation – we’ll advocate 2 conditional worlds and choose 1 in the 2NR

#### A. Logic – a policy maker with two proposals can always reject one and compare others B. No extreme aff skew – because we only advocate 2 worlds there can never be a huge strategy skew NEW TOPIC = key to test

#### Now on defense: 1. No abuse – we’re not running two conflicting advocacies where we can kick out of both – no in round abuse

#### 2. 2NR choice checks abuse – the 2AR can answer our advocacy with 5 minutes 3. All arguments are conditional – we kick out of DAs and can drop all arguments on T

#### 4. Research is driving conditionality into debates – the aff should be prepared anyway

### K

#### China will ignore new norms – history proves

**Clark 13** (Colin, editor of Breaking Defense, “China Set To Grab UAV Market While US Restricts Sales,” http://breakingdefense.com/2013/06/14/china-set-to-grab-uav-market-while-us-restricts-sales/)

PARIS: Psst. Hey mister. Wanna buy a UAV? China’s got drones for shooting, drones for intelligence, surveillance and reconnaissance, and drones for target practice. Cheap prices and no arms export restrictions.

And China may grab a significant share of the international market for just those reasons, according to a new report by the U.S-China Economic and Security Review Commission. Breaking Defense obtained a copy of the report: China’s Military Unmanned Aerial Vehicle Industry

The irony would be, of course, that the United States has largely created that demand by demonstrating the utility of drones (UAVs, Remotely Piloted Aircraft — RPAs — pick your term) in Afghanistan, Pakistan, Yemen, Iraq and other locales over the last decade.

Here’s what the report’s author, Kimberly Hsu, concludes:

“Surging domestic and international market demand for UAVs, from both military and civilian customers, will continue to buoy growth of the Chinese industry. Chinese defense firms do not face the same export restrictions as top UAV-exporting countries, such as the United States and Israel. As a result, China could become a key UAV proliferator, particularly to developing countries.”

Currently, the great majority of Chinese drones are tactical, but Hsu says that “in the long term, China’s continued interest and progression in strategic-level UAVs appear poised to position China as a leader in the high-end UAV market.” A major reason is that China is not a member of either the Missile Technology Control Regime (MTCR) or the looser but broader Wassenaar Arrangement. “In the absence of competition from more sophisticated U.S. or Israeli alternatives, China could become a key proliferator to non-members of the MTCR or Wassenaar,” she concludes.

Just what drones is China building? Well, the report notes there isn’t much information available about the PLA’s efforts. Hsu says that China, “probably is developing and operating UAVs for electronic warfare (EW).” These would “probably would focus on jamming tactical communications and global positioning system (GPS), but could provide a range of other capabilities, including false target generation against enemy Airborne Warning and Control Systems (AWACS)/Airborne Early Warning (AEW) and power grid attack.”

On top of that, several Chinese government owned defense firms are also developing killer drones in the vein of our Predator or Reaper. “It is not clear if China intends to use UCAVs in an air-to-air or an air-to-ground role,” Hsu writes.

In addition to state-owned enterprises, several of China’s top engineering universities are working on drones.

On the civilian side, China has already demonstrated use of indigenous drones for earthquake relief efforts after the May 2008 and April 2013 earthquakes in Sichuan province, according to the report. And the rough Chinese equivalent of the Coast Guard and harbor police “are integrating UAVs into their operations.

All in all, China’s policy of not participating in what it would doubtless call hegemonic restrictions on its actions — MTCR, Wassenaar — coupled with its willingness to sell to pretty much anybody who can buy their weapons, places it in a prime position to benefit, just as Europe benefited from America’s decision to sharply restrict satellite sales and their components to foreign countries.

#### Drones key to US global engagement – permit less costly forms of intervention

Rushforth 12 (Elinor, J.D. candidate, University of Arizona, James E. Rogers College of Law, "THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012," 29 Ariz. J. Int'l & Comp. Law 623, lexis)

During Operation Southern Watch, the military used drones to police no-fly zones in Iraq and they were eventually used to target Iraqi radar systems during the second Iraq War. n175 In Operation Enduring Freedom, the military has expanded its use of armed drones to provide air support to ground operations and to act as "killer scouts." n176 By providing immediate battle damage assessment, drones enable commanders to determine if further action is necessary, and provide a new perspective on the field. n177 In Operation Iraqi Freedom, the armed drone retained and expanded its roles targeting anti-aircraft vehicles, performing as a decoy revealing enemy positions, and aiding in a rescue mission. n178 Based on these successes, military leaders maintain the value of drones. n179 The CIA's use [\*650] of drones facilitates U.S. attacks in environments where it is deemed too dangerous for ground troops to have a physical presence. n180 The ability to protect American lives, keep military costs down, and damage terrorist infrastructure and leadership is central to proponents' view of this program.¶ Second, the American public has grown tired of drawn-out conflicts and foreign intervention, and the drone program offers a more palatable form of foreign involvement. n181 President Obama claims that "it is time to focus on nation-building here at home" and, presumably, the drone program allows the government to operate without deployment of ground troops to areas in which intervention is deemed necessary, be it for humanitarian or military purposes. n182 Lethal operations, surveillance for U.S. military operations, and less costly intervention all become possible when robots are the actual tools. With a weary electorate, the Executive can maintain a presence abroad militarily, while remaining able to argue that its full focus is on protecting and growing our nation at home.

#### Lots of factors prevent great power conflict without hegemony

Fettweis 10 (Christopher J. Professor of Political Science at Tulane, Dangerous Times-The International Politics of Great Power Peace, pg. 175-6)

If the only thing standing between the world and chaos is the US military presence, then an adjustment in grand strategy would be exceptionally counter-productive. But it is worth recalling that none of the other explanations for the decline of war – nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms – necessitate an activist America to maintain their validity. Were American to become more restrained, nuclear weapons would still affect the calculations of the would be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it currently exists. More importantly,the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world be virtually risk free.

### Jjj

#### DA outweighs and turns the case – economic decline causes war – leads to resource wars and countries have to result to nuclear weapons –outweighs on probability due to current economic crisis and economic use on new tech

#### Turns leadership

Brzezinski 97 (Zbigniew, Former National Security Advisor – The Grand Chessboard, [http://book–case.kroupnov.ru/pages/library/Grand/part\_1.htm](http://book-case.kroupnov.ru/pages/library/Grand/part_1.htm))

America’s economic dynamism provides the **necessary precondition** for the exercise of global primacy. Initially, immediately after World War II, America’s economy stood apart from all others, accounting alone for more than 50 percent of the world’s GNP. The economic recovery of Western Europe and Japan, followed by the wider phenomenon of Asia’s economic dynamism, meant that the American share of global GNP eventually had to shrink from the disproportionately high livels of the immediate postwar era. Nonetheless, by the time the subsequent Cold War had ended, America’s share of global GNP, and more specifically its share of the world’s manufacturing output, had stabilized at about 30 percent, a level that had been the norm for most of this century, apart from those exceptional years immediately after World War II. More important, America has maintained and has even widened its lead in exploiting the latest scientific breakthroughs for military purposes, thereby creating a technologically peerless military establishment, the only one with effective global reach. All the while, is has maintained its strong competitive advantage in the economically decisive information technologies. American mastery in the cutting–edge sectors of tomorrow’s economy suggests that American technological domination is not likely to be undone soon, especially given that in the economically decisive fields, Americans are maintaining or even widening their advantage in productivity over their Western European and Japanese rivals.

#### Turns terrorism

Schaub 4 (Drew, Professor of Political Science – Penn State University, Journal of Conflict Resolution, 48(2), April)

Despite the caveats, our analysis suggests important policy implications for the war against terrorism. National governments should realize that economic globalization is not the cause of, but a possible partial solution to, transnational terrorism. Although opening up one’s border facilitates the movement of terrorists and their activities, our results show that the effect of such facilitation appears weak. It does not precipitate a significant rise in transnational terrorist attacks within countries. This is an important lesson for policy makers who are designing antiterrorism policies. More important, economic openness, to the extent that it promotes economic development, may actually help to reduce indirectly the number of transnational terrorist incidents inside a country. Closing borders to foreign goods and capital may produce undesirable effects. Economic closure and autarky can generate more incentives to engage in transnational terrorist activities by hindering economic development. Antiterrorism policy measures should be designed with caution. They should not be designed to slow down economic globalization. Promoting economic development and reducing poverty should be important components of the global war against terrorism. Such effects are structural and system–wide. It is in the best interest of the United States not only to develop by itself but also to help other countries to grow quickly. The effect of economic development on the number of transnational terrorist incidents is large. The role of economic development deserves much more attention from policy makers than it currently enjoys.

#### Turns miscalc – war over economy encourages hair-trigger actions

### A2: Resil

#### Global econ growth remains fragile

Pisani 9/19/13 (Bob, Stocks Editor @ CNBC, "The Fed-induced stock market rally fizzles as rising rates weigh," http://www.cnbc.com/id/101048526)

Fifth, if the economy was good, the Federal Reserve would have tapered. A simple but profound truth. Stocks may be cheap relative to bonds, but it doesn't necessarily make them a screaming buy at these levels. The rest of the global economy is fragile. Europe is stable but hardly growing. The data has been better for China but it too is fragile.

#### The economy isn’t resilient and a partial shutdown tanks economy

Roberts 9/18/13 (Dan, The Guardian, "Republican budget threats risk 'serious harm' to US economy, analysts warn," http://www.theguardian.com/world/2013/sep/19/republican-budget-serious-harm-economy)

Any disruption could be worse this time, because markets are acutely sensitive to threats to supposed safe havens such as US Treasury bonds following the banking crash.¶ "Anyone who remembers the financial crisis of five years ago should shudder at the thought of disrupting these markets again," added Marron.¶ Similarly, the impact of a government shutdown would theoretically be limited if it only lasted a few days, because just a third of the US budget is discretionary spending funded through congressional appropriations.¶ Zandi estimates that a three- or four-day shutdown would reduce economic growth in the fourth quarter by a fifth of a percentage point.¶ However, shutting the government down for three or four weeks would do significant economic damage, reducing GDP by 1.4 percentage points, said Zandi.¶ "And this likely understates the economic fallout, as it does not fully account for the impact of such a lengthy shutdown on consumer, business and investor psychology" he added.

#### No resiliency – recent crisis

Yahoo News 9/16/12 ("U.S. economy still at 'grave risk' four years after Lehman Brothers collapse," http://in.news.yahoo.com/u-economy-still-grave-risk-four-years-lehman-082828101.html)

Washington, Sept. 16 (ANI): The American economy has not recovered four years after the collapse of Lehman Brothers, a report has concluded.¶ The financial crisis has cost the country 12.8 trillion dollars, just in time for the four-year anniversary of the collapse.¶ According to ABC News, Better Markets, a non-profit organization whose self-described mission is to 'promote the public interest in financial reform', estimated the cost of the 'Wall-Street caused financial collapse and ongoing economic crisis' using figures from the Congressional Budget Office and Gross Domestic Product estimates from the U.S. Bureau of Economic Analysis.¶ Lehman Brothers, the financial services firm, filed for bankruptcy on September 15, 2008, with about 691 billion dollars in assets, the largest bankruptcy in U.S. history.¶ Dennis Kelleher, CEO of Better Markets, and co-author of the report, said his organization timed its release with the anniversary to influence lawmakers to focus on tighter regulations.¶ "The message isn't to banks. It's to policy makers," Kelleher said, adding: "If you look at the economic wreckage and suffering of the American people through the worst economy since the Great Depression, and see that it caused trillions of dollars. The priority has to be preventing this from ever happening again."¶ According to the report, Kelleher admitted that the 12.8-trillion-dollar-figure is an estimate and not a comprehensive figure.¶ The authors focused on four categories of cost: unemployment, destroyed household wealth, government bailouts and support, and human suffering.¶ The report also estimates 'avoided GDP loss' from 2008 to 2012 at 5.2 trillion dollars, saying that figure describes 'the estimated additional amount of GDP loss that was prevented only by extraordinary fiscal and monetary policy actions'.¶ According to the report, Kelleher said the United States is at 'grave risk' of another financial crisis, despite the Wall Street financial overhaul implemented by the Dodd-Frank Act.

### Targeted killing – 2NC

#### Obama fights the plan and sparks controversial battles in Congress – targeted killing is heavily criticized

Radsan and Murphy 12 (Afsheen John – Professor, William Mitchell College of Law; Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004, and Richard – AT&T Professor of Law, Texas Tech University School of Law, “The Evolution of Law and Policy for CIA Targeted Killing”, 2012, 5 J. Nat'l Security L. & Pol'y 439, lexis)

This scenario emphasizes a simple point: President Obama, a Harvard Law School graduate, a former teacher of constitutional law at the University of Chicago and a Nobel Peace Laureate, must believe that he has the authority to order the CIA to fire missiles from drones to kill suspected terrorists. Not everyone agrees with him, though. For almost a decade now, the United States has been firing missiles from unmanned drones to kill people identified as leaders of al Qaeda and the Taliban. This "targeted killing" has engendered controversy in policymaking and legal circles, spilling into law review articles, op-ed pieces, congressional hearings, and television programs. n2 On one level, this [\*441] controversy is curious. A state has considerable authority in war to kill enemy combatants - whether by gun, bomb, or cruise missile - so long as those attacks obey basic, often vague, rules (e.g., avoidance of "disproportionate" collateral damage). So what is so different about targeted killing by drone? Some of the concerns about a CIA drone campaign relate to the personalized nature of targeted killing. All attacks in an armed conflict must, as a matter of basic law and common sense, be targeted. To attack something, whether by shooting a gun at a person or dropping a bomb on a building, is to target it. "Targeted killing," however, refers to a premeditated attack on a specific person. President Franklin D. Roosevelt, for instance, ordered Admiral Yamamoto killed not because he was any Japanese sailor, but because he was the author of "tora, tora, tora" on Pearl Harbor. President Obama, more recently, ordered Osama bin Laden killed not because the Saudi was any member of al Qaeda, but because he was the author of 9/11 who continued to command the terrorist organization. Targeted killing is psychologically disturbing because it is individualized. It is easier for a U.S. operator to kill a faceless soldier in a uniform than someone whom the operator has been tracking with photographs, videos, voice samples, and biographical information in an intelligence file. There is also concern that drones will attack improperly identified targets or cause excessive collateral damage. Targets who hide among peaceful civilians heighten these dangers. Of course, drone strikes should be far more precise than bombs dropped from a piloted aircraft. The lower [\*442] "costs" of drone strikes, however, encourage governments to resort to deadly force more quickly - a trend that may accelerate as drone technology rapidly improves and perhaps becomes fully automated through advances in artificial intelligence. Paradoxically, improved precision could lead to an increase in deadly mistakes. Another concern relates to granting an intelligence agency trigger authority. Entrusting drones to the CIA, an intelligence agency with a checkered history as to the use of force whose activities are largely conducted in secret, heightens concerns in some quarters that strikes may sometimes kill the wrong people for the wrong reasons. If applied sloppily or maliciously, targeted killing by drones could amount to nothing more than advanced death squads. For these and related reasons, the use of killer drones merits serious thought and criticism. Along these lines, many opponents of the reported CIA program have decried it as illegal. Without questioning their sincerity, one can acknowledge the soundness of their tactics. "Law talk" offers them a strong weapon. How could anyone, without shame or worse, support an illegal killing campaign? Illegality is for gangsters, drug dealers, and other outlaws - not the Oval Office.

#### Targeted killing restrictions sap political capital – spills over to other issues

Vladeck 13 (Steve – professor of law and the associate dean for scholarship at American University Washington College of Law, “Drones, Domestic Detention, and the Costs of Libertarian Hijacking”, 3/14, http://www.lawfareblog.com/2013/03/drones-domestic-detention-and-the-costs-of-libertarian-hijacking/)

The same thing appears to be happening with targeted killings. Whether or not Attorney General Holder’s second letter to Senator Paul actually answered the relevant question, it certainly appeared to mollify the junior Senator from Kentucky, who declared victory and withdrew his opposition to the Brennan nomination immediately upon receiving it. Thus, as with the Feinstein Amendment 15 months ago, the second Holder letter appears to have taken wind out of most of the libertarian critics’ sails, many of whom (including the Twitterverse) have now returned to their regularly scheduled programming. It seems to me that both of these episodes represent examples of what might be called “libertarian hijacking”–wherein libertarians form a short-term coalition with progressive Democrats on national security issues, only to pack up and basically go home once they have extracted concessions that don’t actually resolve the real issues. Even worse, in both cases, such efforts appeared to consume most (if not all) of the available oxygen and political capital, obfuscating, if not downright suppressing, the far more problematic elements of the relevant national security policy. Thus, even where progressives sought to continue the debate and/or pursue further legislation on the relevant questions (for an example from the detention context, consider Senator Feinstein’s Due Process Guarantee Act), the putative satisfaction of the libertarian objections necessarily arrested any remaining political inertia (as Wells cogently explained in this post on Senator Paul and the DPGA from November).

#### No Turns – Status quo targeted killing is unpopular among supporters due to constitutional issues and Obama will actively fight the plan – secret documents prove

Jaffer 13 (Jameel – Deputy Legal Director of the ACLU, “REACTION: JUDICIAL REVIEW OF TARGETED KILLINGS”, 2013, 126 Harv. L. Rev. F. 185, lexis)

The argument for some form of judicial review is compelling, not least because such review would clarify the scope of the government's authority to use lethal force. The targeted killing program is predicated on sweeping constructions of the 2001 Authorization for Use of Military Force (AUMF) and the President's authority to use military force in national self-defense. The government contends, for example, that the AUMF authorizes it to use lethal force against groups that had nothing to do with the 9/11 attacks and that did not even exist when those attacks were carried out. It contends that the AUMF gives it authority to use lethal force against individuals located far from conventional battlefields. As the Justice Department's recently leaked white paper makes clear, the government also contends that the President has authority to use lethal force against those deemed to present "continuing" rather than truly imminent threats. These claims are controversial. They have been rejected or questioned by human rights groups, legal scholars, federal judges, and U.N. special rapporteurs. Even enthusiasts of the drone program have become anxious about its legal soundness. ("People in Washington need to wake up and realize the legal foundations are crumbling by the day," Professor Bobby Chesney, a supporter of the program, recently said.) Judicial review could clarify the limits on the government's legal authority and supply a degree of legitimacy to actions taken within those limits.

### A2: Thumpers – General

#### \_\_\_ comes first – it’s on the top of the agenda and Obama is pushing for it now

#### Issues only cost capital once they reach the finish line.

**Drum**, 3/10/**2010** (Kevin – political blogger for Mother Jones, Immigration coming off the back burner?, Mother Jones, p. http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner)

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.1 That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

### A2: Syria

* Syria doesn’t matter – evidence is from 10 days ago, debate already done, no vote coming up now
* Didn’t sap PC – at worst made Obama look strong

#### Has PC

Purdum and Harris 9/18/13 (Todd and John, Politico, "And what’s right with President Obama?," http://dyn.politico.com/printstory.cfm?uuid=91B846ED-7F4F-45E7-9982-E926DCD7CC77)

Perhaps Barack Obama can comfort himself with the reality that his current travails are both more complicated in their causes and less dire in their consequences than they are being portrayed in the Washington echo chamber.¶ There is a useful cautionary note for everyone who is prone to withering judgments about Obama’s stumbling performances in recent weeks: No institution in American life is more resilient than the modern presidency, and no politician talented enough to capture the office should ever be underestimated.¶ Bill Clinton, of course, is the supreme example. He was counted out after a clumsy start in 1993, after losing the House in 1994, after a sex scandal in 1998, and, as a new ex-president, after a pardon scandal in 2001.¶ Barack Obama is a man of different talents, instincts and interests than Clinton. But now that Washington is in pile-on mode — including us — it’s not a bad time to remember that there are some reasons why he is among the most talented politicians of his generation.¶ Recent bad headlines have not diluted his enduring personal and political assets, and, so long as he occupies the White House, there is no other person with more power to set the national agenda.

#### Even if he doesn’t have PC generally, Obama has the leverage in the shutdown debate

Scheiber 9/15/13 (Noam, Senior Editor @ The New Republic, "This Time There Really Will Be a Government Shutdown," http://www.newrepublic.com/article/114728/boehner-and-obama-cant-avoid-government-shutdown)

Start with the White House, which has been annoyingly open to concessions even when it has all the leverage. In my own conversations with White House officials (and people close to them) over the past few months, I’ve picked up a clear willingness to allow a shutdown if Republicans refuse to budge. This is unlike 2011, the last time the White House faced a shutdown situation. Back then, a well-connected former administration official told me recently, “the political strategists wanted a deal. [Senior adviser David] Plouffe wanted a deal . . . to increase our numbers with independents.” This time, according to this source, “There’s no constituency for caving.” ¶ That jibes with the change of heart I’ve detected when speaking directly to White House officials. In 2011, they were queasy about the risks a shutdown posed to the rickety economy, which could ultimately hurt the president. This year, they believe a shutdown would strengthen their hand politically, which is almost certainly true given the public outrage that would rain down on Republicans. One official pointed out that the pressure for spending cuts has subsided with the deficit falling so rapidly on its own. ¶

### Political Capital Key – 2NC

#### Prefer issue specific evidence – 1NC \_\_\_\_ indicates that Obama’s use of political capital will help \_\_\_\_\_ becomes successful and is a critical factor

#### Presidential leadership shapes the agenda

Kuttner 11 (Robert, Senior Fellow – Demos and Co-editor – American Prospect, “Barack Obama's Theory of Power,” The American Prospect, 5-16, <http://prospect.org/cs/articles?article=barack_obamas_theory_of_power>)

As the political scientist Richard Neustadt observed in his classic work, Presidential Power, a book that had great influence on President John F. Kennedy, the essence of a president’s power is “the power to persuade.” Because our divided constitutional system does not allow the president to lead by commanding, presidents amass power by making strategic choices about when to use the latent authority of the presidency to move public and elite opinion and then use that added prestige as clout to move Congress. In one of Neustadt’s classic case studies, Harry Truman, a president widely considered a lame duck, nonetheless persuaded the broad public and a Republican Congress in 1947-1948 that the Marshall Plan was a worthy idea. As Neustadt and Burns both observed, though an American chief executive is weak by constitutional design, a president possesses several points of leverage. He can play an effective outside game, motivating and shaping public sentiment, making clear the differences between his values and those of his opposition, and using popular support to box in his opponents and move them in his direction. He can complement the outside bully pulpit with a nimble inside game, uniting his legislative party, bestowing or withholding benefits on opposition legislators, forcing them to take awkward votes, and using the veto. He can also enlist the support of interest groups to pressure Congress, and use media to validate his framing of choices. Done well, all of this signals leadership that often moves the public agenda.

#### Political capital is finite and drives decision-making – key to agenda success

Schier 9, Professor of Poliitcal Science at Carleton, (Steven, "Understanding the Obama Presidency," The Forum: Vol. 7: Iss. 1, Berkely Electronic Press, <http://www.bepress.com/forum/vol7/iss1/art10>)

In additional to formal powers, a president’s informal power is situationally derived and highly variable. Informal power is a function of the “political capital” presidents amass and deplete as they operate in office. Paul Light defines several components of political capital: party support of the president in Congress, public approval of the presidential conduct of his job, the President’s electoral margin and patronage appointments (Light 1983, 15). Richard Neustadt’s concept of a president’s “professional reputation” likewise figures into his political capital. Neustadt defines this as the “impressions in the Washington community about the skill and will with which he puts [his formal powers] to use” (Neustadt 1990, 185). In the wake of 9/11, George W. Bush’s political capital surged, and both the public and Washington elites granted him a broad ability to prosecute the war on terror. By the later stages of Bush’s troubled second term, beset by a lengthy and unpopular occupation of Iraq and an aggressive Democratic Congress, he found that his political capital had shrunk. Obama’s informal powers will prove variable, not stable, as is always the case for presidents. Nevertheless, he entered office with a formidable store of political capital. His solid electoral victory means he initially will receive high public support and strong backing from fellow Congressional partisans, a combination that will allow him much leeway in his presidential appointments and with his policy agenda. Obama probably enjoys the prospect of a happier honeymoon during his first year than did George W. Bush, who entered office amidst continuing controversy over the 2000 election outcome. Presidents usually employ power to disrupt the political order they inherit in order to reshape it according to their own agendas. Stephen Skowronek argues that “presidents disrupt systems, reshape political landscapes, and pass to successors leadership challenges that are different from the ones just faced” (Skowronek 1997, 6). Given their limited time in office and the hostile political alignments often present in Washington policymaking networks and among the electorate, presidents must force political change if they are to enact their agendas. In recent decades, Washington power structures have become more entrenched and elaborate (Drucker 1995) while presidential powers – through increased use of executive orders and legislative delegation (Howell 2003) –have also grown. The presidency has more powers in the early 21st century but also faces more entrenched coalitions of interests, lawmakers, and bureaucrats whose agendas often differ from that of the president. This is an invitation for an energetic president – and that seems to describe Barack Obama – to engage in major ongoing battles to impose his preferences.

#### Presidents perceive their capital as finite – our theory is true in practice

Marshall and Prins 11, BRYAN W. MARSHALL Miami University BRANDON C. PRINS University of Tennessee & Howard H. Baker, Jr. Center for Public Policy Power or Posturing? Policy Availability and Congressional Influence on U.S. Presidential Decisions to Use Force Presidential Studies Quarterly 41, no. 3 (September) 2011

We argue that the more important effect of Congress occurs because presidents anticipate how the use of force may affect the larger congressional environment in which they inevitably have to operate (Brulé, Marshall, and Prins 2010). It may be true that presidents consider the chances that Congress will react to a specific use of force with countervailing tools, but even more importantly they anticipate the likelihood that a foreign conflict may damage (or advantage) their political fortunes elsewhere—in essence, the presidential calculus to use force factors in how such actions might shape their ability to achieve legislative priorities. To be clear, presidents can and do choose to use force and press for legislative initiatives in Congress. Taking unilateral actions in foreign policy does not preclude the president from working the legislative process on Capitol Hill. However, political capital is finite so spending resources in one area lessens what the president can bring to bear in other areas. That is, presidents consider the congressional environment in their decision to use force because their success at promoting policy change in either foreign or domestic affairs is largely determined by their relationship with Congress. Presidents do not make such decisions devoid of calculations regarding congressional preferences and behavior or how such decisions may influence their ability to achieve legislative objectives. This is true in large part because presidential behavior is motivated by multiple goals that are intimately tied to Congress. Presidents place a premium on passing legislative initiatives. The passage of policy is integral to their goals of reelection and enhancing their place in history (Canes-Wrone 2001; Moe 1985). Therefore, presidents seek to build and protect their relationship with Congress.

#### Prefer issue specific evidence

Jacobs and King 10, University of Minnesota, Nuffield College, (Lawrence and Desmond, “Varieties of Obamaism: Structure, Agency, and the Obama Presidency,” Perspectives on Politics (2010), 8: 793-802)

Yet if presidential personality and leadership style come up short as primary explanations for presidential success and failure, this does not render them irrelevant. There is no need to accept the false choice between volition and structure—between explanations that reduce politics to personality and those that focus only on system imperatives and contradictions. The most satisfying explanations lie at the intersection of agency and structure—what we describe as structured agency. Presidents have opportunities to lead, but not under the circumstances they choose or control. These circumstances both restrict the parameters of presidential impact and highlight the significance of presidential skill in accurately identifying and exploiting opportunities. Indeed, Obama himself talks about walking this tightrope—exercising “ruthless pragmatism” in seizing opportunities for reform while accepting the limits and seeking to “bridge that gap between the status quo and what we know we have to do for our future”.12

### Uniq – Avoid Shutdown Now

#### CR will pass- Boehner will get the GOP in line by passing a defunding bill and there is majority support – that’s Yglesias

#### And PC is key to maintain this coalition – Dumain says its key to keep Republicans in line and embolden Democrats

#### And err neg on uniqueness- capital can always overcome their won’t pass warrants- one PC is spent its gone – it frames the Will pass debate

#### Shutdown will be avoided now - but it will be close

Lunney 9/18/13 (Kellie, Government Executive, "Votes on Keeping Government Open Could Come Down to the Wire," http://www.govexec.com/oversight/2013/09/votes-keeping-government-open-could-come-down-wire/70498/)

Steve Bell, senior director of the Bipartisan Policy Center’s Economic Policy Project, said he thinks the Republican and Democratic House leadership ultimately will negotiate to avoid a government shutdown. But, “for the first time this year, I think they are going to cut it pretty close,” Bell said. The last time the government almost shut down -- with about an hour to spare -- was April 2011.

#### CR will pass to avert shutdown

Doll 9/17/13 (Bob, chief equity strategist and senior portfolio manager at Nuveen Asset Management LLC, "Nuveen's Doll: 'Risk-on' resumes as uncertainty subsides," http://www.investmentnews.com/article/20130917/FREE/130919917#)

The House Republican leadership proposed a plan to fund the U.S. government at current levels until mid-December. The continuing resolution would be accompanied by a related bill that would prohibit funding for the Affordable Care Act. Even if the procedure is not initially successful in satisfying House conservatives, we believe a resolution for government funding at current levels will pass into law before September 30. We expect it will be far more difficult to arrive at a deal to raise the debt ceiling.

#### CR will pass but will be a fight – shutdown kills econ

Gerson 9/17/13 (Michael, Syndicated Columnist + former senior fellow @ Council on Foreign relations, "The politics of paralysis," http://www.capjournal.com/opinions/columnist/the-politics-of-paralysis/article\_8fff9778-2015-11e3-833a-0019bb2963f4.html)

The remainder of legislative time and attention that hasn’t been spent on Syria this year will now be consumed by the budget and debt-ceiling debates – in which the best possible outcome is the avoidance of self-inflicted wounds. Republican leaders seem prepared to combine the continuing resolution and debt-ceiling increase, extend both for a year with the budget at level spending, and impose a one-year delay in implementing Obamacare. They won’t get the last part – Obama would veto anything including it – but the Republican base insists.¶ The Obama administration, in return, offers ... nothing. It is continuing the practice of starting a negotiation process by refusing to negotiate.¶ Coming to an eventual compromise between one side that demands the moon and the other side that demands and offers nothing at all won’t be easy. The protection of Obamacare is the one “red line” the administration holds absolutely sacred. But conservatives sense opportunity in a weakened president and a deeply unpopular law. And Speaker John Boehner’s room to maneuver is extremely limited by a small faction of his party that is just big enough to paralyze him. It is a recipe for confidence-shaking, market-spooking, down-to-the-wire confrontation.¶ In the shadow of this conflict, little else will grow. According to Yuval Levin of the Ethics and Public Policy Center, “only things that have to pass – or else the government shuts down or the economy crashes – are going to pass this year.”

#### No government shutdown now - GOP too divided, Dems have the votes to defeat defund health care efforts

ABC News 9/19/13 ("Another Shutdown Showdown," http://abcnews.go.com/blogs/politics/2013/09/another-shutdown-showdown-the-note/)

ABC’s JEFF ZELENY: Will the government really shutdown on Oct. 1 or will Republicans and Democrats ultimately reach agreement on their bitter budget battle? The answer to that question depends on the outcome of a deepening civil war among Congressional Republicans. Speaker Boehner, bowing to the wishes of conservatives in his caucus, is tying the latest budget fight to a new push to defund Obamacare. That effort faces steep odds in the Senate. So steep, in fact, Sen. Ted Cruz suggested it was impossible, even though he’s been leading the charge for months. His defeatist comments enraged some House Republicans, who hoped he would lead them into battle against the White House. So why does this matter? The only way for Republicans to prevail in this uphill fight is by keeping a unified front. Now, it is anything but. You can tell by the grinning faces of Democrats.

ABC’s RICK KLEIN: In the short, mostly charmed Senate career of Ted Cruz, he’s gotten his share of blowback from the Republican side. But the battle he provoked yesterday among House Republicans – not just leadership aides, but rank-and-filers who actually agree with him on the policy choices – is something different. Cruz’s statement that Senate Democrats “likely” have the votes to preserve Obamacare funding, coming even before House Republicans take the vote he browbeat them into taking, struck some House members as lecturing from the sidelines. “Do something…” Tweeted Rep. Tim Griffin, R-Ark. “Wave white flag and surrender,” went the Tweet from Rep. Sean Duffy, R-Wis. It hints at rivalries and mistrust between the legislative bodies, and also some unease among Republicans about the path Cruz is leading them down. In the high-stakes game of funding for the government, members of Congress are already worrying about who will take the blame when the string is played out. So yes, Cruz is getting his way – but not entirely comfortably.

### Cyber Add-on

#### Shutdown makes us vulnerable to a cyber-attack

Sideman 11 (Alysia, Federal Computer Week Contributor, “Agencies must determine computer security teams in face of potential federal shutdown” Federal Computer Week, http://fcw.com/Articles/2011/02/23/Agencies-must-determine-computer-security-teams-in-face-of-shutdown.aspx?Page=1)

With the WikiLeaks hacks and other threats to cybersecurity present, guarding against cyberattacks has become a significant part of governing -- especially because most government agencies have moved to online systems.¶ As a potential government shutdown comes closer, agencies must face new questions about defining “essential” computer personnel. Cyber threats weren’t as significant during the 1995 furlough as they are today, reports NextGov. The publication adds that agencies need to buck up and be organized. ¶ In late January, government officials, NATO and the European Union banded together in Brussels to formulate a plan to battle cyber bandits, according to Defense Systems.¶ Leaders there agreed that existing cybersecurity measures were incomplete and decided to fast-track a new plan for cyber incident response.¶ Meanwhile, observers are wondering whether the U.S. government has a plan to deal with cyberattacks in the case of a shutdown.¶ The lists of essential computer security personnel drawn up 15 years ago are irrelevant today, computer specialists told NextGov.¶ In 1995, the only agencies concerned about cybersecurity were entities such as the FBI and CIA. Today, before any potential government shutdown happens, a plan of essential IT personnel should be determined, the specialists add.¶ Agencies should be figuring out which systems will need daily surveillance and strategic defense, as well as evaluating the job descriptions of the people operating in those systems, former federal executives told NextGov.¶ Hord Tipton, a former Interior Department CIO, agrees. “If they haven’t done it, there’s going to be a mad scramble, and there’s going to be a hole in the system,” he told the site. ¶ All government departments are supposed to have contingency plans on deck that spell out essential systems and the employees associated with them, according to federal rules.¶ Meanwhile, some experts say determining which IT workers are essential depends more on the length of the shutdown.¶ Jeffrey Wheatman, a security and privacy analyst with the Gartner research group, tells NextGov that a shutdown lasting a couple of weeks “would require incident response personnel, network administrators and staff who monitor firewall logs for potential intrusions.”¶ If a shutdown lasted a month or longer, more employees would need to report, he said, adding: “New threats could emerge during that time frame, which demands people with strategy-oriented job functions to devise new lines of defense.”¶ Employees who are deemed “essential” are critical to national security.¶ Cyber warfare or holes in cybersecurity can threaten a nation’s infrastructure. In particular, the electric grid, the nation’s military assets, financial sector and telecommunications networks can be vulnerable in the face of an attack, reports Federal Computer Week.

**Nuclear war.**

**Lawson 9** (Sean, Assistant professor in the Department of Communication at the University of Utah, *Cross-Domain Response to Cyber Attacks and the Threat of Conflict Escalation*, May 13th 2009, http://www.seanlawson.net/?p=477)

Introduction At a time when it seems impossible to avoid the seemingly growing hysteria over the threat of cyber war,[1] network security expert Marcus Ranum delivered a refreshing talk recently, “The Problem with Cyber War,” that took a critical look at a number of the assumptions underlying contemporary cybersecurity discourse in the United States. He addressed one issue in partiuclar that I would like to riff on here, the issue of conflict escalation–i.e. the possibility that offensive use of cyber attacks could escalate to the use of physical force. As I will show, his concerns are entirely legitimate as current U.S. military cyber doctrine assumes the possibility of what I call “**cross-domain responses**” to cyberattacks. Backing Your Adversary (Mentally) into a Corner Based on the premise that completely blinding a potential adversary is a good indicator to that adversary that an attack is iminent, Ranum has argued that “The best thing that you could possibly do if you want to start **World War III** is launch a cyber attack. [...] When people talk about cyber war like it’s a practical thing, what they’re really doing is messing with the OK button for starting World War III. We need to get them to sit the f-k down and shut the f-k up.” [2] He is making a point similar to one that I have made in the past: Taking away an adversary’s ability to make rational decisions could backfire. [3] For example, Gregory Witol cautions that “attacking the decision makerÃ¢â‚¬â„¢s ability to perform rational calculations may cause more problems than it hopes to resolveÃ¢â‚¬Â¦ Removing the capacity for rational action may result in completely unforeseen consequences, including longer and bloodier battles than may otherwise have been.” [4] Ã¯Â»Â¿Cross-Domain Response So, from a theoretical standpoint, I think his concerns are well founded. But the current state of U.S. policy may be cause for even greater concern. It’s not just worrisome that a hypothetical blinding attack via cyberspace could send a signal of imminent attack and therefore trigger an irrational response from the adversary. What is also cause for concern is that current U.S. policy indicates that “kinetic attacks” (i.e. physical use of force) are seen as potentially legitimate responses to cyber attacks. Most worrisome is that current U.S. policy implies that a **nuclear response** is possible, something that policy makers have not denied in recent press reports. The reason, in part, is that the U.S. defense community has increasingly come to see cyberspace as a “domain of warfare” equivalent to air, land, sea, and space. The definition of cyberspace as its own domain of warfare helps in its own right to blur the online/offline, physical-space/cyberspace boundary. But thinking logically about the potential consequences of this framing leads to some disconcerting conclusions. If cyberspace is a domain of warfare, then it becomes possible to define “cyber attacks” (whatever those may be said to entail) as acts of war. But what happens if the U.S. is attacked in any of the other domains? It retaliates. But it usually does not respond only within the domain in which it was attacked. Rather, responses are typically “cross-domain responses”–i.e. a massive bombing on U.S. soil or vital U.S. interests abroad (e.g. think 9/11 or Pearl Harbor) might lead to air strikes against the attacker. Even more likely given a U.S. military “way of warfare” that emphasizes multidimensional, “joint” operations is a massive conventional (i.e. non-nuclear) response against the attacker in all domains (air, land, sea, space), simultaneously. The possibility of “kinetic action” in response to cyber attack, or as part of offensive U.S. cyber operations, is part of the current (2006) National Military Strategy for Cyberspace Operations [5]: Of course, the possibility that a cyber attack on the U.S. could lead to a U.S. nuclear reply constitutes possibly the ultimate in “cross-domain response.” And while this may seem far fetched, it has not been ruled out by U.S. defense policy makers and is, in fact, implied in current U.S. **defense policy documents**. From the National Military Strategy of the United States (2004): “The term WMD/E relates to a broad range of adversary capabilities that pose potentially devastating impacts. WMD/E includes chemical, biological, radiological, nuclear, and enhanced high explosive weapons as well as other, more asymmetrical ‘weapons’. They may rely more on disruptive impact than destructive kinetic effects. For example, cyber attacks on US commercial information systems or attacks against transportation networks may have a greater economic or psychological effect than a relatively small release of a lethal agent.” [6] The authors of a 2009 National Academies of Science report on cyberwarfare respond to this by saying, “Coupled with the declaratory policy on nuclear weapons described earlier, this statement implies that the United States will regard certain kinds of cyberattacks against the United States as being in the same category as nuclear, biological, and chemical weapons, and thus that a nuclear response to certain kinds of cyberattacks (namely, cyberattacks with devastating impacts) may be possible. It also sets a relevant scale–a cyberattack that has an impact larger than that associated with a relatively small release of a lethal agent is regarded with the same or greater seriousness.” [7] Asked by the New York Times to comment on this, U.S. defense officials would not deny that nuclear retaliation remains an option for response to a massive cyberattack: “Pentagon and military officials confirmed that the United States reserved the option to respond in any way it chooses to punish an adversary responsible for a catastrophic cyberattack. While the options could include the use of nuclear weapons, officials said, such an extreme counterattack was hardly the most likely response.” [8] The rationale for this policy: “Thus, the United States never declared that it would be bound to respond to a Soviet and Warsaw Pact conventional invasion with only American and NATO conventional forces. The fear of escalating to a nuclear conflict was viewed as a pillar of stability and is credited with helping deter the larger Soviet-led conventional force throughout the cold war. Introducing the possibility of a nuclear response to a catastrophic cyberattack would be expected to serve the same purpose.” [9] Non-unique, Dangerous, and In-credible? There are a couple of interesting things to note in response. First is the development of a new acronym, WMD/E (weapons of mass destruction or effect). Again, this acronym indicates a weakening of the requirement of physical impacts. In this new definition, mass effects that are not necessarily physical, nor necessarily destructive, but possibly only disruptive economically or even psychologically (think “shock and awe”) are seen as equivalent to WMD. This new emphasis on effects, disruption, and psychology reflects both contemporary, but also long-held beliefs within the U.S. defense community. It reflects current thinking in U.S. military theory, in which it is said that U.S. forces should be able to “mass fires” and “mass effects” without having to physically “mass forces.” There is a sliding scale in which the physical (often referred to as the “kinetic”) gradually retreats–i.e. massed forces are most physical; massed fire is less physical (for the U.S. anyway); and massed effects are the least physical, having as the ultimate goal Sun Tzu’s “pinnacle of excellence,” winning without fighting. But the emphasis on disruption and psychology in WMD/E has also been a key component of much of 20th century military thought in the West. Industrial theories of warfare in the early 20th century posited that industrial societies were increasingly interdependent and reliant upon mass production, transportation, and consumption of material goods. Both industrial societies and the material links that held them together, as well as industrial people and their own internal linkages (i.e. nerves), were seen as increasingly fragile and prone to disruption via attack with the latest industrial weapons: airplanes and tanks. Once interdependent and fragile industrial societies were hopelessly disrupted via attack by the very weapons they themselves created, the nerves of modern, industrial men and women would be shattered, leading to moral and mental defeat and a loss of will to fight. Current thinking about the possible dangers of cyber attack upon the U.S. are based on the same basic premises: technologically dependent and therefore fragile societies populated by masses of people sensitive to any disruption in expected standards of living are easy targets. Ultimately, however, a number of researchers have pointed out the pseudo-psychological, pseudo-sociological, and a-historical (not to mention non-unique) nature of these assumptions. [10] Others have pointed out that these assumptions did not turn out to be true during WWII strategic bombing campaigns, that modern, industrial societies and populations were far more resilient than military theorists had assumed. [11] Finally, even some military theorists have questioned the assumptions behind cyber war, especially when assumptions about our own technology dependence-induced societal fragility (dubious on their own) are applied to other societies, especially non-Western societies (even more dubious). [12] Finally, where deterrence is concerned, it is important to remember that a deterrent has to be credible to be effective. True, the U.S. retained nuclear weapons as a deterrent during the Cold War. But, from the 1950s through the 1980s, there was increasing doubt among U.S. planners regarding the credibility of U.S. nuclear deterrence via the threat of “massive retaliation.” As early as the 1950s it was becoming clear that the U.S. would be reluctant at best to actually follow through on its threat of massive retaliation. Unfortunately, most money during that period had gone into building up the nuclear arsenal; conventional weapons had been marginalized. Thus, the U.S. had built a force it was likely never to use. So, the 1960s, 1970s, and 1980s saw the development of concepts like “flexible response” and more emphasis on building up conventional forces. This was the big story of the 1980s and the “Reagan build-up” (not “Star Wars”). Realizing that, after a decade of distraction in Vietnam, it was back in a position vis-a-viz the Soviets in Europe in which it would have to rely on nuclear weapons to offset its own weakness in conventional forces, a position that could lead only to blackmail or holocaust, the U.S. moved to create stronger conventional forces. [13] Thus, the question where cyber war is concerned: If it was in-credible that the U.S. would actually follow through with massive retaliation after a Soviet attack on the U.S. or Western Europe, is it really credible to say that the U.S. would respond with nuclear weapons to a cyber attack, no matter how disruptive or destructive? Beyond credibility, deterrence makes many other assumptions that are problematic in the cyber war context. It assumes an adversary capable of being deterred. Can most of those who would perpetrate a cyber attack be deterred? Will al-Qa’ida be deterred? How about a band of nationalistic or even just thrill-seeker, bandwagon hackers for hire? Second, it assumes clear lines of **command and control**. Sure, some hacker groups might be funded and assisted to a great degree by states. But ultimately, even cyber war theorists will admit that it is doubtful that states have complete control over their armies of hacker mercenaries. How will deterrence play out in this kind of scenario?

# 3 vs. Emory KM (OCO)

## 1NC

### 1NC

#### The 1AC doesn’t specific their agent – that’s a voter:

**1. Aff conditionality – they can change after hearing our strategy –plan is the focus of debate**

**2. 1NC Strategy – all neg args depend on who does the plan – we can’t talk about space intricacies without knowing whether the plan is legislative, executive, or judicial – also kills CP competition**

**3. This guts education abo****ut the topic – the resolution question is one of agent - -you sidestep that**

### 1NC

#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### Vote neg---

#### Only prohibitions on authority guarantee neg ground---their interpretation lets affs no link the best neg offense like deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

#### And plan requires an account of presidential decisions – that’s the internal link to advantage 1 – justifies any extra steps to the plan and kills neg ground due to intricacies – this isn’t a restriction and extra T is an independent voter

### 1NC

#### Shutdown will be avoided now

Yglesias 9/18/13 (Matthew, business/economics correspondent @ Slate, "The Odds of a Government Shutdown Are Falling, Not Rising," http://www.slate.com/blogs/moneybox/2013/09/18/government\_shutdown\_odds\_falling\_not\_rising.html)

But read on to the second graf of the piece and you'll see that the odds are not rising at all. What's happening is that John Boehner is preparing to pass an appropriations bill that also defunds Obamacare that he knows perfectly well stands no chance of passing, and he's hoping that doing this will placate the right wing of the his caucus for when he surrenders.¶ Here they explain:¶ House leaders are hoping the vote on the defunding measure will placate conservatives once the Democratically controlled Senate rejects it. The House, they are betting, would then pass a stopgap spending measure unencumbered by such policy baggage and shift the argument to the debt ceiling, which must be raised by mid-October if the government is to avoid an economically debilitating default.¶ The key thing to remember here is that the House, as a discretionary decision, operates by the "Hastert Rule" in which only bills that are supported by a majority of GOP members can be brought to the floor for a vote. There is no Hastert-compliant appropriations bill that can pass the Senate. But there very likely is majority support in the House for the kind of "clean" funding bill that can also pass the Senate. All that has to happen is for John Boehner to violate the Hastert Rule. And the Hastert Rule isn't actually a rule, it's something Boehner has put aside many times. But it's also a rule he can't flagrantly ignore, lest his caucus get too grumpy and depose him. The operating theory here is that if Boehner has the whole House GOP indulge the maximalist faction by all passing a defuding bill, that creates enough room to move to later violate the Hastert Rule and pass a continuing resolution.¶ If anything is happening to the odds of a shutdown, in other words, they're falling, not rising.

#### OCO’s are extremely controversial and require significant political capital

Costigan and Perry 12 (Sean S. – Senior adviser for the Emerging Security Challenges Working Group. In 2010 he was a visiting fellow at the University of Calcutta's Institute of Foreign Policy Studies, and Jake, “Cyberspaces and Global Affairs”, 2012, pg 12, Google Books)

Much less is known about the U.S. military's offensive cyber capabilities which remain highly classified. A recent report in the New York Times reveals that there has been a "huge increase in the sophistication of American cyberwarfare" tactics (Sanger and Markoff 2009). The most exotic innovations under consideration would enable a Pentagon programmer to surreptitiously enter a computer server in Russia or China, for example, and destroy a “botnet” — a potentially destructive program that commandeers infected machines into a vast network that can be clandestinely controlled — before it could be unleashed in the United States. Or American intelligence agencies could activate malicious code that is secretly embedded on computer chips when they are manufactured, enabling the United States to take command of an enemy’s computers by remote control over the Internet. That, of course, is exactly the kind of attack officials fear could be launched on American targets, often through Chinese-made chips or computer servers. Issues like government-sanctioned hacking of foreign networks and pre-emptive cyber operations were so thorny that the Bush administration concluded they lacked "the credibility or the political capital to deal with the subject" (Sanger and Markoff 2009).

#### Capital key

Dumain 9/18/13 (Emma, Roll Call, "Will House Democrats Balk at Sequester-Level CR?," http://blogs.rollcall.com/218/will-house-democrats-balk-at-sequester-level-cr/)

What would be helpful for the duration of the political battle over the CR between now and the end of the month, however, is if Obama more frequently took to the “bully pulpit” to blast Republicans and bolster Democrats, the aide said.¶ “The more the better,” he said.

#### Shutdown wrecks the economy

Wu 8/27/13 (Yi, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, <http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea>)

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### 1NC

#### Text: The executive branch of the United States should issue and enforce and executive order to require consultation in every possible circumstance prior to the use of offensive cyber operations by the President of the United States and require a prompt and full account to Congress of every significant use of cyber weapons by the President of the United States. The order should also establish a bipartisan independent executive branch commission to ensure compliance. The United States federal government should abide by the Executive Order.

#### Solves –

#### Executive orders concerning war powers are common, have the same effect as the plan, and withstand judicial scrutiny

Duncan 10 (John C. – Associate Professor of Law, College of Law, Florida A & M University; Ph.D., Stanford University; J.D., Yale Law School, “A CRITICAL CONSIDERATION OF EXECUTIVE ORDERS: GLIMMERINGS OF AUTOPOIESIS IN THE EXECUTIVE ROLE”, Vermont Law Review, 35 Vt. L. Rev. 333, lexis)

Executive orders make "legally binding pronouncements" in fields of authority generally conceded to the President. n92 A prominent example of this use is in the area of security classifications. n93 President Franklin Roosevelt issued an executive order to establish the system of security classification in use today. n94 Subsequent administrations followed the President's lead, issuing their own executive orders on the subject. n95 In 1994, Congress specifically required "presidential issuance of an executive order on classification," by way of an "amendment to the National Security Act of 1947 . . . ." n96 The other areas in which Congress concedes broad power to the President "include ongoing governance of civil servants, foreign service and consular activities, operation and discipline in the military, controls on government contracting, and, until recently, the management and control of public lands." n97 Although there are also statutes that address these areas, most basic policy comes from executive orders. n98 Executive orders commonly address matters "concerning military personnel" n99 and foreign policy. n100 "[D]uring periods of heightened national security activity," executive orders regularly authorize the transfer of responsibilities, personnel, or resources from selected parts of the government to the military or vice versa. n101 Many executive orders have also guided the management of public lands, such as orders creating, expanding, or decommissioning military installations, and creating reservations for sovereign Native American communities. n102 [\*347] Executive orders serve to implement both regulations and congressional regulatory programs. n103 Regulatory orders may target specific businesses and people, or may be designed for general applicability. n104 Many executive orders have constituted "delegations of authority originally conferred on the president by statute" and concerning specific agencies or executive-branch officers. n105 Congress may confer to the President, within the statutory language, broad delegatory authority to subordinate officials, while nevertheless expecting the President to "retain[] ultimate responsibility for the manner in which ." n106 "[I]t is common today for [the President] to cite this provision of law . . . as the authority to support an order." n107 Many presidents, especially after World War II, used executive orders-with or without congressional approval-to create new agencies, eliminate existing organizations, and reorganize others. n108 Orders in this category include President Kennedy's creation of the Peace Corps, n109 and President Nixon's establishment of the Cabinet Committee on Environmental Quality, the Council on Environmental Policy, and reorganization of the Office of the President. n110 At the core of this reorganization was the creation of the Office of Management and Budget. n111 President Clinton continued the practice of creating agencies, including the National Economic Council, with the issuance of his second executive order. n112 President Clinton also used an executive order "to cut one hundred thousand positions from the federal service" a decision which would have merited no congressional review, despite its impact. n113 President George W. Bush created the Office of Homeland Security as his key organizational reaction to the terrorist attacks of September 11, 2001, despite the fact that [\*348] Congress at the time appeared willing to enact whatever legislation he sought. n114 President Obama created several positions of Special Advisor to the President on specific issues of concern, for which there is often already a cabinet or agency position. n115 Other executive orders have served "to alter pay grades, address regulation of the behavior of civil servants, outline disciplinary actions for conduct on and off the job, and establish days off, as in the closing of federal offices." n116 Executive orders have often served "to exempt named individuals from mandatory retirement, to create individual exceptions to policies governing pay grades and classifications, and to provide for temporary reassignment of personnel in times of war or national emergency." n117 Orders can authorize "exceptions from normal operations" or announce temporary or permanent appointments. n118 Many orders have also addressed the management of public lands, although the affected lands are frequently parts of military reservations. n119 The fact that an executive order has the effect of a statute makes it a law of the land in the same manner as congressional legislation or a judicial decision. n120 In fact, an executive order that establishes the precise rules and regulations for governing the execution of a federal statute has the same effect as if those details had formed a part of the original act itself. n121 However, if there is no constitutional or congressional authorization, an executive order may have no legal effect. n122 Importantly, executive orders designed to carry a statute into effect are invalid if they are inconsistent [\*349] with the statute itself, for any other construction would permit the executive branch to overturn congressional legislation capriciously. n123 The application of this rule allows the President to create an order under the presumption that it is within the power of the executive branch to do so. Indeed, a contestant carries the burden of proving that an executive action exceeds the President's authority. n124 That is, as a practical matter, the burden of persuasion with respect to an executive order's invalidity is firmly upon anyone who tries to question it. n125 The President thus has great discretion in issuing regulations. n126 An executive order, with proper congressional authorization enjoys a strong presumption of validity, and the judiciary is likely to interpret it broadly. n127 If Congress appropriates funds for a President to carry out a directive, this constitutes congressional ratification thereof. n128 Alternatively, Congress may simply refer to a presidential directive in later legislation and thereby retroactively shield it from any future challenge. n1

#### Executive commitment to transparency solves

Eric Posner, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

The well-motivated executive might commit to transparency as a way to reduce the costs to outsiders of monitoring his actions. n94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive's decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will tend to exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.

Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political [\*904] preferences opposite to those of the president. Thus, George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking and perhaps even to classified intelligence, n95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency -no one expects meetings of the National Security Council to appear on C-SPAN -but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.

#### Obama’s war powers maintain his presidential power

Rozell 12

[Mark Rozell is Professor of Public Policy, George Mason University, and is the author of Executive Privilege: Presidential Power, Secrecy and Accountability, From Idealism to Power: The Presidency in the Age of Obama, 2012,, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>]

And yet, as Jack Goldsmith accurately details in his latest book, President Barack Obama not only has not altered the course of controversial Bush-era practices, he has continued and expanded upon many of them. On initiating war, as a candidate for the presidency in 2007, Obama said that “the president doesn’t have the power under the Constitution to unilaterally authorize a military attack,” yet that is exactly what he did in exercising the war power in Libya. He has also said that he will exercise the power to act on his own to initiate military action in Syria if it’s leader ever crosses the “red line” (i.e., use of chemical weapons). He has issued a number of signing statements that directly violate congressional intent. He has vastly expanded, far beyond Bush’s actions, the use of unconfirmed and unaccountable executive branch czars to coordinate policies and to make regulatory and spending decisions. The president has made expanded use of executive privilege in circumstances where there is no legal merit to making such a claim and he has abused the principle of the state secrets privilege. His use of the recess appointment power on many occasions has been nothing more than a blatant effort to make an end-run around the Senate confirmation process. He has continued, and expanded upon, the practice of militarily detaining persons without trial or pressing charges (on the condition that the detention is not “indefinite”). In a complete reversal of his past campaign rhetoric, the president on a number of occasions has declared his intention to act unilaterally on a variety of fronts, and to avoid having to go to Congress whenever he can do so. There are varied explanations for the president’s total reversals. The hard-core cynics of course simply resort to the “they all lie” explanation. Politicians of all stripes say things to get elected but don’t mean much of it. Recently I saw a political bumper sticker announcing “BUSH 2.0” with a picture of Obama. Many who enthusiastically supported Obama are profoundly disappointed with his full-on embrace of Bush-like unilateralism and this administration’s continuation of many of his predecessor’s policies. Goldsmith, a law professor who led the Department of Justice’s (DOJ) Office of Legal Counsel from October 2003 to June 2004, during George W. Bush’s first term, says that there were powerful forces at work in the U.S. governmental system that ensured that the president would continue many of the policies and practices of his predecessor. The president reads the daily terrorism threat reports, which has forced him to understand that things really do look differently from the inside. From this standpoint, Obama likely determined that many of Bush’s policies actually were correct and needed to be continued. “The personal responsibility of the president for national security, combined with the continuing reality of a frightening and difficult-to-detect threat, unsurprisingly led Obama, like Bush, to use the full arsenal of presidential tools,” writes Goldsmith. He further argues that Obama lacked leeway to change course in part because many of Bush’s policies “were irreversibly woven into the fabric of the national security architecture.” For example, former president Bush’s decision to use the Guantanamo detention facility created an issue for Obama that he otherwise never would have confronted. And the use of coercion on suspects made it too complicated to then employ civilian courts to try them. In perhaps the most telling example of the limits of effecting change, Obama could not end what Bush had started, even though the president issued an executive order (never carried out) to close the detention center. Here Goldsmith somewhat overstates his case. Obama was not necessarily consigned to following Bush’s policies and practices, although undoubtedly his options may have been constrained by past decisions. But consider the decision whether the government should have investigated and then taken action against illegal and unconstitutional acts by officials in the Bush Administration, particularly in the DOJ, NSA, and CIA. President Obama said it was time to look forward, not backward, thus sweeping all under the rug. Nothing “irreversibly woven” there, but rather the new president made a choice that he absolutely did not have to make. Finally, Goldsmith adds that Obama, like most of his predecessors, assumed the executive branch’s institutional perspective once he became president. If it is true about Washington that where you stand on executive powers depends on where you sit, then should it be any surprise that President Obama’s understanding differs fundamentally from Senator Obama’s? Honestly, I find that quite sad. Do the Constitution and principles of separation of powers and checks & balances mean so little that we excuse such a fundamental shift in thinking as entirely justified by switching offices? Goldsmith’s analysis becomes especially controversial when he turns to his argument that, contrary to the critiques of presidential power run amok, the contemporary chief executive is more hampered in his ability to act in the national interest than ever before. In 2002, Vice President Richard Cheney expressed the view that in his more than three decades of service in both the executive and legislative branches, he had witnessed a withering of presidential powers and prerogatives at the hands of an overly intrusive and aggressive Congress. At a time when most observers had declared a continuing shift toward presidential unilateralism and legislative fecklessness, Cheney said that something quite opposite had been taking place. Goldsmith is far more in the Cheney camp on this issue than of the critics of modern exercises of presidential powers. Goldsmith goes beyond the usual emphasis on formal institutional constraints on presidential powers to claim that a variety of additional forces also are weighing down and hampering the ability of the chief executive to act. As he explains, “the other two branches of government, aided by the press and civil society, pushed back against the Chief Executive like never before in our nation’s history”. Defenders of former president Bush decry what they now perceive as a double standard: critics who lambasted his over expansive exercises of powers don’t seem so critical of President Obama doing the same. Goldsmith makes the persuasive case that in part the answer is that Bush was rarely mindful of the need to explain his actions as necessities rather than allow critics to fuel suspicions that he acted opportunistically in crisis situations to aggrandize power, whereas Obama has given similar actions a “prettier wrapping”. Further, Obama, to be fair, on several fronts early in his first term “developed a reputation for restraint and commitment to the rule of law”, thus giving him some political leeway later on. A substantial portion of Goldsmith’s book presents in detail his case that various forces outside of government, and some within, are responsible for hamstringing the president in unprecedented fashion: Aggressive, often intrusive, journalism, that at times endangers national security; human rights and other advocacy groups, some domestic and other cross-national, teamed with big resources and talented, aggressive lawyers, using every legal category and technicality possible to complicate executive action; courts thrust into the mix, having to decide critical national security law controversies, even when the judges themselves have little direct knowledge or expertise on the topics brought before them; attorneys within the executive branch itself advising against actions based on often narrow legal interpretations and with little understanding of the broader implications of tying down the president with legalisms. Just as he describes how a seemingly once idealistic candidate for president as Barack Obama could see things differently from inside government, so too was Goldsmith at one time on the inside, and thus perhaps it is no surprise that he would perceive more strongly than other academic observers the forces that he believes are constantly hamstringing the executive. But he is no apologist for unfettered executive power and he takes to task those in the Bush years who boldly extolled theories of the unitary executive and thereby gave credibility to critics of the former president who said that his objective was not merely to protect the country from attack, but to empower himself and the executive branch. Goldsmith praises institutional and outside-of-government constraints on the executive as necessary and beneficial to the Republic. In the end, he sees the balance shifting in a different direction than many leading scholars of separation of powers. And unlike a good many presidency scholars and observers, he is not a cheerleader for a vastly powerful chief executive. Goldsmith’s work too is one of careful and fair-minded research and analysis. He gives substantial due to those who present a counter-view to his own, and who devote their skills and resources to battling what they perceive as abuses of executive power. Whereas they see dangers to an unfettered executive, Goldsmith wants us to feel safe that there are procedural safeguards against presidential overreaching, although he also wants us to be uncomfortable with what he believes now are intrusive constraints on the chief executive’s ability to protect the country. Goldsmith may be correct that there are more actors than ever involved in trying to trip up the president’s plans, but that does not mean that our chief executives are losing power and control due to these forces. Whether it is war and anti-terrorism powers, czars, recess appointments, state secrets privilege, executive privilege, signing statements, or any of a number of other vehicles of presidential power, our chief executives are using more and more means of overriding institutional and external checks on their powers. And by any measure, they are succeeding much more than the countervailing forces are limiting them.

#### Congressional statutes restricting executive war powers destroy broader presidential powers

Freeman 7 -- JD @ Yale Law School (Daniel J., 11/1/2007, "The Canons of War," Yale Law Journal 117(280), EBSCO)

Outside the confines of partisan absolutism, determining the scope of executive war power is a delicate balancing act. Contrasting constitutional prerogatives must be evaluated while integrating **framework statutes**, executive orders, and quasi-constitutional custom. The Supreme Court’s preferred abacus is the elegant three-part framework described by Justice Jackson in his concurrence to Youngstown Sheet & Tube Co. v. Sawyer.9 When the President and Congress act in concert, the action harnesses the power of both branches and is unlikely to violate the principle of separation of powers. When Congress has failed either to authorize or to deny authority, the action lurks in a “zone of twilight” of questionable power. **When the President and Congress act in opposition,** the President’s power is “at its lowest ebb,” and the action raises conspicuous concerns over the separation of powers.10 Therein lies the rub. Justice Jackson wrote soon after the tremendous growth of the executive during the New Deal and World War II, but the scope of legislation expanded dramatically in subsequent decades. Congress waged a counteroffensive in the campaign over interbranch supremacy by legislating extensively in the fields of foreign relations and war powers. Particularly in the post-Watergate era, Congress filled nearly every shadowy corner of the zone of twilight with its own imprimatur.11 That is not to say that Congress placed a relentless series of checks on the executive. Rather, Congress strove to establish ground rules, providing a limiting framework such as the War Powers Resolution12 for each effusive authorization like the Patriot Act.13 This leaves Jackson’s second category essentially a dead letter.14 **The most sensitive questions** concerning the **effective distribution of governmental powers** and the **range of permissible executive action are** thereforeproblems of statutory interpretation. The question becomes more complicated still when successive Congresses act in apparent opposition. While recent executives have consistently pushed to expand their authority,15 shifting patterns of political allegiance between Congress and the President yield a hodgepodge of mandates and restraints.16 Whether an action falls into Jackson’s first or third category requires one to parse the complete legislative scheme. This question is most pointed in connection with the execution of authorized war powers. Presidential power in this area is simultaneously subject to enormously broad delegations and exacting statutory limitations, torn between clashing constitutional values regarding the proper balance between branches. On one side lie **authorizations for the use of military force** (AUMFs), statutes empowering the President to “**introduce United States Armed Forces into hostilities** or into situations wherein involvement in hostilities is clearly indicated.”17 On the other side lie framework statutes, enactments **defining the** mechanisms and **boundaries of the execution of those war powers**. Nevertheless, when faced with a conflict between an authorization for the use of military force and a preexisting framework, the Supreme Court must determine the net authorization, synthesizing those statutes while effectuating the underlying constitutional, structural, and historical concerns.

#### Multiple scenario for nuclear war

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Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. We did not win the four-decade Cold War by declarations of war. Rather, we prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led us into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the U.S. from entering conflicts that are in the national interest. Most would agree that congressional isolationism before World War II harmed U.S. interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought us into the conflict much earlier. Congressional participation does not automatically, or even consistently, produce desirable results in war decision-making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. Legislative deliberation may breed consensus in the best of cases, but it also may inhibit speed and decisiveness. In the post-Cold War era, the United States is confronting several major new threats to national security: **the proliferation of WMD**, **the emergence of rogue nations**, **and the rise of international terrorism**. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterwards. Take the threat posed by the al-Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than those posed by conventional armed forces. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Despite the fact that terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, weapons of mass destruction allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than was the norm during the time when nation-states generated the primary threats to American national security. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, **the executive branch needs flexibility to act quickly,** possibly in situations where congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, perhaps before WMD components have been fully assembled or before an al-Qaeda operative has left for the United States, **the executive branch might also be able to engage in a more limited, more precisely targeted, use of force**. Similarly, the least dangerous way to prevent rogue nations from acquiring weapons of mass destruction may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity.

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#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### Enframing of security makes macro-political violence inevitable

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This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use of armed force, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form. I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational hegemony and closure that limits debate and questioning**, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.** This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, **instrumental violence is married to an ontology of insecure national existence which itself admits no questioning**. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including **other humans, which have no essence or integrity outside their value as objects**. In Heidegger's terms, **technology becomes being; epistemology immediately becomes technique, immediately being**. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. **The need is to critique dominant images of political being and dominant ways of securing that being at the same time**, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the limitless resort to strategic violence without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. **We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable**. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 **Identity**, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of **a craving for order, control and certainty in the face of continual uncertainty**. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has **deep roots in modern thought**, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather **technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy**. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind **demands that 'nature reports itself** in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes **trapped within its logic**. Man, he writes, 'comes to the very brink of a precipitous fall...where **he himself will have to be taken as standing-reserve**. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. **In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.** This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to **place under suspicion the underlying political ontologies** that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it **drives out every other possibility of revealing**...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but **by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence**. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for **a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing**. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives from outside the space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### Reject the affirmative’s security discourse – this untimely intervention is the only chance for a counter-discourse

Calkivik 10 – PhD in Poli Sci @ Univ Minnesota (Emine Asli, 10/2010, "DISMANTLING SECURITY," PhD dissertation submitted to Univ Minnesota for Raymond Duvall, http://conservancy.umn.edu/bitstream/99479/1/Calkivik\_umn\_0130E\_11576.pdf)

It is this self-evidence of security even for critical approaches and the antinomy stemming from dissident voices reproducing the language of those they dissent from that constitutes the starting point for this chapter, where I elaborate on the meaning of dismantling security as untimely critique. As mentioned in the vignette in the opening section, the suggestion to dismantle security was itself deemed as an untimely pursuit in a world where lives of millions were rendered brutally insecure by poverty, violence, disease, and ongoing political conflicts. Colored by the tone of a call to conscience in the face of the ongoing crisis of security, it was not the time, interlocutors argued, for self-indulgent critique. I will argue that it is the element of being untimely, the effort, in the words of Walter Benjamin, “to brush history against the grain” that gives critical thinking its power.291 It might appear as a trivial discussion to bring up the relation between time and critique because conceptions of critical thinking in the discipline of International Relations already possess the notion that critical thought needs to be untimely. In the first section, I will tease out what this notion of untimeliness entails by visiting ongoing conversations within the discipline about critical thought and political time. Through this discussion, I hope to clarify what sets apart dismantling security as untimely critique from the notion of untimeliness at work in critical international relations theory. The latter conception of the untimely, I will suggest, paradoxically calls on critical thought to be “on time” in that it champions a particular understanding of what it means for critical scholarship to be relevant and responsible for its times. This notion of the untimely demands that critique be strategic and respond to political exigency, that it provide answers in this light instead of raising more questions about which questions could be raised or what presuppositions underlie the questions that are deemed to be waiting for answers. After elaborating in the first section such strategic conceptions of the untimeliness of critical theorizing, in the second section I will turn to a different sense of the untimely by drawing upon Wendy Brown’s discussion of the relation between critique, crisis, and political time through her reading of Benjamin’s “Theses on the Philosophy of History.”292 In contrast to a notion of untimeliness that demands strategic thinking and punctuality, Brown’s exegesis provides a conception of historical materialism where critique is figured as a force of disruption, a form of intervention that reconfigures the meaning of the times and “contest[s] the very senses of time invoked to declare critique ‘untimely’.”293 Her exposition overturns the view of critique as a self-indulgent practice as it highlights the immediately political nature of critique and reconfigures the meaning of what it means for critical thought to be relevant.294 It is in this sense of the untimely, I will suggest, that dismantling security as a critique hopes to recover. I should point out that in this discussion my intention is neither to construct a theory of critique nor to provide an exhaustive review and evaluation of the forms of critical theorizing in International Relations. Rather, my aim is to contribute to the existing efforts that engage with the question of what it means to be critical apart from drawing the epistemological and methodological boundaries so as to think about how one is critical.295 While I do not deny the importance of epistemological questions, I contend that taking time to think about the meaning of critique beyond these issues presents itself as an important task. This task takes on additional importance within the context of security studies where any realm of investigation quickly begets its critical counterpart. The rapid emergence and institutionalization of critical terrorism studies when studies on terrorism were proliferating under the auspices of the so-called Global War on Terror provides a striking example to this trend. 296 Such instances are important reminders that, to the extent that epistemology and methodology are reified as the sole concerns in defining and assessing critical thinking297 or “wrong headed refusals”298 to get on with positive projects and empirical research gets branded as debilitating for critical projects, what is erased from sight is the political nature of the questions asked and what is lost is the chance to reflect upon what it means for critical thinking to respond to its times. In his meditation on the meaning of responding and the sense of responsibility entailed by writing, Jean-Luc Nancy suggests that “all writing is ‘committed.’” 299 This notion of commitment diverges from the programmatic sense of committed writing. What underlies this conception is an understanding of writing as responding: writing is a response to the voice of an other.In Nancy’s words, “[w]hoever writes responds” 300 and “makes himself responsible to in the absolute sense.”301 Suggesting that there is always an ethical commitment prior to any particular political commitment, such a notion of writing contests the notion of creative autonomy premised on the idea of a free, self-legislating subject who responds. In other words, it discredits the idea of an original voice by suggesting that there is no voice that is not a response to a prior response. Hence, to respond is configured as responding to an expectation rather than as an answer to a question and responsibility is cast as an “anticipated response to questions, to demands, to still-unformulated, not exactly predictable expectations.”302 Echoing Nancy, David Campbell makes an important reminder as he suggests that as international relations scholars “we are always already engaged,” although the sites, mechanisms and quality of engagements might vary.303 The question, then, is not whether as scholars we are engaged or not, but what the nature of this engagement is. Such a re-framing of the question is intended to highlight the political nature of all interpretation and the importance of developing an “ethos of political criticism that is concerned with assumptions, limits, their historical production, social and political effects, and the possibility of going beyond them in thought and action.”304 Taking as its object assumptions and limits, their historical production and social and political effects places the relevancy of critical thought and responsibility of critical scholarship on new ground. It is this ethos of critique that dismantling security hopes to recover for a discipline where security operates as the foundational principle and where critical thinking keeps on contributing to security’s impressing itself as a self-evident condition. Critical Theory and Punctuality Within the context of International Relations, critical thought’s orientation toward its time comes out strongly in Kimberley Hutchings’s formulation.305 According to Hutchings, no matter what form it takes, what distinguishes critical international relations theory from other forms of theorizing is “its orientation towards change and the possibility of futures that do not reproduce the hegemonic power of the present.”306 What this implies about the nature of critical thought is that it needs to be not only diagnostic, but also self-reflexive. In the words of Hutchings, “all critical theories lay claim to some kind of account not only of the present of international politics and its relation to possible futures, but also of the role of critical theory in the present and future in international politics.” 307 Not only analyzing the present, but also introducing the question of the future into analysis places political time at the center of critical enterprise and makes the problem of change a core concern. It is this question of change that situates different forms of critical thinking on a shared ground since they all attempt to expose the way in which what is presented as given and natural is historically produced and hence open to change. With their orientation to change, their efforts to go against the dominant currents and challenge the hegemony of existing power relations by showing how contemporary practices and discourses contribute to the perpetuation of structures of power and domination, critical theorists in general and critical security studies specialists in particular take on an untimely endeavor. It is this understanding of the untimely aspect of critical thinking that is emphasized by Mark Neufeld, who regards the development of critical approaches to security as “one of the more hopeful intellectual developments in recent years.”308 Despite nurturing from different theoretical traditions and therefore harboring “fundamental differences between modernist and postmodernist commitments,” writes Neufeld, scholars who are involved in the critical project nevertheless “share a common concern with calling into question ‘prevailing social and power relationships and the institutions into which they are organized.’” 309 The desire for change—through being untimely and making the way to alternative futures that would no longer resemble the present—have led some scholars to emphasize the utopian element that must accompany all critical thinking. Quoting Oscar Wilde’s aphorism—a map of the world that does not include Utopia is not even worth glancing at, Ken Booth argues for the need to restore the role and reputation of utopianism in the theory and practice of international politics. 310 According to Booth, what goes under the banner of realism—“ethnocentric self-interest writ large”311 — falls far beyond the realities of a drastically changed world political landscape at the end of the Cold War. He describes the new reality as “an egg-box containing the shells of sovereignty; but alongside it a global community omelette [sic] is cooking.”312 Rather than insisting on the inescapability of war in the international system as political realists argue, Booth argues for the need and possibility to work toward the utopia of overcoming the condition of war by banking on the opportunities provided by a globalizing world. The point that critical thought needs to be untimely by going against its time is also emphasized by Dunne and Wheeler, who assert that, regardless of the form it takes, “critical theory purport[s] to ‘think against’ the prevailing current” and that “[c]ritical security studies is no exception” to this enterprise.313 According to the authors, the function of critical approaches to security is to problematize what is taken for granted in the disciplinary production of knowledge about security by “resist[ing], transcend[ing] and defeat[ing]…theories of security, which take for granted who is to be secured (the state), how security is to be achieved (by defending core ‘national’ values, forcibly if necessary) and from whom security is needed (the enemy).”314 While critical theory in this way is figured as untimely, I want to suggest that this notion of untimeliness gets construed paradoxically in a quite timely fashion. With a perceived disjuncture between writing the world from within a discipline and acting in it placed at the center of the debates, the performance of critical thought gets evaluated to the extent that it is punctual and in synch with the times. Does critical thought provide concrete guidance and prescribe what is to be done? Can it move beyond mere talk and make timely political interventions by providing solutions? Does it have answers to the strategic questions of progressive movements? Demanding that critical theorizing come clean in the court of these questions, such conceptions of the untimely demand that critique respond to its times in a responsible way, where being responsible is understood in stark contrast to a notion of responding and responsibility that I briefly discussed in the introductory pages of this chapter (through the works of Jean-Luc Nancy and David Campbell). Let me visit two recent conversations ensuing from the declarations of the contemporary crisis of critical theorizing in order to clarify what I mean by a timely understanding of untimely critique. The first conversation was published as a special issue in the Review of International Studies (RIS), one of the major journals of the field. Prominent figures took the 25th anniversary of the journal’s publication of two key texts—regarded as canonical for the launching and development of critical theorizing in International Relations—as an opportunity to reflect upon and assess the impact of critical theory in the discipline and interrogate what its future might be. 315 The texts in question, which are depicted as having shaken the premises of the static world of the discipline, are Robert Cox’s 1981 essay entitled on “Social Forces, States, and World Orders”316 and Richard Ashley’s article, “Political Realism and Human Interests.”317 In their introductory essay to the issue, Rengger and Thirkell-White suggest that the essays by Cox and Ashley—followed by Andrew Linklater’s Men and Citizens in the Theory of International Relations318 —represent “the breach in the dyke” of the three dominant discourses in International Relations (i.e., positivists, English School, and Marxism), unleashing “a torrent [that would] soon become a flood” as variety of theoretical approaches in contemporary social theory (i.e., feminism, Neo-Gramscianism, poststructuralism, and post-colonialism) would get introduced through the works of critical scholars.319 After elaborating the various responses given to and resistance raised against the critical project in the discipline, the authors provide an overview and an assessment of the current state of critical theorizing in International Relations. They argue that the central question for much of the ongoing debate within the critical camp in its present state—a question that it cannot help but come to terms with and provide a response to—concerns the relation between critical thought and political practice. As they state, the “fundamental philosophical question [that] can no longer be sidestepped” by critical International Relations theory is the question of the relation between “knowledge of the world and action in it.”320 One of the points alluded to in the essay is that forms of critical theorizing, which leave the future “to contingency, uncertainty and the multiplicity of political projects” and therefore provide “less guidance for concrete political action”321 or, again, those that problematize underlying assumptions of thought and “say little about the potential political agency that might be involved in any subsequent struggles”322 may render the critical enterprise impotent and perhaps even suspect. This point comes out clearly in Craig Murphy’s contribution to the collection of essays in the RIS’s special issue. 323 Echoing William Wallace’s argument that critical theorists tend to be “monks,”324 who have little to offer for political actors engaged in real world politics, Murphy argues that the promise of critical theory is “partially kept” because of the limited influence it has had outside the academy towards changing the world.Building a different world, he suggests, requires more than isolated academic talk; that it demands not merely “words,” but “deeds.”325 This, according to Murphy, requires providing “knowledge that contributes to change.”326 Such knowledge would emanate from connections with the marginalized and would incorporate observations of actors in their everyday practices. More importantly, it would create an inspiring vision for social movements, such as the one provided by the concept of human development, which, according to Murphy, was especially powerful “because it embodied a value-oriented way of seeing, a vision, rather than only isolated observations.”327 In sum, if critical theory is to retain its critical edge, Murphy’s discussion suggests, it has to be in synch with political time and respond to its immediate demands. The second debate that is revelatory of this conception of the timing of critical theory—i.e., that critical thinking be strategic and efficient in relation to political time—takes place in relation to the contemporary in/security environment shaped by the so-called Global War on Terror. The theme that bears its mark on these debates is the extent to which critical inquiries about the contemporary security landscape become complicit in the workings of power and what critique can offer to render the world more legible for progressive struggles.328 For instance, warning critical theorists against being co-opted by or aligned with belligerence and war-mongering, Richard Devetak asserts that critical international theory has an urgent “need to distinguish its position all the more clearly from liberal imperialism.”329 While scholars such as Devetak, Booth,330 and Fierke331 take the critical task to be an attempt to rescue liberal internationalism from turning into liberal imperialism, others announce the “crisis of critical theorizing” and suggest that critical writings on the nature of the contemporary security order lack the resources to grasp their actual limitations, where the latter is said to reside not in the realm of academic debate, but in the realm of political practice.332 It is amidst these debates on critique, crisis, and political time that Richard Beardsworth raises the question of the future of critical philosophy in the face of the challenges posed by contemporary world politics.333 Recounting these challenges, he provides the matrix for a proper form of critical inquiry that could come to terms with “[o]ur historical actuality.”334 He describes this actuality as the “thick context” of modernity (“an epoch, delimited by the capitalization of social relations,” which imposes its own philosophical problematic—“that is, the attempt, following the social consequences of capitalism, to articulate the relation between individuality and collective spirit”335 ), American unilateralism in the aftermath of the attacks on September 11, 2001, and the growing political disempowerment of people worldwide. Arguing that “contemporary return of religion and new forms of irrationalism emerge, in large part, out of the failure of the second response of modernity to provide a secular solution to the inequalities of the nation-state and colonization,”336 he formulates the awaiting political task for critical endeavors as constructing a world polity to resist the disintegration of the world under the force of capital.It is with this goal in mind that he suggests that “responsible scholarship needs to rescue reason in the face irrational war”337 and that intellectuals need to provide “the framework for a world ethical community of law, endowed with political mechanisms of implementation in the context of a regulated planetary economy.”338 He suggests that an aporetic form of thinking such as Jacques Derrida’s—a thinking that “ignores the affirmative relation between the determining powers of reason and history”339 —would be an unhelpful resource because such thinking “does not open up to where work needs to be done for these new forms of polity to emerge.”340 In other words, critical thinking, according to Beardsworth, needs to articulate and point out possible political avenues and to orient thought and action in concrete ways so as to contribute to progressive political change rather than dwelling on the encounter of the incalculable and calculation and im-possibility of world democracy in a Derridean fashion. In similar ways to the first debate on critique that I discussed, critical thinking is once again called upon to respond to political time in a strategic and efficient manner. As critical inquiry gets summoned up to the court of reason in Beardsworth’s account, its realm of engagement is limited to that which the light of reason can be shed upon, and its politics is confined to mapping out the achievable and the doable in a given historical context without questioning or disrupting the limits of what is presented as “realistic” choices. Hence, if untimely critical thought is to be meaningful it has to be on time by responding to political exigency in a practical, efficient, and strategic manner. In contrast to this prevalent form of understanding the untimeliness of critical theory, I will now turn to a different account of the untimely provided by Wendy Brown whose work informs the project of dismantling security as untimely critique. Drawing from her discussion of the relationship between critique, crisis, and political time, I will suggest that untimely critique of security entails, simultaneously, an attunement to the times and an aggressive violation of their self-conception. It is in this different sense of the untimely that the suggestion of dismantling security needs to be situated. Critique and Political Time As I suggested in the Prelude to this chapter, elevating security itself to the position of major protagonist and extending a call to “dismantle security” was itself declared to be an untimely pursuit in a time depicted as the time of crisis in security. Such a declaration stood as an exemplary moment (not in the sense of illustration or allegory, but as a moment of crystallization) for disciplinary prohibitions to think and act otherwise—perhaps the moment when a doxa exhibits its most powerful hold. Hence, what is first needed is to overturn the taken-for-granted relations between crisis, timeliness, and critique. The roots krisis and kritik can be traced back to the Greek word krinõ, which meant “to separate”, to “choose,” to “judge,” to “decide.”341 While creating a broad spectrum of meanings, it was intimately related to politics as it connoted a “divorce” or “quarrel,” but also a moment of decision and a turning point. It was also used as a jurisprudential term in the sense of making a decision, reaching a verdict or judgment (kritik) on an alleged disorder so as to provide a way to restore order. Rather than being separated into two domains of meaning—that of “subjective critique” and “objective crisis”—krisis and kritik were conceived as interlinked moments. Koselleck explains this conceptual fusion: [I]t wasin the sense of “judgment,” “trial,” “legal decision,” and ultimately “court” that crisis achieved a high constitutionalstatus, through which the individual citizen and the community were bound together. The “for and against” wastherefore present in the original meaning of the word and thisin a manner that already conceptually anticipated the appropriate judgment. 342 Recognition of an objective crisis and subjective judgments to be passed on it so as to come up with a formula for restoring the health of the polity by setting the times right were thereby infused and implicated in each other.343 Consequently, as Brown notes, there could be no such thing as “mere critique” or “untimely critique” because critique always entailed a concern with political time: “[C]ritique as political krisis promise[d] to restore continuity by repairing or renewing the justice that gives an order the prospect of continuity, that indeed ma[de] it continuous.”344 The breaking of this intimate link between krisis and kritik, the consequent depoliticization of critique and its sundering from crisis coincides with the rise of modern political order and redistribution of the public space into the binary structure of sovereign and subject, public and private.345 Failing to note the link between the critique it practiced and the looming political crisis, emerging philosophies of history, according Koselleck, had the effect of obfuscating this crisis. As he explains, “[n]ever politically grasped, [this political crisis] remained concealed in historico-philosophical images of the future which cause the day’s events to pale.”346 It is this intimate, but severed, link between crisis and critique in historical narratives that Wendy Brown’s discussion brings to the fore and re-problematizes. She turns to Walter Benjamin’s “Theses on the Philosophy of History” and challenges conventional understandings of historical materialism, which conceives of the present in terms of unfolding laws of history.347 According to Brown, the practice of critical theory appeals to a concern with time to the extent that “[t]he crisis that incites critique and that critique engages itself signals a rupture of temporal continuity, which is at the same time a rupture in political imaginary.”348 Cast in these terms, it is a particular experience with time, with the present, that Brown suggests Benjamin’s theses aim to capture. Rather than an unmoving or an automatically overcome present (a present that is out of time), the present is interpreted as an opening that calls for a response to it. This call for a response highlights the idea that, far from being a luxury, critique is non-optional in its nature. Such an understanding of critical thought is premised on a historical consciousness that grasps the present historically so as to break with the selfconception of the age. Untimely critique transforms into a technique to blow up the present through fracturing its apparent seamlessness by insisting on alternatives to its closed political and epistemological universe.349 Such a conception resonates with the distinction that Žižek makes between a political subjectivity that is confined to choosing between the existing alternatives—one that takes the limits of what is given as the limits to what is possible—and a form of subjectivity that creates the very set of alternatives by “transcend[ing] the coordinates of a given situation [and] ‘posit[ing] the presuppositions’ of one's activity” by redefining the very situation within which one is active.”350 With its attempt to grasp the times in its singularity, critique is cast neither as a breaking free from the weight of time (which would amount to ahistoricity) nor being weighed down by the times (as in the case of teleology).351 It conceives the present as “historically contoured but not itself experienced as history because not necessarily continuous with what has been.”352 It is an attitude that renders the present as the site of “non-utopian possibility” since it is historically situated and constrained yet also a possibility since it is not historically foreordained or determined.353 It entails contesting the delimitations of choice and challenging the confinement of politics to existing possibilities. Rather than positing history as existing objectively outside of narration, what Brown’s discussion highlights is the intimate relation between the constitution of political subjectivity vis-à-vis the meaning of history for the present. It alludes to “the power of historical discourse,” which Mowitt explains as a power “to estrange us from that which is most familiar, namely, the fixity of the present” because “what we believe to have happened to us bears concretely on what we are prepared to do with ourselves both now and in the future.”354 Mark Neocleous concretizes the political stakes entailed in such encounters with history—with the dead—from the perspective of three political traditions: a conservative one, which aims to reconcile the dead with the living, a fascist one, which aims to resurrect the dead to legitimate its fascist program, and a historical materialist one, which seeks redemption with the dead as the source of hope and inspiration for the future.355 Brown’s discussion of critique and political time is significant for highlighting the immediately political nature of critique in contrast to contemporary invocations that cast it as a self-indulgent practice, an untimely luxury, a disinterested, distanced, academic endeavor. Her attempt to trace critique vis-à-vis its relation to political time provides a counter-narrative to the conservative and moralizing assertions that shun untimely critique of security as a luxurious interest that is committed to abstract ideals rather than to the “reality” of politics—i.e., running after utopia rather than modeling “real world” solutions. Dismantling security as untimely critique entails a similar claim to unsettle the accounts of “what the times are” with a “bid to reset time.”356 It aspires to be untimely in the face of the demands on critical thought to be on time; aims to challenge the moralizing move, the call to conscience that arrives in the form of assertions that saying “no!” to security, that refusing to write it, would be untimely. Rather than succumbing to the injunction that thought of political possibility is to be confined within the framework of security, dismantling security aims to open up space for alternative forms, for a different language of politics so as to “stop digging” the hole politics of security have dug us and start building a counter-discourse. Conclusion As an attempt to push a debate that is fixated on security to the limit and explore what it means to dismantle security, my engagement with various aspects of this move is not intended as an analysis raised at the level of causal interpretations or as an attempt to find better solutions to a problem that already has a name. Rather, it tries to recast what is taken-for-granted by attending to the conceptual assumptions, the historical and systemic conditions within which the politics of security plays itself out. As I tried to show in this chapter, it also entails a simultaneous move of refusing to be a disciple of the discipline of security. This implies overturning not only the silent disciplinary protocols about which questions are legitimate to ask, but also the very framework that informs those questions. It is from this perspective that I devoted two chapters to examining and clarifying the proposal to dismantle security as a claim on time. After explicating, in Chapter 4, the temporal structure that is enacted by politics of security and elaborating on how security structures the relation between the present and the future, in this chapter, I approached the question of temporality from a different perspective, by situating it in relation to disciplinary times in order to clarify what an untimely critique of security means. I tried to elaborate this notion of the untimely by exploring the understanding of untimeliness that informs certain conceptions of critical theorizing in International Relations. I suggested that such a notion of the untimely paradoxically calls on critical thought to be on time in the sense of being punctual and strategic. Turning to Wendy Brown’s discussion of the relation between critique and political time, I elaborated on the sense of untimely critique that dismantling security strives for—a critique that goes against the times that are saturated by the infinite passion to secure and works toward taking apart the architecture of security.

### Pre-Emption

#### Uncontrollability of cyber-war is a neg warrant --- means countries won’t use them

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As for cyber serving as a stand-alone war-fifighting domain, there you'll find the debates no less theological in their intensity. After serving as senior managing director for half a dozen years at a software firm that specializes in securing supply chains, I'm deeply skeptical. Given the uncontrollable nature of cyberweapons (see: Stuxnet's many permutations), I view them as the 21st century's version of chemical weapons -- nice to have, but hard to use. Another way to look at it is to simply call a spade a spade: Cyberwarfare is nothing more than espionage and sabotage updated for the digital era. Whatever cyberwar turns out to be in the national security realm, it will always be dwarfed by the industrial variants -- think cyberthieves, not cyberwarriors. But you wouldn't know it from the panicky warnings from former Defense Secretary Leon Panetta and the generals about the imminent threat of a "cyber Pearl Harbor."¶ Please remember amid all this frenetic scaremongering that the Pentagon is never more frightened about our collective future than when it's desperately uncertain about its own. Given the rising health-care costs associated with America's aging population and the never-ending dysfunction in Washington, we should expect to be bombarded with frightening scenarios of planetary doom for the next decade or two. None of this bureaucratic chattering will bear any resemblance to global trends, which demonstrate that wars have grown increasingly infrequent, shorter in duration, and diminished in lethality. But you won't hear that from the next-warriors on the Potomac.

#### Zero impact to cyber arms race --- overwhelming consensus of qualified authors goes neg

- No motivation---can’t be used for coercive leverage

- Defenses solve---benefits of offense are overstated

- Too difficult to execute/mistakes in code are inevitable

- AT: Infrastructure attacks

- Military networks are air-gapped/difficult to access

- Overwhelming consensus goes neg

Colin S. Gray 13, Prof. of International Politics and Strategic Studies @ the University of Reading and External Researcher @ the Strategic Studies Institute @ the U.S. Army War College, April, “Making Strategic Sense of Cyber Power: Why the Sky Is Not Falling,” U.S. Army War College Press, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1147.pdf>

CONCLUSIONS AND RECOMMENDATIONS: THE SKY IS NOT FALLING¶ This analysis has sought to explore, identify, and explain the strategic meaning of cyber power. The organizing and thematic question that has shaped and driven the inquiry has been “So what?” Today we all do cyber, but this behavior usually has not been much informed by an understanding that reaches beyond the tactical and technical. I have endeavored to analyze in strategic terms what is on offer from the largely technical and tactical literature on cyber. What can or might be done and how to go about doing it are vitally important bodies of knowledge. But at least as important is understanding what cyber, as a fifth domain of warfare, brings to national security when it is considered strategically. Military history is stocked abundantly with examples of tactical behavior un - guided by any credible semblance of strategy. This inquiry has not been a campaign to reveal what cy ber can and might do; a large literature already exists that claims fairly convincingly to explain “how to . . .” But what does cyber power mean, and how does it fit strategically, if it does? These Conclusions and Rec ommendations offer some understanding of this fifth geography of war in terms that make sense to this strategist, at least. ¶ 1. Cyber can only be an enabler of physical effort. Stand-alone (popularly misnamed as “strategic”) cyber action is inherently grossly limited by its immateriality. The physicality of conflict with cyber’s human participants and mechanical artifacts has not been a passing phase in our species’ strategic history. Cyber action, quite independent of action on land, at sea, in the air, and in orbital space, certainly is possible. But the strategic logic of such behavior, keyed to anticipated success in tactical achievement, is not promising. To date, “What if . . .” speculation about strategic cyber attack usually is either contextually too light, or, more often, contextually unpersuasive. 49 However, this is not a great strategic truth, though it is a judgment advanced with considerable confidence. Although societies could, of course, be hurt by cyber action, it is important not to lose touch with the fact, in Libicki’s apposite words, that “[i]n the absence of physical combat, cyber war cannot lead to the occupation of territory. It is almost inconceivable that a sufficiently vigorous cyber war can overthrow the adversary’s government and replace it with a more pliable one.” 50 In the same way that the concepts of sea war, air war, and space war are fundamentally unsound, so also the idea of cyber war is unpersuasive. ¶ It is not impossible, but then, neither is war conducted only at sea, or in the air, or in space. On the one hand, cyber war may seem more probable than like environmentally independent action at sea or in the air. After all, cyber warfare would be very unlikely to harm human beings directly, let alone damage physically the machines on which they depend. These near-facts (cyber attack might cause socially critical machines to behave in a rogue manner with damaging physical consequences) might seem to ren - der cyber a safer zone of belligerent engagement than would physically violent action in other domains. But most likely there would be serious uncertainties pertaining to the consequences of cyber action, which must include the possibility of escalation into other domains of conflict. Despite popular assertions to the contrary, cyber is not likely to prove a precision weapon anytime soon. 51 In addition, assuming that the political and strategic contexts for cyber war were as serious as surely they would need to be to trigger events warranting plausible labeling as cyber war, the distinctly limited harm likely to follow from cyber assault would hardly appeal as prospectively effective coercive moves. On balance, it is most probable that cyber’s strategic future in war will be as a contribut - ing enabler of effectiveness of physical efforts in the other four geographies of conflict. Speculation about cyber war, defined strictly as hostile action by net - worked computers against networked computers, is hugely unconvincing.¶ 2. Cyber defense is difficult, but should be sufficiently effective. The structural advantages of the offense in cyber conflict are as obvious as they are easy to overstate. Penetration and exploitation, or even attack, would need to be by surprise. It can be swift almost beyond the imagination of those encultured by the traditional demands of physical combat. Cyber attack may be so stealthy that it escapes notice for a long while, or it might wreak digital havoc by com - plete surprise. And need one emphasize, that at least for a while, hostile cyber action is likely to be hard (though not quite impossible) to attribute with a cy - berized equivalent to a “smoking gun.” Once one is in the realm of the catastrophic “What if . . . ,” the world is indeed a frightening place. On a personal note, this defense analyst was for some years exposed to highly speculative briefings that hypothesized how unques - tionably cunning plans for nuclear attack could so promptly disable the United States as a functioning state that our nuclear retaliation would likely be still - born. I should hardly need to add that the briefers of these Scary Scenarios were obliged to make a series of Heroic Assumptions. ¶ The literature of cyber scare is more than mildly reminiscent of the nuclear attack stories with which I was assailed in the 1970s and 1980s. As one may observe regarding what Winston Churchill wrote of the disaster that was the Gallipoli campaign of 1915, “[t]he terrible ‘Ifs’ accumulate.” 52 Of course, there are dangers in the cyber domain. Not only are there cyber-competent competitors and enemies abroad; there are also Americans who make mistakes in cyber operation. Furthermore, there are the manufacturers and constructors of the physical artifacts behind (or in, depending upon the preferred definition) cyber - space who assuredly err in this and that detail. The more sophisticated—usually meaning complex—the code for cyber, the more certain must it be that mistakes both lurk in the program and will be made in digital communication.¶ What I have just outlined minimally is not a reluc - tant admission of the fallibility of cyber, but rather a statement of what is obvious and should be anticipat - ed about people and material in a domain of war. All human activities are more or less harassed by friction and carry with them some risk of failure, great or small. A strategist who has read Clausewitz, especially Book One of On War , 53 will know this. Alternatively, anyone who skims my summary version of the general theory of strategy will note that Dictum 14 states explicitly that “Strategy is more difficult to devise and execute than are policy, operations, and tactics: friction of all kinds comprise phenomena inseparable from the mak - ing and execution of strategies.” 54 Because of its often widely distributed character, the physical infrastruc - ture of an enemy’s cyber power is typically, though not invariably, an impracticable target set for physical assault. Happily, this probable fact should have only annoying consequences. The discretionary nature and therefore the variable possible characters feasible for friendly cyberspace(s), mean that the more danger - ous potential vulnerabilities that in theory could be the condition of our cyber-dependency ought to be avoidable at best, or bearable and survivable at worst. Libicki offers forthright advice on this aspect of the subject that deserves to be taken at face value: ¶ [T]here is no inherent reason that improving informa - tion technologies should lead to a rise in the amount of critical information in existence (for example, the names of every secret agent). Really critical information should never see a computer; if it sees a computer, it should not be one that is networked; and if the computer is networked, it should be air-gapped.¶ Cyber defense admittedly is difficult to do, but so is cyber offense. To quote Libicki yet again, “[i]n this medium [cyberspace] the best defense is not necessarily a good offense; it is usually a good defense.” 56 Unlike the geostrategic context for nuclear-framed competition in U.S.–Soviet/Russian rivalry, the geographical domain of cyberspace definitely is defensible. Even when the enemy is both clever and lucky, it will be our own design and operating fault if he is able to do more than disrupt and irritate us temporarily.¶ When cyber is contextually regarded properly— which means first, in particular, when it is viewed as but the latest military domain for defense planning—it should be plain to see that cyber performance needs to be good enough rather than perfect. 57 Our Landpower, sea power, air power, and prospectively our space systems also will have to be capable of accepting combat damage and loss, then recovering and carrying on. There is no fundamental reason that less should be demanded of our cyber power. Second, given that cyber is not of a nature or potential character at all likely to parallel nuclear dangers in the menace it could con - tain, we should anticipate international cyber rivalry to follow the competitive dynamic path already fol - lowed in the other domains in the past. Because the digital age is so young, the pace of technical change and tactical invention can be startling. However, the mechanization RMA of the 1920s and 1930s recorded reaction to the new science and technology of the time that is reminiscent of the cyber alarmism that has flour - ished of recent years. 58 We can be confident that cyber defense should be able to function well enough, given the strength of political, military, and commercial motivation for it to do so. The technical context here is a medium that is a constructed one, which provides air-gapping options for choice regarding the extent of networking. Naturally, a price is paid in convenience for some closing off of possible cyberspace(s), but all important defense decisions involve choice, so what is novel about that? There is nothing new about accepting some limitations on utility as a price worth paying for security.¶ 3. Intelligence is critically important, but informa - tion should not be overvalued. The strategic history of cyber over the past decade confirms what we could know already from the science and technology of this new domain for conflict. Specifically, cyber power is not technically forgiving of user error. Cyber warriors seeking criminal or military benefit require precise information if their intended exploits are to succeed. Lucky guesses should not stumble upon passwords, while efforts to disrupt electronic Supervisory Con - trol and Data Acquisition (SCADA) systems ought to be unable to achieve widespread harmful effects. But obviously there are practical limits to the air-gap op - tion, given that control (and command) systems need to be networks for communication. However, Internet connection needs to be treated as a potential source of serious danger.¶ It is one thing to be able to be an electronic nuisance, to annoy, disrupt, and perhaps delay. But it is quite another to be capable of inflicting real persisting harm on the fighting power of an enemy. Critically important military computer networks are, of course, accessible neither to the inspired amateur outsider, nor to the malignant political enemy. Easy passing reference to a hypothetical “cyber Pearl Harbor” reflects both poor history and ignorance of contemporary military common sense. Critical potential military (and other) targets for cyber attack are extremely hard to access and influence (I believe and certainly hope), and the technical knowledge, skills, and effort required to do serious harm to national security is forbiddingly high. This is not to claim, foolishly, that cyber means absolutely could not secure near-catastrophic results. However, it is to say that such a scenario is extremely improbable. Cyber defense is advancing all the time, as is cyber offense, of course. But so discretionary in vital detail can one be in the making of cyberspace, that confidence—real confidence—in cyber attack could not plausibly be high. It should be noted that I am confining this particular discussion to what rather idly tends to be called cyber war. In political and strategic practice, it is unlikely that war would or, more importantly, ever could be restricted to the EMS. Somewhat rhetorically, one should pose the question: Is it likely (almost anything, strictly, is possible) that cyber war with the potential to inflict catastrophic damage would be allowed to stand unsupported in and by action in the other four geographical domains of war? I believe not.¶ Because we have told ourselves that ours uniquely is the Information Age, we have become unduly respectful of the potency of this rather slippery catch-all term. As usual, it is helpful to contextualize the al - legedly magical ingredient, information, by locating it properly in strategic history as just one important element contributing to net strategic effectiveness. This mild caveat is supported usefully by recognizing the general contemporary rule that information per se harms nothing and nobody. The electrons in cyber - ized conflict have to be interpreted and acted upon by physical forces (including agency by physical human beings). As one might say, intelligence (alone) sinks no ship; only men and machines can sink ships! That said, there is no doubt that if friendly cyber action can infiltrate and misinform the electronic informa - tion on which advisory weaponry and other machines depend, considerable warfighting advantage could be gained. I do not intend to join Clausewitz in his dis - dain for intelligence, but I will argue that in strategic affairs, intelligence usually is somewhat uncertain. 59 Detailed up-to-date intelligence literally is essential for successful cyber offense, but it can be healthily sobering to appreciate that the strategic rewards of intelligence often are considerably exaggerated. The basic reason is not hard to recognize. Strategic success is a complex endeavor that requires adequate perfor - mances by many necessary contributors at every level of conflict (from the political to the tactical). ¶ When thoroughly reliable intelligence on the en - emy is in short supply, which usually is the case, the strategist finds ways to compensate as best he or she can. The IT-led RMA of the past 2 decades was fueled in part by the prospect of a quality of military effec - tiveness that was believed to flow from “dominant battle space knowledge,” to deploy a familiar con - cept. 60 While there is much to be said in praise of this idea, it is not unreasonable to ask why it has been that our ever-improving battle space knowledge has been compatible with so troubled a course of events in the 2000s in Iraq and Afghanistan. What we might have misunderstood is not the value of knowledge, or of the information from which knowledge is quarried, or even the merit in the IT that passed information and knowledge around. Instead, we may well have failed to grasp and grip understanding of the whole context of war and strategy for which battle space knowledge unquestionably is vital. One must say “vital” rather than strictly essential, because relatively ignorant armies can and have fought and won despite their ig - norance. History requires only that one’s net strategic performance is superior to that of the enemy. One is not required to be deeply well informed about the en - emy. It is historically quite commonplace for armies to fight in a condition of more-than-marginal reciprocal and strategic cultural ignorance. Intelligence is king in electronic warfare, but such warfare is unlikely to be solely, or even close to solely, sovereign in war and its warfare, considered overall as they should be.¶ 4. Why the sky will not fall. More accurately, one should say that the sky will not fall because of hostile action against us in cyberspace unless we are improb - ably careless and foolish. David J. Betz and Tim Ste vens strike the right note when they conclude that “[i]f cyberspace is not quite the hoped-for Garden of Eden, it is also not quite the pestilential swamp of the imagination of the cyber-alarmists.” 61 Our understanding of cyber is high at the technical and tactical level, but re - mains distinctly rudimentary as one ascends through operations to the more rarified altitudes of strategy and policy. Nonetheless, our scientific, technological, and tactical knowledge and understanding clearly indicates that the sky is not falling and is unlikely to fall in the future as a result of hostile cyber action. This analysis has weighed the more technical and tactical literature on cyber and concludes, not simply on balance, that cyber alarmism has little basis save in the imagination of the alarmists. There is military and civil peril in the hostile use of cyber, which is why we must take cyber security seriously, even to the point of buying redundant capabilities for a range of command and control systems. 62 So seriously should we regard cyber danger that it is only prudent to as - sume that we will be the target for hostile cyber action in future conflicts, and that some of that action will promote disruption and uncertainty in the damage it will cause.¶ That granted, this analysis recommends strongly that the U.S. Army, and indeed the whole of the U.S. Government, should strive to comprehend cyber in context. Approached in isolation as a new technol - ogy, it is not unduly hard to be over impressed with its potential both for good and harm. But if we see networked computing as just the latest RMA in an episodic succession of revolutionary changes in the way information is packaged and communicated, the computer-led IT revolution is set where it belongs, in historical context. In modern strategic history, there has been only one truly game-changing basket of tech - nologies, those pertaining to the creation and deliv - ery of nuclear weapons. Everything else has altered the tools with which conflict has been supported and waged, but has not changed the game. The nuclear revolution alone raised still-unanswered questions about the viability of interstate armed conflict. How - ever, it would be accurate to claim that since 1945, methods have been found to pursue fairly traditional political ends in ways that accommodate nonuse of nuclear means, notwithstanding the permanent pres - ence of those means.¶ The light cast by general strategic theory reveals what requires revealing strategically about networked computers. Once one sheds some of the sheer wonder at the seeming miracle of cyber’s ubiquity, instanta - neity, and (near) anonymity, one realizes that cyber is just another operational domain, though certainly one very different from the others in its nonphysi - cality in direct agency. Having placed cyber where it belongs, as a domain of war, next it is essential to recognize that its nonphysicality compels that cyber should be treated as an enabler of joint action, rather than as an agent of military action capable of behav - ing independently for useful coercive strategic effect. There are stand-alone possibilities for cyber action, but they are not convincing as attractive options either for or in opposition to a great power, let alone a superpower. No matter how intriguing the scenario design for cyber war strictly or for cyber warfare, the logic of grand and military strategy and a common sense fueled by understanding of the course of strategic history, require one so to contextualize cyber war that its independence is seen as too close to absurd to merit much concern.

#### Diminishing marginal returns means there’s no impact

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Strategic Cyberwar Is Unlikely to Be Decisive ¶ No one knows how destructive any one strategic cyberwar attack would be. Estimates of the damage from today’s cyberattacks within the United States range from hundreds of billions of dollars to just a few billion dollars per year. ¶ The higher dollar figures suggest that cyberattacks on enemy civilian infrastructures—strategic cyberwar—may be rationalized as a way to assist military efforts or as a way to coerce the other side to yield to prevent further suffering. But can strategic cyberwar induce political compliance the way, say, strategic airpower would? Airpower tends to succeed when societies are convinced that matters will only get worse. With cyberattacks, the opposite is more likely. As systems are attacked, vulnerabilities are revealed and repaired or routed around. As systems become more hardened, societies become less vulnerable and are likely to become more, rather than less, resistant to further coercion.

#### No risk of cyber war

**Clark ’12** (MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/’12 (Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

The Department of Homeland Security worries that our critical infrastructure and key resources (CIKR) may be exposed, both directly and indirectly, to multiple threats because of CIKR reliance on the global cyber infrastructure, an infrastructure that is under routine cyberattack by a “spectrum of malicious actors” (National Infrastructure Protection Plan 2009). CIKR in the extremely large and complex U.S. economy spans multiple sectors including agricultural, finance and banking, dams and water resources, public health and emergency services, military and defense, transportation and shipping, and energy (National Infrastructure Protection Plan 2009). The disruption and destruction of public and private infrastructure is part of warfare, without this infrastructure conflict cannot be sustained (Geers 2011). Cyber-attacks are desirable because they are considered to be a relatively “low cost and long range” weapon (Lewis 2010), but prior to the creation of Stuxnet, the first cyber-weapon, the ability to disrupt and destroy critical infrastructure through cyber-attack was theoretical. The movement of an offensive cyber-weapon from conceptual to actual has forced the United States to question whether offensive cyber-attacks are a significant threat that are able to disrupt or destroy CIKR to the level that national security is seriously degraded. It is important to understand the risk posed to national security by cyber-attacks to ensure that government responses are appropriate to the threat and balance security with privacy and civil liberty concerns. The risk posed to CIKR from cyber-attack can be evaluated by measuring the threat from cyber-attack against the vulnerability of a CIKR target and the consequences of CIKR disruption. As the only known cyber-weapon, Stuxnet has been **thoroughly analyzed** and **used as a model** for predicting future cyber-weapons. The U.S. electrical grid, a key component in the CIKR energy sector, is a target that has been analyzed for vulnerabilities and the consequences of disruption predicted – the electrical grid has been used in multiple attack scenarios including a classified scenario provided to the U.S. Congress in 2012 (Rohde 2012). Stuxnet will serve as the weapon and the U.S. electrical grid will serve as the target in this risk analysis that concludes that there is a low risk of disruption or destruction of critical infrastructure from a an offensive cyber-weapon because of the complexity of the attack path, the limited capability of non-state adversaries to develop cyber-weapons, and the existence of multiple methods of mitigating the cyber-attacks. To evaluate the threat posed by a Stuxnet-like cyber-weapon, the complexity of the weapon, the available attack vectors for the weapon, and the resilience of the weapon must be understood. The complexity – how difficult and expensive it was to create the weapon – identifies the relative cost and availability of the weapon; inexpensive and simple to build will be more prevalent than expensive and difficult to build. Attack vectors are the available methods of attack; the larger the number, the more severe the threat. For example, attack vectors for a cyberweapon may be email attachments, peer-to-peer applications, websites, and infected USB devices or compact discs. Finally, the resilience of the weapon determines its availability and affects its usefulness. A useful weapon is one that is resistant to disruption (resilient) and is therefore available and reliable. These concepts are seen in the AK-47 assault rifle – a simple, inexpensive, reliable and effective weapon – and carry over to information technology structures (Weitz 2012). The evaluation of Stuxnet identified malware that is “unusually complex and large” and required code written in multiple languages (Chen 2010) in order to complete a variety of specific functions contained in a “vast array” of components – **it is one of the most complex threats ever analyzed by Symantec** (Falliere, Murchu and Chien 2011). To be successful, Stuxnet required a **high** **level of technical knowledge across multiple disciplines**, a laboratory with the target equipment configured for testing, and a foreign intelligence capability to collect information on the target network and attack vectors (Kerr, Rollins and Theohary 2010). The malware also needed careful monitoring and maintenance because it could be easily disrupted; as a result Stuxnet was developed with a high degree of configurability and was upgraded multiple times in less than one year (Falliere, Murchu and Chien 2011). Once introduced into the network, the cyber-weapon then had to utilize four known vulnerabilities and four unknown vulnerabilities, known as zero-day exploits, in order to install itself and propagate across the target network (Falliere, Murchu and Chien 2011). Zero-day exploits are **incredibly difficult to find** and fewer than twelve out of the 12,000,000 pieces of malware discovered each year utilize zero-day exploits and this rarity makes them valuable, zero-days can fetch $50,000 to $500,000 each on the black market (Zetter 2011). The use of four rare exploits in a single piece of malware is “unprecedented” (Chen 2010). Along with the use of four unpublished exploits, Stuxnet also used the “first ever” programmable logic controller rootkit, a Windows rootkit, antivirus evasion techniques, intricate process injection routines, and other complex interfaces (Falliere, Murchu and Chien 2011) all **wrapped up in “layers of encryption** like Russian nesting dolls” (Zetter 2011) – including custom encryption algorithms (Karnouskos 2011). As the malware spread across the now-infected network it had to utilize additional vulnerabilities in proprietary Siemens industrial control software (ICS) and hardware used to control the equipment it was designed to sabotage. Some of these ICS vulnerabilities were published but some were unknown and **required such a high degree of inside knowledge** that there was speculation that a Siemens employee had been involved in the malware design (Kerr, Rollins and Theohary 2010). The unprecedented technical complexity of the Stuxnet cyber-weapon, along with the extensive technical and financial resources and foreign intelligence capabilities required for its development and deployment, indicates that the malware was likely developed by a nation-state (Kerr, Rollins and Theohary 2010). Stuxnet had very limited attack vectors. When a computer system is connected to the public Internet a host of attack vectors are available to the cyber-attacker (Institute for Security Technology Studies 2002). Web browser and browser plug-in vulnerabilities, cross-site scripting attacks, compromised email attachments, peer-to-peer applications, operating system and other application vulnerabilities are all vectors for the introduction of malware into an Internetconnected computer system. **Networks that are not connected to the public internet are “air gapped**,” a technical colloquialism to identify a physical separation between networks. Physical separation from the public Internet is a common safeguard **for sensitive networks** including classified U.S. government networks. If the target network is air gapped, infection can only occur through physical means – an infected disk or USB device that **must be physically introduced** into a possibly access controlled environment and connected to the air gapped network. The first step of the Stuxnet cyber-attack was to initially infect the target networks, a difficult task given the probable disconnected and well secured nature of the Iranian nuclear facilities. Stuxnet was introduced via a USB device to the target network, a method that suggests that the attackers were familiar with the configuration of the network and knew it was not connected to the public Internet (Chen 2010). This assessment is supported by two rare features in Stuxnet – having all necessary functionality for industrial sabotage fully embedded in the malware executable along with the ability to self-propagate and upgrade through a peer-to-peer method (Falliere, Murchu and Chien 2011). Developing an understanding of the target network configuration was a significant and daunting task based on Symantec’s assessment that Stuxnet repeatedly targeted a total of five different organizations over nearly one year (Falliere, Murchu and Chien 2011) with physical introduction via USB drive being the only available attack vector. The final factor in assessing the threat of a cyber-weapon is the resilience of the weapon. There are two primary factors that make Stuxnet non-resilient: the complexity of the weapon and the complexity of the target. Stuxnet was highly customized for sabotaging specific industrial systems (Karnouskos 2011) and needed a large number of very complex components and routines in order to increase its chance of success (Falliere, Murchu and Chien 2011). The malware required eight vulnerabilities in the Windows operating system to succeed and therefore would have failed if those vulnerabilities had been properly patched; four of the eight vulnerabilities were known to Microsoft and subject to elimination (Falliere, Murchu and Chien 2011). Stuxnet also required that two drivers be installed and required two stolen security certificates for installation (Falliere, Murchu and Chien 2011); driver installation would have failed if the stolen certificates had been revoked and marked as invalid. Finally, the configuration of systems is ever-changing as components are upgraded or replaced. There is no guarantee that the network that was mapped for vulnerabilities had not changed in the months, or years, it took to craft Stuxnet and successfully infect the target network. Had specific components of the target hardware changed – the targeted Siemens software or programmable logic controller – the attack would have failed. Threats are less of a threat when identified; this is why zero-day exploits are so valuable. Stuxnet went to great lengths to hide its existence from the target and utilized multiple rootkits, data manipulation routines, and virus avoidance techniques to stay undetected. The malware’s actions occurred only in memory to avoid leaving traces on disk, it masked its activities by running under legal programs, employed layers of encryption and code obfuscation, and uninstalled itself after a set period of time, all efforts to avoid detection because its authors knew that detection meant failure. As a result of the complexity of the malware, the changeable nature of the target network, and the chance of discovery, Stuxnet is not a resilient system. It is a fragile weapon that required an investment of time and money to constantly monitor, reconfigure, test and deploy over the course of a year. There is concern, with Stuxnet developed and available publicly, that the world is on the brink of a storm of highly sophisticated Stuxnet-derived cyber-weapons which can be used by hackers, organized criminals and terrorists (Chen 2010). As former counterterrorism advisor Richard Clarke describes it, there is concern that the technical brilliance of the United States “has created millions of potential monsters all over the world” (Rosenbaum 2012). Hyperbole aside, technical knowledge spreads. The techniques behind cyber-attacks are “constantly evolving and making use of lessons learned over time” (Institute for Security Technology Studies 2002) and the publication of the Stuxnet code may make it easier to copy the weapon (Kerr, Rollins and Theohary 2010). **However**, this is something of a zero-sum game because **knowledge works both ways** and cyber-security techniques are also evolving, and “understanding attack techniques more clearly is the first step toward increasing security” (Institute for Security Technology Studies 2002). Vulnerabilities are discovered and patched, intrusion detection and malware signatures are expanded and updated, and monitoring and analysis processes and methodologies are expanded and honed. Once the element of surprise is lost, weapons and tactics are less useful, this is the core of the argument that “uniquely surprising” **stratagems like Stuxnet are single-use**, like Pearl Harbor and the Trojan Horse, the “very success [of these attacks] precludes their repetition” (Mueller 2012). This paradigm has already been seen in the “son of Stuxnet” malware – named Duqu by its discoverers – that is based on the same modular code platform that created Stuxnet (Ragan 2011). With the techniques used by Stuxnet now known, other variants such as Duqu are being discovered and countered by security researchers (Laboratory of Cryptography and System Security 2011). It is obvious that the effort required to create, deploy, and maintain Stuxnet and its variants is massive and it is not clear that the rewards are worth the risk and effort. Given the location of initial infection and the number of infected systems in Iran (Falliere, Murchu and Chien 2011) it is believed that Iranian nuclear facilities were the target of the Stuxnet weapon. A significant amount of money and effort was invested in creating Stuxnet but yet the expected result – assuming that this was an attack that expected to damage production – was minimal at best. Iran claimed that Stuxnet caused only minor damage, probably at the Natanz enrichment facility, the Russian contractor Atomstroyeksport reported that no damage had occurred at the Bushehr facility, and an unidentified “senior diplomat” suggested that Iran was forced to shut down its centrifuge facility “for a few days” (Kerr, Rollins and Theohary 2010). Even the most optimistic estimates believe that Iran’s nuclear enrichment program was only delayed by months, or perhaps years (Rosenbaum 2012). The actual damage done by Stuxnet is not clear (Kerr, Rollins and Theohary 2010) and the primary damage appears to be to a higher number than average replacement of centrifuges at the Iran enrichment facility (Zetter 2011). Different targets may produce different results. The Iranian nuclear facility was a difficult target with limited attack vectors because of its isolation from the public Internet and restricted access to its facilities. What is the probability of a successful attack against the U.S. electrical grid and what are the potential consequences should this critical infrastructure be disrupted or destroyed? An attack against the electrical grid is a reasonable threat scenario since power systems are “a high priority target for military and insurgents” and there has been a trend towards utilizing commercial software and integrating utilities into the public Internet that has “increased vulnerability across the board” (Lewis 2010). Yet the increased vulnerabilities are mitigated by an increased detection and deterrent capability that has been “honed over many years of practical application” now that power systems are using standard, rather than proprietary and specialized, applications and components (Leita and Dacier 2012). The security of the electrical grid is also enhanced by increased awareness after a smart-grid hacking demonstration in 2009 and the identification of the Stuxnet malware in 2010; as a result the public and private sector are working together in an “unprecedented effort” to establish robust security guidelines and cyber security measures (Gohn and Wheelock 2010).

#### Defensive measures overwhelm

**Rid 12** (Thomas, PhD, Reader in War Studies @ King's College London, Non-Resident Fellow at the Center for Transatlantic Relations in the School for Advanced International Studies at Johns Hopkins, "Think Again: Cyberwar," March/April, Foreign Policy, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=0,0,

"In Cyberspace, Offense Dominates Defense." Wrong again. The information age has "offense-dominant attributes," Arquilla and Ronfeldt wrote in their influential 1996 book, The Advent of Netwar. This view has spread through the American defense establishment like, well, a virus. A 2011 Pentagon report on cyberspace stressed "the advantage currently enjoyed by the offense in cyberwarfare." The intelligence community stressed the same point in its annual threat report to Congress last year, arguing that offensive tactics -- known as vulnerability discovery and exploitation -- are evolving more rapidly than the federal government and industry can adapt their defensive best practices. The conclusion seemed obvious: Cyberattackers have the advantage over cyberdefenders, "with the trend likely getting worse over the next five years." A closer examination of the record, however, reveals three factors that put the offense at a disadvantage. First is the high cost of developing a cyberweapon, in terms of time, talent, and target intelligence needed. Stuxnet, experts speculate, took a superb team and a lot of time. Second, the potential for generic offensive weapons may be far smaller than assumed for the same reasons, and significant investments in highly specific attack programs may be deployable only against a very limited target set. Third, once developed, an offensive tool is likely to have a far shorter half-life than the defensive measures put in place against it. Even worse, a weapon may only be able to strike a single time; once the exploits of a specialized piece of malware are discovered, the most critical systems will likely be patched and fixed quickly. And a weapon, even a potent one, is not much of a weapon if an attack cannot be repeated. Any political threat relies on the credible threat to attack or to replicate a successful attack. If that were in doubt, the coercive power of a cyberattack would be drastically reduced.

#### \*\*\*OCOs give the US coercive leverage to deescalate North Korean nuclear brinksmanship --- speed is key

Martin C. Libicki 13, Senior Management Scientist @ RAND and adjunct fellow @ Georgetown’s Center for Security Studies, “Brandishing Cyberattack Capabilities,” RAND, <http://www.rand.org/pub> s/research\_reports/RR175.html

Our inquiry is therefore more humble. Could a U.S. threat that it might interfere with a rogue state’s nuclear weapon delivery help shape a nuclear confrontation? For this question, assume a rogue nuclear power with a handful of weapons capable of hitting nearby countries (but generally incapable of hitting the continental United States). The United States has a robust cyberattack capability (in general terms), from which the rogue state’s nuclear arsenal is not provably immune. Although the United States enjoys escalation dominance, the rogue state is far more willing to go to the nuclear brink than the United States is. The rogue state (thinks it) has more at stake (i.e., regime survival). Furthermore, it may act in ways that are irrational by Western perspectives.¶ We first model a two-state confrontation, then later introduce a friendly state on whose behalf the United States has intervened. The United States enters this scenario facing the choice of acting when doing so risks the rogue state releasing a nuclear weapon. Whether the threat is explicit or implicit is secondary. The usual calculus applies. The rogue state is better off if its threat leads the United States to stop. The United States is better off ignoring the threat and going ahead with what it would have done in the absence of the threat if the threat can be nullified but cannot know that it will be for certain. The rogue state understands that if it does use nuclear weapons, it could face great retaliation.1¶ If the United States acts (successfully) in the face of warning and if the rogue state does not use nuclear weapons, the United States achieves its objectives and wins the overall confrontation.2 If the United States flinches, the rogue state wins. If the rogue state uses its nuclear weapons and if, as is likely, the United States responds likewise, the rogue state loses greatly, but the United States is also far worse off.3¶ Two-Party Confrontations¶ In a confrontation in which disaster would result from both sides carrying out their threats, each must ask: Are such threats credible? If one side thinks the other will yield, it pays to stand firm. If it thinks, however, that the other is implacable, it may have no good choice but to yield itself. The projection of implacability is beneficial, but the reality of implacability is frequently suicidal.¶ Note that the basis for the implacability can also be entirely subjective, which is to say, unfounded on the facts of the matter. If one party is convinced that it will never pay a high price for being implacable, communicates as much, and acts as if it were so, the other cannot take any comfort from the fact that the first has no technical basis for the belief. The only consideration is whether the first party actually believes as much, is willing to act accordingly, and can ignore the logic that whispers that no one can possibly be completely confident on the basis of iffy information. To one party, the willingness to act on the basis of the impossible seems like cheating. To use an analogy, imagine a game of “chicken” in which the driver of one of the two oncoming cars throws the steering wheel out the window. This cheat forces the opponent to choose between a certain crash or veering away (and thus losing). However, when the consequences of a crash are far greater than the benefits of winning, this strategy is irrational if there is a nontrivial likelihood that the other side will be intent on punishing cheaters at the cost of all other values. In the analogy, the second driver might rather crash than lose to a cheater.4 But in general, a strategy of implacability, can, if credible, do well, as long as the other side is not equally implacable.¶ So, the United States creates the belief (whether by saying so, hinting, or letting others draw their own conclusion) that the rogue state cannot carry out its nuclear threat. That is, the United States acts as though a flaw somewhere in the nuclear command-and-control cycle, probably an induced flaw, prevents immediate nuclear use. A lesser case is that the command and control is less certain, the weapon is weaker, and/or the delivery system is far less accurate than feared.5 Although permanently disabling a nuclear command-and-control system is quite a stretch for cyberwar, it is less fantastic to imagine that the United States could delay a weapon’s use. A temporary advantage, though, may still give the United States time to cross the red line and thereby attain a fait accompli.¶ So posturing, the United States prepares to cross the red line, while communicating its confidence that the rogue state will not retaliate. This confidence stems from a combination of its own nuclear deterrence capability plus its ability to confound the rogue state’s nuclear capability: The rogue nuclear state probably will not decide to retaliate, and if it did decide to, probably cannot retaliate. The combination, in this case, is what reduces the odds of a nuclear response to a sufficiently low level, if the rogue state is at all rational. Even if it later assures itself and others that its nuclear capacity is intact, but the United States has already acted, the onus then falls on the rogue nuclear state to respond to what could well be a done deal. If the rogue state understands the logic before brandishing its own nuclear weapons, it may choose not to ratchet up tensions in advance of the U.S. crossing red lines.

#### Threat of OCO strikes deescalates Senkaku conflict --- prevents great power war

Leigh Drogen 13, founder and chief investment officer of Surfview Capital, LLC, a New York based investment management firm, “Why Cyber Weapons Will Make The World Even Safer,” 3/4, http://www.leighdrogen.com/why-cyber-weapons-will-make-the-world-even-safer/

Scene: China has just exchanged fire with Japan over the East China Sea Islands. The US Navy is in theatre and has as promised under its security umbrella treaty with Japan vows to protect the sovereignty of Japanese territory. In response China has threatened to hold US infrastructure (power, water, transportation) hostage and gives the US 48 hours to exit the theatre. The US immediately responds with a similar threat to cripple Chinese infrastructure via cyber attacks unless China relinquishes cyber attacks within 48 hours.¶ Now you can bet your last dollar that the US has been holding war games designed to simulate exactly this scenario. And while we don’t know how they’ve played out, we can make some pretty informed assumptions based on the corollary of nuclear war theory.¶ The ability for foreign agents to hijack critical infrastructure and cripple it within a short period of time is now to the point where we, and our potential adversaries, could face damage many magnitudes higher than a nuclear strike, not in lives lost, but economic, social, and political damage.¶ Cyber warfare has reached a level where we can say that there is mutually assured destruction of critical infrastructure in a war between the US and China.¶ Which is exactly why I’m ready to say that cyber warfare will make the world an even safer place.¶ There is no argument against the claim that nuclear weapons have massively decreased overall warfare across the world since World War II. During that time we haven’t seen a war between two nuclear states.¶ But the more important development, as Tom Friedman loves to point out, we haven’t seen a major conflict between two countries with a McDonalds. Now, look past the frivolity of that statement through to the bigger point, lives lost is no longer the major determinant of why countries decide to forgo war, it is now primarily an economic and social decision.¶ The cost in treasure and political capital that it takes to go to war as a developed economy with another state is massive. The US has had a huge hand in this no doubt playing the world’s policeman since World War II. Police are not very effective at hunting down transgressors, their job is primarily prevention, a job that the US has pretty much perfected at this point.¶ China will not follow through on its cyber war threat because the cost in economic, social, and political damage to the regime from a crippling US cyber attack would be far too much to handle versus the benefit from its move on the islands. What do you think middle and upper class urban Chinese citizens would do if China risked everything they’ve worked so hard to build over the past 25 years for the islands? They risk nothing less than the regime being toppled. They are already walking on thin ice under the unwritten deal they’ve made, continued economic development for the regime’s position in power.¶ Cyber war has reached the level of mutually assured destruction as the damage caused will lead to popular revolt. It certainly would here in the US.¶ The flip side to this argument, as it is made with nuclear weapons, is that non state actors are not tied to the same consequences and therefor are much more dangerous. I would agree, and in the case of cyber war they it’s even scarier as their capability to inflict damage is far greater (this was the theme of Skyfall), it’s hard to obtain and deliver a nuclear weapon.¶ That said, I believe cyber weapons will add to global security as they become more pervasive.

### Law of Armed Conflict

#### --No incentive for China to attack – stable relationship prevents it

#### No US-China conflict

Allison & Blackwill 3/5 -- \*director of the Belfer Center for Science and International Affairs and Douglas Dillon Professor at Harvard's John F. Kennedy School of Government AND \*\*Henry A. Kissinger Senior Fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert D., 2013, "Interview: Lee Kuan Yew on the Future of U.S.- China Relations," http://www.theatlantic.com/china/archive/2013/03/interview-lee-kuan-yew-on-the-future-of-us-china-relations/273657/)

Interview with Lee Kuan Yew, the founding prime minister of Singapore, one of Asia's most prominent public intellectuals, a member of the Fondation Chirac's honour committee

Competition between the United States and China is inevitable, but conflict is not. This is not the Cold War. The Soviet Union was contesting with the United States for global supremacy. China is acting purely in its own national interests. It is not interested in changing the world. There will be a struggle for influence. I think it will be subdued because the Chinese need the United States, need U.S. markets, U.S. technology, need to have students going to the United States to study the ways and means of doing business so they can improve their lot. It will take them 10, 20, 30 years. If you quarrel with the United States and become bitter enemies, all that information and those technological capabilities will be cut off. The struggle between the two countries will be maintained at the level that allows them to still tap the United States. Unlike U.S.-Soviet relations during the Cold War, there is no irreconcilable ideological conflict between the United States and a China that has enthusiastically embraced the market. Sino-American relations are both cooperative and competitive. Competition between them is inevitable, but conflict is not. After the collapse of the Soviet Union, the United States and China are more likely to view each other as competitors if not adversaries. But the die has not been cast. The best possible outcome is a new understanding that when they cannot cooperate, they will coexist and allow all countries in the Pacific to grow and thrive. A stabilizing factor in their relationship is that each nation requires cooperation from and healthy competition with the other. The danger of a military conflict between China and the United States is low. Chinese leaders know that U.S. military superiority is overwhelming and will remain so for the next few decades. They will modernize their forces not to challenge America but to be able, if necessary, to pressure Taiwan by a blockade or otherwise to destabilize the economy. China's military buildup delivers a strong message to the United States that China is serious about Taiwan. However, the Chinese do not want to clash with anyone -- at least not for the next 15 to 20 years. The Chinese are confident that in 30 years their military will essentially match in sophistication the U.S. military. In the long term, they do not see themselves as disadvantaged in this fight.

#### --Impact should have been triggered – evidence talks about defensive cyber operations

#### China-US cyber-dialogue solves

Mohan 3/18 -- Nonresident Senior Associate of South Asia Program @ Carnegie (C. Raja, 2013, "The New Cyber Axis," http://carnegieendowment.org/2013/03/18/new-cyber-axis/frgr)

U.S. Treasury Secretary Jack Lew, who is in China this week, is expected to probe the Chinese leaders for the terms of the bilateral dialogue on cyber security. While the United States is deeply concerned about Chinese cyber attacks, there is a new tone that has begun to emerge from Washington underlining the importance of bilateral cooperation with Beijing. The need to avoid confrontation with China came through clearly in Donilon's remarks at the Asia Society: "Economies as large as the United States and China have a tremendous shared stake in ensuring that the internet remains open, interoperable, secure, reliable, and stable." Both countries face risks when it comes to protecting personal data and communications, financial transactions, critical infrastructure, or the intellectual property and trade secrets that are so vital to innovation and economic growth," Donilon added. Despite the many tensions in the bilateral relationship, the Chinese public reaction to the spate of recent U.S. allegations on cyber theft and commercial espionage has been moderate. There have been substantive Track Two conversations between the United States and China on the economic dimension of cyber warfare and the need to build mutual trust. The incipient Sino-American bilateral dialogue has the potential to alter the current international discourse on cyber security. Until now, Russia has led the debate in multilateral forums like the United Nations on information security. Russia, China and many developing countries have also ranged themselves against the United States and the West on questions relating to internet freedom and the sovereign right of states to regulate and control cyberspace. Although these ideological issues might retain some salience, the new Sino-American dialogue is about managing the profound interdependence between the world's two largest economies in the cyber age. Just as the US and the erstwhile Soviet Union defined the nuclear discourse in the last century, Washington and Beijing are likely to shape the international regulation of the cyber domain in the coming decades.

#### \*\*\*No military invasion to regain Taiwan - -they'll use other methods

Fischer 11/27 -- clean energy entrepreneur and is the founder and CEO of Lumicity Ltd (Tristan, 2012, " Why China could invade Taiwan – and get away with it," http://www.historyfuturenow.com/wp/why-china-could-invade-taiwan-and-get-away-with-it/)

The People’s Republic of China has been very patient with Taiwan. It knows that time is on its side. However, it could also force the issue within the next few years and force Taiwan to rejoin mainland China under the authority of the PRC. It could show Taiwan a stick and a carrot. The stick is that mainland China will invade to reestablish control over Taiwan. Both the Taiwanese government and the mainland Chinese government say that they are not separate nations, but one, with different governments. The US would not enter into a “civil war” with the two Chinas. In addition, bearing in mind that the US has a huge trade deficit with both China and Taiwan and that the Taiwan Straits are effectively already off limits to the US Navy, it is hard to see the US defending Taiwan, even if it could afford to do so, which it cannot, or were able to do so, which it could not. As a carrot, the mainland Chinese market has become increasingly attractive to Taiwanese businesses. The PRC could offer increased incentives, such as low cost loans from the PRC, to Taiwanese companies, and better market access making the business classes increasingly open to reunification with mainland China.

#### -- International law doesn’t deter conflict

Wippman 96 (David, Associate Professor – Cornell Law School, Columbia Human Rights Law Review, 27 Colum. Human Rights L. Rev. 435, Spring, Lexis)

What international law has long attempted to prohibit, or at least to regulate, is foreign involvement in internal conflict. [**4**](http://www.lexis.com/research/retrieve?_m=1eaeca8a103666c056688c6d2438e77d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=60fd9e16efde2ff1d58f663fbab664a0&focBudTerms=What%20international%20law%20has%20long%20and%20particular%20conflict&focBudSel=all#n4) Foreign  [\*436]  participation in an internal conflict heightens the risk that the conflict will spread to other states and transform an internal struggle into an interstate war. In addition, foreign involvement may deny the people of the affected state the right to determine their own political future. As a result, foreign involvement in internal conflicts often undermines two of the principal goals of the international legal order: the containment of conflict and the preservation of the internal autonomy of each state. **[5](http://www.lexis.com/research/retrieve?_m=1eaeca8a103666c056688c6d2438e77d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=60fd9e16efde2ff1d58f663fbab664a0&focBudTerms=What%20international%20law%20has%20long%20and%20particular%20conflict&focBudSel=all" \l "n5" \t "_self)** Accordingly, contemporary international law is formally non-interventionist: no state is supposed to interfere in civil strife in another state. **[6](http://www.lexis.com/research/retrieve?_m=1eaeca8a103666c056688c6d2438e77d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=60fd9e16efde2ff1d58f663fbab664a0&focBudTerms=What%20international%20law%20has%20long%20and%20particular%20conflict&focBudSel=all" \l "n6" \t "_self)** Nonetheless, foreign intervention in internal conflicts is more the rule than the exception. **[7](http://www.lexis.com/research/retrieve?_m=1eaeca8a103666c056688c6d2438e77d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=60fd9e16efde2ff1d58f663fbab664a0&focBudTerms=What%20international%20law%20has%20long%20and%20particular%20conflict&focBudSel=all" \l "n7" \t "_self)** In the past, foreign intervention consisted almost exclusively of unilateral acts by individual states. During the Cold War, political polarization between East and West made it virtually impossible to achieve the consensus necessary to support collective interventions. With the end of the Cold War, however, collective interventions have become more common. When individual states intervene unilaterally in internal conflicts, they typically seek to justify their involvement under legal principles deemed consistent with, or in some cases, deemed more important than, the principle of non-intervention. In some cases, states rely on consent of the affected state, on the theory that the principle of non-intervention only bars conduct that amounts to "dictatorial interference" in a state's internal affairs. [8](http://www.lexis.com/research/retrieve?_m=1eaeca8a103666c056688c6d2438e77d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=60fd9e16efde2ff1d58f663fbab664a0&focBudTerms=What%20international%20law%20has%20long%20and%20particular%20conflict&focBudSel=all" \l "n8" \t "_self) States also frequently justify intervention as necessary to insulate a state from the effects of another state's prior, illegal intervention, or as necessary to defend a state from an illegal external attack. [9](http://www.lexis.com/research/retrieve?_m=1eaeca8a103666c056688c6d2438e77d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAb&_md5=60fd9e16efde2ff1d58f663fbab664a0&focBudTerms=What%20international%20law%20has%20long%20and%20particular%20conflict&focBudSel=all" \l "n9" \t "_self) On occasion, states rely on international human rights norms or democratic principles to justify their support for one faction or another in a particular conflict.

#### Secrecy means Congress would be ineffective—no solvency

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

The National Security Act of 1947 23 showed Congress’s determination to exert some control over this nation’s intelligence apparatus. That determination was strengthened after the disclosure of widespread intelligence abuses by the CIA and other agencies.24¶ In 1991, in response to the Iran-Contra Affair, Congress adopted a measure directing the President to keep the congressional intelligence committees “fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity.”25 The term “intelligence activity” expressly includes “covert actions,”26 which additionally require a written finding by the President that they are “necessary to support identifiable foreign policy objectives of the United States and [are] important to the national security of the United States.”27 Intelligence activities are also understood to include “all activities that elements of the Intelligence Community are authorized to conduct pursuant to [Executive Order No. 12,333],” the executive charter for such activities.28 The “intelligence community” includes the Office of the Director of National Intelligence, CIA, NSA, other Defense Department intelligence components, and other federal intelligence elements,29 which are authorized to engage in, inter alia, intelligence collection and analysis and “activities to protect against international terrorism . . . and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents.”30 This broad mandate certainly encompasses many U.S. efforts to defend against cyber attack and to employ cyber weapons offensively. By this definition, most preparations for and conduct of cyber warfare should be reported to the intelligence committees as “intelligence activities.” It is significant that the reporting requirement in the 1991 law is not limited to agencies within the intelligence community. ¶ Yet this legislation provides no guarantee that Congress will receive the information it needs to play a meaningful role in the development or execution of cyber warfare policy. It is not known, for example, precisely what it means for the intelligence committees to be “fully and currently” informed, § Marked 15:25 § what kinds of intelligence activities are regarded as “significant” enough to report, or who decides.31 Other sections of the 1991 law call on all agencies involved in intelligence activities, not just the President, to keep the intelligence committees informed about those activities, but only “[t]o the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.”32 The “due regard for” language might be invoked to keep Congress in the dark. ¶ Under the 1991 law, “covert actions,” those with respect to which “it is intended that the role of the United States Government will not be apparent or acknowledged publicly,”33 need only be reported to a small group of legislators known as the “Gang of Eight,”34 and then only in a “timely fashion,” a term not defined by statute.35 Characterization of U.S. planning and execution of electronic warfare as “covert” could enable reporting to the smaller group, making it more difficult for Congress to play a significant role.36 Moreover, any reporting might be delayed indefinitely.37

#### Military procedures means cyber operations wouldn’t be reported—kills solvency

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Another potential obstacle to congressional involvement is the reportedly common but statutorily unauthorized practice of informal reporting to an even smaller “Gang of Four” – the leaders of the intelligence committees – generally for sensitive non-covert intelligence activities.38¶ The Defense Department is heavily engaged in preparations for cyber warfare, having recently announced the establishment of a new U.S. Cyber Command.39 But congressional oversight of the work of this command could be hampered by the military’s reported practice of labeling its clandestine activities – those that are intended to be secret, but that can be publicly acknowledged if discovered or inadvertently revealed – as “operational preparation of the environment,” rather than intelligence activities, even though they may pose the same diplomatic and national security risks.40 As thus characterized, these activities might not be reported to the intelligence committees.41 Any oversight that occurred would be conducted instead by the House and Senate Armed Services Committees.42 Such a division of responsibilities might create dangerous confusion. ¶ Congressional involvement also might be frustrated by the statutory exclusion of “traditional . . . military activities or routine support to such activities” from the definition of “covert action.”43 If secret military preparations for cyber war are regarded as “traditional military activities,” under the rationale outlined above they might escape both the presidential findings requirement for covert actions and any reporting to the intelligence committees.44

#### The President would ignore the plan

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Congress’s active role in the development and implementation of cyber warfare policy is no guarantee of national security. The policy might be flawed in various ways. There is also a risk that whatever policy is adopted will not be properly executed or that its execution will have unintended results. The policy might be misunderstood or might not provide clear or appropriate guidance in the urgent circumstances facing its interpreter. The person charged with implementing the policy might make a mistake – for example, by interpreting a potential enemy’s electronic espionage as an attack. Available cyber weaponry might not work as planned. Or a purely defensive move by U.S. operators might be construed by another nation as offensive, and provoke an attack. Nor can the clearest policy, statutory or executive, guarantee compliance by an Executive determined to ignore it.71 The rules might be construed by the President in a way that reduces the importance of Congress’s role. Or they might be challenged in court.

#### Norms fail—cheating and miscalc

Stewart Baker 12, former official at the U.S. Department of Homeland Security and the National Security Agency, 5/1/12, “What Is the Role of Lawyers in Cyberwarfare?,” http://www.abajournal.com/magazine/article/what\_is\_the\_role\_of\_lawyers\_in\_cyberwarfare/

Former Prime Minister Stanley Baldwin summed up Britain’s strategic position in 1932 with a candor no American leader has dared to match in talking about cyberwar: “I think it is well also for the man in the street to realize that there is no power on earth that can protect him from being bombed, whatever people may tell him. The bomber will always get through. ... The only defense is in offense, which means that you have got to kill more women and children more quickly than the enemy if you want to save yourselves.”¶ The British may have been realists about air war, but Americans still hoped to head off the nightmare. The American tool of choice was international law. (Some things never change.) When war broke out on Sept. 1, 1939, President Franklin D. Roosevelt sent a cable to all the combatants seeking express limits on the use of airpower and expressing his view that “ruthless bombing from the air of civilians in unfortified centers of population … has sickened the hearts of every civilized man and woman, and has profoundly shocked the conscience of humanity. ... I am therefore addressing this urgent appeal to every government which may be engaged in hostilities publicly to affirm its determination that its armed forces shall in no event, and under no circumstances, undertake the bombardment from the air of civilian populations or of unfortified cities.”¶ Roosevelt had a pretty good legal case. The Hague Conventions on the Law of War, adopted just two years after the Wright Brothers’ first flight, declared that in bombardments “all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.” The League of Nations had recently declared that, in air war, “the intentional bombing of civilian populations is illegal.”¶ But FDR didn’t rely just on law. He asked for a public pledge that would bind all sides. Remarkably, he got it. The horror of aerial bombardment ran so deep in that era that England, France, Germany and Poland all agreed—before nightfall on the same day.¶ What’s more, they tried to honor their pledges. In a June 1940 order for Luftwaffe operations against Britain, Hermann Göring “stressed that every effort should be made to avoid unnecessary loss of life amongst the civilian population.”¶ It began to look like a great victory for the international law of war. All sides had stared into the pit of horrors that civilian bombing would open up. And all had stepped back.¶ It was exactly what the lawyers and diplomats now dealing with cyberwar hope to achieve.¶ But as we know, that’s not how this story ends. On the night of Aug. 24, a Luftwaffe air group made a fateful navigational error. Aiming for oil terminals along the Thames, they miscalculated, instead dropping their bombs in the civilian heart of the city of London.¶ It was a mistake. But that’s not how Churchill saw it. He insisted on immediate retaliation. The next night, British bombers hit targets in Berlin for the first time. The military effect was negligible, but the political impact was profound. Göring had promised that the Luftwaffe would never allow a successful attack on Berlin. The Nazi regime was humiliated, the German people enraged. Ten days later, Hitler told a wildly cheering crowd that he had ordered the bombing of London: “Since they attack our cities, we will extirpate theirs.”¶ The Blitz was on.¶ In the end, London survived. But the extirpation of enemy cities became a permanent part of both sides’ strategy. No longer an illegal horror to be avoided at all costs, the destruction of enemy cities became deliberate policy. Later in the war, British strategists would launch aerial attacks with the avowed aim of causing “the destruction of German cities, the killing of German workers, … the disruption of civilized life throughout Germany … the creation of a refugee problem on an unprecedented scale, and the breakdown of morale both at home and at the battle fronts.”¶ The Hague Conventions, the League of Nations resolution, even the explicit pledges given to President Roosevelt—all these “norms” for the use of airpower had been swept away by the logic of the technology and the predictable psychology of war.¶ So, why do today’s lawyers think that their limits on cyberwar will fare better than FDR’s limits on air war?¶ It beats me. If anything, they have a much harder task. Roosevelt could count on a shared European horror at the aerial destruction of cities. He used that to extract an explicit and reciprocal understanding from both sides as the war was beginning. We have no such understanding, indeed no such shared horror. Quite the contrary, for some of our potential adversaries, cyberweapons are uniquely asymmetric—a horror for us, another day in the field for them. It doesn’t take a high-tech infrastructure to maintain an army that is ready in a pinch to live on grass.¶ What’s more, cheating is easy and strategically profitable. American compliance will be enforced by all those lawyers. Our adversaries can ignore the rules and say—hell, they are saying—“We’re not carrying out cyberattacks. We’re victims too. Maybe you’re the attacker. Or maybe it’s Anonymous. Where’s your proof?”¶ Even if all sides were genuinely committed to limiting cyberwar, as all sides were in 1939, we’ve seen that the logic of airpower eventually drove all sides to the horror they had originally recoiled from. Each side felt that it had observed the limits longer than the other. Each had lawyerly justifications for what it did, and neither understood or gave credence to the other’s justifications. In that climate, all it took was a single error to break the legal limits irreparably.¶ And error was inevitable. Bombs dropped by desperate pilots under fire go astray. But so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Natanz. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. We have advantages in traditional war that we lack in cyberwar. We are not used to the idea that launching even small wars on distant continents may cause death and suffering here at home. That is what drives the lawyers. They hope to maintain the old world. But they’re driving down a dead end.¶ If we want to defend against the horrors of cyberwar, we need first to face them with the candor of a Stanley Baldwin. Then we need to charge our military strategists, not our lawyers, with constructing a cyberwar strategy for the world we live in, not the world we’d like to live in.

#### Cyberweapons are inev --- US restraint does nothing --- norm setting is utopian

James Lewis 12, Director of the Technology and Public Policy Program at the Center for Strategic and International Studies, “Benefits Are Great, and the Risks Exist Anyway,” Oct 17, NYT, http://www.nytimes.com/roomfordebate/2012/06/04/do-cyberattacks-on-iran-make-us-vulnerable-12/benefits-are-great-and-the-risks-exist-anyway

Nor do cyberattacks against Iran increase the risk of damaging cyberattacks against the United States. It is true that we are defenseless; efforts to make us safer are hamstrung by self-interest, ideology and the gridlock of American politics. But we are no more vulnerable today than we were the day before the news. If someone decides to attack us, they may cite Iran as precedent, but it will only be to justify a decision they had already made.¶ We could ask whether the United States creates more problems for itself when it makes public a new weapon while potential opponents keep it secret. Four other countries can launch sophisticated and damaging cyber attacks -- including China and Russia -- and plan to use them in warfare. Another 30 nations are acquiring cyber weapons, including Iran and North Korea.¶ There is a very old argument for disarmament that holds that if the United States were to renounce some weapons -- usually nuclear weapons -- the world would be a better place. This utopianism has a revered place in American political thinking, but when humans invent weapons they rarely give them up, especially useful weapons whose components are easy to acquire. Cyberattack is now part of warfare, no different from any other weapon. The publicity around Stuxnet may complicate U.S. efforts to get international rules for the use of cyberattack, but the White House decided that tampering with Iran’s nuclear program was more important than possible risk to slow-moving negotiations.

#### Pandora’s box has already been opened --- cyber-war inevitable

Mikko Hypponen 12, an authority on cybercrime and one of Foreign Policy’s ‘Top 100 Global Thinkers,’ is the chief research officer at F-Secure Corporation, “A Pandora’s Box We Will Regret Opening,” June 5, NYT, http://www.nytimes.com/roomfordebate/2012/06/04/do-cyberattacks-on-iran-make-us-vulnerable-12/a-pandoras-box-we-will-regret-opening

If somebody would have told me five years ago that by 2012 it would be commonplace for countries to launch cyberattacks against each other, I would not have believed it. If somebody would have told me that a Western government would be using cybersabotage to attack the nuclear program of another government, I would have thought that's a Hollywood movie plot. Yet, that's exactly what's happening, for real.¶ Cyberattacks have several advantages over traditional espionage or sabotage. Cyber attacks are effective, cheap and deniable. This is why governments like them. In fact, if Obama administration officials would not have leaked the confirmation that the U.S. government (together with the Israelis) was behind Stuxnet, we probably would have never known for sure.¶ In that sense, it's a bit surprising that the U.S. government seems to have taken the credit ­ and the blame ­ for Stuxnet. Why did they do it? The most obvious answer seems to be that it's an election year and the voters like to see the president as taking on adversaries like Iran. But we don't really know.¶ The downside for owning up to cyberattacks is that other governments can now feel free to do the same. And the United States has the most to lose from attacks like these. No other country has so much of its economy linked to the online world.¶ Other governments are already on the move. The game is on, and I don't think there's anything we could do to stop it any more. International espionage has already gone digital. Any future real-world crisis will have cyberelements in play as well. So will any future war. The cyberarms race has now officially started. And nobody seems to know where it will take us.¶ By launching Stuxnet, American officials opened Pandora's box. They will most likely end up regretting this decision.

#### Can’t stop cyberweapons --- incentives to use are too high

Dr. Paul Kaminski 13, Chairman of the Defense Science Board Task Force on Resilient Military Systems & PhD from Stanford, “Department of Defense Defense Science Board Task Force Report: Resilient Military Systems and the Advanced Cyber Threat,” January, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, http://www.acq.osd.mil/dsb/reports/ResilientMilitarySystems.CyberThreat.pdf

There is no single silver bullet to solve the threat posed by cyber-attack or warfare. Solving this problem is analogous to previous complex national security and military strategy developments including counter U-boat strategy in WWII, nuclear deterrence in the Cold War , commercial air travel safety and countering IEDs in the Global War on terrorism . The risks involved with these challenges were never driven to zero, but through broad systems engineering of a spectrum of techniques, the challenges were successfully contained and managed. ¶ There are several characteristics of the cyber challenge that collectively thwart our attempts to discover a closed-form solution to this national security issue. First, DoD’s comprehensive dependence on this vulnerable technology is a magnet to U.S. opponents. DoD’s dependency is not going to be reduced and will continue to grow. Thus, the adversary is not going away and their attraction to this weakness will increase. This adversarial persistence yields a never-ending challenge.¶ Secondly, there are no technical approaches that will comprehensively protect DoD against a determined adversary. DoD’s diligent work over decades attempting to drive inherent vulnerability out of these systems and components has resulted in some progress, although DoD has barely begun to address the daunting problem of operationally introduced vulnerabilities into systems which is compounded by the large dependence on the global supply chain. In the face of the evolving cyber threat, DoD must recognize the limits to vulnerability reduction and the effectiveness of protection mechanisms and move to employ the threshold of “good enough ” and work to reduce overall risk by managing all three risk parameters from a systems perspective.¶ Third, while there are many tests to demonstrate the vulnerability or weakness in a system, there will never be a test that demonstrates or proves the security of a system. This fact reinforces the need to seek “good enough” and the enduring existence of residual uncertainty. ¶ Finally, because the opponent’s advantage in exploiting/compromising /attacking DoD’s information technology is substantial (game - changing), they will be highly motivated in their pursuit, innovative in their approach, and adaptive to U.S. strategy. The adversary gets a vote and this brings us back to the never-ending challenge. (However, they have many of the same risks to their systems).

#### Chinese cyber-attack is hyperbole

Bennett 12 -- covers national security and foreign policy for U.S. News & World Report (John T, 3/30, "Cyber Attack Talk May Outpace The Actual Threat," http://www.usnews.com/news/blogs/dotmil/2012/05/30/cyber-attack-talk-may-outpace-the-actual-threat)

Acting Deputy Assistant Secretary of Defense for East Asia and Asia Pacific Security Affairs David Helvey told reporters on May 18 that officials now have greater confidence that many cyber attacks emanate from Chinese soil. "China's investing in not only capabilities to better defend their networks, but also they're looking at ways to use cyber for offensive operations, Havely says. Korb chuckles about the prospect of a major Chinese cyber strike on U.S. national security networks. "Okay, and then what?" Korb asks. "So the Chinese do it, but then what do they do?" While there are pockets of doubts in national security circles about the severity of the cyber threat, even the most skeptical experts acknowledge government and industry officials are right to be paying ever-increasing attention. "It is a big deal," says Friedman. "It's a really important problem," pointing to activities like cyber-based espionage and the theft of data on less-secure networks. Korb says "there certainly is a need to be concerned about it … but if people do it, I think they'll do it for commercial reasons."

#### China isn’t a threat --- conservatives blow a hypothetical Chinese conflict way out of proportion

Guardiano, 10 – Writer and analyst who focuses on political, military, and public-policy issues (John Guardiano, “Overstating the China Threat,” FrumForum, 5-13, http://www.frumforum.com/overstating-the-china-threat)

Devore, in fact, has it exactly backwards: We have to prepare for the real enemy, and it’s not China. The real and immediate enemy is a network of Islamic radicals determined to destabilize the world and wreck havoc and destruction on America and the West. Yet, China is what preoccupies the Weekly Standard’s Noonan, Goldfarb and indeed, most conservative defense hawks. To be sure, China is a potential military threat. The United States certainly should maintain military superiority over China; and we certainly should guarantee the independence of Taiwan. But the Right’s obsession with a hypothetical and distant Chinese military threat is seriously misplaced and inappropriate — especially given the wartime exigencies of today. American Soldiers and Marines are being targeted and killed, after all, not by China, but by Islamic radicals in Iraq and Afghanistan. And it is this global war against the Islamists — and not a distant, hypothetical war with China — that is the future of warfare. It’s a future involving lots of messy asymmetric fights in which American troops are integral to stability, security, and gradual, long-term democratization. It is not, however, a future that conservatives like or wish to accept. Conservatives don’t like messy asymmetric fights which involve counterinsurgency and nation building: because to many on the Right, that’s not “real war.” That’s not the role and purpose of the U.S. military. The Right dreams or imagines, instead, of a conventional “big war” with China. Dream on, because it ain’t gonna happen, not in our lifetime anyhow. The Chinese are interested in making money, not war. Their increasing military prowess is a natural and inevitable reflection of their growing economic strength and vitality. Indeed, as a country modernizes and develops, so, too, does its military. Again, I’m not suggesting that we let our guard down with China. I’m simply saying that we view the potential Chinese military threat in context and with perspective and that we plan and budget accordingly. Unfortunately, the Right’s misplaced obsession with China has deleterious real-world consequences. It causes conservatives to too often give short shrift to the existential Jihadist threat that now confronts us, and too little attention to the war we are now fighting in Iraq, Afghanistan and elsewhere. What’s more, because the Right has yet to come to terms with the nature of 21st irregular asymmetric warfare, it has been AWOL and ineffective in the defense budget battles of recent years. For example, when President Obama and Defense Secretary Robert Gates last year pushed dramatic defense budget cuts in the name of canceling “Cold War weapon systems,” most conservatives were flummoxed and stymied. They rightly sensed that eliminating some of our most advanced weapon systems was a bad idea. However, conservatives also realized that the world and warfare had changed, and that defense budget reform might well be necessary. Conventional set-piece battles, after all, are largely a thing of the past. Except that they’re not, because in the minds of conservative hawks, the Chinese military threat is always looming.  Thus, the Right fell back on old and dated Cold War modes of analysis, lamenting the loss of aircraft like the F-22 — even though the F-22 has not been used in either Iraq or Afghanistan, and even though modern-day conflicts are inherently land-based and ground-force intensive. My point is not that we don’t need any more F-22s, because we might. My point is that conservatives should focus their intellectual and rhetorical firepower on more relevant and urgent military priorities like the need for ground-force modernization, a new Army combat vehicle, and networking our Army and Marine Corps with state-of-the-art communication capabilities. But the sad reality is that most conservative defense hawks — and certainly most conservative politicians and elected officials — haven’t a clue about U.S. military requirements. And they are especially clueless about the needs of our ground-force Soldiers and Marines. That’s why conservatives last year lost the defense budget battle; and that’s why they’re still losing and losing badly: because they have yet to come to terms with new geostrategic and military realities. They’re stuck in a Cold War time warp and are mistakenly focused on China. But the Chinese are eager to sell us commercial goods; they are not eager to destroy our cities and our people. The same cannot be said, however, of the Jihadists who plan and plot for our destruction. You’d think that nine years after the terrorist attacks on the Pentagon and World Trade Center, and with wars still raging in Iraq and Afghanistan, conservatives would understand this. But alas, you would be wrong. The Right still doesn’t get it. But they should and they must. The fate of American national security, and the survival of our Soldiers and Marines, hangs in the balance. Time to modernize our thinking. Now.

International law doesn’t change state action—no compliance and selective interpretation of the law.

Posner 12 (Eric, law prof, Slate, “Obama’s Drone Dilemma”, Oct. 8, 2012, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2012/10/obama\_s\_drone\_war\_is\_probably\_illegal\_will\_it\_stop\_.single.html, ZBurdette)

The Wall Street Journal recently reported on debates within the Obama administration about the legality of the drone war in Pakistan. State Department legal adviser Harold Koh, the former dean of Yale Law School and even more former darling of the left for his criticisms of the Bush administration’s aggressive theories of executive power, plays a prominent role in them. Koh apparently concluded that the drone war “veers near the edge” of illegality but does not quite tumble over it.

That is a questionable judgment. The U.N. Charter permits countries to use military force abroad only with the approval of the U.N. Security Council, in self-defense, or with the permission of the country in which military force is to be used. The U.N. Security Council never authorized the drone war in Pakistan. Self-defense, traditionally defined to mean the use of force against an “imminent” armed attack by a nation-state, does not apply either, because no one thinks that Pakistan plans to invade the United States. That leaves consent as the only possible legal theory.

But Pakistan has never consented to the drone war. Publicly and officially the country has opposed it. Before the raid that killed Osama bin Laden in May 2011, the CIA sent a fax every month to Pakistan’s Inter-Services Intelligence agency that would identify the airspace in which drones would be sent. The ISI would send back an acknowledgment that it had received the fax, and the U.S. government inferred consent on the basis of the acknowledgments. But after the raid, the ISI stopped sending back the acknowledgments.

Now what to do? The administration argues that consent can still be inferred despite the unanswered faxes. The reason is that “the Pakistani military continues to clear airspace for drones and doesn’t interfere physically with the unpiloted aircraft in flight”—meaning that Pakistan does not shoot down the drones or permit private aircraft to collide with them.

We might call this “coerced consent.” Consider it this way: You walk into a jewelry store and the proprietor announces that he will deem you to have consented to the purchase of a diamond tiara for $10,000, despite all your protests to the contrary, unless you use physical force to stop him as he removes your wallet from your pocket. Imagine further that he’s 7 feet tall and weighs 400 pounds. This is what a Pakistani official meant when he told the Wall Street Journal that shooting down a drone would be “needlessly provocative.” He meant that such an action would risk provoking retaliation from the United States, a risk that Pakistan cannot afford to take. Because Pakistan lies prostrate and endures the pummeling rather than makes a futile effort to stop it, it is deemed to consent to the bombing of its own territory.

But don’t blame government lawyers like Koh for devising this theory. International law lacks the resources for constraining the U.S. government. Koh knows this now if he did not before. Since he built his academic career on the claim that international law can and should be used to control nation-states and harshly criticized the Bush administration for violating international law, this must have been a bitter pill to swallow. (Though he has swallowed so many bitter pills that perhaps he has lost his sense of taste: The man who told the Senate at the end of the Bush administration that the United States must “unambiguously reassert our historic commitments to human rights and the rule of law as a major source of our moral authority” has backed away from his earlier opposition to expansive war powers, targeted killing, military commissions, and military detention.)

The weakness of international law governing the use of military force goes back to the signing of the U.N. Charter in 1945. The founders understood that a simple rule prohibiting the use of military force except in self-defense, or with the consent of another state, would not be adequate for regulating war. But they could not draft a code complex enough to anticipate all the contingencies that might justify war. Instead they set up the Security Council and reasoned that this body could determine when war might be justified for purposes other than self-defense. But the Security Council was frozen first by the Cold War rivalry between the United States and the Soviet Union, and then the cold peace rivalries between the United States, Russia, and China. It has authorized only two wars since its inception (the Korean War and the first Iraq War; it also retroactively approved the U.S. invasion of Afghanistan in 2001).

Needless to say, there have been dozens of wars since 1945. Participants have included countries as diverse as China, the Soviet Union, India, Pakistan, the United Kingdom, Vietnam, Iran, Iraq, Egypt, Israel, and Argentina. Even the supposedly pacific European countries participated via NATO in several of these wars. The United States has on several occasions justified wars (for example, in Kosovo in 1999, Libya in 2011) as humanitarian interventions—a principle that can be found nowhere in the U.N. Charter but enjoys some international support. In other cases, including current drone operations in Pakistan, the United States has invoked a new idea of the “unable or unwilling” country, one that outside powers can invade because that country cannot prevent terrorists located on its territory from launching attacks across its borders. But most U.S. wars can be fit into these two categories only with difficulty. Those wars are undertaken to shut down a destabilizing or dangerous regime, one that typically has used violence to keep itself in power. One can put the second Iraq War in this category, as well as the Panama intervention in 1990, the interventions in Yugoslavia in the 1990s, and the intervention in Granada in 1983. During the Cold War, the United States also often evaded the U.N. prohibition on interstate war by funding and training a domestic insurgency.

The U.N. Charter does not permit states to use military force to unilaterally address long-term threats in this way. It is too easy for states to characterize other states as long-term threats regardless of whether they are. And yet this omission rendered the charter unworkable, because all states must take long-term threats seriously, whether or not the members of the Security Council can be persuaded or bribed to agree with them.

Government lawyers like Koh must scramble to revise their interpretation of international law so as to keep up with the new events that justify, in the eyes of the president, a military intervention. The “coerced consent” doctrine, the “unable and unwilling” doctrine, and the exception for humanitarian intervention all whittle away at whatever part of the law on United Nations use of force blocks U.S. goals. If the United States ever decides to invade Iran in order to prevent it from acquiring nuclear weapons, expect a new doctrine to take shape, perhaps one that emphasizes the unique dangers of nuclear weapons and Iran’s declared hostility toward a nearby country.

It is curious that there is not a global outcry about the illegality of the wars in Pakistan or Libya, as there was about the illegality of the recent war in Iraq, which the Bush administration dubiously justified on the basis of Iraq’s violations of earlier U.N. resolutions that had suspended hostilities after the first Iraq War. Maybe the world doesn’t care as much about Pakistan, which has no oil. Or maybe people have finally realized that the United States, which has been almost continuously at war since the collapse of the Soviet Union, will not be swayed by legal arguments. A powerful army is too useful not to use, whether you are a Republican president or a Democratic one.

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### 2NC US/China War – Economics

#### No China conflict

Aliison & Blackwill 13 -- \*director of the Belfer Center for Science and International Affairs and Douglas Dillon Professor at Harvard's John F. Kennedy School of Government AND \*\*Henry A. Kissinger Senior Fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert, 1/28/2013, "Beijing Still Prefers Diplomacy Over Force," http://www.cfr.org/china/beijing-still-prefers-diplomacy-over-force/p29892)

As China has become a leading export market for its neighbours, it expects them to be "more respectful", in Mr Lee's words. In public statements, China usually downplays the advantages its size begets, but in a heated moment at a 2010 regional security meeting, its foreign minister had a different message: "China is a big country and other countries are small countries and that is just a fact." Mr Lee has a phrase for this message: "Please know your place." Unlike free-market democracies, in which governments are unable or unwilling to squeeze imports of bananas from the Philippines or cars from Japan, China's government can use its economic muscle. As tensions mount over competing claims for contested territories, should we expect Beijing to use military force to advance its claims? From the perspective of the grand strategist, the answer is no – unless it is provoked by others. "China understands that its growth depends on imports, including energy, and that it needs open sea lanes. They are determined to avoid the mistakes made by Germany and Japan," Mr Lee says. In his view, it is highly unlikely that China would choose to confront the US military at this point, since it is still at a clear technological and military disadvantage. This means that, in the near term, it will be more concerned with using diplomacy, not force, in foreign policy. Henry Kissinger, the western statesman who has spent most quality time with Chinese leaders in the past four decades, offers a complementary perspective. As he has written, their approach to the outside world is best understood through the lens of Sun Tzu, the ancient strategist who focused on the psychological weaknesses of the adversary. "China seeks its objectives," Mr Kissinger says, "by careful study, patience and the accumulation of nuances – only rarely does China risk a winner-take-all showdown." In Mr Lee's view, China is playing a long game driven by a compelling vision. "It is China's intention," Mr Lee says, "to be the greatest power in the world." Success in that quest will require not only sustaining historically unsustainable economic growth rates but also exercising greater caution and subtlety than it has shown recently, in order to avoid an accident or blunder that sparks military conflict over the Senkakus, which would serve no one's interests.

#### No US-China war – economics

Shor 12 (Francis, Professor of History – Wayne State, “Declining US Hegemony and Rising Chinese Power: A Formula for Conflict?”, Perspectives on Global Development and Technology, 11(1), pp. 157-167)

While the United States no longer dominates the global economy as it did during the first two decades after WWII, it still is the leading economic power in the world. However, over the last few decades China, with all its internal contradictions, has made enormous leaps until it now occupies the number two spot. In fact, the IMF recently projected that the Chinese economy would become the world's largest in 2016. In manufacturing China has displaced the US in so many areas, including becoming the number one producer of steel and exporter of four-fifths of all of the textile products in the world and two-thirds of the world's copy machines, DVD players, and microwaves ovens. Yet, a significant portion of this manufacturing is still owned by foreign companies, including U.S. firms like General Motors. [5] On the other hand, China is also the largest holder of U.S. foreign reserves, e.g. treasury bonds. This may be one of the reasons mitigating full-blown conflict with the U.S. now, since China has such a large stake in the U.S. economy, both as a holder of bonds and as the leading exporter of goods to the U.S. Nonetheless, "the U.S. has blocked several large scale Chinese investments and buyouts of oil companies, technology firms, and other enterprises." [6] In effect, there are still clear nation-centric responses to China's rising economic power, especially as an expression of the U.S. governing elite's ideological commitment to national security.

#### Economics places multiple checks on conflict

Haixia 12 (Qi, Lecturer at Department of International Relations – Tsinghua University, “Football Game Rather Than Boxing Match: China–US Intensifying Rivalry Does not Amount to Cold War,” Chinese Journal of International Politics, 5(2), Summer, p. 105-127, http://cjip.oxfordjournals.org/content/5/2/105.full)

Economic globalization created a strategic need for superficial friendship between China and the United States. While scholars disagree over exactly when economic globalization began, all agree that it sped up after the end of the Cold War. This is because the Council for Mutual Economic Assistance ended after the collapse of the Soviet Union, resulting in a global market. Meanwhile, the pace of information-flow increased among states, shrinking the size of the globe and leading to popularization of the expression ‘global village’. Levels of interdependence have increased along with the growing proximity of international economic relations. That a strategy of complete confrontation can no longer effectively protect national interests is now obvious. It is for this reason that certain scholars argue that there has been a qualitative change in the nature of the security dilemma since end of the Cold War.35 Under the conditions of globalization, interdependence between China and the United States has continued to grow, and for the sake of economic interests, neither is willing to adopt a strategy of all-out confrontation. Economic interdependence, however, will not diffuse the political and security conflicts between the two states. Different interests in different spheres have thus created a foundation for superficial friendship between the United States and China. Involvement in the globalization process has rapidly expanded China's involvement in international organizations in ever-growing fields,36 within many of which China accepts West-led international norms.37 The country has thus shifted from ‘opposing the international order’ to ‘reforming the international order’ to ‘maintaining the international order’.38 Globalization has changed not only China's but also United States’ behavioral principles. The growth of Sino–US economic interdependence has prompted the United States’ adoption of a two-pronged policy of military and political containment and of economic engagement. Its aim is to reduce the risk of a head-on conflict that could considerably damage United States’ interests. These contradictory strands of US policy towards China are an indicator of superficial friendship. Under the context of economic globalization, China has also developed economic interdependence with United States’ allies. This has reduced incentives to participate in containment of China and also dampened United States’ resolve to maintain a policy of complete containment. As a result, certain scholars argue that enhanced levels of interdependence among China and other nations have diminished the probability of China's opting to rise through forceful expansion.39

### AT Chinese Cyberwar

#### China-US cyber-dialogue solves

Mohan 3/18 -- Nonresident Senior Associate of South Asia Program @ Carnegie (C. Raja, 2013, "The New Cyber Axis," http://carnegieendowment.org/2013/03/18/new-cyber-axis/frgr)

U.S. Treasury Secretary Jack Lew, who is in China this week, is expected to probe the Chinese leaders for the terms of the bilateral dialogue on cyber security. While the United States is deeply concerned about Chinese cyber attacks, there is a new tone that has begun to emerge from Washington underlining the importance of bilateral cooperation with Beijing. The need to avoid confrontation with China came through clearly in Donilon's remarks at the Asia Society: "Economies as large as the United States and China have a tremendous shared stake in ensuring that the internet remains open, interoperable, secure, reliable, and stable." Both countries face risks when it comes to protecting personal data and communications, financial transactions, critical infrastructure, or the intellectual property and trade secrets that are so vital to innovation and economic growth," Donilon added. Despite the many tensions in the bilateral relationship, the Chinese public reaction to the spate of recent U.S. allegations on cyber theft and commercial espionage has been moderate. There have been substantive Track Two conversations between the United States and China on the economic dimension of cyber warfare and the need to build mutual trust. The incipient Sino-American bilateral dialogue has the potential to alter the current international discourse on cyber security. Until now, Russia has led the debate in multilateral forums like the United Nations on information security. Russia, China and many developing countries have also ranged themselves against the United States and the West on questions relating to internet freedom and the sovereign right of states to regulate and control cyberspace. Although these ideological issues might retain some salience, the new Sino-American dialogue is about managing the profound interdependence between the world's two largest economies in the cyber age. Just as the US and the erstwhile Soviet Union defined the nuclear discourse in the last century, Washington and Beijing are likely to shape the international regulation of the cyber domain in the coming decades.

#### Chinese cyber-attack is hyperbole

Bennett 12 -- covers national security and foreign policy for U.S. News & World Report (John T, 3/30, "Cyber Attack Talk May Outpace The Actual Threat," http://www.usnews.com/news/blogs/dotmil/2012/05/30/cyber-attack-talk-may-outpace-the-actual-threat)

Acting Deputy Assistant Secretary of Defense for East Asia and Asia Pacific Security Affairs David Helvey told reporters on May 18 that officials now have greater confidence that many cyber attacks emanate from Chinese soil. "China's investing in not only capabilities to better defend their networks, but also they're looking at ways to use cyber for offensive operations, Havely says. Korb chuckles about the prospect of a major Chinese cyber strike on U.S. national security networks. "Okay, and then what?" Korb asks. "So the Chinese do it, but then what do they do?" While there are pockets of doubts in national security circles about the severity of the cyber threat, even the most skeptical experts acknowledge government and industry officials are right to be paying ever-increasing attention. "It is a big deal," says Friedman. "It's a really important problem," pointing to activities like cyber-based espionage and the theft of data on less-secure networks. Korb says "there certainly is a need to be concerned about it … but if people do it, I think they'll do it for commercial reasons."

#### No risk of cyber war from China

Hersch, 10 (**Seymour M. Hersh,** [The Online Threat. Should We be Worried about a Cyber War?…](http://174.121.92.228/~projectw/2010/12/the-online-threat-should-we-be-worried-about-a-cyber-war/), <http://projectworldawareness.com/2010/12/the-online-threat-should-we-be-worried-about-a-cyber-war/>)

What about China? Does it pose such a threat that, on its own, it justifies putting cyber security on a war footing? The U.S. has long viewed China as a strategic military threat, and as a potential adversary in the sixty-year dispute over Taiwan. Contingency plans dating back to the Cold War include calls for an American military response, led by a Navy carrier group, if a Chinese fleet sails into the Taiwan Strait. “They’ll want to stop our carriers from coming, and they will throw whatever they have in cyber war—everything but the kitchen sink—to blind us, or slow our fleet down,” Admiral McVadon, the retired defense attaché, said.

“Our fear is that the Chinese may think that cyber war will work, but it may not. And that’s a danger because it”—a test of cyber warfare—“could lead to a bigger war.”

However, the prospect of a naval battle for Taiwan and its escalation into a cyber attack on America’s domestic infrastructure is **remote**. Jonathan Pollack, an expert on the Chinese military who teaches at the Naval War College in Newport, Rhode Island, said, “The fact is that the Chinese are remarkably risk-averse.” He went on, “Yes, there have been dustups, and the United States collects intelligence around China’s border, but there is an accommodation process under way today between China and Taiwan.” In June, Taiwan approved a trade agreement with China that had, as its ultimate goal, a political rapprochement. “The movement there is palpable, and, given that, somebody’s got to tell me how we are going to find ourselves in a war with China,” Pollack said.

Many long-standing allies of the United States have been deeply engaged in cyber espionage for decades. A retired four-star Navy admiral, who spent much of his career in signals intelligence, said that Russia, France, Israel, and Taiwan conduct the most cyber espionage against the U.S.

“I’ve looked at the extraordinary amount of Russian and Chinese cyber activity,” he told me, “and I am hard put to it to sort out how much is planning for warfare and how much is for economic purposes.”

The admiral said that the U.S. Navy, worried about budget cuts, “needs an enemy, and it’s settled on China,” and that “using what your enemy is building to justify your budget is not a new game.”

#### No Impact – Our Cyber Tech is better – the “Chinese threat” is all hype.

Robert S. Ross, 2009, is a professor of political science at Boston College, an associate of the John King Fairbank Center for East Asian Research at Harvard University and a fellow of the Security Studies Program at the Massachusetts Institute of Technology. September 2009 - October 2009, (The National Interest, HEADLINE: Here Be Dragons, Robert S. Ross and Aaron L. Friedberg Debate: Is China a Military Threat?, p. Lexis)

Beijing is also developing cyber-warfare techniques, but **exaggerated** assessments of this capability fail to evaluate China’s own emerging vulnerability to such attacks. Cyber-warfare technologies and skills are readily accessible and U.S. advanced munitions are increasingly dependent on high-technology communication and surveillance technologies. The United States is thus vulnerable to cyber attacks, and a Chinese cyber offensive against the United States could influence U.S. operations in the western Pacific. Nonetheless, the reciprocal effect of Washington’s cyber-warfare capability on Beijing’s ability to wage high- technology warfare is equally significant. The same advanced Chinese technologies and weaponry that pessimists argue present a major threat to U.S. security, including ASBMs, are highly dependent on advanced communication and surveillance technologies that **are particularly vulnerable to U.S. cyber attacks**. And once the United States degrades the PLA’s advanced communication technologies, China would lose its high-technology asymmetric capability that so alarms America’s pessimists, and it would be very susceptible to a wide range of superior U.S. sea-based forces, **even if the United States suffered from an effective Chinese cyber attack**.

### 2NC China/Taiwan War – Rels High

#### Cross-straight relations better than ever

Paal 12 -- vice president for studies at the Carnegie Endowment for International Peace (Douglas, 6/12, "Taiwan: Outlook for Cross-Strait Relations," http://carnegieendowment.org/2012/06/12/taiwan-outlook-for-cross-strait-relations/bkih)

With the inauguration of Taiwan President Ma Ying-jeou for his second and final four-year term in May, cross-strait relations appear more stable than they have been in more than sixty years. That does not mean, however, that observers should expect further big steps to improve relations between Taipei and Beijing. We are entering an era of limited aspirations and restrained expectations. On the home front, by contrast, Ma announced in his inaugural address an ambitious reform program that is already encountering some stiff resistance. Ma repeated his campaign promise calling for a “golden decade” built on five pillars of reform: economic transformation, creating employment and realizing social justice, green energy, invigorating culture, and development of Taiwan’s most important resource, its human talent. In cross-strait relations, the outlook is only for incremental improvements. Taiwan expects to expand its preferential trade arrangements with the mainland, establish representative offices on the mainland and Taiwan to manage relations, complete an investment protection agreement, expand educational opportunities in both directions, and advance cooperation against crime. Despite their limited scope, these will be politically sensitive and tricky to implement without triggering negative reactions.

### 2NC China/Taiwan War – No Invasion

#### China won't invade Taiwan -- 5 reasons

Bhakal 12 (Maitreya, 1/24, "Five reasons why China will not invade Taiwan, and an analysis of Cross-strait Relations," http://blog.hiddenharmonies.org/2012/01/china-taiwan-america-us-cross-strait-relations-invade-five-reasons/)

Journalists and analysts never forget to dutifully remind us that China has not “ruled out” the use of force against Taiwan. What they do not remind us with such regularity however, is that the Chinese leadership has regularly stressed that they seek peaceful reunification of Taiwan with the mainland. China has deployed, they say, 1500 missiles targeting Taiwan (or 2000, if one is feeling so inclined), due to which Taiwan should be regularly supplied with US arms to enable it to defend itself. They find the subtle politics of China’s missile deployments beyond the scope of their understanding. What they also fail to address is why China should redeploy or dismantle a major part of its defense arsenal (and one that faces the South China Sea and defends China’s most populated areas) just to placate Taiwan and US hawks. Moreover, even if the missiles were withdrawn, they could be redeployed at any time. These missiles are seen as an important deterrent to Taiwan’s independence and potential US intervention. Whatever the media wants its readers to believe, the only major reason why China would actually consider an invasion is if Taiwan declares independence. This is in no danger of happening in the near future. Especially given Ma’s recent victory and his pledge of the “Three Nos” – “No independence, No unification, No use of force”. It is reasonable to assume that the majority of the Taiwanese public agree with him, and are happy with the status quo (the latter has been demonstrated by numerous opinion polls as well). Here are five major reasons why a full-fledged Chinese invasion of the island is more suited for a video game rather than reality. 5. Economics: China has always placed economics at the forefront of most other matters. Despite the often-tumultuous state of Sino-Indian relations (and an unresolved border dispute), trade has touched $63 billion. China is India’s second largest trading partner. In the Senkaku island dispute with Japan, Deng Xiaoping, as soon as he came into power in 1978, proposed that China and Japan jointly explore the oil and gas deposits near the disputed islands without touching on the issue of sovereignty. China has also sought joint exploration in the resource-rich Spratlys, a solution which is the right step forward and is in fact more urgent than sovereignty, which the Philippines and Vietnam and have so far been reluctant to do. China doesn’t mind waiting and biding its time until sovereignty issues get resolved. As Deng Xiaoping famously remarked regarding the Senkaku dispute, “It does not matter if this question is shelved for some time, say, 10 years. Our generation is not wise enough to find common language on this question. Our next generation will certainly be wiser. They will certainly find a solution acceptable to all”. Unlike his predecessor Jiang Zemin, Hu Jintao has used a softer approach towards Taiwan, promoting stronger economic and cultural ties, high-level official visits and direct flights in order to reduce tensions. This pragmatic approach is on display even in the Taiwan dispute. China is Taiwan’s largest trading partner, and Taiwan is China’s seventh largest. Two-thirds of all Taiwanese companies have made investments in China in recent years. In 2010, China (including Hong Kong) accounted for over 29.0% of Taiwan’s total trade and 41.8% of Taiwan’s exports. The ECFA was heavily tilted in Taiwan’s favor. It cut tariffs on 539 Taiwanese exports to China and 267 Chinese products entering Taiwan. Under the agreement, approximately 16.1 % of exports to China and 10.5 % of imports to China will be tariff free by 2013. Taiwanese firms have invested $200 billion in the mainland, and trade between the two sides has exceeded $150 billion. Both China and Taiwan have a lot to lose by fighting with each other. Another factor to consider is the incalculable loss that an invasion will have on the Chinese economy, not to mention scaring away potential investors. 4. The Taiwanese public: China is, quite rightly, obsessed with “stability”, President Hu’s watchword. Analysts agree that this is one of the main reasons why it is not being “tough” on North Korea – that it wants a stable neighbor with no refugee spillover. With hundreds of protests happening in China every year, it most certainly wouldn’t want yet another headache on its hands and alienate the island’s inhabitants (even more than they are at the moment). There is very less support for reunification on the island, and opinion polls make clear that only a tiny minority of Taiwanese identify themselves as “Chinese”. The Anti-Secession also explicitly states in Article 9: In the event of employing and executing non-peaceful means and other necessary measures as provided for in this Law, the state shall exert its utmost to protect the lives, property and other legitimate rights and interests of Taiwan civilians and foreign nationals in Taiwan, and to minimize losses. At the same time, the state shall protect the rights and interests of the Taiwan compatriots in other parts of China in accordance with law. A Chinese invasion might inevitably lead to riots and international condemnation. China would thus risk flushing down the toilet many years’ hard work of patient diplomacy (in convincing other countries of its “peaceful rise”). This would in turn cause them to inch even closer to America, were they would be welcomed with open arms. 3. The threat of American intervention: The United States of America, the responsible superpower, has been engaged in more military conflicts around this world than any other. Since the Second World War, the US has: Attempted to overthrow more than 50 governments, most of them democratically-elected. Attempted to suppress a populist or national movement in 20 countries. Grossly interfered in democratic elections in at least 30 countries. Dropped bombs on the people of more than 30 countries. Attempted to assassinate more than 50 foreign leaders. Hence, the plain fact that needs to be realized is that the United States is more prone to violent outbursts than any other country. The PLA doctrinal textbook, Zhanyixue, explicitly states that China is not in the same league as “advanced countries” (The entire document never mentions the United States by name), argues Thomas J. Christensen in China’s Revolution in Doctrinal Affairs: Recent Trends in the Operational Art of the Chinese People’s Liberation Army (CNA, 2005). He further states, Moreover, unlike in the heady early days of the Great Leap Forward, PLA strategists do not envision China closing that overall gap anytime soon. There is no stated expectation of short-cuts or leapfrogging to great power military status. In other words, China will have to accept that its relative technological backwardness and weakness in power projection will persist for a long time. And then goes on to quote the text of Zhanyixue explicitly: “Our military equipment has gone through major upgrading (很大提高) in comparison with the past, but in comparison to advanced countries, whether it be now or even a relatively long period from now, there will still be a relatively large gap (仍有较 大的差距)…………….The most prominent objective reality that the PLA will face in fighting future campaigns is that in [the area of] military equipment, the enemy will be superior and we will be inferior.” As is clear, Chinese policy-makers are realists, and thus can be relied upon to heavily weigh the consequences of a possible US intervention. 2. China wants peace: China is one of the few rising powers in the whole of human history to announce peaceful intentions and no desire to rule or establish hegemony over the world. In what might come as a shock to most people who consider media reports as a textbook for Chinese foreign policy, China has, on the whole, been a peaceful nation and has not engaged in military action unless provoked. And the military action that it has been involved in in its modern history has been extremely limited in its duration and objectives. Barring a misadventure with Vietnam in 1979 (which was also quite limited), China has only used war as a last resort, when it was left with no other alternative. Resolutions of boundary disputes can be generally considered as a fundamental indication whether a country is pursuing expansionist or peaceful policies (which is one reason why a thorough analysis of China’s border disputes has been neglected by almost all western media outlets and analysts). China has had the highest number of border disputes of any country in the world and with no intention of living in an unfriendly atmosphere over a peace of land, has successfully handled and offered substantial compromises (this is the other reason) in most of them. China borders 14 countries by land; and as a result of territorial dismemberment and unequal treaties, the PRC government, when it came into power, found itself involved in territorial disputes with all of them. The way in which China resolved those disputes stands as testimony to its desire of peace at any cost and serves as an example to other countries. China has, in the interests of peace and stability on its borders, adopted a negotiation tactic favorable to rival claimants that other countries would do well to emulate. Many of these claimants were countries much weaker than China. China was under no obligation to offer such substantial compromises. The portion of land that China received in border settlements with various neighbouring countries is as follows. Afghanistan - 0% Tajikistan – 4% Nepal – 6% Burma – 18% Kazakhstan – 22% Mongolia – 29% Kyrgyzstan – 32% North Korea – 40% Laos – 50% Vietnam – 50% Russia – 50% Pakistan – 54% Some of this land was strategically important (such as the Wakhan corridor that was disputed with Afghanistan) and extremely rich in resources (such as the Pamir mountain range in case of Tajikistan). China has also not reiterated its claims on a majority of the territory which was seized from it by the unequal treaties (even if it meant being cut off from the strategic Sea of Japan). In the map below, the gray area was part of China when the Qing dynasty was at its height, and then was snatched away from it due to unequal treaties. China has pursued claims on no more than 7% of these territories. China has generally been known to attack when it has been taken advantage of or construed as weak, or when the enemy was at its very doorstep, such as during the Korean war. The Sino-Indian war of 1962 stands as a textbook example of this strategy. Nehru, the then Indian PM, rejecting all Chinese offers for negotiations, constituted a “Forward Policy” of pushing forward to enemy lines and made belligerent statements about China (“I have ordered the army to throw the Chinese out”), implicitly announcing Indian intentions to attack. Some of the Indian outposts established under this policy went even further then Chinese ones. China, correctly interpreting these actions as hostile and viewing India through the prism of British imperialist intentions on Tibet (as India had made itself the British successor in all matters regarding Tibet and China), made multiple diplomatic protests against the Forward Policy, but Nehru ignored them and never thought that China would have the guts to attack. After China finally did attack and occupied the disputed areas, it declared a unilateral ceasefire and withdraw to pre-war status quo borders without occupying an inch of territory. Hence, Chinese intentions were just to just India a lesson. It had no interest in occupying any territory. Hence, a peaceful South China Sea and Taiwan strait is in China’s interest. As China rises, the last thing it wants to do is anything that might be construed as provocative. It has indicated that it wants a peace treaty with Taiwan, and indeed, negotiating a peace agreement was one of the points that President Hu introduced as a blueprint for cross-strait relations in December 2008. Ma made a campaign promise to sign a peace treaty in the run up to the 2008 elections, but reneged on it after becoming president. Such a treaty will not only assure China’s maritime neighbors (including rival claimants in the South China Sea) of China’s peaceful intentions, but will have the effect of also formally ending the Chinese Civil War. 1. Taiwan is not going to declare independence: The most important reason why China has not yet considered an invasion. Ma has explicitly declared that he is not seeking independence, and the voters seem to be siding with him and are happy with the status quo. And so is China. Chinese leaders have a penchant for putting issues on the backburner. They adapt to changing situations and are happy to do what they can (business) and leave for future generations what they cannot (reunification).

#### No invasion – China pursuing cooperation

Jie 12 -- Ph.D. candidate in the Department of Political Science at the University of Pennsylvania (Dalei, 5/11, "Chinese Leadership Transition and Cross-Strait Relations: Continuity Amid Uncertainty," http://www.e-ir.info/2012/05/11/21100/)

Beijing’s current Taiwan strategy and policy will likely endure after the leadership transition simply because it has been working. In a recent editorial published in the Chinese Communist Party’s mouthpiece magazine, Wang Yi, director of Taiwan Affairs Office of the State Council, summarized the Peaceful Development strategy’s achievements as follows: laying the political foundation (opposing Taiwan independence, adhering to the 1992 Consensus) for the development of cross-Strait relations; institutionalization of cross-strait exchange and cooperation and the signing of sixteen agreements, including the landmark Economic Cooperation Framework Agreement (ECFA); realization of direct and two-way postal, air and sea, and trade links; significant expansion of all-level cross-Strait human exchanges; and the containment of Taiwan independence separatist activities.[3]

#### China/Taiwan War-- Taiwan is stable – no risk of war

Rosenberg 9 (David, Professor of Political Science – Middlebury College and Research Fellow at the Research School of Pacific and Asian Studies – Australian National University, “Dire Straits: Competing Security Priorities in the South China Sea”, The Asia-Pacific Journal, 3-20, http://japanfocus.org/-David-Rosenberg/1773)

There is a curious pattern of accommodation in PRC-Taiwan relations. On the one hand, the PRC views Taiwan as a renegade province while Taiwan views the mainland with cultural empathy but political disdain. On many South China Sea issues, however, they are often in agreement. They have not had any direct confrontations in the South China Sea. They make the same claims, use the same definitions, baselines, and maps in stating their interests in the region. There is even some direct cooperation between China and Taiwan on technical issues. Beyond these governmental links, there are very substantial corporate and personal links between China and Taiwan. Taiwanese firms have invested over US $100 billion on the mainland, more than any other country. Much of this involves the relocation of Taiwanese industries to the Shanghai-Suzhou and Fujian areas. To a large extent, Taiwan's continued economic prosperity is tied to reintegration with the mainland. These economic links of investment and trade are reinforced by millions of personal visits as well as mail and email correspondence. Bonds of marriage also strengthen these ties. Nearly 10% of Taiwanese men marry mainland brides, further tying migrant generations to ancestral origins. These deeply-rooted, long-term economic and demographic trends provide a counterbalance to the often strident political clashes. The longer and broader the cross-Strait engagement, the better the prospects for peaceful coexistence. Unfortunately, the cross-Strait issue has become immersed in domestic politics in Taiwan and China. The recent spate of threats and counter-threats over Taiwan's status is linked to maneuvering among domestic political forces seeking popular support. For example, in March 2005, after China passed its anti-secession law, there were widespread protest demonstrations in Taiwan led by Prime Minister Chen Shui-bian's Democratic Progressive Party (DPP). Soon after, a large delegation of Taiwan's main opposition party, the Kuomintang (KMT, Nationalist Party), visited the mainland to encourage trade and political dialogue with China and to pay respects to the memorial shrine of Sun Yat-sen, KMT's founder. This, in turn, was followed in early April by the visit of right-wing Taiwan Solidarity Union party leaders to the Yasukuni shrine, the Japanese war memorial in Tokyo. Clearly issues of national identity and national sovereignty can generate volatile reactions. The big danger across the Taiwan Strait is that misunderstanding and miscalculation, fueled by distrust, xenophobia, and opportunism, may lead to escalating conflict. Senior leaders on both sides of the Strait are beginning to realize the potential consequences if instability erupts into violence. Hu Jintao has recently been signaling that he advocates a long-term policy of stability for eventual reunification. Chen Shui-bian has recently dropped his independence demands. Several Southeast Asian leaders have opposed Taiwan's independence; most explicitly, Singapore's Prime Minister, Lee Hsien Loong. Lee bluntly stated, "If Taiwan goes for independence, Singapore will not recognize it. In fact no Asian country will recognize it. China will fight. Win or lose, Taiwan will be devastated." The prospect of a military confrontation between the mainland and Taiwan is unlikely, in part because the consequences of such a conflict would be extremely destructive for both sides. Diplomatic efforts are needed to avoid even this remote risk. In the March/April 2005 issue of Foreign Affairs, Kenneth Lieberthal offered a useful proposal to change the focus of negotiations over "independence" and "reunification" to a pragmatic question: what is needed to achieve long-term stability and peaceful coexistence between China and Taiwan? What confidence building measures are needed to reassure security strategists that defensive military developments are not offensive? What legal and administrative means are necessary to resolve routine conflicts that will inevitably occur as commercial and civil relations thicken? The current U.S. attempts to help Taiwan "contain" China and to mobilize support in its global war on terrorism threaten to complicate if not weaken regional security developments. As Ronald Montaperto notes, "the almost daily manifestations of Chinese economic power, the effort to demonstrate commitment to the 'new' principle that the economic development of individual nations is inseparable from the development of the region as a whole, and the broad perception within the region that the Chinese are willing to engage actively in multilateral, cooperative policies have combined to provide Beijing with an unprecedented measure of influence and even clout."[6] The Beijing regime is obsessed with economic stability, because it fears that a severe downturn would trigger social and political upheaval. The last thing it wants is a military confrontation with its biggest trading partner, the United States, or with Japan or Taiwan, each of which are major trade and investment partners. It may go on playing the nationalist card over Taiwan to curry domestic political favor, but there has been no massive military build-up and there is no plausible threat of impending war. [7] To the contrary, China is investing heavily in creating a regional security framework to pursue its domestic development. The U.S. goal of achieving genuine regional maritime security would best be served through cooperation with China -- one of its most important creditors, suppliers, and markets -- rather than confrontation.

#### -- No escalation

Pike 4 (John, Global Security, “China’s Options in the Taiwan Confrontation”, http://www.globalsecurity.org/military/ops/taiwan-prc.htm)

China would almost certainly not contemplate a nuclear strike against Taiwan, nor would Beijing embark on a course of action that posed significant risks of the use of nuclear weapons. The mainland's long term goal is to liberate Taiwan, not to obliterate it, and any use of nuclear weapons by China would run a substantial risk of the use of nuclear weapons by the United States. An inability to control escalation beyond "demonstrative" detonations would cause utterly disproportionate destruction.

### S

#### XT\*\*\*\*Secrecy means Congress would be ineffective—no solvency

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

The National Security Act of 1947 23 showed Congress’s determination to exert some control over this nation’s intelligence apparatus. That determination was strengthened after the disclosure of widespread intelligence abuses by the CIA and other agencies.24¶ In 1991, in response to the Iran-Contra Affair, Congress adopted a measure directing the President to keep the congressional intelligence committees “fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity.”25 The term “intelligence activity” expressly includes “covert actions,”26 which additionally require a written finding by the President that they are “necessary to support identifiable foreign policy objectives of the United States and [are] important to the national security of the United States.”27 Intelligence activities are also understood to include “all activities that elements of the Intelligence Community are authorized to conduct pursuant to [Executive Order No. 12,333],” the executive charter for such activities.28 The “intelligence community” includes the Office of the Director of National Intelligence, CIA, NSA, other Defense Department intelligence components, and other federal intelligence elements,29 which are authorized to engage in, inter alia, intelligence collection and analysis and “activities to protect against international terrorism . . . and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents.”30 This broad mandate certainly encompasses many U.S. efforts to defend against cyber attack and to employ cyber weapons offensively. By this definition, most preparations for and conduct of cyber warfare should be reported to the intelligence committees as “intelligence activities.” It is significant that the reporting requirement in the 1991 law is not limited to agencies within the intelligence community. ¶ Yet this legislation provides no guarantee that Congress will receive the information it needs to play a meaningful role in the development or execution of cyber warfare policy. It is not known, for example, precisely what it means for the intelligence committees to be “fully and currently” informed, what kinds of intelligence activities are regarded as “significant” enough to report, or who decides.31 Other sections of the 1991 law call on all agencies involved in intelligence activities, not just the President, to keep the intelligence committees informed about those activities, but only “[t]o the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.”32 The “due regard for” language might be invoked to keep Congress in the dark. ¶ Under the 1991 law, “covert actions,” those with respect to which “it is intended that the role of the United States Government will not be apparent or acknowledged publicly,”33 need only be reported to a small group of legislators known as the “Gang of Eight,”34 and then only in a “timely fashion,” a term not defined by statute.35 Characterization of U.S. planning and execution of electronic warfare as “covert” could enable reporting to the smaller group, making it more difficult for Congress to play a significant role.36 Moreover, any reporting might be delayed indefinitely.37

#### Military procedures means cyber operations wouldn’t be reported—kills solvency

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Another potential obstacle to congressional involvement is the reportedly common but statutorily unauthorized practice of informal reporting to an even smaller “Gang of Four” – the leaders of the intelligence committees – generally for sensitive non-covert intelligence activities.38¶ The Defense Department is heavily engaged in preparations for cyber warfare, having recently announced the establishment of a new U.S. Cyber Command.39 But congressional oversight of the work of this command could be hampered by the military’s reported practice of labeling its clandestine activities – those that are intended to be secret, but that can be publicly acknowledged if discovered or inadvertently revealed – as “operational preparation of the environment,” rather than intelligence activities, even though they may pose the same diplomatic and national security risks.40 As thus characterized, these activities might not be reported to the intelligence committees.41 Any oversight that occurred would be conducted instead by the House and Senate Armed Services Committees.42 Such a division of responsibilities might create dangerous confusion. ¶ Congressional involvement also might be frustrated by the statutory exclusion of “traditional . . . military activities or routine support to such activities” from the definition of “covert action.”43 If secret military preparations for cyber war are regarded as “traditional military activities,” under the rationale outlined above they might escape both the presidential findings requirement for covert actions and any reporting to the intelligence committees.44

#### The President would ignore the plan

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Congress’s active role in the development and implementation of cyber warfare policy is no guarantee of national security. The policy might be flawed in various ways. There is also a risk that whatever policy is adopted will not be properly executed or that its execution will have unintended results. The policy might be misunderstood or might not provide clear or appropriate guidance in the urgent circumstances facing its interpreter. The person charged with implementing the policy might make a mistake – for example, by interpreting a potential enemy’s electronic espionage as an attack. Available cyber weaponry might not work as planned. Or a purely defensive move by U.S. operators might be construed by another nation as offensive, and provoke an attack. Nor can the clearest policy, statutory or executive, guarantee compliance by an Executive determined to ignore it.71 The rules might be construed by the President in a way that reduces the importance of Congress’s role. Or they might be challenged in court.

#### Norms fail—cheating and miscalc

Stewart Baker 12, former official at the U.S. Department of Homeland Security and the National Security Agency, 5/1/12, “What Is the Role of Lawyers in Cyberwarfare?,” http://www.abajournal.com/magazine/article/what\_is\_the\_role\_of\_lawyers\_in\_cyberwarfare/

Former Prime Minister Stanley Baldwin summed up Britain’s strategic position in 1932 with a candor no American leader has dared to match in talking about cyberwar: “I think it is well also for the man in the street to realize that there is no power on earth that can protect him from being bombed, whatever people may tell him. The bomber will always get through. ... The only defense is in offense, which means that you have got to kill more women and children more quickly than the enemy if you want to save yourselves.”¶ The British may have been realists about air war, but Americans still hoped to head off the nightmare. The American tool of choice was international law. (Some things never change.) When war broke out on Sept. 1, 1939, President Franklin D. Roosevelt sent a cable to all the combatants seeking express limits on the use of airpower and expressing his view that “ruthless bombing from the air of civilians in unfortified centers of population … has sickened the hearts of every civilized man and woman, and has profoundly shocked the conscience of humanity. ... I am therefore addressing this urgent appeal to every government which may be engaged in hostilities publicly to affirm its determination that its armed forces shall in no event, and under no circumstances, undertake the bombardment from the air of civilian populations or of unfortified cities.”¶ Roosevelt had a pretty good legal case. The Hague Conventions on the Law of War, adopted just two years after the Wright Brothers’ first flight, declared that in bombardments “all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.” The League of Nations had recently declared that, in air war, “the intentional bombing of civilian populations is illegal.”¶ But FDR didn’t rely just on law. He asked for a public pledge that would bind all sides. Remarkably, he got it. The horror of aerial bombardment ran so deep in that era that England, France, Germany and Poland all agreed—before nightfall on the same day.¶ What’s more, they tried to honor their pledges. In a June 1940 order for Luftwaffe operations against Britain, Hermann Göring “stressed that every effort should be made to avoid unnecessary loss of life amongst the civilian population.”¶ It began to look like a great victory for the international law of war. All sides had stared into the pit of horrors that civilian bombing would open up. And all had stepped back.¶ It was exactly what the lawyers and diplomats now dealing with cyberwar hope to achieve.¶ But as we know, that’s not how this story ends. On the night of Aug. 24, a Luftwaffe air group made a fateful navigational error. Aiming for oil terminals along the Thames, they miscalculated, instead dropping their bombs in the civilian heart of the city of London.¶ It was a mistake. But that’s not how Churchill saw it. He insisted on immediate retaliation. The next night, British bombers hit targets in Berlin for the first time. The military effect was negligible, but the political impact was profound. Göring had promised that the Luftwaffe would never allow a successful attack on Berlin. The Nazi regime was humiliated, the German people enraged. Ten days later, Hitler told a wildly cheering crowd that he had ordered the bombing of London: “Since they attack our cities, we will extirpate theirs.”¶ The Blitz was on.¶ In the end, London survived. But the extirpation of enemy cities became a permanent part of both sides’ strategy. No longer an illegal horror to be avoided at all costs, the destruction of enemy cities became deliberate policy. Later in the war, British strategists would launch aerial attacks with the avowed aim of causing “the destruction of German cities, the killing of German workers, … the disruption of civilized life throughout Germany … the creation of a refugee problem on an unprecedented scale, and the breakdown of morale both at home and at the battle fronts.”¶ The Hague Conventions, the League of Nations resolution, even the explicit pledges given to President Roosevelt—all these “norms” for the use of airpower had been swept away by the logic of the technology and the predictable psychology of war.¶ So, why do today’s lawyers think that their limits on cyberwar will fare better than FDR’s limits on air war?¶ It beats me. If anything, they have a much harder task. Roosevelt could count on a shared European horror at the aerial destruction of cities. He used that to extract an explicit and reciprocal understanding from both sides as the war was beginning. We have no such understanding, indeed no such shared horror. Quite the contrary, for some of our potential adversaries, cyberweapons are uniquely asymmetric—a horror for us, another day in the field for them. It doesn’t take a high-tech infrastructure to maintain an army that is ready in a pinch to live on grass.¶ What’s more, cheating is easy and strategically profitable. American compliance will be enforced by all those lawyers. Our adversaries can ignore the rules and say—hell, they are saying—“We’re not carrying out cyberattacks. We’re victims too. Maybe you’re the attacker. Or maybe it’s Anonymous. Where’s your proof?”¶ Even if all sides were genuinely committed to limiting cyberwar, as all sides were in 1939, we’ve seen that the logic of airpower eventually drove all sides to the horror they had originally recoiled from. Each side felt that it had observed the limits longer than the other. Each had lawyerly justifications for what it did, and neither understood or gave credence to the other’s justifications. In that climate, all it took was a single error to break the legal limits irreparably.¶ And error was inevitable. Bombs dropped by desperate pilots under fire go astray. But so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Natanz. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. We have advantages in traditional war that we lack in cyberwar. We are not used to the idea that launching even small wars on distant continents may cause death and suffering here at home. That is what drives the lawyers. They hope to maintain the old world. But they’re driving down a dead end.¶ If we want to defend against the horrors of cyberwar, we need first to face them with the candor of a Stanley Baldwin. Then we need to charge our military strategists, not our lawyers, with constructing a cyberwar strategy for the world we live in, not the world we’d like to live in.

## K

### AT FW – New

#### **-- Counter interpretation – aff must defend their discourse. The judge is an academic challengning the values and assumptions of the entire text of the 1AC.**

#### -- Predictable – aff gets to pick their aff and gets strategic gains from reading hyperbolic impact scenarios

#### -- Education outweighs – it’s the only terminal impact – your exclusive focus on policymaking crowds outs critical questioning.

Biswas 7 [Shampa, Professor of Politics – Whitman College, “Empire and Global Public Intellectuals: Reading Edward Said as an International Relations Theorist”, Millennium, 36(1), p. 117-125]

It has been 30 years since Stanley Hoffman accused IR of being an ‘American social science’ and noted its too close connections to US foreign policy elites and US preoccupations of the Cold War to be able to make any universal claims,7 yet there seems to be a curious amnesia and lack of curiosity about the political history of the discipline, and in particular its own complicities in the production of empire.8 Through what discourses the imperial gets reproduced, resurrected and re-energised is a question that should be very much at the heart of a discipline whose task it is to examine the contours of global power. Thinking this failure of IR through some of Edward Said’s critical scholarly work from his long distinguished career as an intellectual and activist, this article is an attempt to politicise and hence render questionable the disciplinary traps that have, ironically, circumscribed the ability of scholars whose very business it is to think about global politics to actually think globally and politically. What Edward Said has to offer IR scholars, I believe, is a certain kind of global sensibility, a critical but sympathetic and felt awareness of an inhabited and cohabited world. Furthermore, it is a profoundly political sensibility whose globalism is predicated on a cognisance of the imperial and a firm non-imperial ethic in its formulation. I make this argument by travelling through a couple of Said’s thematic foci in his enormous corpus of writing. Using a lot of Said’s reflections on the role of public intellectuals, I argue in this article that IR scholars need to develop what I call a ‘global intellectual posture’. In the 1993 Reith Lectures delivered on BBC channels, Said outlines three positions for public intellectuals to assume – as an outsider/exile/marginal, as an ‘amateur’, and as a disturber of the status quo speaking ‘truth to power’ and self-consciously siding with those who are underrepresented and disadvantaged.9 Beginning with a discussion of Said’s critique of ‘professionalism’ and the ‘cult of expertise’ as it applies to International Relations, I first argue the importance, for scholars of global politics, of taking *politics* seriously. Second, I turn to Said’s comments on the posture of exile and his critique of identity politics, particularly in its nationalist formulations, to ask what it means for students of global politics to take the *global* seriously. Finally, I attend to some of Said’s comments on humanism and contrapuntality to examine what IR scholars can learn from Said about *feeling and thinking globally* concretely, thoroughly and carefully. IR Professionals in an Age of Empire: From ‘International Experts’ to ‘Global Public Intellectuals’ One of the profound effects of the war on terror initiated by the Bush administration has been a **significant constriction of a democratic public sphere**, which has included the active and aggressive curtailment of intellectual and political dissent and a sharp delineation of national boundaries along with concentration of state power. The academy in this context has become a particularly embattled site with some highly disturbing onslaughts on academic freedom. At the most obvious level, this has involved fairly well-calibrated neoconservative attacks on US higher education that have invoked the mantra of ‘liberal bias’ and demanded legislative regulation and reform10, an onslaught supported by a well-funded network of conservative think tanks, centres, institutes and ‘concerned citizen groups’ within and outside the higher education establishment11 and with considerable reach among sitting legislators, jurists and policy-makers as well as the media. But what has in part made possible the encroachment of such nationalist and statist agendas has been a larger history of the corporatisation of the university and the accompanying ‘professionalisation’ that goes with it. Expressing concern with ‘academic acquiescence in the decline of public discourse in the United States’, Herbert Reid has examined the ways in which the university is beginning to operate as another transnational corporation12, and critiqued the consolidation of a ‘culture of professionalism’ where academic bureaucrats engage in bureaucratic role-playing, minor **academic turf battles mask the larger managerial power play** on campuses and the increasing influence of a relatively autonomous administrative elite and the rise of insular ‘expert cultures’ have led to academics relinquishing their claims to public space and authority.13 While it is no surprise that the US academy should find itself too at that uneasy confluence of neoliberal globalising dynamics and exclusivist nationalist agendas that is the predicament of many contemporary institutions around the world, there is much reason for concern and an urgent need to rethink the role and place of intellectual labour in the democratic process. This is especially true for scholars of the global writing in this age of globalisation and empire. Edward Said has written extensively on the place of the academy as one of the few and increasingly precarious spaces for democratic deliberation and argued the necessity for public intellectuals immured from the seductions of power.14 Defending the US academy as one of the last remaining utopian spaces, ‘the one public space available to real alternative intellectual practices: no other institution like it on such a scale exists anywhere else in the world today’15, and lauding the remarkable critical theoretical and historical work of many academic intellectuals in a lot of his work, Said also complains that ‘the American University, with its munificence, utopian sanctuary, and remarkable diversity, has defanged (intellectuals)’16. The most serious threat to the ‘intellectual vocation’, he argues, is ‘professionalism’ and mounts a pointed attack on the proliferation of ‘specializations’ and the ‘cult of expertise’ with their focus on ‘relatively narrow areas of knowledge’, ‘technical formalism’, ‘impersonal theories and methodologies’, and most worrisome of all, their ability and willingness to be **seduced by power**.17 Said mentions in this context the funding of academic programmes and research which came out of the exigencies of the Cold War18, an area in which there was considerable traffic of political scientists (largely trained as IR and comparative politics scholars) with institutions of policy-making. Looking at various influential US academics as ‘organic intellectuals’ involved in a dialectical relationship with foreign policy-makers and examining the institutional relationships at and among numerous think tanks and universities that create convergent perspectives and interests, Christopher Clement has studied US intervention in the Third World both during and after the Cold War made possible and justified through various forms of ‘intellectual articulation’.19 This is not simply a matter of scholars working for the state, but indeed a larger question of intellectual orientation. It is not uncommon for IR scholars to feel the need to formulate their scholarly conclusions in terms of its relevance for global politics, where ‘relevance’ is measured entirely in terms of policy wisdom. Edward Said’s searing indictment of US intellectuals – policy-experts and Middle East experts - in the context of the first Gulf War20 is certainly even more resonant in the contemporary context preceding and following the 2003 invasion of Iraq. The space for a critical appraisal of the motivations and conduct of this war has been considerably diminished by the expertise-framed national debate wherein certain kinds **of ethical questions** irreducible **to formulaic ‘for or against’ and** ‘costs and benefits’ analysiscan simply **not be raised**. In effect, what Said argues for, and IR scholars need to pay particular heed to, is an understanding of ‘intellectual relevance’ that is larger and more worthwhile, that is about the posing of critical, historical, ethical and perhaps unanswerable questions rather than the offering of recipes and solutions, that is about politics (rather than techno-expertise) in the most fundamental and important senses of the vocation.21

#### That’s key to avoid inevitable policy failure

**Reus-Smit 12** – Professor of International Relations at the European University Institute, Florence (Christian, 6/2012, “International Relations, Irrelevant? Don’t Blame Theory”, Millennium Journal of International Studies 40(3), EBSCO)

However widespread it might be, the notion that IR’s lack of practical relevance stems from excessive theorising rests more on **vigorous assertion** than weighty evidence. As noted above, we lack good data on the field’s practical relevance, and the difficulties establishing appropriate measures are all too apparent in the fraught attempts by several governments to quantify the impact of the humanities and social sciences more generally. Beyond this, though, we lack any credible evidence that any fluctuations in the field’s relevance are due to more or less high theory. We hear that policymakers complain of not being able to understand or apply much that appears in our leading journals, but it is unclear why we should be any more concerned about this than physicists or economists, who take theory, even high theory, to be the bedrock of advancement in knowledge. Moreover, there is now a **wealth of research**, inside and outside IR, that shows that policy communities are not open epistemic or cognitive realms, simply awaiting well-communicated, non-jargonistic knowledge – they are bureaucracies, deeply susceptible to groupthink, that filter information through their own intersubjective frames. 10 Beyond this, however, there are good reasons to believe that precisely the reverse of the theory versus relevance thesis might be true; that theoretical inquiry may be a necessary prerequisite for the generation of practically relevant knowledge. I will focus here on the value of metatheory, as this attracts most contemporary criticism and would appear the most difficult of theoretical forms to defend. Metatheories take other theories as their subject. Indeed, their precepts establish the conditions of possibility for second-order theories. In general, metatheories divide into three broad categories: epistemology, ontology and meta-ethics. The first concerns the nature, validity and acquisition of knowledge; the second, the nature of being (what can be said to exist, how things might be categorised and how they stand in relation to one another); and the third, the nature of right and wrong, what constitutes moral argument, and how moral arguments might be sustained. Second-order theories are constructed within, and on the basis of, assumptions formulated at the metatheoretical level. Epistemological assumptions about what constitutes legitimate knowledge and how it is legitimately acquired delimit the questions we ask and the kinds of information we can enlist in answering them. 11 Can social scientists ask normative questions? Is literature a valid source of social-scientific knowledge? Ontological assumptions about the nature and distinctiveness of the social universe affect not only what we ‘see’ but also how we order what we see; how we relate the material to the ideational, agents to structures, interests to beliefs, and so on. If we assume, for example, that individuals are rational actors, engaged in the efficient pursuit of primarily material interests, then phenomena such as faith-motivated politics will remain at the far periphery of our vision. 12 Lastly, meta-ethical assumptions about the nature of the good, and about what constitutes a valid moral argument, frame how we reason about concrete ethical problems. Both deontology and consequentialism are meta-ethical positions, operationalised, for example, in the differing arguments of Charles Beitz and Peter Singer on global distributive justice. 13 Most scholars would acknowledge the background, structuring role that metatheory plays, but argue that we can take our metatheoretical assumptions off the shelf, get on with the serious business of research and leave explicit metatheoretical reflection and debate to the philosophers. If practical relevance is one of our concerns, however, there are several reasons why this is misguided. Firstly, whether IR is practically relevant depends, in large measure, on the kinds of questions that animate our research. I am not referring here to the commonly held notion that we should be addressing questions that practitioners want answered. Indeed, our work will at times be most relevant when **we pursue questions that policymakers** and others **would prefer left buried**. My point is a different one, which I return to in greater detail below. It is sufficient to note here that being practically relevant involves asking questions of practice; not just retrospective questions about past practices – their nature, sources and consequences – but prospective questions about what human agents should do. As I have argued elsewhere, being practically relevant means asking questions of how we, ourselves, or some other actors (states, policymakers, citizens, NGOs, IOs, etc.) should act. 14 Yet our ability, nay willingness, to ask such questions is determined by the metatheoretical assumptions that structure our research and arguments. This is partly an issue of ontology – what we see affects how we understand the conditions of action, rendering some practices possible or impossible, mandatory or beyond the pale. If, for example, we think that political change is driven by material forces, then we are unlikely to see communicative practices of argument and persuasion as potentially successful sources of change. More than this, though, it is also an issue of epistemology. If we assume that the proper domain of IR as a social science is the acquisition of empirically verifiable knowledge, then we will struggle to comprehend, let alone answer, normative questions of how we should act. We will either reduce ‘ought’ questions to ‘is’ questions, or place them off the agenda altogether. 15 Our metatheoretical assumptions thus determine the macro-orientation of IR towards questions of practice, directly affecting the field’s practical relevance. Secondly, metatheoretical revolutions license new second-order theoretical and analytical possibilities while foreclosing others, directly affecting those forms of scholarship widely considered most practically relevant. The rise of analytical eclecticism illustrates this. As noted above, Katzenstein and Sil’s call for a pragmatic approach to the study of world politics, one that addresses real-world problematics by combining insights from diverse research traditions, resonates with the mood of much of the field, especially within the American mainstream. Epistemological and ontological debates are widely considered irresolvable dead ends, grand theorising is unfashionable, and gladiatorial contests between rival paradigms appear, increasingly, as unimaginative rituals. Boredom and fatigue are partly responsible for this new mood, but something deeper is at work. Twenty-five years ago, Sil and Katzenstein’s call would have fallen on deaf ears; the neo-neo debate that preoccupied the American mainstream occurred within a metatheoretical consensus, one that combined a neo-positivist epistemology with a rationalist ontology. This singular metatheoretical framework defined the rules of the game; analytical eclecticism was unimaginable. The Third Debate of the 1980s and early 1990s destabilised all of this; not because American IR scholars converted in their droves to critical theory or poststructuralism (far from it), but because metatheoretical absolutism became less and less tenable. The anti-foundationalist critique of the idea that there is any single measure of truth did not produce a wave of relativism, but it did generate a widespread sense that battles on the terrain of epistemology were unwinnable. Similarly, the Third Debate emphasis on identity politics and cultural particularity, which later found expression in constructivism, did not vanquish rationalism. It did, however, establish a more pluralistic, if nevertheless heated, debate about ontology, a terrain on which many scholars felt more comfortable than that of epistemology. One can plausibly argue, therefore, that the metatheoretical struggles of the Third Debate created a space for – even made possible – the rise of analytical eclecticism and its aversion to metatheoretical absolutes, a principal benefit of which is said to be greater practical relevance. Lastly, most of us would agree that for our research to be practically relevant, it has to be good – it has to be the product of sound inquiry, and our conclusions have to be plausible. The pluralists among us would also agree that different research questions require different methods of inquiry and strategies of argument. Yet across this diversity there are several practices widely recognised as essential to good research. Among these are clarity of purpose, logical coherence, engagement with alternative arguments and the provision of good reasons (empirical evidence, corroborating arguments textual interpretations, etc.). Less often noted, however, is the importance of metatheoretical reflexivity. If our epistemological assumptions affect the questions we ask, then **being conscious of** these **assumptions** is necessary to ensure that we are not fencing off questions of importance, and that if we are, we can justify our choices. Likewise, if our ontological assumptions affect how we see the social universe, determining what is in or outside our field of vision, then reflecting on these assumptions can prevent us being blind to things that matter. A similar argument applies to our meta-ethical assumptions. Indeed, if deontology and consequentialism are both meta-ethical positions, as I suggested earlier, then reflecting on our choice of one or other position is part and parcel of weighing rival ethical arguments (on issues as diverse as global poverty and human rights). Finally, our epistemological, ontological and meta-ethical assumptions are not metatheoretical silos; assumptions we make in one have a tendency to shape those we make in another. The oft-heard refrain that ‘if we can’t measure it, it doesn’t matter’ is an unfortunate example of epistemology supervening on ontology, something that metatheoretical reflexivity can help guard against. In sum, like clarity, coherence, consideration of alternative arguments and the provision of good reasons, metatheoretical reflexivity is part of keeping us honest, making it practically relevant despite its abstraction.

### AT Perm – Do Both

#### 1. Cross-apply framework – the aff must prove there’s value in incorporating their discourse and epistemology. Testing competitiveness with the plan is nonsensical because our kritik is about their scholarship.

#### 2. Theory – permutations must include 1AC representations, they’re the majority of the opening speech. Severance makes the aff a moving target and being neg becomes impossible. The aff isn’t selected in a vacuum, they had infinite prep to select advantages they had defenses of.

#### 3. Liberal policy option ward off critique

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony, Beyond Security, Ethics and Violence, p. 3-4)

These frameworks are interrogated at the level both of their theoretical conceptualisation and their practice: in their influence and implementation in specific policy contexts and conflicts in East and Central Asia, the Middle East and the 'war on terror', where their meaning and impact take on greater clarity. This approach is based on a conviction that the meaning of powerful political concepts cannot be abstract or easily universalised: they all have histories, often complex and conflictual; their forms and meanings change over time; and they are developed, refined and deployed in concrete struggles over power, wealth and societal form. While this should not preclude normative debate over how political or ethical concepts should be defined and used, and thus be beneficial or destructive to humanity, it embodies a caution that the meaning of concepts can never be stabilised or unproblematic in practice. Their normative potential must always be considered in relation to their utilisation in systems of political, social and economic power and their consequent worldly effects. Hence this book embodies a caution by Michel Foucault, who warned us about the 'politics of truth . . the battle about the status of truth and the economic and political role it plays', and it is inspired by his call to 'detach the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time'.1 It is clear that traditionally coercive and violent approaches to security and strategy are both still culturally dominant, and politically and ethically suspect. However, the reasons for pursuing a critical analysis **relate not only to the** most destructive or controversial approaches, such as the war in Iraq, **but also to their available** (and generally preferable) alternatives. There is a necessity to question not merely extremist versions such as the Bush doctrine, Indonesian militarism or Israeli expansionism, **but also their mainstream critique**s - whether they take the form **of liberal policy approaches** in international relations (IR), just war theory, US realism, optimistic accounts of globalisation, rhetorics of sensitivity to cultural difference, or centrist Israeli security discourses based on territorial compromise with the Palestinians. The surface appearance of lively (and often significant) debate masks a deeper agreement **about major concepts**, forms of political identity and the imperative to secure them. Debates about when and how it may be effective and legitimate to use military force in tandem with other policy options, for example, mask a more fundamental discursive consensus about the meaning of security, the effectiveness of strategic power, the nature of progress, the value of freedom or the promises of national and cultural identity. As a result, political and intellectual debate about insecurity, violent conflict and global injustice can become hostage to a claustrophic structure of political and ethical possibility that systematically wards off critique**.**

**4. Multiple perms are a VI – no risk option for the aff that demands lots of block time and are impossible to generate offense against, sandbags explanation to the 1AR screwing the neg, ci – they get 1 permutation.**

#### Embedded in their 1ac discourse –

### Hooch KM – OCO

#### Terror Talk --

#### Walker -- "what constitutes an emergency remains unclear, as is the list of nations to target in the future" – your emergency framing re-entrenches other forms of pres and cyber offense – turns the case

#### Only the alt solves pre-emption – only a product of the impetus to intervene for national security -- you cause it

#### Terrorism discourse privileges national security, intervention, and causes serial policy failure

Bartolucci 12 -- research fellow and lecturer in the politics of terrorism at Bradford University (Valentina, 12/15/12, "Terrorism rhetoric under the Bush Administration: Discourses and effects," Journal of Language and Politics 11(4), EBSCO)

This article has attempted to provide the reader with a first glimpse of some of the main rhetorical features of Bush’s speeches on terrorism and counter-terrorism. The large majority of the structures and devices present in Bush’s discourse on terrorism are commonly adopted in political and ideological text and talk, such as positive self-presentation and negative other-presentation, over-lexicalisation, and the use of hyperboles and repetitions. More interestingly, however, are the effects deriving from the adoption of these linguistic features. Limitation of civil freedoms has occurred virtually everywhere. The target of state opponents facilitated by the discourse has occurred in countries as diverse as Spain, Russia, Algeria, Sri Lanka and India. Worldwide, the constant reiteration in the discourse of an incoming ‘terrorism attack’ of catastrophic proportions has led to the privileging of ‘national security’ even to the detriment of human rights. The reduction of personal and civil freedoms in the name of the fight against ‘terrorism’ has also been considerable and not only in the U.S., but also in Europe, Israel, Russia, and elsewhere (Anderson 2003). Indeed, such an essentialising, absolutist, highly moralising discourse has made virtually impossible the capacity for dissent because of the risk of being considered ‘disloyal’, ‘a terrorist supporter’ and alike (see also Kellner 2002). For instance, Attorney General John Ashcroft reportedly said that “critics of the Bush administration ‘only aid terrorists’ because such commentary “gives ammunition to America’s enemies, and pause to America’s friends” (Coe et al. 2004, 249). The discourse with its constant reiteration of incoming threats and the representation of the world divided between good/bad nations and good/bad people in a civilisational fight, has brought with it a pervasive feeling of fear. Such a feeling has been nourished by the warnings (colour coded) issued by several governments and the pervasiveness of the borderless and timeless ‘terrorism evil’ in public and media discussions. Furthermore, the discourse has also led to the a **priori dismissal of non-violent alternatives** to rather exalt a zero sum approach. The discourse ultimately creates an “erosion of public morality” (Jackson 2007, 425) and leads to the **acceptance of extreme measures**, including torture and other abuses, believed to be necessary to win the ‘war on terrorism’. At the same time, the exceptional measures adopted throughout the world in order to fight ‘terrorism’ have contributed to a climate that has certainly caused more violence than enabled its reduction, leading to a logic that encourages hostility and to the preventive adoption of armed violence to fight against ‘terrorism’. In conclusion, it can be said that, at the policy level, framing events as ‘terrorism’ and individuals and groups as ‘terrorists’ has been proved to be counterproductive. Framing terrorists as ‘outlaws of justice and humanity’ brings evil into play and instantly precludes possibilities of comprehension and dialogue. A strong ‘response’ is thus deemed necessary, based on force rather than negotiation. Such an understanding often brings the state to an ‘over-reaction’ that is ultimately counterproductive for the state itself. Dividing individuals and groups between ‘good’ and ‘evil’, ‘civilised’ and ‘uncivilised’ not only mischaracterises complex topics but also brings an erosion of public cohesion and promotes a culture of suspicion in which anyone anywhere can be labeled an ‘enemy’. Furthermore, it is accompanied by a pervasive sense of unease and anxiety given the completely random character of the threat. This article, however, does not want to conclude in suggesting the complete suppression of the label of ‘terrorism’ in academic or political debates. That option in fact would be counterproductive in academia for the reason that the researcher writing about ‘terrorism’ without calling it ‘terrorism’ would be automatically marginalised, and unrealistic in the political arena for its consolidation in public debates. Rather, a more cautious use of the term, an acknowledgment of its loaded political meaning, and of the assumptions surrounding it, are suggested. Thus, instead of framing all violent encounters of sub-national groups against the state as ‘terrorism’, a case-by-case framing should then be preferred. In this way, for instance, events that resemble nothing more than ordinary crime should be labelled as such and dealt with through a legalistic approach. Furthermore, labelling someone or something as ‘terrorist’ or ‘terrorism’ should bring to mind the possible effects of such labelling as to carefully assess if the benefits of adopting it surpass the negative effects.

#### Cyber hawks –

#### Austin -- "The cyber superiority of the United States, while legal and understandable, is now a cause of strategic instability" – couch the plan in terms of strategy, means we’ll take other actions to maintain leadership – true of Cimbala -- referencing broader information warfare, not just OCO's

#### **Cyber-terror rhetoric replicates harms**

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Whether hype or reality, cyber-threats have achieved an indisputable salience in post-cold-war security thinking, particularly among analysts and makers of defense and security policy. Critical infrastructure protection, information warfare, infor mation operations,' information assurance, cyber-terrorism, Revolution in Military Affairs (RMA) , and similar buzzwords are common currency in policy documents, defense bills, and security doctrines of the early 21st century. While conventional forces and military budgets have been generally downsized following the end of the cold war, the new emphasis on information security and cyber-threats are a noteworthy exception. In North America, Europe, Russia, China, and other parts of the world, governments are setting up new units and employing personnel for monitoring, analyzing, and countering the perceived risks and threats of the global network society. The conception of cyber-threats has grown out of the fear of increased vulnerability and loss of control that presumably is the result of moving from an industrial to an information society (Alberts, 1996a, 1996b; Alberts and Papp, 1997; Henry and Peartree, 1998; O'Day, 2004). Without the development of global computer networks and communications, cyber-threats would be difficult to imagine except as science fiction. Notions of cyber-threats have originated in both the private and public sphere, among military as well as civilian actors. In the business community and within the police, cyber-crime has become a particularly salient threat image. Within the military-bureaucratic establishment, perceived threats have been framed as information warfare, information operations, cyber terrorism, and cyber-war. Among computer scientists, technicians, and network operators, threat images are usually much narrower, with an emphasis on computer network attacks, exploits, and disruptions (implying an adversary) and on structural vulnerabilities such as software conflicts and other bugs which can lead to systems crashes (for example, the Year 2000 or 'Y2K" computer bug). Images of cyber-threats typically involve a very broad range of adversaries and targets, including both state and non-state actors (Campen et al., 1996; Erbschloe, 2001; Furnell, 2002; Henry and Peartree, 1998; Herd, 2000; Khalilzad et al., 1999; O'Day, 2004; Polikanov, 2001; Schwartau, 1996; Yourdon, 2002). States are still typically seen as the single most important type of potential enemy, able to neutralize effectively the critical infrastructures of another country (for example, by shutting down telecommunications), but non-state actors are gaining attention as well. A study by the National Research Council argues that "Tomorrow's terrorist may be able to do more with a keyboard than with a bomb" (Bendrath, 2001; Denning, 2001a: 282).5 Former US Homeland Security Director Tom Ridge (2002) observed that "Terrorists can sit at one computer connected to one network and can create world havoc - [they] don't necessarily need bombs or explosives to cripple a sector of the economy, or shutdown a power grid." Such rhetorical dramatization is characteristic of the entire discourse on information security and cyber-threats. The common view is that as societies and governments are becoming more reliable with respect to information technology, they are also becoming more vulnerable to all sorts of cyber-threats. The most cataclysmic dramatization in the literature is that of an "electronic Pearl Harbor" (Bendrath, 2001; Everard, 2000; Forno, 2002; O'Day, 2004; Schwartau, 1997; Smith, 1998).6 According to the "electronic Pearl Harbor" scenario, phone systems could collapse, subway cars suddenly stop, and the money of thousands of people become inaccessible as banks and automatic teller machines stop functioning. In such an apocalyptic vision, overall critical infra structures would be disrupted to the point that society and government would lose the ability to function normally. The evocative image of an "electronic Pearl Harbor" was immediately adopted in the US media and in certain circles of policy makers (Bendrath, 2003). Former Deputy Defense Minister John Hamre argued that "We're facing the possibility of an electronic Pearl Harbor ... There is going to be an electronic attack on this country some time in the future" (CNN, 1997). Some commentators have argued that the "electronic Pearl Harbor" scenario is highly unlikely, and is more about fear-mongering than sober analysis. For example, Denning (2001b) argues that cyber-terrorism, defined as digital attacks causing physical destruction and human deaths, is extremely unlikely.7 Few, if any, cyber-attacks could be characterized as acts of terrorism. Even the US Naval War College, in cooperation with the Gartner Group, concluded that an "electronic Pearl Harbor," although theoretically possible, was highly unlikely: "There are far simpler and less costly ways to attack critical infrastructure, from hoax phone calls to truck bombs and hijacked airliners" (The Economist, 2002: 19). Information operations are seen not merely as a means of improving or complementing physical attack, but as a means of replacing physical destruction with electronic (Denning, 1999; Harshberger and Ochmanek, 1999: 12; O'Day, 2004). Denial-of-service attacks and the defacing of web pages certainly can have material consequences. For firms operating with online transactions, the result can be huge financial losses.8 Nevertheless, the major impact is symbolic and the main effect is humiliation. To a large degree, cyber-attacks are attacks with and against symbols and images. Net-defacing, in particular, is a means for attacking symbols, something which is being done on an everyday basis by "hacktivists" on both sides of the Israeli-Palestinian conflict, the China-Taiwan conflict, and the Protestant-Catholic conflict in Northern Ireland.9 Most observers focus on the transnational and network-based character of cyber-threats (Arquilla and Ronfeldt, 1999, 2001; Deibert and Stein, 2003; Henry and Peartree, 1998; Keohane and Nye, 1998; O'Day, 2004; Pfaltzgraff and Shultz, 1997). ? Adversaries are typically seen as operating in loosely organized networks consisting of relatively independent nodes of individuals, groups, organizations, or even states, capable of quickly assembling and dispersing, even long before an attack has been discovered. In particular, network actors capable of using such means can resort to "asymmetric warfare" (Applegate, 2001; Arquilla and Ronfeldt, 2001; De Borchgrave et al., 2000; Erbschloe, 2001; Herd, 2000; O'Day, 2004; Sofear and Goodman, 2001). Although they might be incapable of engaging states in a conventional military conflict, they can inflict serious damage by attacking and exploiting the vulnerabilities of information systems by resorting to cyber-attacks (Arquilla and Ronfeldt, 1999, 2001; Cordesman, 2002). The widely acknowledged framing of cyber-threats implies that boundaries are dissolved between the international and the domestic, between civil and military spheres, between the private and public, and between peace and war. If taken seriously, this framing suggests that not only the security of information systems is challenged, but also, and more fundamentally, the sovereignty of states (Everard, 2000; Fountain, 2001; Giacomello, 2005; Giacomello and Mendez, 2001; Rosecrance, 1999). Cyber-threats challenge primarily internal sovereignty (effec tive control of the national territory and of the people living within it), but not necessarily external sovereignty (the formal recognition of independence by other states) (compare Philpott, 2001). At stake are not only the tangible and intangible values of information, but also the ability of governments to control the course of events. In conclusion, while there is a growing body of specialized literature dealing with the manifold aspects of digital-age security, there is also an alarmist tendency in this literature. Furthermore, this literature is policy oriented and hardly ever involves the application or development of theory.

#### “accident” is a political strategy to obscure responsibility for nuclear violence

Hanna M. **Segal**, MB ChB FRC – Training and Supervising Psychoanalyst – British Pyscho-Analytic Society, **88** [*Psychoanalysis and the Nuclear Threat: Clinical and Theoretical Studies*, p. 47]

The growth of technology is also used for a typically schizoid dehumanization and mechanization. There is a kind of pervasive depersonalization and derealization. Pushing a button to annihilate parts of the world we have never seen is a mechanized, split-off activity. Bracken (1984) contends that war is likely to happen as a result of our machines getting Out of control. Everything is so automated that oversensitive machines could start an unstoppable nuclear exchange. The MIT computer expert Joseph Weizen-baum (1976) comes to a similar conclusion: modern big computers are so complicated that no expert can see through and control them. Yet the whole nuclear early warning system is based on these machines. Since one effect of nuclear explosion is a disturbance in communication systems, it might not be within the power of governments to stop a war even if they wished to. But the fact that we can even think that "machines will start the war, not us" shows the extent of denial of our responsibility. We seem to live with a peculiar combination of helplessness and terror and omnipotence-helplessness and omnipotence in a vicious circle; heightening one another. This helplessness, which lies at the root of our apathy, is inevitable. We are faced with a horrifyingly threatening danger. But partly it is induced by us and becomes a self--fulfilling prophesy. Confronted with the terror of the powers of destructiveness we divest ourselves of our responsibilities by denial, projection, and fragmentation. The responsibility is fragmented and projected further and further away-into governments, army, scientists, and, finally, into machines beyond human control. We not only project into our so--called enemies, we also divest ourselves of our responsibilities by projecting them onto governments. They, in turn, can not bear such responsibility, and they project onto us, the people, public opinion, and so on, as well as fragmenting their responsibility as previously described. When we project onto governments, we become truly helpless. We are in their hands.

#### Liberal modeling –

#### If it's true, they model the rest of the bad shit we do which causes war – detention, drones, torture, etc – you expand these – they model rhetoric too

#### Vorndick -- a single "false move” could steer them into a cyber collision -- that's many times before, just threat creation to support institutions

#### Now international compliance is nothing more than imperialism

**Shaikh 7** (Nermeen, Asia Source, “Interrogating Charity and the Benevolence of Empire”, Development, 50, Palgrave Journals)

And where, again, does this power for benevolent goodwill reside? In the post-war period, and especially after the collapse of the Soviet Union and the end of the Cold War, it is the United States that sees itself increasingly as the vanguard of human emancipation, John Winthrop's 'city upon a hill'. This is also its rightful place, having emerged from a unique tradition (political, social, cultural and religious), which has brought it to its current position of freedom and leadership. And so it is the US, sometimes in the guise of multilateralism, most recently not as much, that exercises the **most power globally**. The liberal, democratic-capitalist political system is triumphant. How, then, does one interrogate American intervention in the world according to its own standards? How does one hold the US accountable precisely for the goodwill it professes? Can the US hold itself accountable in any meaningful sense? Collateral damage One clue as to the possibility of such an auto-critique lies in a phrase that has become part of the popular political imaginary: collateral damage. This term, inaugurated during the Cold War, is perhaps the euphemism par excellence: it contains within it the **cleansing**, indeed the impossibility, **of culpability;** it must be assumed that the US is always acting with good intentions, and if events unfold in such a way as to suggest otherwise, then each instance is simply a betrayal of the original intent, which is itself beyond reproach – or at the very least, **absolved of the worst offences**. In certain readings, the various forms of oppression and exclusion that make up the collateral damage of imperial power might also be interpreted as **constitutive of the order** in which they occur. In the economic realm, Joseph Stiglitz, for instance, argues that the West has used its disproportionate share of economic power to maintain its position, most notably when it comes to determining the terms of trade as well as the limits of free trade (an essential ingredient of the present liberal-capitalist dispensation) (Stiglitz, 2002). This often, and perhaps unsurprisingly, results in a distinct advantage for richer countries. In other readings, intentions may be harder to determine, but given that the term collateral damage includes within it the possibility of its own exoneration, what can be said about the likelihood of justice in such a system? If every inequality, every abuse, every infraction is seen as an aberration, as a demonstration of the fact that the order **has not yet reached its full potential,** are we to hope that this same order will eventually be equal to its own avowed aspirations? The response to the latter question is of course widely affirmative. The problem is that it is predicated on the claims of the dispensers of benevolent intervention themselves. But it is necessary to interrogate these very claims to bring out the more **egregious and systematic forms of collateral damage** and thereby question the very possibility of justice within this order. On the one hand, as Stiglitz also points out, there is some hope: whereas previously only the radical left was critical of the World Bank and IMF, now these critiques are far more widespread. On the other hand, the possibility of a global, socialist revolution is scarcely found anywhere. Attempting to speak from the perspective of the recipients of goodwill immediately, then, begs the question: is radical structural change necessary before the possibility of justice in the realm of collateral damage can be born?

#### Weston -- "international order CANNOT prevent large-scae war" -- what's happened in the 20 years since this card was written

#### Yellow Peril –

#### Gompert & Saunders -- Director of National intelligence and fellow at Rand -- lack reflexivity – their c**yber-war rhetoric justifies hawk-ish policies that cause the conflict you reference**

Hirsch 13 -- former staff editor at Foreign Affairs, and Sam Adelsberg, a fellow at the Yale Information Society Project; students @ Yale Law School (Jordan Chandler, 5/31/2013, "An Elizabethan Cyberwar," http://www.nytimes.com/2013/06/01/opinion/an-elizabethan-cyberwar.html?pagewanted=all&\_r=1&)

With the two countries accusing each other of breaking the old rules of the game, a new breed of “cyberhawks” on both sides are arguing for cold-war-like escalation that could turn low-level cyberconflict into total war. But treating today’s Beijing like Brezhnev’s Moscow distorts the nature of the threat and how Washington should respond to it. In confronting today’s cyberbattles, the United States should think less about Soviets and more about pirates. Indeed, today’s cybercompetition is less like the cold war than the battle for the New World. In the era after the discovery of the Americas, European states fought for mastery over the Atlantic. Much like the Internet today, the ocean then was a primary avenue for trade and communication that no country could cordon off. At that time, the Spanish empire boasted a fearsome navy, but it could not dominate the seas. Poorer and weaker England tested Spain’s might by encouraging and equipping would-be pirates to act on its behalf without official sanction. These semi-state-sponsored privateers robbed Spain of gold and pride as they raided ships off the coasts of the New World and Spain itself, enriching the English crown while augmenting its naval power. Spain’s inability to attribute the attacks directly to England allowed Queen Elizabeth I to level the playing field in an arena lacking laws or customs. Today’s cyberbattles aren’t so different. Next week’s summit takes place amid reports of increasingly sophisticated Chinese cyberespionage. Earlier this week, evidence surfaced that Chinese hackers had gained access to several top-secret Pentagon programs. That followed news that cyberunits believed to be linked to the Chinese Army have resumed attacks on American businesses and government agencies. As tensions deepen, hawkish Chinese military leaders are paving the way for offensive war. A study by a RAND Corporation expert cited Chinese sources calling for pre-emptive cyberstrikes “under the rubric of the rising Chinese strategy of xianfa zhiren, or ‘gaining mastery before the enemy has struck.’ ” And a recent paper found that Chinese military officials have contemplated using cyberweapons like Stuxnet, which the United States and Israel deployed against Iran’s nuclear program, to target critical infrastructure. American policy makers are beginning to view their cyberstruggle with China through a cold war lens. One Pentagon official recently said that while during the cold war America focused “on the nuclear command centers around Moscow,” today American leaders “worry as much about the computer servers in Shanghai.” Another senior official declared that “the Cold War enforced norms, and the Soviets and the United States didn’t go outside a set of boundaries.” But, he argued, “China is going outside those boundaries now.” Among those who view these hostilities as the cold war redux, some are proposing a more strident response. Earlier this year, the United States military announced the formation of 13 units dedicated to offensive cyberstrikes and endorsed pre-emptive cyberattacks. And late last month, Jon M. Huntsman Jr., the former ambassador to China, and Dennis C. Blair, the former director of national intelligence, suggested allowing American companies to retaliate against Chinese hackers on their own. This emergence of cyberhawks in both nations raises the odds of a hack’s becoming a cyberwar. These voices could pressure both nations to treat any escalating cyberconflict as a latter-day Cuban missile crisis. But the cold war model of a struggle with calibrated boundaries, clear rules, and the threat of mutual assured destruction simply doesn’t fit cyberspace. The first major difference is terrain. The United States and the Soviet Union fought for global influence, manning divisions here and infiltrating covert operatives there. The Internet is more fluid. Neither the United States nor China can slice cyberspace into the reassuring structure of spheres of influence. With no obvious borders for states to violate or defend, power in cyberspace is at once easier to exercise and harder to maintain, a battle of subtleties rather than hard-nosed deterrence. There are also more players today. The United States and the Soviet Union were the world’s unmatched nuclear powers. But in the cyberrealm, the United States and China stand only just ahead of other nations, hacker groups and individuals in their ability to inflict damage. And all of these actors can hide behind layers of networks and third parties, making it difficult to discover not only who attacked but also how and when. There will, in most cases, be plausible deniability. Even if American and Chinese policy makers wanted to manage the Web as carefully as their predecessors did the cold war, no working group could tame this instability. With nations still navigating how to interact on the Web and arguments persisting about whether international law applies to the Internet, there are few established customs of cyberbehavior, legal or implicit. The United States should not expect China to follow the rules of a previous era. The norms of American-Soviet conflict, which themselves emerged out of years of gunpoint diplomacy, can’t be grafted onto cyberspace. If American policy makers continue to define the cyberstruggle between Washington and Beijing as a new cold war, they will not meet the challenge. Viewing China’s actions through an obsolete lens will give them a distorted sense of its intentions. And it will limit American retaliation to the outmoded rules of a bygone battle. If they must look to the past, they should heed the lessons of the 16th century, not the 20th. In 1588, the Spanish crown, in no small part due to its frustration with English piracy, resorted to massive retaliation, sending its armada to overthrow Queen Elizabeth. That move ended in disaster and an overwhelming English victory. Instead of trying to beat back the New World instability of the Internet with an old playbook, American officials should embrace it. With the conflict placed in its proper perspective, policy makers could ratchet down the rhetoric and experiment with a new range of responses that go beyond condemnation but stop short of all-out cyberwar — giving them the room to maneuver without approaching cyberconflict as a path to Defcon 1.

### 2NC Overview

#### K outweighs the case

#### -- Magnitude -- logic of security created the most destructive features of the international system -- war, oppression, and ecological destruction are all inevitable when particular decisions become necessities. Try or die -- voting aff makes their impacts inevitable.

#### -- Turns case --

#### -- Independent impact --

#### -- Alt' solves case -- rejecting dominant political discourse challenges the root cause of violent identity construction, undermining the solar reason for war. It's a prerequisite to better policy-making and a matter of sequencing -- good theory now causes better action later.

### Hey

#### Prefer our disjunctive scenarios to their short-term conjunctive scenarios.

Yudkowsky 6 – Research Fellow & Director @ Singularity Institute for Artificial Intelligence (Eliezer, 8/31/. Palo Alto, CA. “Cognitive biases potentially affecting judgment of global risks,” Forthcoming in Global Catastrophic Risks, eds. Nick Bostrom and Milan Cirkovic, singinst.org/upload/cognitive-biases.pdf)

The conjunction fallacy similarly applies to futurological forecasts. Two independent sets of professional analysts at the Second International Congress on Forecasting were asked to rate, respectively, the probability of "A complete suspension of diplomatic relations between the USA and the Soviet Union, sometime in 1983" or "A Russian invasion of Poland, and a complete suspension of diplomatic relations between the USA and the Soviet Union, sometime in 1983". The second set of analysts responded with significantly higher probabilities. (Tversky and Kahneman 1983.) In Johnson et. al. (1993), MBA students at Wharton were scheduled to travel to Bangkok as part of their degree program. Several groups of students were asked how much they - 6 - were willing to pay for terrorism insurance. One group of subjects was asked how much they were willing to pay for terrorism insurance covering the flight from Thailand to the US. A second group of subjects was asked how much they were willing to pay for terrorism insurance covering the round-trip flight. A third group was asked how much they were willing to pay for terrorism insurance that covered the complete trip to Thailand. These three groups responded with average willingness to pay of $17.19, $13.90, and $7.44 respectively. According to probability theory, adding additional detail onto a story must render the story less probable. It is less probable that Linda is a feminist bank teller than that she is a bank teller, since all feminist bank tellers are necessarily bank tellers. Yet human psychology seems to follow the rule that adding an additional detail can make the story more plausible. People might pay more for international diplomacy intended to prevent nanotechnological warfare by China, than for an engineering project to defend against nanotechnological attack from any source. The second threat scenario is less vivid and alarming, but the defense is more useful because it is more vague. More valuable still would be strategies which make humanity harder to extinguish without being specific to nanotechnologic threats - such as colonizing space, or see Yudkowsky (this volume) on AI. Security expert Bruce Schneier observed (both before and after the 2005 hurricane in New Orleans) that the U.S. government was guarding specific domestic targets against "movie-plot scenarios" of terrorism, at the cost of taking away resources from emergency-response capabilities that could respond to any disaster. (Schneier 2005.) Overly detailed reassurances can also create false perceptions of safety: "X is not an existential risk and you don't need to worry about it, because A, B, C, D, and E"; where the failure of any one of propositions A, B, C, D, or E potentially extinguishes the human species. "We don't need to worry about nanotechnologic war, because a UN commission will initially develop the technology and prevent its proliferation until such time as an active shield is developed, capable of defending against all accidental and malicious outbreaks that contemporary nanotechnology is capable of producing, and this condition will persist indefinitely." Vivid, specific scenarios can inflate our probability estimates of security, as well as misdirecting defensive investments into needlessly narrow or implausibly detailed risk scenarios. More generally, people tend to overestimate conjunctive probabilities and underestimate disjunctive probabilities. (Tversky and Kahneman 1974.) That is, **people tend to overestimate the probability that**, e.g., **seven events of 90% probability will all occur**. Conversely, **people tend to underestimate the probability that at least one of seven events of 10% probability will occur**. Someone judging whether to, e.g., incorporate a new startup, must evaluate the probability that many individual events will all go right (there will be sufficient funding, competent employees, customers will want the product) while also considering the likelihood that at least one critical failure will occur (the bank refuses - 7 - a loan, the biggest project fails, the lead scientist dies). This may help explain why only 44% of entrepreneurial ventures3 survive after 4 years. (Knaup 2005.) Dawes (1988) observes: 'In their summations lawyers avoid arguing from disjunctions ("either this or that or the other could have occurred, all of which would lead to the same conclusion") in favor of conjunctions. Rationally, of course, disjunctions are much more probable than are conjunctions.' The scenario of humanity going extinct in the next century is a disjunctive event. It could happen as a result of any of the existential risks discussed in this book - or some other cause which none of us foresaw. Yet for a futurist, disjunctions make for an awkward and unpoetic-sounding prophecy.

#### Focus on short-term impacts is epistemologically bankrupt – greater attention to structural conditions and root causes is key.

Bilgin & Morton 4 [Pinar, Associate Professor of International Relations at Bilkent University, & Adam David, Lecturer in the Department of Politics and International Relations at Lancaster University, Politics, 24(3), “From ‘Rogue’ to ‘Failed’ States? The Fallacy of Short-termism,” p. 176-178]

Calls for alternative approaches to the phenomenon of state failure are often met with the criticism that such alternatives could only work in the long term whereas ‘something’ needs to be done here and now. Whilst recognising the need for immediate action, it is the role of the political scientist to point to the fallacy of ‘short-termism’ in the conduct of current policy. Short-termism is defined by Ken Booth (1999, p. 4) as ‘approaching security issues within the time frame of the next election, not the next generation’. Viewed as such, short-termism is the enemy of true strategic thinking. The latter requires policymakers to rethink their long-term goals and take small steps towards achieving them. It also requires heeding against taking steps that might eventually become self-defeating.¶ The United States has presently fought three wars against two of its Cold War allies in the post-Cold War era, namely, the Iraqi regime of Saddam Hussein and the Taliban in Afghanistan. Both were supported in an attempt to preserve the delicate balance between the United States and the Soviet Union. The Cold War policy of supporting client regimes has eventually backfired in that US policymakers now have to face the instability they have caused. Hence the need for a comprehensive understanding of state failure and the role Western states have played in failing them through varied forms of intervention. Although some commentators may judge that the road to the existing situation is paved with good intentions, a truly strategic approach to the problem of international terrorism requires a more sensitive consideration of the medium-to-long-term implications of state building in different parts of the world whilst also addressing the root causes of the problem of state ‘failure’.¶ Developing this line of argument further, reflection on different socially relevant meanings of ‘state failure’ in relation to different time increments shaping policy-making might convey alternative considerations. In line with John Ruggie (1998, pp. 167–170), divergent issues might then come to the fore when viewed through the different lenses of particular time increments. Firstly, viewed through the lenses of an incremental time frame, more immediate concerns to policymakers usually become apparent when linked to precocious assumptions about terrorist networks, banditry and the breakdown of social order within failed states. Hence relevant players and events are readily identified (al-Qa’eda), their attributes assessed (axis of evil, ‘strong’/’weak’ states) and judgements made about their long-term significance (war on terrorism). The key analytical problem for policymaking in this narrow and blinkered domain is the one of choice given the constraints of time and energy devoted to a particular decision. These factors lead policymakers to bring conceptual baggage to bear on an issue that simplifies but also distorts information.¶ Taking a second temporal form, that of a conjunctural time frame, policy responses are subject to more fundamental epistemological concerns. Factors assumed to be constant within an incremental time frame are more variable and it is more difficult to produce an intended effect on ongoing processes than it is on actors and discrete events. For instance, how long should the ‘war on terror’ be waged for? Areas of policy in this realm can therefore begin to become more concerned with the underlying forces that shape current trajectories.¶ Shifting attention to a third temporal form draws attention to still different dimensions. Within an epochal time frame an agenda still in the making appears that requires a shift in decision-making, away from a conventional problem-solving mode ‘wherein doing nothing is favoured on burden-of-proof grounds’, towards a risk-averting mode, characterised by prudent contingency measures. To conclude, in relation to ‘failed states’, the latter time frame entails reflecting on the very structural conditions shaping the problems of ‘failure’ raised throughout the present discussion, which will demand lasting and delicate attention from practitioners across the academy and policymaking communities alike.

### Pieterse (Case is a Lie)

#### The 1AC harms claims are manufactured – the threat industry fabricates danger to justify military expansion.

Pieterse 7 [Jan Nederveen, professor of sociology at the University of Illinois, Review of International Political Economy, Vol. 14, No. 3, Aug., “Political and Economic Brinkmanship,” p. 473-4]

Brinkmanship and producing instability carry several meanings. The American military spends 48% of world military spending (2005) and rep resents a vast, virtually continuously growing establishment that is a world in itself with its own lingo, its own reasons, internecine battles and projects. That this large security establishment is a bipartisan project makes it politically relatively immune. That for security reasons it is an insular world shelters it from scrutiny. For reasons of 'deniability' the president is insulated from certain operations (Risen, 2006). That it is a completely hierarchical world onto itself makes it relatively unaccountable. Hence, to quote 'stuff happens'. In part this is the familiar theme of the Praetorian Guard and the shadow state (Stockwell, 1991). It includes a military on the go, a military that seeks career advancement through role expansion, seeks expansion through threat inflation, and in inflated threats finds rationales for ruthless action and is thus subject to feedback from its own echo chambers. Misinformation broadcast by part of the intelligence apparatus blows back to other security circles where it may be taken for real (Johnson, 2000). Inhabiting a hall of mirrors this apparatus operates in a perpetual state of self hypnosis with, since it concerns classified information and covert ops, limited checks on its functioning.¶ The military stages phirric victories that come at a price of lasting instability. In Afghanistan the US staged a swift settlement by backing and funding the Northern Alliance, which brought warlords and drug lords to power and a corrupt power structure that eventually precipitated the comeback of the Taliban. In Iraq the US backed the Kurds and permitted Shiite militias to operate (until the Samarra bombing of April 2006) and thus created conditions for lasting instability.¶ The American rules of engagement are self-serving. But because the military inhabits a parallel universe and the media are clogged with 'defense experts', discussion of these tactics and hence the capacity for self-correction is limited.¶ Part of the backdrop is the trend of the gradual erosion of state capacities because of 25 years, since the Reagan era, of cutting government services except the military and security. The laissez-faire state in the US has created an imbalance in which the military remains the major growing state capability, which leaves military power increasingly unchecked because **monitoring institutions have been downsized or dismantled** too. When recently the Pentagon wanted to review all the subcontracts it has outsourced this task was outsourced too. This redistribution of power within the US government played a key part leading up to the war and in the massive failure in Iraq. Diplomacy was under resourced, intelligence was manipulated and the Pentagon and the Office of Strategic Planning ignored experts' advice and State Department warnings on the need for postwar planning (Packer, 2005; Lang, 2004).

### 2NC Alt Solvency

#### The alternative reject's the affirmative's security discourse – think of the alternative as a broader process rather thean a finished product – our untimely rejection in the face of impending threats overturn what it means to be relevant – only a rupture of the political imaginary can challenge the confinement of the present to security – refusing to take part in security politics is our only hope for a counter-discourse – tha's **Calkivik**

#### Only resistance to security logic can generate genuine political thought

Neocleous 8 – Mark Neocleous, Prof. of Government @ Brunel, 2008 [Critique of Security, 185-6]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether - to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain 'this is an insecure world' and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debatesand discussionsthat animate political life. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible - that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security', despite the fact that we are never quite told - never could be told - what might count as having achieved it. Security politics is, in this sense, an anti-politics,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole."' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift."'

### Hey again

#### Don’t multiply probability times magnitude – methodological black-mail that causes error replication and sereal policy failure

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Risk registers’ adoption of conventional risk-assessment methodology – the formula that defines risk as **likelihood multiplied by impact** – also has a distinct influence on how insecurity is to be understood and handled. On the one hand, the emphasis on ‘likelihood’ initiates a consequential rationalization of danger occurrence. This rationalization, of course, is geared towards forecasting future developments. It is methodologically grounded in an in-depth analysis of danger’s ‘natural’ patterns of manifestation. As already mentioned, existing datasets and historical case studies are central elements in the identification of these patterns. The rationalization of risks based on past events is analytically efficacious, given that it empowers a projection of the past into the future. There is an implicit argument in the methodological measurement of ‘likelihood’ to the effect that the future essentially emulates history – the risk themes described in risk registers are extrapolations of misfortunes already experienced (Bigo, 2007; Jasanoff, 2009). Focusing on these risk themes, then, not only means focusing on past insecurities. It also means that, as technologies, risk registers project the very same insecurities into the future. With this, the very variable of ‘likelihood’ empowers an inert view of reality. This is problematic in the case of those risks that openly rely on, or are mediated by, social actors. Social actors are capable of adopting new types of behaviour over time. The risk of terrorism, for instance, can only be regarded as a persistent one under the assumption that terrorists will never cease, or be induced to cease, their activities. Given their commitment to engineering and econometric risk-assessment methodology, then, risk registers advance a regularized assessment of future practices. They **leave little room for contingency, change and alternative trajectories**, and so they tend to project a rather fatalist account of public insecurity. Another effect then adds to this projection. The reliance on past experiences as proof of the existence of risks negates the need to test their current viability. There is no requirement to prove that these issues will ever ‘actually’ become relevant in the future. Together with risk registers’ reliance on probability syllogisms, this causes these projected risks to gain a very specific kind of traction in the present. As risks are claimed to exist, but their date and place of **materialization are held impossible to predict**, a sense of comprehensive and ever-present insecurity is created. Insecurity comes to be regarded as substantial if not all-encompassing, always present and always possible – an understanding that directly **caters to the permanent mobilization of a** comprehensive kind of **security dispositif**. On the other hand, the focus on ‘impact’ as a determinant of risks also implies larger analytical claims. The problem here is the intimate focus of risk registers on damaging effects as such. The focus on material damage and financial costs in particular raises difficult questions as to what kinds of harmful effects can be claimed to be relevant to human beings and political collectives. In the risk registers, this question is simply delegated to the underlying risk formula. There are no selection criteria underlying risk registers other than a cost–benefit rationale, which comes into play when everything that seemed relevant to experts is compared by its calculated magnitude in the risk matrix. Another problematic aspect is the fact that while analyses of quantities of harm reveal a lot about damage, such an approach is of limited use in understanding how public dangers are created in the first place. The classic lines of enquiry in risk assessment are: ‘What can go wrong? What is the likelihood of it going wrong? What are the consequences if it goes wrong?’ (Haimes, 1998: 54–5). This means that risk assessments do not ask why something can go wrong, or how one’s own actions might be complicit in engendering such dangers. The focus on risk as harmful ‘impact’, then, not only implies debatable assumptions about relevant measures. Its focus on **the consequences of risks and ignorance of their origins** also poses limits to the reflexivity with which risks are approached.

#### Security necessitates calculation – that outweighs war

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony “What security makes possible,” Working Paper 2007 p.11-12)

**Even if threats are credible and existential**, I do not believe that they warrant invoking the ‘state of exception’, which has in our time been more commonly enacted in the detention and rendition of terrorism suspects, immigration detention centres and the use of arbitrary arrest and deportation powers. The ‘state of exception’ also haunts much legial innovation in counter-terrorism policy. And, as Agamben, Judith Butler and Arendt have argued, such approaches have their roots in processes (namely colonialism and the Holocaust) that **systematically dehumanized their victims producing lives that were ‘bare’, ‘ungreivable’, ‘unliveable’ and ‘superfluous’**. If nothing else, it ought to raise serious doubts as to how securitization theory can be helpful in resignifying security as emancipation. It also precludes the ability to speak of human or environmental security in terms consistent with democratic political processes in a state of normalacy. The existential threat of human beings may be real enough, but it should generate a **very different policy logic** than outlined by the Copenhagen School. As Rocanne Lynn Doty and Karin Fierke have argued, the Copenhagen School’s conceptualization blocks the path to human security. This would seem to be implicit in the way Waever, in his 1995 article, attempts to provide security with ontological grounding. There he states that ‘as concepts, neither individual nor international security exist’: National security, that is the security of a state, is the name of an ongoing debate, tradition, an established set of practices ... there is no literature, no philosophy, no tradition of security in non-state terms ... the concept of security refers to the state.36

## 1NR – T, Case, PP

### 2NC/1NR

#### Multiple conditional worlds are good Here’s our offense:

#### 1. Most real world – the status quo is always an option for a rational policy maker 2. Prefer breadth over depth – we must know multiple policy options – it’s a prerequisite to in depth debates, without debating multiple ideas we can’t decide which in depth debate would promote the best education

#### 3. Key to critical thinking – conditionality forces the 2AC to make strategic choices and specific answers 4. Key to efficient thinking – it teaches the 2A how much effort to put into one position 5. Counter interpretation – we’ll advocate 2 conditional worlds and choose 1 in the 2NR

#### A. Logic – a policy maker with two proposals can always reject one and compare others B. No extreme aff skew – because we only advocate 2 worlds there can never be a huge strategy skew NEW TOPIC = key to test

#### Now on defense: 1. No abuse – we’re not running two conflicting advocacies where we can kick out of both – no in round abuse

#### 2. 2NR choice checks abuse – the 2AR can answer our advocacy with 5 minutes 3. All arguments are conditional – we kick out of DAs and can drop all arguments on T

#### 4. Research is driving conditionality into debates – the aff should be prepared anyway

### T

#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Vote neg---

#### Only prohibitions on authority guarantee neg ground---their interpretation lets affs no link the best neg offense like deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

#### And plan requires an account of presidential decisions – that’s the internal link to advantage 1 – justifies any extra steps to the plan and kills neg ground due to intricacies – this isn’t a restriction and extra T is an independent voter

### 2NC UQ – Prez Powers

#### Presidential powers are high – foreign policy

Rucker and Wallsten 13

[Philip and Peter, Washington Post, President Obama exercises a fluid grip on the levers of power, 5/18/13, <http://articles.washingtonpost.com/2013-05-18/politics/39353014_1_president-obama-laurence-tribe-executive-power>]

President Obama’s professed ignorance of the targeting of conservatives by one government agency and his support of tracking journalists’ sources by another highlight one of the great paradoxes of his presidency: Sometimes he uses his office as aggressively as anyone who’s held it; other times he seems unacquainted with the work of his own administration. The controversies over the Internal Revenue Service’s scrutiny of tea party and other conservative groups and the Justice Department’s surveillance of Associated Press journalists are only the latest examples of Obama’s a la carte governing style. Obama has been willing to push the bounds of executive power when it comes to making life-and-death decisions about drone strikes on suspected terrorists or instituting new greenhouse gas emission standards for cars.But at other times he has been skittish. When immigration activists first urged him to halt deportations of many illegal immigrants, for instance, Obama said he didn’t have the authority to do so. He eventually gave in after months of public protest and private pressure from immigrant and Hispanic advocates, granting relief to certain people who had been brought to the United States as children. And at key moments, Obama has opted against power plays. In the 2011 debt-ceiling fight, Obama ruled out unilaterally raising the country’s borrowing limit even though some constitutional scholars, as well as many of his political allies, believed doing so was well within his authority. The president’s inconsistency is so befuddling that not even his critics can get it straight. They simultaneously charge that he is “leading from behind” and that he is displaying, in the words of House Speaker John A. Boehner (R-Ohio), “the arrogance of power.” Some of his friends are a bit confused, as well. “He’s a smart guy, a scholarly guy, but I can’t figure him out,” said Rep. Steve Cohen (D-Tenn.), who has been unsuccessfully pushing for Obama to use his pardoning powers more aggressively to release nonviolent drug offenders from prison. Obama’s current and former advisers said the president’s approach is deliberate and coherent: On national security, he exercises power to keep the country safe, whereas on domestic issues, he acts strategically on a case-by-case basis. Still, the advisers acknowledge, Obama’s sometimes-yes, sometimes-no approach can give the appearance that he’s all over the map. Four-and-a-half years in, they said, he still is figuring out how to strike the right balance.“He is deeply concerned both that his office . . . never violate its primary duty to abide by the Constitution’s checks and balances and that he nonetheless exercise those powers to the limit as needed to protect the nation and its people,” said Laurence Tribe, a Harvard Law professor who has been a mentor of Obama’s for two decades and served briefly in Obama’s Justice Department. Still, Tribe expressed concern that Obama, himself a former law instructor, “is being a bit too much the constitutional lawyer in some of these matters and not enough the ordinary citizen, sharing the anger that ordinary citizens understandably feel but flexing the muscles that no citizen other than Barack Obama possesses.”

**Syria maintained ultimate control with the executive**

**Balkin 9/3 –** Law Prof at Yale(Jack, 2013, “What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal,” [www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/](http://www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/))

One of the most misleading metaphors in the discussion of President Obama’s Syria policy is that the president has “boxed himself in” or has “painted himself into a corner.” These metaphors treat a president’s available actions as if they were physical spaces and limits on action as if they were physical walls. Such metaphors would make sense only if we also stipulated that Obama has the power to snap his fingers and create a door or window wherever he likes. The Syria crisis has not created a new precedent for limiting presidential power. To the contrary, it has offered **multiple opportunities for increasing it**. If Congress says no to Obama, **it will not** significantly **restrain future presidents** from using military force. At best, it will preserve current understandings about presidential power. If Congress says yes, **it may bestow significant new powers on future presidents** -- and it will also commit the United States to violating international law. For Obama plans to violate the United Nations Charter, and he wants Congress to give him its blessing. People who believe Obama has painted himself into a corner or boxed himself in might not remember that the president always has the option to ask Congress to authorize any military action he proposes, thus sharing the responsibility for decision if the enterprise goes sour. If Congress refuses, Obama can easily back away from any threats he has made against Syria, pointing to the fact that Congress would not go along. There is no corner. There is no box. Wouldn’t congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? Hardly. The next dictator who acts rashly will face a different situation and a different calculus. The UN Security Council or NATO may feel differently about the need to act. There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won’t matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now. If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally. Some commentators argue (or hope) that whatever happens, Obama’s request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don’t bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he ­or **any other president** ­has previously asserted in war powers. Syria presents a case in which previous precedents did not apply. There is no direct threat to American security, American personnel, or American interests. There is no Security Council resolution to enforce. And there is no claim that America needs to shore up the credibility of NATO or another important security alliance. Nor does Obama have even the feeble justification that the Clinton Administration offered in Kosovo­: that congressional appropriations midway through the operation offered tacit and retroactive approval for the bombings. **It is naive to think** that the next time a president wants to send forces abroad without congressional approval, he or she will be deterred by the fact that Barack Obama once sought congressional permission to bomb Syria. If a president can plausibly assert that any of the previous justifications apply -- ­including those offered in the Libya intervention -- the case of Syria is easily distinguishable.

### UQ – Syria

**Obama’s Syria maneuver only increased presidential war powers – [he emphasized it’s just an OPTION]**

**Posner 9/3 –** Kirkland & Ellis Professor, University of Chicago Law School (Eric, 2013, “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](http://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.

#### The Congressional bill was a front for increased prez powers

Epps 9/6 [Garrett Epps; Former reporter for The Washington Post, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore; and quoted - Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School; “The Senate's Syria Resolution Has a Huge Secret Giveaway to the President”; 9/6/2013; <http://www.theatlantic.com/politics/archive/2013/09/the-senates-syria-resolution-has-a-huge-secret-giveaway-to-the-president/279421/>]

Even what seems like a step back for executive power may actually be a retreat for Congress's shared responsibility. For an example, look at the language of the Senate joint resolution approved this week by the Foreign Relations Committee to authorize a military strike in Syria. Hidden among the "whereas" boilerplate in the document -- mostly discussing the villainy of Assad and the danger of chemical weapons -- is this short clause: "Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States ..." Glides right past the eye, doesn't it? Good old Constitution, empowering the president to protect us all! The only problem is it's not true, and it represents a two-century high-water mark in claims of executive power. Having been consulted by the president, Congress is poised to respond by throwing back at him not only the current decision but sweeping new powers he didn't have before. During this crisis, all of us should be checking Lawfare the way heart patients check their pulses. Jack Goldsmith of Harvard, writing there, was the first I know of to pick up the strange little constitutional time bomb: [[“]]The draft AUMF enhances, through congressional recognition, the President's claims of independent constitutional authority to use force in Syria. Here is why. The draft acknowledges in its last "Whereas" clause that the President "has authority under the Constitution to use force in order to defend the national security interests of the United States." This broad and unqualified congressional acknowledgment of independent presidential constitutional power takes on special significance when combined with other "Whereas" findings, especially Congress's recognition that (a) "Syria's acquisition of weapons of mass destruction threatens ... the national security interests of the United States; and (b) "Syria's use of weapons of mass destruction and its conduct and actions constitute a grave threat to ... the national security interests of the United States." (My emphases.) I think these provisions together constitute congressional acknowledgement that the President has constitutional authority, independent of the AUMF, to use military force to defend against the acknowledged threat to U.S. national security interests posed by the Syrian acquisition and use of WMD .... Note that this very broad congressional acknowledgment of presidential power does not suggest any geographical limitation. ... [T]he Senate's draft "Whereas" clause is much broader than the analogous ones during the Bush era. The "Whereas" clause in the 2001 AUMF, which at the time was criticized for being quite broad, is more concrete and narrow than the Senate draft, for it recognizes only that "the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States." (The 2002 Iraq AUMF has the same basic language as the 2001 AUMF). The "Whereas" language in the draft AUMF gives significant support to the position that the President has some (uncertain) independent constitutional authority to use force in Syria, regardless of what Congress authorizes, and (perhaps) beyond what Congress authorizes. Since I believe that a unilateral presidential use of force in Syria would go beyond all past OLC precedents, the "Whereas" clause as currently drafted is especially important to the President's novel constitutional position.[[”]] Note that this astonishing language did not appear in the administration's own draft authorization. Having been asked for broad authority already, the warriors on the Senate Foreign Relations Committee, for all their minimizing language, have in practice widened the White House's mandate -- to the point that, if it is adopted by Congress, neither Barack Obama nor any future president will likely have to come back for additional authority to fight against Syria and its chemical weapons anywhere in the region. And it will have written into law an explicit statement that the president doesn't need authorization to use force anywhere, any time he or she determines that "national security" demands it. I have consulted my presidential-power gurus and there is widespread concern verging on horror. Peter Shane, Jacob E. Davis and Jacob E. Davis II Chair in Law at the Ohio State University's Moritz College of Law, summarized for publication what I have been hearing from those I respect: [[“]]A Congressional resolution conceding, without limit, that the president "has authority under the Constitution to use force in order to defend the national security interests of the United States," is not only constitutionally wrong, but institutionally weird. As Stephen Griffin has documented, no president would have made such a strong claim before World War II, and no president since Truman -- whatever their rhetoric -- has committed U.S. forces to a major deployment abroad without congressional authorization. This "whereas" clause is contrary to the Constitution's original meaning, contrary to the War Powers Resolution, subversive of Congress's proper role in war powers decision making, and wholly unnecessary to frame the operational provisions of an AUMF on Syria..[[”]]

#### Syria strengthened Obama

Barrett 9/2 -- assistant managing editor and senior writer at Bloomberg Businessweek (Paul M., 2013, "Obama's Syria Maneuver and the Limits of War Powers," http://www.businessweek.com/articles/2013-09-02/obamas-syria-maneuver-and-the-limits-of-war-powers)

Obama’s decision to get congressional authorization has been interpreted by some analysts, including our Bloomberg News colleagues Michael Tackett and Mike Dorning, as marking “a rare moment in the last half century when a president unilaterally decided to give some power back to another government branch.” That may turn out to be correct. **In the long run**, though, a willingness to defer to lawmakers on Syria could actually enhance Obama’s strength, rather than weaken him. “It’s quite uncertain what a military strike is going to produce,” Robert Dallek, a presidential historian, told Bloomberg News. “He really shouldn’t go it alone. It’s wise to bring Congress into it. It gets him much more of a broad consensus.”

### AT Syria Collapsed War/Pres Powers

#### Your authors overstate the negative effect of the Syria vote

Bradley 9/2 -- William Van Alstyne Professor of Law, Professor of Public Policy Studies, and Senior Associate Dean for Academic Affairs @ Duke Law School (Curtis, 2013, "War Powers, Syria, and Non-Judicial Precedent," http://www.lawfareblog.com/2013/09/war-powers-syria-and-non-judicial-precedent/)

One claim that is being made about President Obama’s decision to seek congressional authorization for military action in Syria is that it is likely to weaken the authority of the presidency with respect to the use of force. Peter Spiro contends, for example, that Obama’s action is “a watershed in the modern history of war power” that may end up making congressional pre-authorization a necessary condition for even small-scale military operations. David Rothkopf states even more dramatically that “Obama’s decision may have done more—for better or worse—to dial back the imperial presidency than anything his predecessors or Congress have done for decades.” If this claim is correct, it will be welcome news to those concerned about the growth of executive power and a matter of concern for those who are fans of robust executive unilateralism. Unfortunately, the commentators making this claim **do not identify the mechanism** through which the weakening of presidential war authority will occur and have relied instead only on **vague intuitions**. As an initial matter, we need to bracket the issue of whether Obama’s action will weaken his own power as a political matter. This is a complicated issue: on the one hand, it may signal weakness both to Congress and to other nations; on the other hand, if he obtains congressional authorization, he may be in an ultimately stronger political position, as Jack Goldsmith has pointed out. As I understand it, the claim being made by Spiro, Rothkopf, and others is that the power of the presidency more generally is being weakened. How might this happen? Not through an influence on judicial doctrine: Although courts sometimes take account of historic governmental practices when assessing the scope of presidential authority, they have consistently invoked limitations on standing and ripeness, as well as the political question doctrine, to avoid addressing constitutional issues relating to war powers. In the absence of judicial review, what is the causal mechanism by which the “precedent” of Obama seeking congressional authorization for the action in Syria could constrain future presidential action? When judicial review is unavailable, the most obvious way in which the President is constrained is through the political process—pressure from Congress, the public, his party, etc. In an extreme case, this pressure could take the form of impeachment proceedings, but it does not take such an extreme case for the pressure to have a significant effect on presidential decisionmaking. Indeed, it is easy to think of political considerations that might have motivated Obama to go to Congress with respect to Syria. That’s all fairly clear, but what is unclear is how a non-judicial precedent, such as Obama’s decision to seek congressional authorization for Syria, will have an effect on **later decisions** with respect to the use of force. The intuition, I think, is that Obama’s action will strengthen the hand of critics of later efforts by presidents to act unilaterally. It will give the critics more “ammunition,” so to speak. But why is this so, and what is meant, specifically, by “ammunition”? Obama claims that he is seeking congressional authorization **for policy reasons, not because he is required to do so**, and a later president is likely to reiterate that explanation. Moreover, if Obama is seeking congressional authorization for Syria because of political considerations (weak international and domestic support, public weariness about war, etc.), why would a later president feel compelled to follow that precedent when those political considerations do not apply? It is easier to imagine a constraining precedential effect, I think, if Congress votes down an authorization bill on Syria, and the President then declines to take action. After all, Obama has already stated that he has made a decision as Commander in Chief to use force. If he responds to a negative vote in Congress by not doing so, it might seem like a concession against interest that he lacks authority to act when Congress is opposed. Even if this did produce a constraining precedent, it would have limited effect, since it would not apply when (as is often the case) Congress does not take action one way or the other. But even here, the mechanism of the constraint is uncertain: Obama would likely claim that he was declining to take action for political reasons, such as the reduced likelihood of success created by the disunity between the branches, or the passage of time, or the lack of sufficient international support. Why would a future president facing different circumstances feel constrained by Obama’s inaction? My questions are not meant to suggest that an event like this will have no constraining effect on future decisionmaking. Executive Branch lawyers place a lot of weight on non-judicial precedent in assessing presidential power, and future lawyers will need to incorporate the Syria episode into their analysis. As a result, one could imagine that it will make it marginally more likely that Executive Branch lawyers will push back against the President in a future situation. Moreover, regardless of its ambiguities, the Syria situation will give critics of presidential unilateralism an additional data point to invoke in their constitutional analysis, at least as a rebuttal to the claim that modern historical practice entirely favors unilateral presidential war-making. If this makes their criticism more persuasive, to elites or to the general public, then it could have an effect. But these effects are speculative, and the degree to which they are likely to have an influence is unclear. Importantly, these speculations reveal how difficult it can be to separate legal and political considerations in contexts like this one, something that Trevor Morrison and I recently explored in an essay in the Columbia Law Review. For example, it is possible that Obama’s action will create expectations in Congress about what is proper when the United States is considering military action and that such expectations could have an effect on future congressional-executive relations, at least during the remainder of the Obama presidency. But this “expectation effect” could occur regardless of whether there has been a shift in perceptions about the constitutional law of war powers. Similarly, while it is possible that Obama made the decision to go to Congress entirely for political reasons, it is also possible that he was motivated in part by legal considerations, both based on his own internal legal sensibilities as well as concerns about how his presidency and its relationship to law would be judged in the future. Obama’s action thus highlights how presidential power over war involves an **overlapping mix of law, politics, and practice**. Commentators need to do a better job of sorting these out before making bold predictions about the trajectory of executive power.

#### Syria didn't matter - experts agree

Caldwell 9/4 -- staff writer @ CNN (Leigh Ann, 2013, "Is Obama setting bad precedent for future presidents?" http://www.cnn.com/2013/09/04/politics/obama-syria-precedent/)

Other **legal analysts disagree**, however, with Spiro's assessment that the president is diluting the power of the office. On the legal blog Lawfare, Harvard Law professor Jack Goldsmith wrote: "What would have been **unprecedented**, and a huge development for separation of powers, is a **unilateral strike** in Syria." Oona Hathaway, a Yale Law School professor, **agreed**. She argued that the president had to seek Congress' approval because he didn't have support from the United Nations Security Council. "Going to war under these circumstances (without congressional or Security Council support) would have put him out on a limb politically and legally," Hathaway said. Ari Fleischer, who was press secretary for President George W. Bush, sided with Obama. He said on CNN's "New Day" that this is "a voluntary exercise where the executive has said to the legislature, 'I want you to act.' "

#### Syria's irrelevant to broader powers

Savage 9/8 -- staff writer @ NYT (Charlie, 2013, "Obama Tests Limits of Power in Syrian Conflict," http://www.nytimes.com/2013/09/09/world/middleeast/obama-tests-limits-of-power-in-syrian-conflict.html?pagewanted=all&\_r=0)

Steven G. Bradbury, a head of the Office of Legal Counsel in the Bush administration, said it would be “politically difficult” to order strikes if Congress refused to approve them. But he predicted future presidents would not feel legally constrained to echo Mr. Obama’s request. “**Every overseas situation, every set of exigent circumstances, is a little different**, so I don’t really buy that it’s going to tie future presidents’ hands very much,” he said.

### SSD

#### Congressional action undermines the state secrete privilege – ends court deference and spills over

Windsor 12 (Lindsay – J.D. candidate and Master of Security Studies candidate at Georgetown University, “IS THE STATE SECRETS PRIVILEGE IN THE CONSTITUTION? THE BASIS OF THE STATE SECRETS PRIVILEGE IN INHERENT EXECUTIVE POWERS & WHY COURT-IMPLEMENTED SAFEGUARDS ARE CONSTITUTIONAL AND PRUDENT”, 2012, 43 Geo. J. Int'l L. 897, lexis)

In contrast to the acknowledged roles of both Congress and the President in foreign affairs matters, the Constitution does not grant the judiciary branch any authority over foreign affairs, and the courts have traditionally been "hesitant to intrude" upon matters of foreign policy and national security. n153 The Supreme Court "has recognized the generally accepted view that foreign policy [is] the province and responsibility of the Executive." n154 Hence, "courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security affairs." n155 This hesitation and reluctance stem from the limited institutional competence of the judiciary in foreign affairs. As the Court wrote in Boumediene v. Bush, "Unlike the President and some designated Members of Congress, neither the Members of this Court nor most federal judges begin the day with briefings that may describe new and serious threats to our Nation and its people." n156 Echoing the "sole organ" [\*920] scheme of Curtiss-Wright, the Court later wrote that in foreign affairs matters, "The Judiciary is not suited to [make] determinations that would . . . undermine the Government's ability to speak with one voice in this area." n157 A court should, therefore, give great deference to the Executive's invocation of the state secrets privilege because it inherently involves matters of national security. Nonetheless, deciding cases or controversies before the Court is within its field of expertise. n158 Such cases include separation of powers controversies between federal branches and enforcing checks on executive power. n159 Though a court could not amend the substance of the state secrets privilege, it could amend the procedure for its invocation in one of two ways: pursuant to congressional authorization or by interpreting its own rules of procedure. First, if Congress enacts specific legislation under its Article I powers requiring the President to follow certain procedures in invoking the privilege, then a court could enforce that procedure in a case before it. Second, the Court could reinterpret the procedural requirements for the privilege. The Reynolds Court specifically wrote a court should not always "insist[] upon an examination of the evidence, even by the judge alone, in chambers." n160 But in national security cases implicating core civil liberties, the Court could find that plaintiffs' necessity routinely requires different procedures to satisfy the Court that national security matters are at stake. n16

#### State Secrets Privilege protects private and government patent secrets – key to the military superiority

Donohue 10 (Laura – Associate Professor of Law, Georgetown University Law Center, “The Shadow of State Secrets”, 2010, 159 U. Pa. L. Rev. 77, lexis)

In contrast, docket searches demonstrate that, from January 2001 to January 2009, the privilege played a significant role in the executive branch's national security litigation strategy. In one case, the Administration asserted the state secrets privilege some 245 times. n31 More to the point, the government has invoked the state secrets privilege in more than 100 cases, which is more than five times the number of cases previously considered. And it is not just the executive branch that benefitted from the privilege: in scores of additional cases, private industry claimed that the state secrets doctrine applied, with the expectation that the federal government would later intervene to prevent certain documents from being subject to discovery or to stop the suit from moving forward. Beyond these, there are hundreds of cases on which the shadow of the privilege fell. This Article thus focuses on cases working their way through the courts between 2001 and 2009. It begins with disputes related to government contractors, where the threatened and actual invocation of the privilege appears in a broad range of grievances. Breach of contract, patent disputes, trade secrets, fraud, and employment termination cases prove remarkable in their frequency, length, and range of technologies involved. Wrongful death, personal injury, and negligence [\*88] cases extend beyond product liability to include infrastructure and services, as well as an emerging area perhaps best understood as the conduct of war. These corporate cases are distinguished by the tendency of companies to claim that state secrets are at stake early in the dispute and the subsequent role of the United States, if it chooses to become involved and to invoke the privilege, as an intervenor. Close inspection suggests a conservative executive branch that is more likely to step forward when breach of contract, trade secrets, or patent disputes present themselves, and unlikely - once it invokes the privilege - to back down. Where the executive initially decides not to intervene and invoke the privilege, the rapid expansion of the use of contractors appears to be giving birth to a new form of "graymail": should the government initially refuse to support the corporation's state secrets claim, companies deeply embedded in the state may threaten to air legally or politically damaging information. n32 Even when no overt threat is made, the government may worry that certain information will emerge during the course of the trial that would politically compromise the agency or individuals involved. In other cases, the government may be dependent upon a corporation for a key aspect of national defense, thus creating an incentive for the state to protect the company from financial penalties associated with bad behavior. n33

#### Nuclear war

Kagan 7 (Robert, Senior Associate – Carnegie Endowment for International Peace, “End of Dreams, Return of History: International Rivalry and American Leadership”, Policy Review, August/September, http://www.hoover.org/publications/policyreview/8552512.html#n10)

The jostling for status and influence among these ambitious nations and would-be nations is a second defining feature of the new post-Cold War international system. Nationalism in all its forms is back, if it ever went away, and so is international competition for power, influence, honor, and status. American predominance prevents these rivalries from intensifying —  its regional as well as its global predominance. Were the United States to diminish its influence in the regions where it is currently the strongest power, the other nations would settle disputes as great and lesser powers have done in the past: sometimes through diplomacy and accommodation but often through confrontation and wars of varying scope, intensity, and destructiveness. One novel aspect of such a multipolar world is that most of these powers would possess nuclear weapons. That could make wars between them less likely, or it could simply make them more catastrophic. It is easy but also dangerous to underestimate the role the United States plays in providing a measure of stability in the world even as it also disrupts stability. For instance, the United States is the dominant naval power everywhere, such that other nations cannot compete with it even in their home waters. They either happily or grudgingly allow the United States Navy to be the guarantor of international waterways and trade routes, of international access to markets and raw materials such as oil. Even when the United States engages in a war, it is able to play its role as guardian of the waterways. In a more genuinely multipolar world, however, it would not. Nations would compete for naval dominance at least in their own regions and possibly beyond. Conflict between nations would involve struggles on the oceans as well as on land. Armed embargos, of the kind used in World War i and other major conflicts, would disrupt trade flows in a way that is now impossible. Such order as exists in the world rests not only on the goodwill of peoples but also on American power. Such order as exists in the world rests not merely on the goodwill of peoples but on a foundation provided by American power. Even the European Union, that great geopolitical miracle, owes its founding to American power, for without it the European nations after World War II would never have felt secure enough to reintegrate Germany. Most Europeans recoil at the thought, but even today Europe ’s stability depends on the guarantee, however distant and one hopes unnecessary, that the United States could step in to check any dangerous development on the continent. In a genuinely multipolar world, that would not be possible without renewing the danger of world war. People who believe greater equality among nations would be preferable to the present American predominance often succumb to a basic logical fallacy. They believe the order the world enjoys today exists independently of American power. They imagine that in a world where American power was diminished, the aspects of international order that they like would remain in place. But that ’s not the way it works. International order does not rest on ideas and institutions. It is shaped by configurations of power. The international order we know today reflects the distribution of power in the world since World War ii, and especially since the end of the Cold War. A different configuration of power, a multipolar world in which the poles were Russia, China, the United States, India, and Europe, would produce its own kind of order, with different rules and norms reflecting the interests of the powerful states that would have a hand in shaping it. Would that international order be an improvement? Perhaps for Beijing and Moscow it would. But it is doubtful that it would suit the tastes of enlightenment liberals in the United States and Europe. The current order, of course, is not only far from perfect but also offers no guarantee against major conflict among the world ’s great powers. Even under the umbrella of unipolarity, regional conflicts involving the large powers may erupt. War could erupt between China and Taiwan and draw in both the United States and Japan. War could erupt between Russia and Georgia, forcing the United States and its European allies to decide whether to intervene or suffer the consequences of a Russian victory. Conflict between India and Pakistan remains possible, as does conflict between Iran and Israel or other Middle Eastern states. These, too, could draw in other great powers, including the United States. Such conflicts may be unavoidable no matter what policies the United States pursues. But they are more likely to erupt if the United States weakens or withdraws from its positions of regional dominance. This is especially true in East Asia, where most nations agree that a reliable American power has a stabilizing and pacific effect on the region. That is certainly the view of most of China ’s neighbors. But even China, which seeks gradually to supplant the United States as the dominant power in the region, faces the dilemma that an American withdrawal could unleash an ambitious, independent, nationalist Japan. Conflicts are more likely to erupt if the United States withdraws from its positions of regional dominance. In Europe, too, the departure of the United States from the scene — even if it remained the world’s most powerful nation — could be destabilizing. It could tempt Russia to an even more overbearing and potentially forceful approach to unruly nations on its periphery. Although some realist theorists seem to imagine that the disappearance of the Soviet Union put an end to the possibility of confrontation between Russia and the West, and therefore  to the need for a permanent American role in Europe, history suggests that conflicts in Europe involving Russia are possible even without Soviet communism. If the United States withdrew from Europe — if it adopted what some call a strategy of “offshore balancing” — this could in time increase the likelihood of conflict involving Russia and its near neighbors, which could in turn draw the United States back in under unfavorable circumstances.

### Preemption

#### Zero impact to cyber arms race --- overwhelming consensus of qualified authors goes neg

- No motivation---can’t be used for coercive leverage

- Defenses solve---benefits of offense are overstated

- Too difficult to execute/mistakes in code are inevitable

- AT: Infrastructure attacks

- Military networks are air-gapped/difficult to access

- Overwhelming consensus goes neg

Colin S. Gray 13, Prof. of International Politics and Strategic Studies @ the University of Reading and External Researcher @ the Strategic Studies Institute @ the U.S. Army War College, April, “Making Strategic Sense of Cyber Power: Why the Sky Is Not Falling,” U.S. Army War College Press, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1147.pdf>

CONCLUSIONS AND RECOMMENDATIONS: THE SKY IS NOT FALLING¶ This analysis has sought to explore, identify, and explain the strategic meaning of cyber power. The organizing and thematic question that has shaped and driven the inquiry has been “So what?” Today we all do cyber, but this behavior usually has not been much informed by an understanding that reaches beyond the tactical and technical. I have endeavored to analyze in strategic terms what is on offer from the largely technical and tactical literature on cyber. What can or might be done and how to go about doing it are vitally important bodies of knowledge. But at least as important is understanding what cyber, as a fifth domain of warfare, brings to national security when it is considered strategically. Military history is stocked abundantly with examples of tactical behavior un - guided by any credible semblance of strategy. This inquiry has not been a campaign to reveal what cy ber can and might do; a large literature already exists that claims fairly convincingly to explain “how to . . .” But what does cyber power mean, and how does it fit strategically, if it does? These Conclusions and Rec ommendations offer some understanding of this fifth geography of war in terms that make sense to this strategist, at least. ¶ 1. Cyber can only be an enabler of physical effort. Stand-alone (popularly misnamed as “strategic”) cyber action is inherently grossly limited by its immateriality. The physicality of conflict with cyber’s human participants and mechanical artifacts has not been a passing phase in our species’ strategic history. Cyber action, quite independent of action on land, at sea, in the air, and in orbital space, certainly is possible. But the strategic logic of such behavior, keyed to anticipated success in tactical achievement, is not promising. To date, “What if . . .” speculation about strategic cyber attack usually is either contextually too light, or, more often, contextually unpersuasive. 49 However, this is not a great strategic truth, though it is a judgment advanced with considerable confidence. Although societies could, of course, be hurt by cyber action, it is important not to lose touch with the fact, in Libicki’s apposite words, that “[i]n the absence of physical combat, cyber war cannot lead to the occupation of territory. It is almost inconceivable that a sufficiently vigorous cyber war can overthrow the adversary’s government and replace it with a more pliable one.” 50 In the same way that the concepts of sea war, air war, and space war are fundamentally unsound, so also the idea of cyber war is unpersuasive. ¶ It is not impossible, but then, neither is war conducted only at sea, or in the air, or in space. On the one hand, cyber war may seem more probable than like environmentally independent action at sea or in the air. After all, cyber warfare would be very unlikely to harm human beings directly, let alone damage physically the machines on which they depend. These near-facts (cyber attack might cause socially critical machines to behave in a rogue manner with damaging physical consequences) might seem to ren - der cyber a safer zone of belligerent engagement than would physically violent action in other domains. But most likely there would be serious uncertainties pertaining to the consequences of cyber action, which must include the possibility of escalation into other domains of conflict. Despite popular assertions to the contrary, cyber is not likely to prove a precision weapon anytime soon. 51 In addition, assuming that the political and strategic contexts for cyber war were as serious as surely they would need to be to trigger events warranting plausible labeling as cyber war, the distinctly limited harm likely to follow from cyber assault would hardly appeal as prospectively effective coercive moves. On balance, it is most probable that cyber’s strategic future in war will be as a contribut - ing enabler of effectiveness of physical efforts in the other four geographies of conflict. Speculation about cyber war, defined strictly as hostile action by net - worked computers against networked computers, is hugely unconvincing.¶ 2. Cyber defense is difficult, but should be sufficiently effective. The structural advantages of the offense in cyber conflict are as obvious as they are easy to overstate. Penetration and exploitation, or even attack, would need to be by surprise. It can be swift almost beyond the imagination of those encultured by the traditional demands of physical combat. Cyber attack may be so stealthy that it escapes notice for a long while, or it might wreak digital havoc by com - plete surprise. And need one emphasize, that at least for a while, hostile cyber action is likely to be hard (though not quite impossible) to attribute with a cy - berized equivalent to a “smoking gun.” Once one is in the realm of the catastrophic “What if . . . ,” the world is indeed a frightening place. On a personal note, this defense analyst was for some years exposed to highly speculative briefings that hypothesized how unques - tionably cunning plans for nuclear attack could so promptly disable the United States as a functioning state that our nuclear retaliation would likely be still - born. I should hardly need to add that the briefers of these Scary Scenarios were obliged to make a series of Heroic Assumptions. ¶ The literature of cyber scare is more than mildly reminiscent of the nuclear attack stories with which I was assailed in the 1970s and 1980s. As one may observe regarding what Winston Churchill wrote of the disaster that was the Gallipoli campaign of 1915, “[t]he terrible ‘Ifs’ accumulate.” 52 Of course, there are dangers in the cyber domain. Not only are there cyber-competent competitors and enemies abroad; there are also Americans who make mistakes in cyber operation. Furthermore, there are the manufacturers and constructors of the physical artifacts behind (or in, depending upon the preferred definition) cyber - space who assuredly err in this and that detail. The more sophisticated—usually meaning complex—the code for cyber, the more certain must it be that mistakes both lurk in the program and will be made in digital communication.¶ What I have just outlined minimally is not a reluc - tant admission of the fallibility of cyber, but rather a statement of what is obvious and should be anticipat - ed about people and material in a domain of war. All human activities are more or less harassed by friction and carry with them some risk of failure, great or small. A strategist who has read Clausewitz, especially Book One of On War , 53 will know this. Alternatively, anyone who skims my summary version of the general theory of strategy will note that Dictum 14 states explicitly that “Strategy is more difficult to devise and execute than are policy, operations, and tactics: friction of all kinds comprise phenomena inseparable from the mak - ing and execution of strategies.” 54 Because of its often widely distributed character, the physical infrastruc - ture of an enemy’s cyber power is typically, though not invariably, an impracticable target set for physical assault. Happily, this probable fact should have only annoying consequences. The discretionary nature and therefore the variable possible characters feasible for friendly cyberspace(s), mean that the more danger - ous potential vulnerabilities that in theory could be the condition of our cyber-dependency ought to be avoidable at best, or bearable and survivable at worst. Libicki offers forthright advice on this aspect of the subject that deserves to be taken at face value: ¶ [T]here is no inherent reason that improving informa - tion technologies should lead to a rise in the amount of critical information in existence (for example, the names of every secret agent). Really critical information should never see a computer; if it sees a computer, it should not be one that is networked; and if the computer is networked, it should be air-gapped.¶ Cyber defense admittedly is difficult to do, but so is cyber offense. To quote Libicki yet again, “[i]n this medium [cyberspace] the best defense is not necessarily a good offense; it is usually a good defense.” 56 Unlike the geostrategic context for nuclear-framed competition in U.S.–Soviet/Russian rivalry, the geographical domain of cyberspace definitely is defensible. Even when the enemy is both clever and lucky, it will be our own design and operating fault if he is able to do more than disrupt and irritate us temporarily.¶ When cyber is contextually regarded properly— which means first, in particular, when it is viewed as but the latest military domain for defense planning—it should be plain to see that cyber performance needs to be good enough rather than perfect. 57 Our Landpower, sea power, air power, and prospectively our space systems also will have to be capable of accepting combat damage and loss, then recovering and carrying on. There is no fundamental reason that less should be demanded of our cyber power. Second, given that cyber is not of a nature or potential character at all likely to parallel nuclear dangers in the menace it could con - tain, we should anticipate international cyber rivalry to follow the competitive dynamic path already fol - lowed in the other domains in the past. Because the digital age is so young, the pace of technical change and tactical invention can be startling. However, the mechanization RMA of the 1920s and 1930s recorded reaction to the new science and technology of the time that is reminiscent of the cyber alarmism that has flour - ished of recent years. 58 We can be confident that cyber defense should be able to function well enough, given the strength of political, military, and commercial motivation for it to do so. The technical context here is a medium that is a constructed one, which provides air-gapping options for choice regarding the extent of networking. Naturally, a price is paid in convenience for some closing off of possible cyberspace(s), but all important defense decisions involve choice, so what is novel about that? There is nothing new about accepting some limitations on utility as a price worth paying for security.¶ 3. Intelligence is critically important, but informa - tion should not be overvalued. The strategic history of cyber over the past decade confirms what we could know already from the science and technology of this new domain for conflict. Specifically, cyber power is not technically forgiving of user error. Cyber warriors seeking criminal or military benefit require precise information if their intended exploits are to succeed. Lucky guesses should not stumble upon passwords, while efforts to disrupt electronic Supervisory Con - trol and Data Acquisition (SCADA) systems ought to be unable to achieve widespread harmful effects. But obviously there are practical limits to the air-gap op - tion, given that control (and command) systems need to be networks for communication. However, Internet connection needs to be treated as a potential source of serious danger.¶ It is one thing to be able to be an electronic nuisance, to annoy, disrupt, and perhaps delay. But it is quite another to be capable of inflicting real persisting harm on the fighting power of an enemy. Critically important military computer networks are, of course, accessible neither to the inspired amateur outsider, nor to the malignant political enemy. Easy passing reference to a hypothetical “cyber Pearl Harbor” reflects both poor history and ignorance of contemporary military common sense. Critical potential military (and other) targets for cyber attack are extremely hard to access and influence (I believe and certainly hope), and the technical knowledge, skills, and effort required to do serious harm to national security is forbiddingly high. This is not to claim, foolishly, that cyber means absolutely could not secure near-catastrophic results. However, it is to say that such a scenario is extremely improbable. Cyber defense is advancing all the time, as is cyber offense, of course. But so discretionary in vital detail can one be in the making of cyberspace, that confidence—real confidence—in cyber attack could not plausibly be high. It should be noted that I am confining this particular discussion to what rather idly tends to be called cyber war. In political and strategic practice, it is unlikely that war would or, more importantly, ever could be restricted to the EMS. Somewhat rhetorically, one should pose the question: Is it likely (almost anything, strictly, is possible) that cyber war with the potential to inflict catastrophic damage would be allowed to stand unsupported in and by action in the other four geographical domains of war? I believe not.¶ Because we have told ourselves that ours uniquely is the Information Age, we have become unduly respectful of the potency of this rather slippery catch-all term. As usual, it is helpful to contextualize the al - legedly magical ingredient, information, by locating it properly in strategic history as just one important element contributing to net strategic effectiveness. This mild caveat is supported usefully by recognizing the general contemporary rule that information per se harms nothing and nobody. The electrons in cyber - ized conflict have to be interpreted and acted upon by physical forces (including agency by physical human beings). As one might say, intelligence (alone) sinks no ship; only men and machines can sink ships! That said, there is no doubt that if friendly cyber action can infiltrate and misinform the electronic informa - tion on which advisory weaponry and other machines depend, considerable warfighting advantage could be gained. I do not intend to join Clausewitz in his dis - dain for intelligence, but I will argue that in strategic affairs, intelligence usually is somewhat uncertain. 59 Detailed up-to-date intelligence literally is essential for successful cyber offense, but it can be healthily sobering to appreciate that the strategic rewards of intelligence often are considerably exaggerated. The basic reason is not hard to recognize. Strategic success is a complex endeavor that requires adequate perfor - mances by many necessary contributors at every level of conflict (from the political to the tactical). ¶ When thoroughly reliable intelligence on the en - emy is in short supply, which usually is the case, the strategist finds ways to compensate as best he or she can. The IT-led RMA of the past 2 decades was fueled in part by the prospect of a quality of military effec - tiveness that was believed to flow from “dominant battle space knowledge,” to deploy a familiar con - cept. 60 While there is much to be said in praise of this idea, it is not unreasonable to ask why it has been that our ever-improving battle space knowledge has been compatible with so troubled a course of events in the 2000s in Iraq and Afghanistan. What we might have misunderstood is not the value of knowledge, or of the information from which knowledge is quarried, or even the merit in the IT that passed information and knowledge around. Instead, we may well have failed to grasp and grip understanding of the whole context of war and strategy for which battle space knowledge unquestionably is vital. One must say “vital” rather than strictly essential, because relatively ignorant armies can and have fought and won despite their ig - norance. History requires only that one’s net strategic performance is superior to that of the enemy. One is not required to be deeply well informed about the en - emy. It is historically quite commonplace for armies to fight in a condition of more-than-marginal reciprocal and strategic cultural ignorance. Intelligence is king in electronic warfare, but such warfare is unlikely to be solely, or even close to solely, sovereign in war and its warfare, considered overall as they should be.¶ 4. Why the sky will not fall. More accurately, one should say that the sky will not fall because of hostile action against us in cyberspace unless we are improb - ably careless and foolish. David J. Betz and Tim Ste vens strike the right note when they conclude that “[i]f cyberspace is not quite the hoped-for Garden of Eden, it is also not quite the pestilential swamp of the imagination of the cyber-alarmists.” 61 Our understanding of cyber is high at the technical and tactical level, but re - mains distinctly rudimentary as one ascends through operations to the more rarified altitudes of strategy and policy. Nonetheless, our scientific, technological, and tactical knowledge and understanding clearly indicates that the sky is not falling and is unlikely to fall in the future as a result of hostile cyber action. This analysis has weighed the more technical and tactical literature on cyber and concludes, not simply on balance, that cyber alarmism has little basis save in the imagination of the alarmists. There is military and civil peril in the hostile use of cyber, which is why we must take cyber security seriously, even to the point of buying redundant capabilities for a range of command and control systems. 62 So seriously should we regard cyber danger that it is only prudent to as - sume that we will be the target for hostile cyber action in future conflicts, and that some of that action will promote disruption and uncertainty in the damage it will cause.¶ That granted, this analysis recommends strongly that the U.S. Army, and indeed the whole of the U.S. Government, should strive to comprehend cyber in context. Approached in isolation as a new technol - ogy, it is not unduly hard to be over impressed with its potential both for good and harm. But if we see networked computing as just the latest RMA in an episodic succession of revolutionary changes in the way information is packaged and communicated, the computer-led IT revolution is set where it belongs, in historical context. In modern strategic history, there has been only one truly game-changing basket of tech - nologies, those pertaining to the creation and deliv - ery of nuclear weapons. Everything else has altered the tools with which conflict has been supported and waged, but has not changed the game. The nuclear revolution alone raised still-unanswered questions about the viability of interstate armed conflict. How - ever, it would be accurate to claim that since 1945, methods have been found to pursue fairly traditional political ends in ways that accommodate nonuse of nuclear means, notwithstanding the permanent pres - ence of those means.¶ The light cast by general strategic theory reveals what requires revealing strategically about networked computers. Once one sheds some of the sheer wonder at the seeming miracle of cyber’s ubiquity, instanta - neity, and (near) anonymity, one realizes that cyber is just another operational domain, though certainly one very different from the others in its nonphysi - cality in direct agency. Having placed cyber where it belongs, as a domain of war, next it is essential to recognize that its nonphysicality compels that cyber should be treated as an enabler of joint action, rather than as an agent of military action capable of behav - ing independently for useful coercive strategic effect. There are stand-alone possibilities for cyber action, but they are not convincing as attractive options either for or in opposition to a great power, let alone a superpower. No matter how intriguing the scenario design for cyber war strictly or for cyber warfare, the logic of grand and military strategy and a common sense fueled by understanding of the course of strategic history, require one so to contextualize cyber war that its independence is seen as too close to absurd to merit much concern.

#### Cyberattacks won’t result in nuclear war --- airgapping solves

Green 2 – editor of The Washington Monthly (Joshua, 11/11, The Myth of Cyberterrorism, http://www.washingtonmonthly.com/features/2001/0211.green.html)

There's just one problem: There is no such thing as cyberterrorism--no instance of anyone ever having been killed by a terrorist (or anyone else) using a computer. Nor is there compelling evidence that al Qaeda or any other terrorist organization has resorted to computers for any sort of serious destructive activity. What's more, outside of a Tom Clancy novel, computer security specialists believe it is virtually impossible to use the Internet to inflict death on a large scale, and many scoff at the notion that terrorists would bother trying. "I don't lie awake at night worrying about cyberattacks ruining my life," says Dorothy Denning, a computer science professor at Georgetown University and one of the country's foremost cybersecurity experts. "Not only does [cyberterrorism] not rank alongside chemical, biological, or nuclear weapons, but it is not anywhere near as serious as other potential physical threats like car bombs or suicide bombers." Which is not to say that cybersecurity isn't a serious problem--it's just not one that involves terrorists. Interviews with terrorism and computer security experts, and current and former government and military officials, yielded near unanimous agreement that the real danger is from the criminals and other hackers who did $15 billion in damage to the global economy last year using viruses, worms, and other readily available tools. That figure is sure to balloon if more isn't done to protect vulnerable computer systems, the vast majority of which are in the private sector. Yet when it comes to imposing the tough measures on business necessary to protect against the real cyberthreats, the Bush administration has balked. Crushing BlackBerrys When ordinary people imagine cyberterrorism, they tend to think along Hollywood plot lines, doomsday scenarios in which terrorists hijack nuclear weapons, airliners, or military computers from halfway around the world. Given the colorful history of federal boondoggles--billion-dollar weapons systems that misfire, $600 toilet seats--that's an understandable concern. But, with few exceptions, it's not one that applies to preparedness for a cyberattack. "The government is miles ahead of the private sector when it comes to cybersecurity," says Michael Cheek, director of intelligence for iDefense, a Virginia-based computer security company with government and private-sector clients. "Particularly the most sensitive military systems." Serious effort and plain good fortune have combined to bring this about. Take nuclear weapons. The biggest fallacy about their vulnerability, promoted in action thrillers like WarGames, is that they're designed for remote operation. "[The movie] is premised on the assumption that there's a modem bank hanging on the side of the computer that controls the missiles," says Martin Libicki, a defense analyst at the RAND Corporation. "I assure you, there isn't." Rather, nuclear weapons and other sensitive military systems enjoy the most basic form of Internet security: they're "air-gapped," meaning that they're not physically connected to the Internet and are therefore inaccessible to outside hackers. (Nuclear weapons also contain "permissive action links," mechanisms to prevent weapons from being armed without inputting codes carried by the president.) A retired military official was somewhat indignant at the mere suggestion: "As a general principle, we've been looking at this thing for 20 years. What cave have you been living in if you haven't considered this [threat]?" When it comes to cyberthreats, the Defense Department has been particularly vigilant to protect key systems by isolating them from the Net and even from the Pentagon's internal network. All new software must be submitted to the National Security Agency for security testing. "Terrorists could not gain control of our spacecraft, nuclear weapons, or any other type of high-consequence asset," says Air Force Chief Information Officer John Gilligan. For more than a year, Pentagon CIO John Stenbit has enforced a moratorium on new wireless networks, which are often easy to hack into, as well as common wireless devices such as PDAs, BlackBerrys, and even wireless or infrared copiers and faxes. The September 11 hijackings led to an outcry that airliners are particularly susceptible to cyberterrorism. Earlier this year, for instance, Sen. Charles Schumer (D-N.Y.) described "the absolute havoc and devastation that would result if cyberterrorists suddenly shut down our air traffic control system, with thousands of planes in mid-flight." In fact, cybersecurity experts give some of their highest marks to the FAA, which reasonably separates its administrative and air traffic control systems and strictly air-gaps the latter. And there's a reason the 9/11 hijackers used box-cutters instead of keyboards: It's impossible to hijack a plane remotely, which eliminates the possibility of a high-tech 9/11 scenario in which planes are used as weapons. Another source of concern is terrorist infiltration of our intelligence agencies. But here, too, the risk is slim. The CIA's classified computers are also air-gapped, as is the FBI's entire computer system. "They've been paranoid about this forever," says Libicki, adding that paranoia is a sound governing principle when it comes to cybersecurity. Such concerns are manifesting themselves in broader policy terms as well. One notable characteristic of last year's Quadrennial Defense Review was how strongly it focused on protecting information systems.

**No escalation from accidents**

- safeguards, no use or lose pressures, and rational leaders all prevent them and history proves the scenario is science fiction

**Quinlan 9** (Sir Michael Quinlan, Former Permanent Under-Secretary of State UK Ministry of Defense, Thinking About Nuclear Weapons: Principles, Problems, Prospects, p. 63-69, The book reflects the author's experience across more than forty years in assessing and forming policy about nuclear weapons, mostly at senior levels close to the centre both of British governmental decision-making and of NATO's development of plans and deployments, with much interaction also with comparable levels of United States activity in the Pentagon and the State department)

Even if initial nuclear use did not quickly end the fighting, the supposition of inexorable momentum in a developing exchange, with each side rushing to overreaction amid confusion and uncertainty, is implausible. It fails to consider what the situation of the decision-makers would really be. Neither side could want escalation. Both would be appalled at what was going on. Both would be desperately looking for signs that the other was ready to call a halt. Both, given the capacity for evasion or concealment which drive modern delivery platforms and vehicles can possess, could have in reserve significant forces invulnerable enough not to entail use-or-lose pressures. (It may be more open to question, as noted earlier, whether newer nuclear weapon possessors can be immediately in that position; but it is within reach of any substantial state with advanced technological capabilities and attaining it is certain to be a high priority in the development of forces.) As a result, neither side can have any predisposition to suppose, in an ambiguous situation of fearful risk, that the right course when in doubt is to go on copiously launching weapons. And none of this analysis rests on any presumption of highly subtle or pre-concerted rationality. The rationality required is plain. The argument is reinforced if we consider the possible reasoning of an aggressor at a more dispassionate level. Any substantial nuclear armoury can inflict destruction outweighing any possible prize that aggression could hope to seize. A state attacking the possessor of such an armoury must therefore be doing so (once given that it cannot count upon destroying the armoury pre-emptively) on a judgment that the possessor would be found lacking in the will to use it. If the attacker possessor used nuclear weapons, whether first or in response to the aggressor’s own first use, this judgment would begin to look dangerously precarious. There must be at least a substantial probability of the aggressor leaders’ concluding that their initial judgment had been mistaken—that the risks were after all greater than whatever prize they had been seeking, and that for their own country’s survival they must call off the aggression. Deterrence planning such as that of NATO was directed in the first place to preventing the initial misjudgment and in the second, if it were nevertheless made, to compelling such a reappraisal. The former aim had to have primacy, because it could not be taken for granted that the latter was certain to work. But there was no ground for assuming in advance, for all possible scenarios, that the chance of its working must be negligible. An aggressor state would itself be at huge risk if nuclear war developed, as its leaders would know. It may be argued that a policy which abandons hope of physically defeating the enemy and simply hopes to get him to desist is pure gamble, a matter of who blinks first; and that the political and moral nature of most likely aggressors, almost ex hypothesi, makes them less likely to blink. One response to this is to ask what is the alternative—it can be only surrender. But a more hopeful answer lies in the fact that the criticism is posed in a political vacuum. Real-life conflict would have a political context.

**No accidental or miscalc escalation**

– history and disaster behavior studies prove

**Mueller ’10** [John Mueller – Woody Hayes Chair of National Security Studies, Mershon Center, and professor of Political Science, at Ohio State University, Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda, p. 100

However, even if a bomb, or a few bombs, were to go off, it does not necessarily follow that war would result. For that to happen, it is usually assumed, the accident would have to take place at a time of high war- readiness, as during a crisis, when both sides are poised for action and when one side could perhaps be triggered—or panicked—into major action by an explosion mistakenly taken to be part of, or the prelude to, a full attack." This means that the unlikely happening—a nuclear accident—would have to coincide precisely with an event, a militarized international crisis, something that is rare to begin with, became more so as the cold war progressed, and has become even less likely since its demise. Furthermore, even if the accident takes place during a crisis, it does not follow that escalation or hasty response is inevitable, or even very likely. As Bernard Brodie points out, escalation scenarios essentially impute to both sides "a well-nigh limitless concern with saving face" and/or "a great deal of ground-in automaticity of response and counterresponse." None of this was in evidence during the Cuban missile crisis when there were accidents galore. An American spy plane was shot down over Cuba, probably without authorization, and another accidentally went off course and flew threateningly over the Soviet Union. As if that weren't enough, a Soviet military officer spying for the West sent a message, apparently on a whim, warning that the Soviets were about to attack." **None of these remarkable events triggered anything in the way of precipitous response**. They were duly evaluated and then ignored. Robert Jervis points out that "when critics talk of the impact of irrationality, they imply that all such deviations will be in the direction of emotional impulsiveness, of launching an attack, or of taking actions that are terribly risky. Bu**t irrationality could** also **lead a state to passive acquiescence:"** In moments of high stress and threat, people can be said to have three psychological alternatives: (1) to remain calm and rational, (2) to refuse to believe that the threat is imminent or significant, or (3) to panic, lashing out frantically and incoherently at the threat. Generally, people react in one of the first two ways. In her classic study of disaster behavior, Martha Wolfenstein concludes, "The usual reaction is one of being unworried."32 In addition, **the historical record suggests that wars simply do not begin by accident**. In his extensive survey of wars that have occurred since 1400, diplomat-historian Evan Luard concludes, "It is impossible to identify a single case in which it can be said that a war started accidentally; in which it was not, at the time the war broke out, the deliberate intention of at least one party that war should take place." Geoffrey Blainey, after similar study, very much agrees: although many have discussed "accidental" or "unintentional" wars, "it is difficult," he concludes, "to find a war which on investigation fits this description." Or, as Henry Kissinger has put it dryly, "Despite popular myths, large military units do not fight by accident.""

Cyberattacks nearly impossible – empirics and defenses solve

**Rid 12** (Thomas Rid, reader in war studies at King's College London, is author of "Cyber War Will Not Take Place" and co-author of "Cyber-Weapons.", March/April 2012, “Think Again: Cyberwar”, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=full)

"Cyberwar Is Already Upon Us." No way. "Cyberwar is coming!" John Arquilla and David Ronfeldt predicted in a celebrated Rand paper back in 1993. Since then, it seems to have arrived -- at least by the account of the U.S. military establishment, which is busy competing over who should get what share of the fight. Cyberspace is "a domain in which the Air Force flies and fights," Air Force Secretary Michael Wynne claimed in 2006. By 2012, William J. Lynn III, the deputy defense secretary at the time, was writing that cyberwar is "just as critical to military operations as land, sea, air, and space." In January, the Defense Department vowed to equip the U.S. armed forces for "conducting a combined arms campaign across all domains -- land, air, maritime, space, and cyberspace." Meanwhile, growing piles of books and articles explore the threats of cyberwarfare, cyberterrorism, and how to survive them. Time for a reality check: Cyberwar is still more hype than hazard. Consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria. Take the dubious story of a Soviet pipeline explosion back in 1982, much cited by cyberwar's true believers as the most destructive cyberattack ever. The account goes like this: In June 1982, a Siberian pipeline that the CIA had virtually booby-trapped with a so-called "logic bomb" exploded in a monumental fireball that could be seen from space. The U.S. Air Force estimated the explosion at 3 kilotons, equivalent to a small nuclear device. Targeting a Soviet pipeline linking gas fields in Siberia to European markets, the operation sabotaged the pipeline's control systems with software from a Canadian firm that the CIA had doctored with malicious code. No one died, according to Thomas Reed, a U.S. National Security Council aide at the time who revealed the incident in his 2004 book, At the Abyss; the only harm came to the Soviet economy. But did it really happen? After Reed's account came out, Vasily Pchelintsev, a former KGB head of the Tyumen region, where the alleged explosion supposedly took place, denied the story. There are also no media reports from 1982 that confirm such an explosion, though accidents and pipeline explosions in the Soviet Union were regularly reported in the early 1980s. Something likely did happen, but Reed's book is the only public mention of the incident and his account relied on a single document. Even after the CIA declassified a redacted version of Reed's source, a note on the so-called Farewell Dossier that describes the effort to provide the Soviet Union with defective technology, the agency did not confirm that such an explosion occurred. The available evidence on the Siberian pipeline blast is so thin that it shouldn't be counted as a proven case of a successful cyberattack. Most other commonly cited cases of cyberwar are even less remarkable. Take the attacks on Estonia in April 2007, which came in response to the controversial relocation of a Soviet war memorial, the Bronze Soldier. The well-wired country found itself at the receiving end of a massive distributed denial-of-service attack that emanated from up to 85,000 hijacked computers and lasted three weeks. The attacks reached a peak on May 9, when 58 Estonian websites were attacked at once and the online services of Estonia's largest bank were taken down. "What's the difference between a blockade of harbors or airports of sovereign states and the blockade of government institutions and newspaper websites?" asked Estonian Prime Minister Andrus Ansip. Despite his analogies, the attack was no act of war. It was certainly a nuisance and an emotional strike on the country, but the bank's actual network was not even penetrated; it went down for 90 minutes one day and two hours the next. The attack was not violent, it wasn't purposefully aimed at changing Estonia's behavior, and no political entity took credit for it. The same is true for the vast majority of cyberattacks on record. Indeed, there is no known cyberattack that has caused the loss of human life. No cyberoffense has ever injured a person or damaged a building. And if an act is not at least potentially violent, it's not an act of war. Separating war from physical violence makes it a metaphorical notion; it would mean that there is no way to distinguish between World War II, say, and the "wars" on obesity and cancer. Yet those ailments, unlike past examples of cyber "war," actually do kill people. "A Digital Pearl Harbor Is Only a Matter of Time." Keep waiting. U.S. Defense Secretary Leon Panetta delivered a stark warning last summer: "We could face a cyberattack that could be the equivalent of Pearl Harbor." Such alarmist predictions have been ricocheting inside the Beltway for the past two decades, and some scaremongers have even upped the ante by raising the alarm about a cyber 9/11. In his 2010 book, Cyber War, former White House counterterrorism czar Richard Clarke invokes the specter of nationwide power blackouts, planes falling out of the sky, trains derailing, refineries burning, pipelines exploding, poisonous gas clouds wafting, and satellites spinning out of orbit -- events that would make the 2001 attacks pale in comparison. But the empirical record is less hair-raising, even by the standards of the most drastic example available. Gen. Keith Alexander, head of U.S. Cyber Command (established in 2010 and now boasting a budget of more than $3 billion), shared his worst fears in an April 2011 speech at the University of Rhode Island: "What I'm concerned about are destructive attacks," Alexander said, "those that are coming." He then invoked a remarkable accident at Russia's Sayano-Shushenskaya hydroelectric plant to highlight the kind of damage a cyberattack might be able to cause. Shortly after midnight on Aug. 17, 2009, a 900-ton turbine was ripped out of its seat by a so-called "water hammer," a sudden surge in water pressure that then caused a transformer explosion. The turbine's unusually high vibrations had worn down the bolts that kept its cover in place, and an offline sensor failed to detect the malfunction. Seventy-five people died in the accident, energy prices in Russia rose, and rebuilding the plant is slated to cost $1.3 billion. Tough luck for the Russians, but here's what the head of Cyber Command didn't say: The ill-fated turbine had been malfunctioning for some time, and the plant's management was notoriously poor. On top of that, the key event that ultimately triggered the catastrophe seems to have been a fire at Bratsk power station, about 500 miles away. Because the energy supply from Bratsk dropped, authorities remotely increased the burden on the Sayano-Shushenskaya plant. The sudden spike overwhelmed the turbine, which was two months shy of reaching the end of its 30-year life cycle, sparking the catastrophe. If anything, the Sayano-Shushenskaya incident highlights how difficult a devastating attack would be to mount. The plant's washout was an accident at the end of a complicated and unique chain of events. Anticipating such vulnerabilities in advance is extraordinarily difficult even for insiders; creating comparable coincidences from cyberspace would be a daunting challenge at best for outsiders. If this is the most drastic incident Cyber Command can conjure up, perhaps it's time for everyone to take a deep breath. "Cyberattacks Are Becoming Easier." Just the opposite. U.S. Director of National Intelligence James R. Clapper warned last year that the volume of malicious software on American networks had more than tripled since 2009 and that more than 60,000 pieces of malware are now discovered every day. The United States, he said, is undergoing "a phenomenon known as 'convergence,' which amplifies the opportunity for disruptive cyberattacks, including against physical infrastructures." ("Digital convergence" is a snazzy term for a simple thing: more and more devices able to talk to each other, and formerly separate industries and activities able to work together.) Just because there's more malware, however, doesn't mean that attacks are becoming easier. In fact, potentially damaging or life-threatening cyberattacks should be more difficult to pull off. Why? Sensitive systems generally have built-in redundancy and safety systems, meaning an attacker's likely objective will not be to shut down a system, since merely forcing the shutdown of one control system, say a power plant, could trigger a backup and cause operators to start looking for the bug. To work as an effective weapon, malware would have to influence an active process -- but not bring it to a screeching halt. If the malicious activity extends over a lengthy period, it has to remain stealthy. That's a more difficult trick than hitting the virtual off-button. Take Stuxnet, the worm that sabotaged Iran's nuclear program in 2010. It didn't just crudely shut down the centrifuges at the Natanz nuclear facility; rather, the worm subtly manipulated the system. Stuxnet stealthily infiltrated the plant's networks, then hopped onto the protected control systems, intercepted input values from sensors, recorded these data, and then provided the legitimate controller code with pre-recorded fake input signals, according to researchers who have studied the worm. Its objective was not just to fool operators in a control room, but also to circumvent digital safety and monitoring systems so it could secretly manipulate the actual processes. Building and deploying Stuxnet required extremely detailed intelligence about the systems it was supposed to compromise, and the same will be true for other dangerous cyberweapons. Yes, "convergence," standardization, and sloppy defense of control-systems software could increase the risk of generic attacks, but the same trend has also caused defenses against the most coveted targets to improve steadily and has made reprogramming highly specific installations on legacy systems more complex, not less.

# 5 vs. Harvard SX (OCO’s)

## 1NC

### 1NC

#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### OCO includes only cyberattacks – that excludes information gathering, exploitation and active defense – key to precision

Lorber 13 (Eric, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science, "COMMENT: Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?," 15 U. Pa. J. Const. L. 961, lexis)

Cyberattacks are "efforts to alter, disrupt, or destroy computer systems or networks or the information or programs on them ... [,] encompassing activities that range in target (military versus civilian, public versus private), consequences (minor versus major, direct versus indirect), and duration (temporary versus long-term)." n83 While this definition provides broad [\*977] guidance as to what may constitute a cyberattack, for the purposes of applying existing legal structures, the definition must be conceptualized in a way that usefully fits into those preexisting regimes. Because of the complexity and great number of potential means of cyberattack, this Comment groups such attacks based on employment, i.e., the way in which they are utilized and their intended purposes. Such an approach provides greater clarity as to which U.S. domestic legal regime will likely govern their employment. The following section proceeds by first discussing some of the technical details of cyberattacks and then moves into understanding how they have been - and likely will be - employed in future conflicts.¶ Before moving to a discussion of what cyberattacks are, it is important to note what they are not. They are not cyberexploitation, that is, "the use of actions and operations ... to obtain information that would otherwise be kept confidential ... . Cyberexploitations are usually clandestine and conducted with the smallest possible intervention that still allows extraction of the information sought." n84 The core difference between attack and exploitation is in the cyber operation's purpose; cyberattacks are meant to be destructive whereas cyberexploitation acquires information nondestructively. n85 While the term offensive cyber operations usually encompasses both attack and exploitative elements, here "OCO" refers only to attacks. n86

#### Vote neg---

#### Only prohibitions on authority guarantee neg ground---their interpretation lets affs no link the best neg offense like deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

### 1NC

#### Shutdown will be avoided now

Yglesias 9/18/13 (Matthew, business/economics correspondent @ Slate, "The Odds of a Government Shutdown Are Falling, Not Rising," http://www.slate.com/blogs/moneybox/2013/09/18/government\_shutdown\_odds\_falling\_not\_rising.html)

But read on to the second graf of the piece and you'll see that the odds are not rising at all. What's happening is that John Boehner is preparing to pass an appropriations bill that also defunds Obamacare that he knows perfectly well stands no chance of passing, and he's hoping that doing this will placate the right wing of the his caucus for when he surrenders.¶ Here they explain:¶ House leaders are hoping the vote on the defunding measure will placate conservatives once the Democratically controlled Senate rejects it. The House, they are betting, would then pass a stopgap spending measure unencumbered by such policy baggage and shift the argument to the debt ceiling, which must be raised by mid-October if the government is to avoid an economically debilitating default.¶ The key thing to remember here is that the House, as a discretionary decision, operates by the "Hastert Rule" in which only bills that are supported by a majority of GOP members can be brought to the floor for a vote. There is no Hastert-compliant appropriations bill that can pass the Senate. But there very likely is majority support in the House for the kind of "clean" funding bill that can also pass the Senate. All that has to happen is for John Boehner to violate the Hastert Rule. And the Hastert Rule isn't actually a rule, it's something Boehner has put aside many times. But it's also a rule he can't flagrantly ignore, lest his caucus get too grumpy and depose him. The operating theory here is that if Boehner has the whole House GOP indulge the maximalist faction by all passing a defuding bill, that creates enough room to move to later violate the Hastert Rule and pass a continuing resolution.¶ If anything is happening to the odds of a shutdown, in other words, they're falling, not rising.

#### OCO’s are extremely controversial and require significant political capital

Costigan and Perry 12 (Sean S. – Senior adviser for the Emerging Security Challenges Working Group. In 2010 he was a visiting fellow at the University of Calcutta's Institute of Foreign Policy Studies, and Jake, “Cyberspaces and Global Affairs”, 2012, pg 12, Google Books)

Much less is known about the U.S. military's offensive cyber capabilities which remain highly classified. A recent report in the New York Times reveals that there has been a "huge increase in the sophistication of American cyberwarfare" tactics (Sanger and Markoff 2009). The most exotic innovations under consideration would enable a Pentagon programmer to surreptitiously enter a computer server in Russia or China, for example, and destroy a “botnet” — a potentially destructive program that commandeers infected machines into a vast network that can be clandestinely controlled — before it could be unleashed in the United States. Or American intelligence agencies could activate malicious code that is secretly embedded on computer chips when they are manufactured, enabling the United States to take command of an enemy’s computers by remote control over the Internet. That, of course, is exactly the kind of attack officials fear could be launched on American targets, often through Chinese-made chips or computer servers. Issues like government-sanctioned hacking of foreign networks and pre-emptive cyber operations were so thorny that the Bush administration concluded they lacked "the credibility or the political capital to deal with the subject" (Sanger and Markoff 2009).

#### Capital key

Dumain 9/18/13 (Emma, Roll Call, "Will House Democrats Balk at Sequester-Level CR?," http://blogs.rollcall.com/218/will-house-democrats-balk-at-sequester-level-cr/)

What would be helpful for the duration of the political battle over the CR between now and the end of the month, however, is if Obama more frequently took to the “bully pulpit” to blast Republicans and bolster Democrats, the aide said.¶ “The more the better,” he said.

#### Shutdown wrecks the economy

Wu 8/27/13 (Yi, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, <http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea>)

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### 1NC

#### The executive branch of the United States should issue an executive order to prohibit Operational Preparation of the Environment about which Congress has not been notified. The United States federal government will abide by the mandates of this executive order.

#### Solves –

#### Executive orders concerning war powers are common, have the same effect as the plan, and withstand judicial scrutiny

Duncan 10 (John C. – Associate Professor of Law, College of Law, Florida A & M University; Ph.D., Stanford University; J.D., Yale Law School, “A CRITICAL CONSIDERATION OF EXECUTIVE ORDERS: GLIMMERINGS OF AUTOPOIESIS IN THE EXECUTIVE ROLE”, Vermont Law Review, 35 Vt. L. Rev. 333, lexis)

Executive orders make "legally binding pronouncements" in fields of authority generally conceded to the President. n92 A prominent example of this use is in the area of security classifications. n93 President Franklin Roosevelt issued an executive order to establish the system of security classification in use today. n94 Subsequent administrations followed the President's lead, issuing their own executive orders on the subject. n95 In 1994, Congress specifically required "presidential issuance of an executive order on classification," by way of an "amendment to the National Security Act of 1947 . . . ." n96 The other areas in which Congress concedes broad power to the President "include ongoing governance of civil servants, foreign service and consular activities, operation and discipline in the military, controls on government contracting, and, until recently, the management and control of public lands." n97 Although there are also statutes that address these areas, most basic policy comes from executive orders. n98 Executive orders commonly address matters "concerning military personnel" n99 and foreign policy. n100 "[D]uring periods of heightened national security activity," executive orders regularly authorize the transfer of responsibilities, personnel, or resources from selected parts of the government to the military or vice versa. n101 Many executive orders have also guided the management of public lands, such as orders creating, expanding, or decommissioning military installations, and creating reservations for sovereign Native American communities. n102 [\*347] Executive orders serve to implement both regulations and congressional regulatory programs. n103 Regulatory orders may target specific businesses and people, or may be designed for general applicability. n104 Many executive orders have constituted "delegations of authority originally conferred on the president by statute" and concerning specific agencies or executive-branch officers. n105 Congress may confer to the President, within the statutory language, broad delegatory authority to subordinate officials, while nevertheless expecting the President to "retain[] ultimate responsibility for the manner in which ." n106 "[I]t is common today for [the President] to cite this provision of law . . . as the authority to support an order." n107 Many presidents, especially after World War II, used executive orders-with or without congressional approval-to create new agencies, eliminate existing organizations, and reorganize others. n108 Orders in this category include President Kennedy's creation of the Peace Corps, n109 and President Nixon's establishment of the Cabinet Committee on Environmental Quality, the Council on Environmental Policy, and reorganization of the Office of the President. n110 At the core of this reorganization was the creation of the Office of Management and Budget. n111 President Clinton continued the practice of creating agencies, including the National Economic Council, with the issuance of his second executive order. n112 President Clinton also used an executive order "to cut one hundred thousand positions from the federal service" a decision which would have merited no congressional review, despite its impact. n113 President George W. Bush created the Office of Homeland Security as his key organizational reaction to the terrorist attacks of September 11, 2001, despite the fact that [\*348] Congress at the time appeared willing to enact whatever legislation he sought. n114 President Obama created several positions of Special Advisor to the President on specific issues of concern, for which there is often already a cabinet or agency position. n115 Other executive orders have served "to alter pay grades, address regulation of the behavior of civil servants, outline disciplinary actions for conduct on and off the job, and establish days off, as in the closing of federal offices." n116 Executive orders have often served "to exempt named individuals from mandatory retirement, to create individual exceptions to policies governing pay grades and classifications, and to provide for temporary reassignment of personnel in times of war or national emergency." n117 Orders can authorize "exceptions from normal operations" or announce temporary or permanent appointments. n118 Many orders have also addressed the management of public lands, although the affected lands are frequently parts of military reservations. n119 The fact that an executive order has the effect of a statute makes it a law of the land in the same manner as congressional legislation or a judicial decision. n120 In fact, an executive order that establishes the precise rules and regulations for governing the execution of a federal statute has the same effect as if those details had formed a part of the original act itself. n121 However, if there is no constitutional or congressional authorization, an executive order may have no legal effect. n122 Importantly, executive orders designed to carry a statute into effect are invalid if they are inconsistent [\*349] with the statute itself, for any other construction would permit the executive branch to overturn congressional legislation capriciously. n123 The application of this rule allows the President to create an order under the presumption that it is within the power of the executive branch to do so. Indeed, a contestant carries the burden of proving that an executive action exceeds the President's authority. n124 That is, as a practical matter, the burden of persuasion with respect to an executive order's invalidity is firmly upon anyone who tries to question it. n125 The President thus has great discretion in issuing regulations. n126 An executive order, with proper congressional authorization enjoys a strong presumption of validity, and the judiciary is likely to interpret it broadly. n127 If Congress appropriates funds for a President to carry out a directive, this constitutes congressional ratification thereof. n128 Alternatively, Congress may simply refer to a presidential directive in later legislation and thereby retroactively shield it from any future challenge. n1

#### Congressional statutes restricting executive war powers destroy broader presidential powers

Freeman 7 -- JD @ Yale Law School (Daniel J., 11/1/2007, "The Canons of War," Yale Law Journal 117(280), EBSCO)

Outside the confines of partisan absolutism, determining the scope of executive war power is a delicate balancing act. Contrasting constitutional prerogatives must be evaluated while integrating framework statutes, executive orders, and quasi-constitutional custom. The Supreme Court’s preferred abacus is the elegant three-part framework described by Justice Jackson in his concurrence to Youngstown Sheet & Tube Co. v. Sawyer.9 When the President and Congress act in concert, the action harnesses the power of both branches and is unlikely to violate the principle of separation of powers. When Congress has failed either to authorize or to deny authority, the action lurks in a “zone of twilight” of questionable power. When the President and Congress act in opposition, the President’s power is “at its lowest ebb,” and the action raises conspicuous concerns over the separation of powers.10 Therein lies the rub. Justice Jackson wrote soon after the tremendous growth of the executive during the New Deal and World War II, but the scope of legislation expanded dramatically in subsequent decades. Congress waged a counteroffensive in the campaign over interbranch supremacy by legislating extensively in the fields of foreign relations and war powers. Particularly in the post-Watergate era, Congress filled nearly every shadowy corner of the zone of twilight with its own imprimatur.11 That is not to say that Congress placed a relentless series of checks on the executive. Rather, Congress strove to establish ground rules, providing a limiting framework such as the War Powers Resolution12 for each effusive authorization like the Patriot Act.13 This leaves Jackson’s second category essentially a dead letter.14 The most sensitive questions concerning the effective distribution of governmental powers and the range of permissible executive action are therefore problems of statutory interpretation. The question becomes more complicated still when successive Congresses act in apparent opposition. While recent executives have consistently pushed to expand their authority,15 shifting patterns of political allegiance between Congress and the President yield a hodgepodge of mandates and restraints.16 Whether an action falls into Jackson’s first or third category requires one to parse the complete legislative scheme. This question is most pointed in connection with the execution of authorized war powers. Presidential power in this area is simultaneously subject to enormously broad delegations and exacting statutory limitations, torn between clashing constitutional values regarding the proper balance between branches. On one side lie authorizations for the use of military force (AUMFs), statutes empowering the President to “introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated.”17 On the other side lie framework statutes, enactments defining the mechanisms and boundaries of the execution of those war powers. Nevertheless, when faced with a conflict between an authorization for the use of military force and a preexisting framework, the Supreme Court must determine the net authorization, synthesizing those statutes while effectuating the underlying constitutional, structural, and historical concerns.

#### Multiple scenario for nuclear war

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Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. We did not win the four-decade Cold War by declarations of war. Rather, we prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led us into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the U.S. from entering conflicts that are in the national interest. Most would agree that congressional isolationism before World War II harmed U.S. interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought us into the conflict much earlier. Congressional participation does not automatically, or even consistently, produce desirable results in war decision-making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. Legislative deliberation may breed consensus in the best of cases, but it also may inhibit speed and decisiveness. In the post-Cold War era, the United States is confronting several major new threats to national security: the proliferation of WMD, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterwards. Take the threat posed by the al-Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than those posed by conventional armed forces. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Despite the fact that terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, weapons of mass destruction allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than was the norm during the time when nation-states generated the primary threats to American national security. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, the executive branch needs flexibility to act quickly, possibly in situations where congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, perhaps before WMD components have been fully assembled or before an al-Qaeda operative has left for the United States, the executive branch might also be able to engage in a more limited, more precisely targeted, use of force. Similarly, the least dangerous way to prevent rogue nations from acquiring weapons of mass destruction may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity.

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#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### Enframing of security makes macro-political violence inevitable

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This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use of armed force, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form. I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational hegemony and closure that limits debate and questioning**, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.** This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, **instrumental violence is married to an ontology of insecure national existence which itself admits no questioning**. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including **other humans, which have no essence or integrity outside their value as objects**. In Heidegger's terms, **technology becomes being; epistemology immediately becomes technique, immediately being**. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. **The need is to critique dominant images of political being and dominant ways of securing that being at the same time**, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the limitless resort to strategic violence without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. **We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable**. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 **Identity**, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of **a craving for order, control and certainty in the face of continual uncertainty**. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has **deep roots in modern thought**, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather **technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy**. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind **demands that 'nature reports itself** in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes **trapped within its logic**. Man, he writes, 'comes to the very brink of a precipitous fall...where **he himself will have to be taken as standing-reserve**. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. **In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.** This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to **place under suspicion the underlying political ontologies** that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it **drives out every other possibility of revealing**...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but **by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence**. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for **a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing**. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives from outside the space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### Reject the affirmative’s security discourse – this untimely intervention is the only chance for a counter-discourse

Calkivik 10 – PhD in Poli Sci @ Univ Minnesota (Emine Asli, 10/2010, "DISMANTLING SECURITY," PhD dissertation submitted to Univ Minnesota for Raymond Duvall, http://conservancy.umn.edu/bitstream/99479/1/Calkivik\_umn\_0130E\_11576.pdf)

It is this self-evidence of security even for critical approaches and the antinomy stemming from dissident voices reproducing the language of those they dissent from that constitutes the starting point for this chapter, where I elaborate on the meaning of dismantling security as untimely critique. As mentioned in the vignette in the opening section, the suggestion to dismantle security was itself deemed as an untimely pursuit in a world where lives of millions were rendered brutally insecure by poverty, violence, disease, and ongoing political conflicts. Colored by the tone of a call to conscience in the face of the ongoing crisis of security, it was not the time, interlocutors argued, for self-indulgent critique. I will argue that it is the element of being untimely, the effort, in the words of Walter Benjamin, “to brush history against the grain” that gives critical thinking its power.291 It might appear as a trivial discussion to bring up the relation between time and critique because conceptions of critical thinking in the discipline of International Relations already possess the notion that critical thought needs to be untimely. In the first section, I will tease out what this notion of untimeliness entails by visiting ongoing conversations within the discipline about critical thought and political time. Through this discussion, I hope to clarify what sets apart dismantling security as untimely critique from the notion of untimeliness at work in critical international relations theory. The latter conception of the untimely, I will suggest, paradoxically calls on critical thought to be “on time” in that it champions a particular understanding of what it means for critical scholarship to be relevant and responsible for its times. This notion of the untimely demands that critique be strategic and respond to political exigency, that it provide answers in this light instead of raising more questions about which questions could be raised or what presuppositions underlie the questions that are deemed to be waiting for answers. After elaborating in the first section such strategic conceptions of the untimeliness of critical theorizing, in the second section I will turn to a different sense of the untimely by drawing upon Wendy Brown’s discussion of the relation between critique, crisis, and political time through her reading of Benjamin’s “Theses on the Philosophy of History.”292 In contrast to a notion of untimeliness that demands strategic thinking and punctuality, Brown’s exegesis provides a conception of historical materialism where critique is figured as a force of disruption, a form of intervention that reconfigures the meaning of the times and “contest[s] the very senses of time invoked to declare critique ‘untimely’.”293 Her exposition overturns the view of critique as a self-indulgent practice as it highlights the immediately political nature of critique and reconfigures the meaning of what it means for critical thought to be relevant.294 It is in this sense of the untimely, I will suggest, that dismantling security as a critique hopes to recover. I should point out that in this discussion my intention is neither to construct a theory of critique nor to provide an exhaustive review and evaluation of the forms of critical theorizing in International Relations. Rather, my aim is to contribute to the existing efforts that engage with the question of what it means to be critical apart from drawing the epistemological and methodological boundaries so as to think about how one is critical.295 While I do not deny the importance of epistemological questions, I contend that taking time to think about the meaning of critique beyond these issues presents itself as an important task. This task takes on additional importance within the context of security studies where any realm of investigation quickly begets its critical counterpart. The rapid emergence and institutionalization of critical terrorism studies when studies on terrorism were proliferating under the auspices of the so-called Global War on Terror provides a striking example to this trend. 296 Such instances are important reminders that, to the extent that epistemology and methodology are reified as the sole concerns in defining and assessing critical thinking297 or “wrong headed refusals”298 to get on with positive projects and empirical research gets branded as debilitating for critical projects, what is erased from sight is the political nature of the questions asked and what is lost is the chance to reflect upon what it means for critical thinking to respond to its times. In his meditation on the meaning of responding and the sense of responsibility entailed by writing, Jean-Luc Nancy suggests that “all writing is ‘committed.’” 299 This notion of commitment diverges from the programmatic sense of committed writing. What underlies this conception is an understanding of writing as responding: writing is a response to the voice of an other.In Nancy’s words, “[w]hoever writes responds” 300 and “makes himself responsible to in the absolute sense.”301 Suggesting that there is always an ethical commitment prior to any particular political commitment, such a notion of writing contests the notion of creative autonomy premised on the idea of a free, self-legislating subject who responds. In other words, it discredits the idea of an original voice by suggesting that there is no voice that is not a response to a prior response. Hence, to respond is configured as responding to an expectation rather than as an answer to a question and responsibility is cast as an “anticipated response to questions, to demands, to still-unformulated, not exactly predictable expectations.”302 Echoing Nancy, David Campbell makes an important reminder as he suggests that as international relations scholars “we are always already engaged,” although the sites, mechanisms and quality of engagements might vary.303 The question, then, is not whether as scholars we are engaged or not, but what the nature of this engagement is. Such a re-framing of the question is intended to highlight the political nature of all interpretation and the importance of developing an “ethos of political criticism that is concerned with assumptions, limits, their historical production, social and political effects, and the possibility of going beyond them in thought and action.”304 Taking as its object assumptions and limits, their historical production and social and political effects places the relevancy of critical thought and responsibility of critical scholarship on new ground. It is this ethos of critique that dismantling security hopes to recover for a discipline where security operates as the foundational principle and where critical thinking keeps on contributing to security’s impressing itself as a self-evident condition. Critical Theory and Punctuality Within the context of International Relations, critical thought’s orientation toward its time comes out strongly in Kimberley Hutchings’s formulation.305 According to Hutchings, no matter what form it takes, what distinguishes critical international relations theory from other forms of theorizing is “its orientation towards change and the possibility of futures that do not reproduce the hegemonic power of the present.”306 What this implies about the nature of critical thought is that it needs to be not only diagnostic, but also self-reflexive. In the words of Hutchings, “all critical theories lay claim to some kind of account not only of the present of international politics and its relation to possible futures, but also of the role of critical theory in the present and future in international politics.” 307 Not only analyzing the present, but also introducing the question of the future into analysis places political time at the center of critical enterprise and makes the problem of change a core concern. It is this question of change that situates different forms of critical thinking on a shared ground since they all attempt to expose the way in which what is presented as given and natural is historically produced and hence open to change. With their orientation to change, their efforts to go against the dominant currents and challenge the hegemony of existing power relations by showing how contemporary practices and discourses contribute to the perpetuation of structures of power and domination, critical theorists in general and critical security studies specialists in particular take on an untimely endeavor. It is this understanding of the untimely aspect of critical thinking that is emphasized by Mark Neufeld, who regards the development of critical approaches to security as “one of the more hopeful intellectual developments in recent years.”308 Despite nurturing from different theoretical traditions and therefore harboring “fundamental differences between modernist and postmodernist commitments,” writes Neufeld, scholars who are involved in the critical project nevertheless “share a common concern with calling into question ‘prevailing social and power relationships and the institutions into which they are organized.’” 309 The desire for change—through being untimely and making the way to alternative futures that would no longer resemble the present—have led some scholars to emphasize the utopian element that must accompany all critical thinking. Quoting Oscar Wilde’s aphorism—a map of the world that does not include Utopia is not even worth glancing at, Ken Booth argues for the need to restore the role and reputation of utopianism in the theory and practice of international politics. 310 According to Booth, what goes under the banner of realism—“ethnocentric self-interest writ large”311 — falls far beyond the realities of a drastically changed world political landscape at the end of the Cold War. He describes the new reality as “an egg-box containing the shells of sovereignty; but alongside it a global community omelette [sic] is cooking.”312 Rather than insisting on the inescapability of war in the international system as political realists argue, Booth argues for the need and possibility to work toward the utopia of overcoming the condition of war by banking on the opportunities provided by a globalizing world. The point that critical thought needs to be untimely by going against its time is also emphasized by Dunne and Wheeler, who assert that, regardless of the form it takes, “critical theory purport[s] to ‘think against’ the prevailing current” and that “[c]ritical security studies is no exception” to this enterprise.313 According to the authors, the function of critical approaches to security is to problematize what is taken for granted in the disciplinary production of knowledge about security by “resist[ing], transcend[ing] and defeat[ing]…theories of security, which take for granted who is to be secured (the state), how security is to be achieved (by defending core ‘national’ values, forcibly if necessary) and from whom security is needed (the enemy).”314 While critical theory in this way is figured as untimely, I want to suggest that this notion of untimeliness gets construed paradoxically in a quite timely fashion. With a perceived disjuncture between writing the world from within a discipline and acting in it placed at the center of the debates, the performance of critical thought gets evaluated to the extent that it is punctual and in synch with the times. Does critical thought provide concrete guidance and prescribe what is to be done? Can it move beyond mere talk and make timely political interventions by providing solutions? Does it have answers to the strategic questions of progressive movements? Demanding that critical theorizing come clean in the court of these questions, such conceptions of the untimely demand that critique respond to its times in a responsible way, where being responsible is understood in stark contrast to a notion of responding and responsibility that I briefly discussed in the introductory pages of this chapter (through the works of Jean-Luc Nancy and David Campbell). Let me visit two recent conversations ensuing from the declarations of the contemporary crisis of critical theorizing in order to clarify what I mean by a timely understanding of untimely critique. The first conversation was published as a special issue in the Review of International Studies (RIS), one of the major journals of the field. Prominent figures took the 25th anniversary of the journal’s publication of two key texts—regarded as canonical for the launching and development of critical theorizing in International Relations—as an opportunity to reflect upon and assess the impact of critical theory in the discipline and interrogate what its future might be. 315 The texts in question, which are depicted as having shaken the premises of the static world of the discipline, are Robert Cox’s 1981 essay entitled on “Social Forces, States, and World Orders”316 and Richard Ashley’s article, “Political Realism and Human Interests.”317 In their introductory essay to the issue, Rengger and Thirkell-White suggest that the essays by Cox and Ashley—followed by Andrew Linklater’s Men and Citizens in the Theory of International Relations318 —represent “the breach in the dyke” of the three dominant discourses in International Relations (i.e., positivists, English School, and Marxism), unleashing “a torrent [that would] soon become a flood” as variety of theoretical approaches in contemporary social theory (i.e., feminism, Neo-Gramscianism, poststructuralism, and post-colonialism) would get introduced through the works of critical scholars.319 After elaborating the various responses given to and resistance raised against the critical project in the discipline, the authors provide an overview and an assessment of the current state of critical theorizing in International Relations. They argue that the central question for much of the ongoing debate within the critical camp in its present state—a question that it cannot help but come to terms with and provide a response to—concerns the relation between critical thought and political practice. As they state, the “fundamental philosophical question [that] can no longer be sidestepped” by critical International Relations theory is the question of the relation between “knowledge of the world and action in it.”320 One of the points alluded to in the essay is that forms of critical theorizing, which leave the future “to contingency, uncertainty and the multiplicity of political projects” and therefore provide “less guidance for concrete political action”321 or, again, those that problematize underlying assumptions of thought and “say little about the potential political agency that might be involved in any subsequent struggles”322 may render the critical enterprise impotent and perhaps even suspect. This point comes out clearly in Craig Murphy’s contribution to the collection of essays in the RIS’s special issue. 323 Echoing William Wallace’s argument that critical theorists tend to be “monks,”324 who have little to offer for political actors engaged in real world politics, Murphy argues that the promise of critical theory is “partially kept” because of the limited influence it has had outside the academy towards changing the world.Building a different world, he suggests, requires more than isolated academic talk; that it demands not merely “words,” but “deeds.”325 This, according to Murphy, requires providing “knowledge that contributes to change.”326 Such knowledge would emanate from connections with the marginalized and would incorporate observations of actors in their everyday practices. More importantly, it would create an inspiring vision for social movements, such as the one provided by the concept of human development, which, according to Murphy, was especially powerful “because it embodied a value-oriented way of seeing, a vision, rather than only isolated observations.”327 In sum, if critical theory is to retain its critical edge, Murphy’s discussion suggests, it has to be in synch with political time and respond to its immediate demands. The second debate that is revelatory of this conception of the timing of critical theory—i.e., that critical thinking be strategic and efficient in relation to political time—takes place in relation to the contemporary in/security environment shaped by the so-called Global War on Terror. The theme that bears its mark on these debates is the extent to which critical inquiries about the contemporary security landscape become complicit in the workings of power and what critique can offer to render the world more legible for progressive struggles.328 For instance, warning critical theorists against being co-opted by or aligned with belligerence and war-mongering, Richard Devetak asserts that critical international theory has an urgent “need to distinguish its position all the more clearly from liberal imperialism.”329 While scholars such as Devetak, Booth,330 and Fierke331 take the critical task to be an attempt to rescue liberal internationalism from turning into liberal imperialism, others announce the “crisis of critical theorizing” and suggest that critical writings on the nature of the contemporary security order lack the resources to grasp their actual limitations, where the latter is said to reside not in the realm of academic debate, but in the realm of political practice.332 It is amidst these debates on critique, crisis, and political time that Richard Beardsworth raises the question of the future of critical philosophy in the face of the challenges posed by contemporary world politics.333 Recounting these challenges, he provides the matrix for a proper form of critical inquiry that could come to terms with “[o]ur historical actuality.”334 He describes this actuality as the “thick context” of modernity (“an epoch, delimited by the capitalization of social relations,” which imposes its own philosophical problematic—“that is, the attempt, following the social consequences of capitalism, to articulate the relation between individuality and collective spirit”335 ), American unilateralism in the aftermath of the attacks on September 11, 2001, and the growing political disempowerment of people worldwide. Arguing that “contemporary return of religion and new forms of irrationalism emerge, in large part, out of the failure of the second response of modernity to provide a secular solution to the inequalities of the nation-state and colonization,”336 he formulates the awaiting political task for critical endeavors as constructing a world polity to resist the disintegration of the world under the force of capital.It is with this goal in mind that he suggests that “responsible scholarship needs to rescue reason in the face irrational war”337 and that intellectuals need to provide “the framework for a world ethical community of law, endowed with political mechanisms of implementation in the context of a regulated planetary economy.”338 He suggests that an aporetic form of thinking such as Jacques Derrida’s—a thinking that “ignores the affirmative relation between the determining powers of reason and history”339 —would be an unhelpful resource because such thinking “does not open up to where work needs to be done for these new forms of polity to emerge.”340 In other words, critical thinking, according to Beardsworth, needs to articulate and point out possible political avenues and to orient thought and action in concrete ways so as to contribute to progressive political change rather than dwelling on the encounter of the incalculable and calculation and im-possibility of world democracy in a Derridean fashion. In similar ways to the first debate on critique that I discussed, critical thinking is once again called upon to respond to political time in a strategic and efficient manner. As critical inquiry gets summoned up to the court of reason in Beardsworth’s account, its realm of engagement is limited to that which the light of reason can be shed upon, and its politics is confined to mapping out the achievable and the doable in a given historical context without questioning or disrupting the limits of what is presented as “realistic” choices. Hence, if untimely critical thought is to be meaningful it has to be on time by responding to political exigency in a practical, efficient, and strategic manner. In contrast to this prevalent form of understanding the untimeliness of critical theory, I will now turn to a different account of the untimely provided by Wendy Brown whose work informs the project of dismantling security as untimely critique. Drawing from her discussion of the relationship between critique, crisis, and political time, I will suggest that untimely critique of security entails, simultaneously, an attunement to the times and an aggressive violation of their self-conception. It is in this different sense of the untimely that the suggestion of dismantling security needs to be situated. Critique and Political Time As I suggested in the Prelude to this chapter, elevating security itself to the position of major protagonist and extending a call to “dismantle security” was itself declared to be an untimely pursuit in a time depicted as the time of crisis in security. Such a declaration stood as an exemplary moment (not in the sense of illustration or allegory, but as a moment of crystallization) for disciplinary prohibitions to think and act otherwise—perhaps the moment when a doxa exhibits its most powerful hold. Hence, what is first needed is to overturn the taken-for-granted relations between crisis, timeliness, and critique. The roots krisis and kritik can be traced back to the Greek word krinõ, which meant “to separate”, to “choose,” to “judge,” to “decide.”341 While creating a broad spectrum of meanings, it was intimately related to politics as it connoted a “divorce” or “quarrel,” but also a moment of decision and a turning point. It was also used as a jurisprudential term in the sense of making a decision, reaching a verdict or judgment (kritik) on an alleged disorder so as to provide a way to restore order. Rather than being separated into two domains of meaning—that of “subjective critique” and “objective crisis”—krisis and kritik were conceived as interlinked moments. Koselleck explains this conceptual fusion: [I]t wasin the sense of “judgment,” “trial,” “legal decision,” and ultimately “court” that crisis achieved a high constitutionalstatus, through which the individual citizen and the community were bound together. The “for and against” wastherefore present in the original meaning of the word and thisin a manner that already conceptually anticipated the appropriate judgment. 342 Recognition of an objective crisis and subjective judgments to be passed on it so as to come up with a formula for restoring the health of the polity by setting the times right were thereby infused and implicated in each other.343 Consequently, as Brown notes, there could be no such thing as “mere critique” or “untimely critique” because critique always entailed a concern with political time: “[C]ritique as political krisis promise[d] to restore continuity by repairing or renewing the justice that gives an order the prospect of continuity, that indeed ma[de] it continuous.”344 The breaking of this intimate link between krisis and kritik, the consequent depoliticization of critique and its sundering from crisis coincides with the rise of modern political order and redistribution of the public space into the binary structure of sovereign and subject, public and private.345 Failing to note the link between the critique it practiced and the looming political crisis, emerging philosophies of history, according Koselleck, had the effect of obfuscating this crisis. As he explains, “[n]ever politically grasped, [this political crisis] remained concealed in historico-philosophical images of the future which cause the day’s events to pale.”346 It is this intimate, but severed, link between crisis and critique in historical narratives that Wendy Brown’s discussion brings to the fore and re-problematizes. She turns to Walter Benjamin’s “Theses on the Philosophy of History” and challenges conventional understandings of historical materialism, which conceives of the present in terms of unfolding laws of history.347 According to Brown, the practice of critical theory appeals to a concern with time to the extent that “[t]he crisis that incites critique and that critique engages itself signals a rupture of temporal continuity, which is at the same time a rupture in political imaginary.”348 Cast in these terms, it is a particular experience with time, with the present, that Brown suggests Benjamin’s theses aim to capture. Rather than an unmoving or an automatically overcome present (a present that is out of time), the present is interpreted as an opening that calls for a response to it. This call for a response highlights the idea that, far from being a luxury, critique is non-optional in its nature. Such an understanding of critical thought is premised on a historical consciousness that grasps the present historically so as to break with the selfconception of the age. Untimely critique transforms into a technique to blow up the present through fracturing its apparent seamlessness by insisting on alternatives to its closed political and epistemological universe.349 Such a conception resonates with the distinction that Žižek makes between a political subjectivity that is confined to choosing between the existing alternatives—one that takes the limits of what is given as the limits to what is possible—and a form of subjectivity that creates the very set of alternatives by “transcend[ing] the coordinates of a given situation [and] ‘posit[ing] the presuppositions’ of one's activity” by redefining the very situation within which one is active.”350 With its attempt to grasp the times in its singularity, critique is cast neither as a breaking free from the weight of time (which would amount to ahistoricity) nor being weighed down by the times (as in the case of teleology).351 It conceives the present as “historically contoured but not itself experienced as history because not necessarily continuous with what has been.”352 It is an attitude that renders the present as the site of “non-utopian possibility” since it is historically situated and constrained yet also a possibility since it is not historically foreordained or determined.353 It entails contesting the delimitations of choice and challenging the confinement of politics to existing possibilities. Rather than positing history as existing objectively outside of narration, what Brown’s discussion highlights is the intimate relation between the constitution of political subjectivity vis-à-vis the meaning of history for the present. It alludes to “the power of historical discourse,” which Mowitt explains as a power “to estrange us from that which is most familiar, namely, the fixity of the present” because “what we believe to have happened to us bears concretely on what we are prepared to do with ourselves both now and in the future.”354 Mark Neocleous concretizes the political stakes entailed in such encounters with history—with the dead—from the perspective of three political traditions: a conservative one, which aims to reconcile the dead with the living, a fascist one, which aims to resurrect the dead to legitimate its fascist program, and a historical materialist one, which seeks redemption with the dead as the source of hope and inspiration for the future.355 Brown’s discussion of critique and political time is significant for highlighting the immediately political nature of critique in contrast to contemporary invocations that cast it as a self-indulgent practice, an untimely luxury, a disinterested, distanced, academic endeavor. Her attempt to trace critique vis-à-vis its relation to political time provides a counter-narrative to the conservative and moralizing assertions that shun untimely critique of security as a luxurious interest that is committed to abstract ideals rather than to the “reality” of politics—i.e., running after utopia rather than modeling “real world” solutions. Dismantling security as untimely critique entails a similar claim to unsettle the accounts of “what the times are” with a “bid to reset time.”356 It aspires to be untimely in the face of the demands on critical thought to be on time; aims to challenge the moralizing move, the call to conscience that arrives in the form of assertions that saying “no!” to security, that refusing to write it, would be untimely. Rather than succumbing to the injunction that thought of political possibility is to be confined within the framework of security, dismantling security aims to open up space for alternative forms, for a different language of politics so as to “stop digging” the hole politics of security have dug us and start building a counter-discourse. Conclusion As an attempt to push a debate that is fixated on security to the limit and explore what it means to dismantle security, my engagement with various aspects of this move is not intended as an analysis raised at the level of causal interpretations or as an attempt to find better solutions to a problem that already has a name. Rather, it tries to recast what is taken-for-granted by attending to the conceptual assumptions, the historical and systemic conditions within which the politics of security plays itself out. As I tried to show in this chapter, it also entails a simultaneous move of refusing to be a disciple of the discipline of security. This implies overturning not only the silent disciplinary protocols about which questions are legitimate to ask, but also the very framework that informs those questions. It is from this perspective that I devoted two chapters to examining and clarifying the proposal to dismantle security as a claim on time. After explicating, in Chapter 4, the temporal structure that is enacted by politics of security and elaborating on how security structures the relation between the present and the future, in this chapter, I approached the question of temporality from a different perspective, by situating it in relation to disciplinary times in order to clarify what an untimely critique of security means. I tried to elaborate this notion of the untimely by exploring the understanding of untimeliness that informs certain conceptions of critical theorizing in International Relations. I suggested that such a notion of the untimely paradoxically calls on critical thought to be on time in the sense of being punctual and strategic. Turning to Wendy Brown’s discussion of the relation between critique and political time, I elaborated on the sense of untimely critique that dismantling security strives for—a critique that goes against the times that are saturated by the infinite passion to secure and works toward taking apart the architecture of security.

### Cyber

#### ---Uncontrollability of cyber-war is a neg warrant --- means countries won’t use them

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As for cyber serving as a stand-alone war-fifighting domain, there you'll find the debates no less theological in their intensity. After serving as senior managing director for half a dozen years at a software firm that specializes in securing supply chains, I'm deeply skeptical. Given the uncontrollable nature of cyberweapons (see: Stuxnet's many permutations), I view them as the 21st century's version of chemical weapons -- nice to have, but hard to use. Another way to look at it is to simply call a spade a spade: Cyberwarfare is nothing more than espionage and sabotage updated for the digital era. Whatever cyberwar turns out to be in the national security realm, it will always be dwarfed by the industrial variants -- think cyberthieves, not cyberwarriors. But you wouldn't know it from the panicky warnings from former Defense Secretary Leon Panetta and the generals about the imminent threat of a "cyber Pearl Harbor."¶ Please remember amid all this frenetic scaremongering that the Pentagon is never more frightened about our collective future than when it's desperately uncertain about its own. Given the rising health-care costs associated with America's aging population and the never-ending dysfunction in Washington, we should expect to be bombarded with frightening scenarios of planetary doom for the next decade or two. None of this bureaucratic chattering will bear any resemblance to global trends, which demonstrate that wars have grown increasingly infrequent, shorter in duration, and diminished in lethality. But you won't hear that from the next-warriors on the Potomac.

#### Zero impact to cyber arms race --- overwhelming consensus of qualified authors goes neg

- No motivation---can’t be used for coercive leverage

- Defenses solve---benefits of offense are overstated

- Too difficult to execute/mistakes in code are inevitable

- AT: Infrastructure attacks

- Military networks are air-gapped/difficult to access

- Overwhelming consensus goes neg

Colin S. Gray 13, Prof. of International Politics and Strategic Studies @ the University of Reading and External Researcher @ the Strategic Studies Institute @ the U.S. Army War College, April, “Making Strategic Sense of Cyber Power: Why the Sky Is Not Falling,” U.S. Army War College Press, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1147.pdf>

CONCLUSIONS AND RECOMMENDATIONS: THE SKY IS NOT FALLING¶ This analysis has sought to explore, identify, and explain the strategic meaning of cyber power. The organizing and thematic question that has shaped and driven the inquiry has been “So what?” Today we all do cyber, but this behavior usually has not been much informed by an understanding that reaches beyond the tactical and technical. I have endeavored to analyze in strategic terms what is on offer from the largely technical and tactical literature on cyber. What can or might be done and how to go about doing it are vitally important bodies of knowledge. But at least as important is understanding what cyber, as a fifth domain of warfare, brings to national security when it is considered strategically. Military history is stocked abundantly with examples of tactical behavior un - guided by any credible semblance of strategy. This inquiry has not been a campaign to reveal what cy ber can and might do; a large literature already exists that claims fairly convincingly to explain “how to . . .” But what does cyber power mean, and how does it fit strategically, if it does? These Conclusions and Rec ommendations offer some understanding of this fifth geography of war in terms that make sense to this strategist, at least. ¶ 1. Cyber can only be an enabler of physical effort. Stand-alone (popularly misnamed as “strategic”) cyber action is inherently grossly limited by its immateriality. The physicality of conflict with cyber’s human participants and mechanical artifacts has not been a passing phase in our species’ strategic history. Cyber action, quite independent of action on land, at sea, in the air, and in orbital space, certainly is possible. But the strategic logic of such behavior, keyed to anticipated success in tactical achievement, is not promising. To date, “What if . . .” speculation about strategic cyber attack usually is either contextually too light, or, more often, contextually unpersuasive. 49 However, this is not a great strategic truth, though it is a judgment advanced with considerable confidence. Although societies could, of course, be hurt by cyber action, it is important not to lose touch with the fact, in Libicki’s apposite words, that “[i]n the absence of physical combat, cyber war cannot lead to the occupation of territory. It is almost inconceivable that a sufficiently vigorous cyber war can overthrow the adversary’s government and replace it with a more pliable one.” 50 In the same way that the concepts of sea war, air war, and space war are fundamentally unsound, so also the idea of cyber war is unpersuasive. ¶ It is not impossible, but then, neither is war conducted only at sea, or in the air, or in space. On the one hand, cyber war may seem more probable than like environmentally independent action at sea or in the air. After all, cyber warfare would be very unlikely to harm human beings directly, let alone damage physically the machines on which they depend. These near-facts (cyber attack might cause socially critical machines to behave in a rogue manner with damaging physical consequences) might seem to ren - der cyber a safer zone of belligerent engagement than would physically violent action in other domains. But most likely there would be serious uncertainties pertaining to the consequences of cyber action, which must include the possibility of escalation into other domains of conflict. Despite popular assertions to the contrary, cyber is not likely to prove a precision weapon anytime soon. 51 In addition, assuming that the political and strategic contexts for cyber war were as serious as surely they would need to be to trigger events warranting plausible labeling as cyber war, the distinctly limited harm likely to follow from cyber assault would hardly appeal as prospectively effective coercive moves. On balance, it is most probable that cyber’s strategic future in war will be as a contribut - ing enabler of effectiveness of physical efforts in the other four geographies of conflict. Speculation about cyber war, defined strictly as hostile action by net - worked computers against networked computers, is hugely unconvincing.¶ 2. Cyber defense is difficult, but should be sufficiently effective. The structural advantages of the offense in cyber conflict are as obvious as they are easy to overstate. Penetration and exploitation, or even attack, would need to be by surprise. It can be swift almost beyond the imagination of those encultured by the traditional demands of physical combat. Cyber attack may be so stealthy that it escapes notice for a long while, or it might wreak digital havoc by com - plete surprise. And need one emphasize, that at least for a while, hostile cyber action is likely to be hard (though not quite impossible) to attribute with a cy - berized equivalent to a “smoking gun.” Once one is in the realm of the catastrophic “What if . . . ,” the world is indeed a frightening place. On a personal note, this defense analyst was for some years exposed to highly speculative briefings that hypothesized how unques - tionably cunning plans for nuclear attack could so promptly disable the United States as a functioning state that our nuclear retaliation would likely be still - born. I should hardly need to add that the briefers of these Scary Scenarios were obliged to make a series of Heroic Assumptions. ¶ The literature of cyber scare is more than mildly reminiscent of the nuclear attack stories with which I was assailed in the 1970s and 1980s. As one may observe regarding what Winston Churchill wrote of the disaster that was the Gallipoli campaign of 1915, “[t]he terrible ‘Ifs’ accumulate.” 52 Of course, there are dangers in the cyber domain. Not only are there cyber-competent competitors and enemies abroad; there are also Americans who make mistakes in cyber operation. Furthermore, there are the manufacturers and constructors of the physical artifacts behind (or in, depending upon the preferred definition) cyber - space who assuredly err in this and that detail. The more sophisticated—usually meaning complex—the code for cyber, the more certain must it be that mistakes both lurk in the program and will be made in digital communication.¶ What I have just outlined minimally is not a reluc - tant admission of the fallibility of cyber, but rather a statement of what is obvious and should be anticipat - ed about people and material in a domain of war. All human activities are more or less harassed by friction and carry with them some risk of failure, great or small. A strategist who has read Clausewitz, especially Book One of On War , 53 will know this. Alternatively, anyone who skims my summary version of the general theory of strategy will note that Dictum 14 states explicitly that “Strategy is more difficult to devise and execute than are policy, operations, and tactics: friction of all kinds comprise phenomena inseparable from the mak - ing and execution of strategies.” 54 Because of its often widely distributed character, the physical infrastruc - ture of an enemy’s cyber power is typically, though not invariably, an impracticable target set for physical assault. Happily, this probable fact should have only annoying consequences. The discretionary nature and therefore the variable possible characters feasible for friendly cyberspace(s), mean that the more danger - ous potential vulnerabilities that in theory could be the condition of our cyber-dependency ought to be avoidable at best, or bearable and survivable at worst. Libicki offers forthright advice on this aspect of the subject that deserves to be taken at face value: ¶ [T]here is no inherent reason that improving informa - tion technologies should lead to a rise in the amount of critical information in existence (for example, the names of every secret agent). Really critical information should never see a computer; if it sees a computer, it should not be one that is networked; and if the computer is networked, it should be air-gapped.¶ Cyber defense admittedly is difficult to do, but so is cyber offense. To quote Libicki yet again, “[i]n this medium [cyberspace] the best defense is not necessarily a good offense; it is usually a good defense.” 56 Unlike the geostrategic context for nuclear-framed competition in U.S.–Soviet/Russian rivalry, the geographical domain of cyberspace definitely is defensible. Even when the enemy is both clever and lucky, it will be our own design and operating fault if he is able to do more than disrupt and irritate us temporarily.¶ When cyber is contextually regarded properly— which means first, in particular, when it is viewed as but the latest military domain for defense planning—it should be plain to see that cyber performance needs to be good enough rather than perfect. 57 Our Landpower, sea power, air power, and prospectively our space systems also will have to be capable of accepting combat damage and loss, then recovering and carrying on. There is no fundamental reason that less should be demanded of our cyber power. Second, given that cyber is not of a nature or potential character at all likely to parallel nuclear dangers in the menace it could con - tain, we should anticipate international cyber rivalry to follow the competitive dynamic path already fol - lowed in the other domains in the past. Because the digital age is so young, the pace of technical change and tactical invention can be startling. However, the mechanization RMA of the 1920s and 1930s recorded reaction to the new science and technology of the time that is reminiscent of the cyber alarmism that has flour - ished of recent years. 58 We can be confident that cyber defense should be able to function well enough, given the strength of political, military, and commercial motivation for it to do so. The technical context here is a medium that is a constructed one, which provides air-gapping options for choice regarding the extent of networking. Naturally, a price is paid in convenience for some closing off of possible cyberspace(s), but all important defense decisions involve choice, so what is novel about that? There is nothing new about accepting some limitations on utility as a price worth paying for security.¶ 3. Intelligence is critically important, but informa - tion should not be overvalued. The strategic history of cyber over the past decade confirms what we could know already from the science and technology of this new domain for conflict. Specifically, cyber power is not technically forgiving of user error. Cyber warriors seeking criminal or military benefit require precise information if their intended exploits are to succeed. Lucky guesses should not stumble upon passwords, while efforts to disrupt electronic Supervisory Con - trol and Data Acquisition (SCADA) systems ought to be unable to achieve widespread harmful effects. But obviously there are practical limits to the air-gap op - tion, given that control (and command) systems need to be networks for communication. However, Internet connection needs to be treated as a potential source of serious danger.¶ It is one thing to be able to be an electronic nuisance, to annoy, disrupt, and perhaps delay. But it is quite another to be capable of inflicting real persisting harm on the fighting power of an enemy. Critically important military computer networks are, of course, accessible neither to the inspired amateur outsider, nor to the malignant political enemy. Easy passing reference to a hypothetical “cyber Pearl Harbor” reflects both poor history and ignorance of contemporary military common sense. Critical potential military (and other) targets for cyber attack are extremely hard to access and influence (I believe and certainly hope), and the technical knowledge, skills, and effort required to do serious harm to national security is forbiddingly high. This is not to claim, foolishly, that cyber means absolutely could not secure near-catastrophic results. However, it is to say that such a scenario is extremely improbable. Cyber defense is advancing all the time, as is cyber offense, of course. But so discretionary in vital detail can one be in the making of cyberspace, that confidence—real confidence—in cyber attack could not plausibly be high. It should be noted that I am confining this particular discussion to what rather idly tends to be called cyber war. In political and strategic practice, it is unlikely that war would or, more importantly, ever could be restricted to the EMS. Somewhat rhetorically, one should pose the question: Is it likely (almost anything, strictly, is possible) that cyber war with the potential to inflict catastrophic damage would be allowed to stand unsupported in and by action in the other four geographical domains of war? I believe not.¶ Because we have told ourselves that ours uniquely is the Information Age, we have become unduly respectful of the potency of this rather slippery catch-all term. As usual, it is helpful to contextualize the al - legedly magical ingredient, information, by locating it properly in strategic history as just one important element contributing to net strategic effectiveness. This mild caveat is supported usefully by recognizing the general contemporary rule that information per se harms nothing and nobody. The electrons in cyber - ized conflict have to be interpreted and acted upon by physical forces (including agency by physical human beings). As one might say, intelligence (alone) sinks no ship; only men and machines can sink ships! That said, there is no doubt that if friendly cyber action can infiltrate and misinform the electronic informa - tion on which advisory weaponry and other machines depend, considerable warfighting advantage could be gained. I do not intend to join Clausewitz in his dis - dain for intelligence, but I will argue that in strategic affairs, intelligence usually is somewhat uncertain. 59 Detailed up-to-date intelligence literally is essential for successful cyber offense, but it can be healthily sobering to appreciate that the strategic rewards of intelligence often are considerably exaggerated. The basic reason is not hard to recognize. Strategic success is a complex endeavor that requires adequate perfor - mances by many necessary contributors at every level of conflict (from the political to the tactical). ¶ When thoroughly reliable intelligence on the en - emy is in short supply, which usually is the case, the strategist finds ways to compensate as best he or she can. The IT-led RMA of the past 2 decades was fueled in part by the prospect of a quality of military effec - tiveness that was believed to flow from “dominant battle space knowledge,” to deploy a familiar con - cept. 60 While there is much to be said in praise of this idea, it is not unreasonable to ask why it has been that our ever-improving battle space knowledge has been compatible with so troubled a course of events in the 2000s in Iraq and Afghanistan. What we might have misunderstood is not the value of knowledge, or of the information from which knowledge is quarried, or even the merit in the IT that passed information and knowledge around. Instead, we may well have failed to grasp and grip understanding of the whole context of war and strategy for which battle space knowledge unquestionably is vital. One must say “vital” rather than strictly essential, because relatively ignorant armies can and have fought and won despite their ig - norance. History requires only that one’s net strategic performance is superior to that of the enemy. One is not required to be deeply well informed about the en - emy. It is historically quite commonplace for armies to fight in a condition of more-than-marginal reciprocal and strategic cultural ignorance. Intelligence is king in electronic warfare, but such warfare is unlikely to be solely, or even close to solely, sovereign in war and its warfare, considered overall as they should be.¶ 4. Why the sky will not fall. More accurately, one should say that the sky will not fall because of hostile action against us in cyberspace unless we are improb - ably careless and foolish. David J. Betz and Tim Ste vens strike the right note when they conclude that “[i]f cyberspace is not quite the hoped-for Garden of Eden, it is also not quite the pestilential swamp of the imagination of the cyber-alarmists.” 61 Our understanding of cyber is high at the technical and tactical level, but re - mains distinctly rudimentary as one ascends through operations to the more rarified altitudes of strategy and policy. Nonetheless, our scientific, technological, and tactical knowledge and understanding clearly indicates that the sky is not falling and is unlikely to fall in the future as a result of hostile cyber action. This analysis has weighed the more technical and tactical literature on cyber and concludes, not simply on balance, that cyber alarmism has little basis save in the imagination of the alarmists. There is military and civil peril in the hostile use of cyber, which is why we must take cyber security seriously, even to the point of buying redundant capabilities for a range of command and control systems. 62 So seriously should we regard cyber danger that it is only prudent to as - sume that we will be the target for hostile cyber action in future conflicts, and that some of that action will promote disruption and uncertainty in the damage it will cause.¶ That granted, this analysis recommends strongly that the U.S. Army, and indeed the whole of the U.S. Government, should strive to comprehend cyber in context. Approached in isolation as a new technol - ogy, it is not unduly hard to be over impressed with its potential both for good and harm. But if we see networked computing as just the latest RMA in an episodic succession of revolutionary changes in the way information is packaged and communicated, the computer-led IT revolution is set where it belongs, in historical context. In modern strategic history, there has been only one truly game-changing basket of tech - nologies, those pertaining to the creation and deliv - ery of nuclear weapons. Everything else has altered the tools with which conflict has been supported and waged, but has not changed the game. The nuclear revolution alone raised still-unanswered questions about the viability of interstate armed conflict. How - ever, it would be accurate to claim that since 1945, methods have been found to pursue fairly traditional political ends in ways that accommodate nonuse of nuclear means, notwithstanding the permanent pres - ence of those means.¶ The light cast by general strategic theory reveals what requires revealing strategically about networked computers. Once one sheds some of the sheer wonder at the seeming miracle of cyber’s ubiquity, instanta - neity, and (near) anonymity, one realizes that cyber is just another operational domain, though certainly one very different from the others in its nonphysi - cality in direct agency. Having placed cyber where it belongs, as a domain of war, next it is essential to recognize that its nonphysicality compels that cyber should be treated as an enabler of joint action, rather than as an agent of military action capable of behav - ing independently for useful coercive strategic effect. There are stand-alone possibilities for cyber action, but they are not convincing as attractive options either for or in opposition to a great power, let alone a superpower. No matter how intriguing the scenario design for cyber war strictly or for cyber warfare, the logic of grand and military strategy and a common sense fueled by understanding of the course of strategic history, require one so to contextualize cyber war that its independence is seen as too close to absurd to merit much concern.

#### Diminishing marginal returns means there’s no impact

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Strategic Cyberwar Is Unlikely to Be Decisive ¶ No one knows how destructive any one strategic cyberwar attack would be. Estimates of the damage from today’s cyberattacks within the United States range from hundreds of billions of dollars to just a few billion dollars per year. ¶ The higher dollar figures suggest that cyberattacks on enemy civilian infrastructures—strategic cyberwar—may be rationalized as a way to assist military efforts or as a way to coerce the other side to yield to prevent further suffering. But can strategic cyberwar induce political compliance the way, say, strategic airpower would? Airpower tends to succeed when societies are convinced that matters will only get worse. With cyberattacks, the opposite is more likely. As systems are attacked, vulnerabilities are revealed and repaired or routed around. As systems become more hardened, societies become less vulnerable and are likely to become more, rather than less, resistant to further coercion.

**No risk of cyber war**

**Clark ’12** (MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/’12 (Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

The Department of Homeland Security worries that our critical infrastructure and key resources (CIKR) may be exposed, both directly and indirectly, to multiple threats because of CIKR reliance on the global cyber infrastructure, an infrastructure that is under routine cyberattack by a “spectrum of malicious actors” (National Infrastructure Protection Plan 2009). CIKR in the extremely large and complex U.S. economy spans multiple sectors including agricultural, finance and banking, dams and water resources, public health and emergency services, military and defense, transportation and shipping, and energy (National Infrastructure Protection Plan 2009). The disruption and destruction of public and private infrastructure is part of warfare, without this infrastructure conflict cannot be sustained (Geers 2011). Cyber-attacks are desirable because they are considered to be a relatively “low cost and long range” weapon (Lewis 2010), but prior to the creation of Stuxnet, the first cyber-weapon, the ability to disrupt and destroy critical infrastructure through cyber-attack was theoretical. The movement of an offensive cyber-weapon from conceptual to actual has forced the United States to question whether offensive cyber-attacks are a significant threat that are able to disrupt or destroy CIKR to the level that national security is seriously degraded. It is important to understand the risk posed to national security by cyber-attacks to ensure that government responses are appropriate to the threat and balance security with privacy and civil liberty concerns. The risk posed to CIKR from cyber-attack can be evaluated by measuring the threat from cyber-attack against the vulnerability of a CIKR target and the consequences of CIKR disruption. As the only known cyber-weapon, Stuxnet has been thoroughly analyzed and used as a model for predicting future cyber-weapons. The U.S. electrical grid, a key component in the CIKR energy sector, is a target that has been analyzed for vulnerabilities and the consequences of disruption predicted – the electrical grid has been used in multiple attack scenarios including a classified scenario provided to the U.S. Congress in 2012 (Rohde 2012). Stuxnet will serve as the weapon and the U.S. electrical grid will serve as the target in this risk analysis that concludes that there is a low risk of disruption or destruction of critical infrastructure from a an offensive cyber-weapon because of the complexity of the attack path, the limited capability of non-state adversaries to develop cyber-weapons, and the existence of multiple methods of mitigating the cyber-attacks. To evaluate the threat posed by a Stuxnet-like cyber-weapon, the complexity of the weapon, the available attack vectors for the weapon, and the resilience of the weapon must be understood. The complexity – how difficult and expensive it was to create the weapon – identifies the relative cost and availability of the weapon; inexpensive and simple to build will be more prevalent than expensive and difficult to build. Attack vectors are the available methods of attack; the larger the number, the more severe the threat. For example, attack vectors for a cyberweapon may be email attachments, peer-to-peer applications, websites, and infected USB devices or compact discs. Finally, the resilience of the weapon determines its availability and affects its usefulness. A useful weapon is one that is resistant to disruption (resilient) and is therefore available and reliable. These concepts are seen in the AK-47 assault rifle – a simple, inexpensive, reliable and effective weapon – and carry over to information technology structures (Weitz 2012). The evaluation of Stuxnet identified malware that is “unusually complex and large” and required code written in multiple languages (Chen 2010) in order to complete a variety of specific functions contained in a “vast array” of components – it is one of the most complex threats ever analyzed by Symantec (Falliere, Murchu and Chien 2011). To be successful, Stuxnet required a high level of technical knowledge across multiple disciplines, a laboratory with the target equipment configured for testing, and a foreign intelligence capability to collect information on the target network and attack vectors (Kerr, Rollins and Theohary 2010). The malware also needed careful monitoring and maintenance because it could be easily disrupted; as a result Stuxnet was developed with a high degree of configurability and was upgraded multiple times in less than one year (Falliere, Murchu and Chien 2011). Once introduced into the network, the cyber-weapon then had to utilize four known vulnerabilities and four unknown vulnerabilities, known as zero-day exploits, in order to install itself and propagate across the target network (Falliere, Murchu and Chien 2011). Zero-day exploits are incredibly difficult to find and fewer than twelve out of the 12,000,000 pieces of malware discovered each year utilize zero-day exploits and this rarity makes them valuable, zero-days can fetch $50,000 to $500,000 each on the black market (Zetter 2011). The use of four rare exploits in a single piece of malware is “unprecedented” (Chen 2010). Along with the use of four unpublished exploits, Stuxnet also used the “first ever” programmable logic controller rootkit, a Windows rootkit, antivirus evasion techniques, intricate process injection routines, and other complex interfaces (Falliere, Murchu and Chien 2011) all wrapped up in “layers of encryption like Russian nesting dolls” (Zetter 2011) – including custom encryption algorithms (Karnouskos 2011). As the malware spread across the now-infected network it had to utilize additional vulnerabilities in proprietary Siemens industrial control software (ICS) and hardware used to control the equipment it was designed to sabotage. Some of these ICS vulnerabilities were published but some were unknown and required such a high degree of inside knowledge that there was speculation that a Siemens employee had been involved in the malware design (Kerr, Rollins and Theohary 2010). The unprecedented technical complexity of the Stuxnet cyber-weapon, along with the extensive technical and financial resources and foreign intelligence capabilities required for its development and deployment, indicates that the malware was likely developed by a nation-state (Kerr, Rollins and Theohary 2010). Stuxnet had very limited attack vectors. When a computer system is connected to the public Internet a host of attack vectors are available to the cyber-attacker (Institute for Security Technology Studies 2002). Web browser and browser plug-in vulnerabilities, cross-site scripting attacks, compromised email attachments, peer-to-peer applications, operating system and other application vulnerabilities are all vectors for the introduction of malware into an Internetconnected computer system. Networks that are not connected to the public internet are “air gapped,” a technical colloquialism to identify a physical separation between networks. Physical separation from the public Internet is a common safeguard for sensitive networks including classified U.S. government networks. If the target network is air gapped, infection can only occur through physical means – an infected disk or USB device that must be physically introduced into a possibly access controlled environment and connected to the air gapped network. The first step of the Stuxnet cyber-attack was to initially infect the target networks, a difficult task given the probable disconnected and well secured nature of the Iranian nuclear facilities. Stuxnet was introduced via a USB device to the target network, a method that suggests that the attackers were familiar with the configuration of the network and knew it was not connected to the public Internet (Chen 2010). This assessment is supported by two rare features in Stuxnet – having all necessary functionality for industrial sabotage fully embedded in the malware executable along with the ability to self-propagate and upgrade through a peer-to-peer method (Falliere, Murchu and Chien 2011). Developing an understanding of the target network configuration was a significant and daunting task based on Symantec’s assessment that Stuxnet repeatedly targeted a total of five different organizations over nearly one year (Falliere, Murchu and Chien 2011) with physical introduction via USB drive being the only available attack vector. The final factor in assessing the threat of a cyber-weapon is the resilience of the weapon. There are two primary factors that make Stuxnet non-resilient: the complexity of the weapon and the complexity of the target. Stuxnet was highly customized for sabotaging specific industrial systems (Karnouskos 2011) and needed a large number of very complex components and routines in order to increase its chance of success (Falliere, Murchu and Chien 2011). The malware required eight vulnerabilities in the Windows operating system to succeed and therefore would have failed if those vulnerabilities had been properly patched; four of the eight vulnerabilities were known to Microsoft and subject to elimination (Falliere, Murchu and Chien 2011). Stuxnet also required that two drivers be installed and required two stolen security certificates for installation (Falliere, Murchu and Chien 2011); driver installation would have failed if the stolen certificates had been revoked and marked as invalid. Finally, the configuration of systems is ever-changing as components are upgraded or replaced. There is no guarantee that the network that was mapped for vulnerabilities had not changed in the months, or years, it took to craft Stuxnet and successfully infect the target network. Had specific components of the target hardware changed – the targeted Siemens software or programmable logic controller – the attack would have failed. Threats are less of a threat when identified; this is why zero-day exploits are so valuable. Stuxnet went to great lengths to hide its existence from the target and utilized multiple rootkits, data manipulation routines, and virus avoidance techniques to stay undetected. The malware’s actions occurred only in memory to avoid leaving traces on disk, it masked its activities by running under legal programs, employed layers of encryption and code obfuscation, and uninstalled itself after a set period of time, all efforts to avoid detection because its authors knew that detection meant failure. As a result of the complexity of the malware, the changeable nature of the target network, and the chance of discovery, Stuxnet is not a resilient system. It is a fragile weapon that required an investment of time and money to constantly monitor, reconfigure, test and deploy over the course of a year. There is concern, with Stuxnet developed and available publicly, that the world is on the brink of a storm of highly sophisticated Stuxnet-derived cyber-weapons which can be used by hackers, organized criminals and terrorists (Chen 2010). As former counterterrorism advisor Richard Clarke describes it, there is concern that the technical brilliance of the United States “has created millions of potential monsters all over the world” (Rosenbaum 2012). Hyperbole aside, technical knowledge spreads. The techniques behind cyber-attacks are “constantly evolving and making use of lessons learned over time” (Institute for Security Technology Studies 2002) and the publication of the Stuxnet code may make it easier to copy the weapon (Kerr, Rollins and Theohary 2010). However, this is something of a zero-sum game because **know**ledge works both ways and cyber-security techniques are also evolving, and “understanding attack techniques more clearly is the first step toward increasing security” (Institute for Security Technology Studies 2002). Vulnerabilities are discovered and patched, intrusion detection and malware signatures are expanded and updated, and monitoring and analysis processes and methodologies are expanded and honed. Once the element of surprise is lost, weapons and tactics are less useful, this is the core of the argument that “uniquely surprising” stratagems like Stuxnet are single-use, like Pearl Harbor and the Trojan Horse, the “very success [of these attacks] precludes their repetition” (Mueller 2012). This paradigm has already been seen in the “son of Stuxnet” malware – named Duqu by its discoverers – that is based on the same modular code platform that created Stuxnet (Ragan 2011). With the techniques used by Stuxnet now known, other variants such as Duqu are being discovered and countered by security researchers (Laboratory of Cryptography and System Security 2011). It is obvious that the effort required to create, deploy, and maintain Stuxnet and its variants is massive and it is not clear that the rewards are worth the risk and effort. Given the location of initial infection and the number of infected systems in Iran (Falliere, Murchu and Chien 2011) it is believed that Iranian nuclear facilities were the target of the Stuxnet weapon. A significant amount of money and effort was invested in creating Stuxnet but yet the expected result – assuming that this was an attack that expected to damage production – was minimal at best. Iran claimed that Stuxnet caused only minor damage, probably at the Natanz enrichment facility, the Russian contractor Atomstroyeksport reported that no damage had occurred at the Bushehr facility, and an unidentified “senior diplomat” suggested that Iran was forced to shut down its centrifuge facility “for a few days” (Kerr, Rollins and Theohary 2010). Even the most optimistic estimates believe that Iran’s nuclear enrichment program was only delayed by months, or perhaps years (Rosenbaum 2012). The actual damage done by Stuxnet is not clear (Kerr, Rollins and Theohary 2010) and the primary damage appears to be to a higher number than average replacement of centrifuges at the Iran enrichment facility (Zetter 2011). Different targets may produce different results. The Iranian nuclear facility was a difficult target with limited attack vectors because of its isolation from the public Internet and restricted access to its facilities. What is the probability of a successful attack against the U.S. electrical grid and what are the potential consequences should this critical infrastructure be disrupted or destroyed? An attack against the electrical grid is a reasonable threat scenario since power systems are “a high priority target for military and insurgents” and there has been a trend towards utilizing commercial software and integrating utilities into the public Internet that has “increased vulnerability across the board” (Lewis 2010). Yet the increased vulnerabilities are mitigated by an increased detection and deterrent capability that has been “honed over many years of practical application” now that power systems are using standard, rather than proprietary and specialized, applications and components (Leita and Dacier 2012). The security of the electrical grid is also enhanced by increased awareness after a smart-grid hacking demonstration in 2009 and the identification of the Stuxnet malware in 2010; as a result the public and private sector are working together in an “unprecedented effort” to establish robust security guidelines and cyber security measures (Gohn and Wheelock 2010).

#### ---Allied cyber coop high

John Reed 12, national security reporter for Foreign Policy, 9/10, “U.S. swapping cyber notes with allies,” http://killerapps.foreignpolicy.com/posts/2012/09/10/us\_now\_swapping\_notes\_on\_cyber\_attacks\_with\_closest\_allies

The Defense Department has reached what Pentagon officials describe a key agreement with some of the United States' closest international allies to share information in the cyber realm.¶ The agreement allows the Pentagon to quickly share broad amounts of information on cyber attacks with the four other members of the so-called Five Eyes intelligence-sharing group (formally known as the UKUSA Agreement): the United Kingdom, Canada, Australia, and New Zealand.¶ "We have far more ability to share, particularly in relation to network defense and information assurance, than we've ever had previously. That's very positive," said Marine Corps Maj. Gen. George Allen, director of plans and policy for U.S. Cyber Command said on August 16. "I think you'll see a far better partnership with our coalition partners than you've ever seen" as the Five Eyes countries integrate the information into their exercises and planning.¶ "At this point it's not a full treaty because it's more an operational type cooperation; it's through a policy type memorandum of understanding," Eric Rosenbach, deputy assistant secretary of defense for cyber policy told Killer Apps during a Sept. 4 interview while discussing how the U.S. shares cyber information with its closest allies. The cyber information-sharing agreement falls under a 2003 MOU on general information sharing between the Five Eyes, according to a DoD spokesman.¶ The agreement will speed up information sharing, which is crucial in cyber, Allen said: "It's extremely important because you may see a certain threat in the U.K. that we haven't yet seen in the U.S. and you want to be able to try to bolster your defenses by seeing that before it hits us. We still have a long way to go on near real time information sharing but the technology is there."¶ Agreements like the one between the Five Eyes are being reached as a result of a National Disclosure Policy regarding the sharing of sensitive cyber information that was enacted "just a couple of months ago," said Allen.¶ The new policy also allows less extensive information sharing with other U.S. allies around the globe, according to Allen.¶ "In some cases [info-sharing agreements are part of] a bilateral relationship, depending upon the country, in other cases we have agreements with groups of countries that come together," such as the Five Eyes, explained DoD's Chief Information Officer, Teri Takai to Killer Apps during a Sept. 4 interview.¶ Defense officials say that information sharing partnerships like this one are badly needed to defeat cyber attacks since the cyber domain transcends national borders. Not only can attacks originate abroad, hackers in one country going after networks in another can often disguise their attacks to appear as if they are emanating from servers in a third nation. Furthermore, not all countries have the ability to detect cyber threats and attacks quickly. This means that a country whose servers are hijacked may not even know that it is hosting an attack.¶ "The more we can build a solid relationship with a partner, the more we're going to be able to crack the code in rapid information sharing, indications, and warnings with those partners," said Army Maj. Gen. John Davis, the military's top advisor for cyber to the undersecretary of defense for policy on August 15.¶ "If we can do that, we can get these partners to rapidly react to [cyber attacks] that we may be seeing that they may not see. We may be able to tip and cue them so that they can take action. If some of their equipment is being hijacked, we can inform them, and if we have good working relationships we can leverage that to get them to take action rather than relying on any type of U.S. government activity because then you run into issues of sovereignty and that can be very complex," he said.¶ To that end, the Five Eyes countries are already sharing lessons learned on how to defend networks, according to Davis.¶ "We are able to leverage lessons from across the five eyes, and in fact, where we find some of these nations that have particular skill or abilities in one area or another, may lead a common forum to develop that and share it with the rest of the group," said Davis.

#### At worst the impact will be contained

**Rid 12** (Thomas, PhD, Reader in War Studies @ King's College London, Non-Resident Fellow at the Center for Transatlantic Relations in the School for Advanced International Studies at Johns Hopkins, "Think Again: Cyberwar," March/April, Foreign Policy, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=0,0,

"Cyberweapons Can Create Massive Collateral Damage." Very unlikely. When news of Stuxnet broke, the New York Times reported that the most striking aspect of the new weapon was the "collateral damage" it created. The malicious program was "splattered on thousands of computer systems around the world, and much of its impact has been on those systems, rather than on what appears to have been its intended target, Iranian equipment," the Times reported. Such descriptions encouraged the view that computer viruses are akin to highly contagious biological viruses that, once unleashed from the lab, will turn against all vulnerable systems, not just their intended targets. But this metaphor is deeply flawed. As the destructive potential of a cyberweapon grows, the likelihood that it could do far-reaching damage across many systems shrinks. Stuxnet did infect more than 100,000 computers -- mainly in Iran, Indonesia, and India, though also in Europe and the United States. But it was so specifically programmed that it didn't actually damage those machines, afflicting only Iran's centrifuges at Natanz. The worm's aggressive infection strategy was designed to maximize the likelihood that it would reach its intended target. Because that final target was not networked, "all the functionality required to sabotage a system was embedded directly in the Stuxnet executable," the security software company Symantec observed in its analysis of the worm's code. So yes, Stuxnet was "splattered" far and wide, but it only executed its damaging payload where it was supposed to. Collateral infection, in short, is not necessarily collateral damage. A sophisticated piece of malware may aggressively infect many systems, but if there is an intended target, the infection will likely have a distinct payload that will be harmless to most computers. Especially in the context of more sophisticated cyberweapons, the image of inadvertent collateral damage doesn't hold up. They're more like a flu virus that only makes one family sick.

#### \*\*\*OCOs give the US coercive leverage to deescalate North Korean nuclear brinksmanship --- speed is key

Martin C. Libicki 13, Senior Management Scientist @ RAND and adjunct fellow @ Georgetown’s Center for Security Studies, “Brandishing Cyberattack Capabilities,” RAND, <http://www.rand.org/pub> s/research\_reports/RR175.html

Our inquiry is therefore more humble. Could a U.S. threat that it might interfere with a rogue state’s nuclear weapon delivery help shape a nuclear confrontation? For this question, assume a rogue nuclear power with a handful of weapons capable of hitting nearby countries (but generally incapable of hitting the continental United States). The United States has a robust cyberattack capability (in general terms), from which the rogue state’s nuclear arsenal is not provably immune. Although the United States enjoys escalation dominance, the rogue state is far more willing to go to the nuclear brink than the United States is. The rogue state (thinks it) has more at stake (i.e., regime survival). Furthermore, it may act in ways that are irrational by Western perspectives.¶ We first model a two-state confrontation, then later introduce a friendly state on whose behalf the United States has intervened. The United States enters this scenario facing the choice of acting when doing so risks the rogue state releasing a nuclear weapon. Whether the threat is explicit or implicit is secondary. The usual calculus applies. The rogue state is better off if its threat leads the United States to stop. The United States is better off ignoring the threat and going ahead with what it would have done in the absence of the threat if the threat can be nullified but cannot know that it will be for certain. The rogue state understands that if it does use nuclear weapons, it could face great retaliation.1¶ If the United States acts (successfully) in the face of warning and if the rogue state does not use nuclear weapons, the United States achieves its objectives and wins the overall confrontation.2 If the United States flinches, the rogue state wins. If the rogue state uses its nuclear weapons and if, as is likely, the United States responds likewise, the rogue state loses greatly, but the United States is also far worse off.3¶ Two-Party Confrontations¶ In a confrontation in which disaster would result from both sides carrying out their threats, each must ask: Are such threats credible? If one side thinks the other will yield, it pays to stand firm. If it thinks, however, that the other is implacable, it may have no good choice but to yield itself. The projection of implacability is beneficial, but the reality of implacability is frequently suicidal.¶ Note that the basis for the implacability can also be entirely subjective, which is to say, unfounded on the facts of the matter. If one party is convinced that it will never pay a high price for being implacable, communicates as much, and acts as if it were so, the other cannot take any comfort from the fact that the first has no technical basis for the belief. The only consideration is whether the first party actually believes as much, is willing to act accordingly, and can ignore the logic that whispers that no one can possibly be completely confident on the basis of iffy information. To one party, the willingness to act on the basis of the impossible seems like cheating. To use an analogy, imagine a game of “chicken” in which the driver of one of the two oncoming cars throws the steering wheel out the window. This cheat forces the opponent to choose between a certain crash or veering away (and thus losing). However, when the consequences of a crash are far greater than the benefits of winning, this strategy is irrational if there is a nontrivial likelihood that the other side will be intent on punishing cheaters at the cost of all other values. In the analogy, the second driver might rather crash than lose to a cheater.4 But in general, a strategy of implacability, can, if credible, do well, as long as the other side is not equally implacable.¶ So, the United States creates the belief (whether by saying so, hinting, or letting others draw their own conclusion) that the rogue state cannot carry out its nuclear threat. That is, the United States acts as though a flaw somewhere in the nuclear command-and-control cycle, probably an induced flaw, prevents immediate nuclear use. A lesser case is that the command and control is less certain, the weapon is weaker, and/or the delivery system is far less accurate than feared.5 Although permanently disabling a nuclear command-and-control system is quite a stretch for cyberwar, it is less fantastic to imagine that the United States could delay a weapon’s use. A temporary advantage, though, may still give the United States time to cross the red line and thereby attain a fait accompli.¶ So posturing, the United States prepares to cross the red line, while communicating its confidence that the rogue state will not retaliate. This confidence stems from a combination of its own nuclear deterrence capability plus its ability to confound the rogue state’s nuclear capability: The rogue nuclear state probably will not decide to retaliate, and if it did decide to, probably cannot retaliate. The combination, in this case, is what reduces the odds of a nuclear response to a sufficiently low level, if the rogue state is at all rational. Even if it later assures itself and others that its nuclear capacity is intact, but the United States has already acted, the onus then falls on the rogue nuclear state to respond to what could well be a done deal. If the rogue state understands the logic before brandishing its own nuclear weapons, it may choose not to ratchet up tensions in advance of the U.S. crossing red lines.

**Nuclear war**

**Byman and Lind 10** (Daniel Byman is Professor in the Edmund A. Walsh School of Foreign Service at Georgetown University and Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution. Jennifer Lind is Assistant Professor of Government at Dartmouth College, “Pyongyang’s Survival Strategy”, http://www.mitpressjournals.org/doi/pdfplus/10.1162/IStEC\_a\_00002)

Samuel Kim comments that because Kim Jong-il has devastated his country so thoroughly yet developed a large military and nuclear weapons, its collapse would cause “a huge mess that no outside neighboring power would be willing or able to clean up.”99 Leaders in Beijing, Seoul, Tokyo, and Washington fear a highly uncertain and dangerous transition phase featuring humanitarian and refugee crises, a “loose nukes” problem, and the potential for **war between nuclear-armed great powers** (i.e., a military collision of Chinese and U.S. forces during their efforts to stabilize the peninsula).100 Moreover, advocates of accommodation toward North Korea argue that a harsher policy would provide incentives for Pyongyang to transfer nuclear weapons or materials or engage in a more confrontational foreign policy. The international aid that Pyongyang receives allows the regime “to allocate the savings in commercial imports to other priorities, including military ones and luxury imports for the elite.”101

#### Threat of OCO strikes deescalates Senkaku conflict --- prevents great power war

Leigh Drogen 13, founder and chief investment officer of Surfview Capital, LLC, a New York based investment management firm, “Why Cyber Weapons Will Make The World Even Safer,” 3/4, http://www.leighdrogen.com/why-cyber-weapons-will-make-the-world-even-safer/

Scene: China has just exchanged fire with Japan over the East China Sea Islands. The US Navy is in theatre and has as promised under its security umbrella treaty with Japan vows to protect the sovereignty of Japanese territory. In response China has threatened to hold US infrastructure (power, water, transportation) hostage and gives the US 48 hours to exit the theatre. The US immediately responds with a similar threat to cripple Chinese infrastructure via cyber attacks unless China relinquishes cyber attacks within 48 hours.¶ Now you can bet your last dollar that the US has been holding war games designed to simulate exactly this scenario. And while we don’t know how they’ve played out, we can make some pretty informed assumptions based on the corollary of nuclear war theory.¶ The ability for foreign agents to hijack critical infrastructure and cripple it within a short period of time is now to the point where we, and our potential adversaries, could face damage many magnitudes higher than a nuclear strike, not in lives lost, but economic, social, and political damage.¶ Cyber warfare has reached a level where we can say that there is mutually assured destruction of critical infrastructure in a war between the US and China.¶ Which is exactly why I’m ready to say that cyber warfare will make the world an even safer place.¶ There is no argument against the claim that nuclear weapons have massively decreased overall warfare across the world since World War II. During that time we haven’t seen a war between two nuclear states.¶ But the more important development, as Tom Friedman loves to point out, we haven’t seen a major conflict between two countries with a McDonalds. Now, look past the frivolity of that statement through to the bigger point, lives lost is no longer the major determinant of why countries decide to forgo war, it is now primarily an economic and social decision.¶ The cost in treasure and political capital that it takes to go to war as a developed economy with another state is massive. The US has had a huge hand in this no doubt playing the world’s policeman since World War II. Police are not very effective at hunting down transgressors, their job is primarily prevention, a job that the US has pretty much perfected at this point.¶ China will not follow through on its cyber war threat because the cost in economic, social, and political damage to the regime from a crippling US cyber attack would be far too much to handle versus the benefit from its move on the islands. What do you think middle and upper class urban Chinese citizens would do if China risked everything they’ve worked so hard to build over the past 25 years for the islands? They risk nothing less than the regime being toppled. They are already walking on thin ice under the unwritten deal they’ve made, continued economic development for the regime’s position in power.¶ Cyber war has reached the level of mutually assured destruction as the damage caused will lead to popular revolt. It certainly would here in the US.¶ The flip side to this argument, as it is made with nuclear weapons, is that non state actors are not tied to the same consequences and therefor are much more dangerous. I would agree, and in the case of cyber war they it’s even scarier as their capability to inflict damage is far greater (this was the theme of Skyfall), it’s hard to obtain and deliver a nuclear weapon.¶ That said, I believe cyber weapons will add to global security as they become more pervasive.

#### Norms fail—cheating and miscalc

Stewart Baker 12, former official at the U.S. Department of Homeland Security and the National Security Agency, 5/1/12, “What Is the Role of Lawyers in Cyberwarfare?,” http://www.abajournal.com/magazine/article/what\_is\_the\_role\_of\_lawyers\_in\_cyberwarfare/

Former Prime Minister Stanley Baldwin summed up Britain’s strategic position in 1932 with a candor no American leader has dared to match in talking about cyberwar: “I think it is well also for the man in the street to realize that there is no power on earth that can protect him from being bombed, whatever people may tell him. The bomber will always get through. ... The only defense is in offense, which means that you have got to kill more women and children more quickly than the enemy if you want to save yourselves.”¶ The British may have been realists about air war, but Americans still hoped to head off the nightmare. The American tool of choice was international law. (Some things never change.) When war broke out on Sept. 1, 1939, President Franklin D. Roosevelt sent a cable to all the combatants seeking express limits on the use of airpower and expressing his view that “ruthless bombing from the air of civilians in unfortified centers of population … has sickened the hearts of every civilized man and woman, and has profoundly shocked the conscience of humanity. ... I am therefore addressing this urgent appeal to every government which may be engaged in hostilities publicly to affirm its determination that its armed forces shall in no event, and under no circumstances, undertake the bombardment from the air of civilian populations or of unfortified cities.”¶ Roosevelt had a pretty good legal case. The Hague Conventions on the Law of War, adopted just two years after the Wright Brothers’ first flight, declared that in bombardments “all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.” The League of Nations had recently declared that, in air war, “the intentional bombing of civilian populations is illegal.”¶ But FDR didn’t rely just on law. He asked for a public pledge that would bind all sides. Remarkably, he got it. The horror of aerial bombardment ran so deep in that era that England, France, Germany and Poland all agreed—before nightfall on the same day.¶ What’s more, they tried to honor their pledges. In a June 1940 order for Luftwaffe operations against Britain, Hermann Göring “stressed that every effort should be made to avoid unnecessary loss of life amongst the civilian population.”¶ It began to look like a great victory for the international law of war. All sides had stared into the pit of horrors that civilian bombing would open up. And all had stepped back.¶ It was exactly what the lawyers and diplomats now dealing with cyberwar hope to achieve.¶ But as we know, that’s not how this story ends. On the night of Aug. 24, a Luftwaffe air group made a fateful navigational error. Aiming for oil terminals along the Thames, they miscalculated, instead dropping their bombs in the civilian heart of the city of London.¶ It was a mistake. But that’s not how Churchill saw it. He insisted on immediate retaliation. The next night, British bombers hit targets in Berlin for the first time. The military effect was negligible, but the political impact was profound. Göring had promised that the Luftwaffe would never allow a successful attack on Berlin. The Nazi regime was humiliated, the German people enraged. Ten days later, Hitler told a wildly cheering crowd that he had ordered the bombing of London: “Since they attack our cities, we will extirpate theirs.”¶ The Blitz was on.¶ In the end, London survived. But the extirpation of enemy cities became a permanent part of both sides’ strategy. No longer an illegal horror to be avoided at all costs, the destruction of enemy cities became deliberate policy. Later in the war, British strategists would launch aerial attacks with the avowed aim of causing “the destruction of German cities, the killing of German workers, … the disruption of civilized life throughout Germany … the creation of a refugee problem on an unprecedented scale, and the breakdown of morale both at home and at the battle fronts.”¶ The Hague Conventions, the League of Nations resolution, even the explicit pledges given to President Roosevelt—all these “norms” for the use of airpower had been swept away by the logic of the technology and the predictable psychology of war.¶ So, why do today’s lawyers think that their limits on cyberwar will fare better than FDR’s limits on air war?¶ It beats me. If anything, they have a much harder task. Roosevelt could count on a shared European horror at the aerial destruction of cities. He used that to extract an explicit and reciprocal understanding from both sides as the war was beginning. We have no such understanding, indeed no such shared horror. Quite the contrary, for some of our potential adversaries, cyberweapons are uniquely asymmetric—a horror for us, another day in the field for them. It doesn’t take a high-tech infrastructure to maintain an army that is ready in a pinch to live on grass.¶ What’s more, cheating is easy and strategically profitable. American compliance will be enforced by all those lawyers. Our adversaries can ignore the rules and say—hell, they are saying—“We’re not carrying out cyberattacks. We’re victims too. Maybe you’re the attacker. Or maybe it’s Anonymous. Where’s your proof?”¶ Even if all sides were genuinely committed to limiting cyberwar, as all sides were in 1939, we’ve seen that the logic of airpower eventually drove all sides to the horror they had originally recoiled from. Each side felt that it had observed the limits longer than the other. Each had lawyerly justifications for what it did, and neither understood or gave credence to the other’s justifications. In that climate, all it took was a single error to break the legal limits irreparably.¶ And error was inevitable. Bombs dropped by desperate pilots under fire go astray. But so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Natanz. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. We have advantages in traditional war that we lack in cyberwar. We are not used to the idea that launching even small wars on distant continents may cause death and suffering here at home. That is what drives the lawyers. They hope to maintain the old world. But they’re driving down a dead end.¶ If we want to defend against the horrors of cyberwar, we need first to face them with the candor of a Stanley Baldwin. Then we need to charge our military strategists, not our lawyers, with constructing a cyberwar strategy for the world we live in, not the world we’d like to live in.

### Recruitment

#### ---Lots of factors prevent great power conflict without hegemony

Fettweis 10 (Christopher J. Professor of Political Science at Tulane, Dangerous Times-The International Politics of Great Power Peace, pg. 175-6)

If the only thing standing between the world and chaos is the US military presence, then an adjustment in grand strategy would be exceptionally counter-productive. But it is worth recalling that none of the other explanations for the decline of war – nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms – necessitate an activist America to maintain their validity. Were American to become more restrained, nuclear weapons would still affect the calculations of the would be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it currently exists. More importantly,the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world be virtually risk free.

#### ---No econ escalation

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

#### ---No risk of cyberattack and no impact if it does happen

Birch, 12 – former foreign correspondent for the Associated Press and the Baltimore Sun who has written extensively on technology and public policy (Douglas, “Forget Revolution.” Foreign Policy. http://www.foreignpolicy.com/articles/2012/10/01/forget\_revolution?page=full)

"That's a good example of what some kind of attacks would be like," he said. "You don't want to overestimate the risks. You don't want somebody to be able to do this whenever they felt like it, which is the situation now. But this is not the end of the world." The question of how seriously to take the threat of a cyber attack on critical infrastructure surfaced recently, after Congress rejected a White House measure to require businesses to adopt stringent­ new regulations to protect their computer networks from intrusions. The bill would have required industries to report cyber security breaches, toughen criminal penalties against hacking and granted legal immunity to companies cooperating with government investigations. Critics worried about regulatory overreach. But the potential cost to industry also seems to be a major factor in the bill's rejection. A January study by Bloomberg reported that banks, utilities, and phone carriers would have to increase their spending on cyber security by a factor of nine, to $45.3 billion a year, in order to protect themselves against 95 percent of cyber intrusions. Likewise, some of the bill's advocates suspect that in the aftermath of a truly successful cyber attack, the government would have to bail the utilities out anyway. Joe Weiss, a cyber security professional and an authority on industrial control systems like those used in the electric grid, argued that a well-prepared, sophisticated cyber attack could have far more serious consequences than this summer's blackouts. "The reason we are so concerned is that cyber could take out the grid for nine to 18 months," he said. "This isn't a one to five day outage. We're prepared for that. We can handle that." But pulling off a cyber assault on that scale is no easy feat. Weiss agreed that hackers intent on inflicting this kind of long-term interruption of power would need to use a tool capable of inflicting physical damage. And so far, the world has seen only one such weapon: Stuxnet, which is believed to have been a joint military project of Israel and the United States. Ralph Langner, a German expert on industrial-control system security, was among the first to discover that Stuxnet was specifically designed to attack the Supervisory Control and Data Acquisition system (SCADA) at a single site: Iran's Natanz uranium-enrichment plant. The computer worm's sophisticated programs, which infected the plant in 2009, caused about 1,000 of Natanz's 5,000 uranium-enrichment centrifuges to self-destruct by accelerating their precision rotors beyond the speeds at which they were designed to operate. Professionals like Weiss and others warned that Stuxnet was opening a Pandora's Box: Once it was unleashed on the world, they feared, it would become available to hostile states, criminals, and terrorists who could adapt the code for their own nefarious purposes. But two years after the discovery of Stuxnet, there are no reports of similar attacks against the United States. What has prevented the emergence of such copycat viruses? A 2009 paper published by the University of California, Berkeley, may offer the answer. The report, which was released a year before Stuxnet surfaced, found that in order to create a cyber weapon capable of crippling a specific control system ­­-- like the ones operating the U.S. electric grid -- six coders might have to work for up to six months to reverse engineer the targeted center's SCADA system. Even then, the report says, hackers likely would need the help of someone with inside knowledge of how the network's machines were wired together to plan an effective attack. "Every SCADA control center is configured differently, with different devices, running different software/protocols," wrote Rose Tsang, the report's author. Professional hackers are in it for the money -- and it's a lot more cost-efficient to search out vulnerabilities in widely-used computer programs like the Windows operating system, used by banks and other affluent targets, than in one-of-a-kind SCADA systems linked to generators and switches. According to Pollard, only the world's industrial nations have the means to use the Internet to attack utilities and major industries. But given the integrated global economy, there is little incentive, short of armed conflict, for them to do so. "If you're a state that has a number of U.S. T-bills in your treasury, you have an economic interest in the United States," he said. "You're not going to have an interest in mucking about with our infrastructure." There is also the threat of retaliation. Last year, the U.S. government reportedly issued a classified report on cyber strategy that said it could respond to a devastating digital assault with traditional military force. The idea was that if a cyber attack caused death and destruction on the scale of a military assault, the United States would reserve the right to respond with what the Pentagon likes to call "kinetic" weapons: missiles, bombs, and bullets. An unnamed Pentagon official, speaking to the Wall Street Journal, summed up the policy in less diplomatic terms: "If you shut down our power grid, maybe we will put a missile down one of your smokestacks." Deterrence is sometimes dismissed as a toothless strategy against cyber attacks because hackers have such an easy time hiding in the anonymity of the Web. But investigators typically come up with key suspects, if not smoking guns, following cyber intrusions and assaults -- the way suspicions quickly focused on the United States and Israel after Stuxnet was discovered. And with the U.S. military's global reach, even terror groups have to factor in potential retaliation when planning their operations.

Cyberattacks nearly impossible – empirics and defenses solve

**Rid 12** (Thomas Rid, reader in war studies at King's College London, is author of "Cyber War Will Not Take Place" and co-author of "Cyber-Weapons.", March/April 2012, “Think Again: Cyberwar”, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=full)

"Cyberwar Is Already Upon Us." No way. "Cyberwar is coming!" John Arquilla and David Ronfeldt predicted in a celebrated Rand paper back in 1993. Since then, it seems to have arrived -- at least by the account of the U.S. military establishment, which is busy competing over who should get what share of the fight. Cyberspace is "a domain in which the Air Force flies and fights," Air Force Secretary Michael Wynne claimed in 2006. By 2012, William J. Lynn III, the deputy defense secretary at the time, was writing that cyberwar is "just as critical to military operations as land, sea, air, and space." In January, the Defense Department vowed to equip the U.S. armed forces for "conducting a combined arms campaign across all domains -- land, air, maritime, space, and cyberspace." Meanwhile, growing piles of books and articles explore the threats of cyberwarfare, cyberterrorism, and how to survive them. Time for a reality check: Cyberwar is still more hype than hazard. Consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria. Take the dubious story of a Soviet pipeline explosion back in 1982, much cited by cyberwar's true believers as the most destructive cyberattack ever. The account goes like this: In June 1982, a Siberian pipeline that the CIA had virtually booby-trapped with a so-called "logic bomb" exploded in a monumental fireball that could be seen from space. The U.S. Air Force estimated the explosion at 3 kilotons, equivalent to a small nuclear device. Targeting a Soviet pipeline linking gas fields in Siberia to European markets, the operation sabotaged the pipeline's control systems with software from a Canadian firm that the CIA had doctored with malicious code. No one died, according to Thomas Reed, a U.S. National Security Council aide at the time who revealed the incident in his 2004 book, At the Abyss; the only harm came to the Soviet economy. But did it really happen? After Reed's account came out, Vasily Pchelintsev, a former KGB head of the Tyumen region, where the alleged explosion supposedly took place, denied the story. There are also no media reports from 1982 that confirm such an explosion, though accidents and pipeline explosions in the Soviet Union were regularly reported in the early 1980s. Something likely did happen, but Reed's book is the only public mention of the incident and his account relied on a single document. Even after the CIA declassified a redacted version of Reed's source, a note on the so-called Farewell Dossier that describes the effort to provide the Soviet Union with defective technology, the agency did not confirm that such an explosion occurred. The available evidence on the Siberian pipeline blast is so thin that it shouldn't be counted as a proven case of a successful cyberattack. Most other commonly cited cases of cyberwar are even less remarkable. Take the attacks on Estonia in April 2007, which came in response to the controversial relocation of a Soviet war memorial, the Bronze Soldier. The well-wired country found itself at the receiving end of a massive distributed denial-of-service attack that emanated from up to 85,000 hijacked computers and lasted three weeks. The attacks reached a peak on May 9, when 58 Estonian websites were attacked at once and the online services of Estonia's largest bank were taken down. "What's the difference between a blockade of harbors or airports of sovereign states and the blockade of government institutions and newspaper websites?" asked Estonian Prime Minister Andrus Ansip. Despite his analogies, the attack was no act of war. It was certainly a nuisance and an emotional strike on the country, but the bank's actual network was not even penetrated; it went down for 90 minutes one day and two hours the next. The attack was not violent, it wasn't purposefully aimed at changing Estonia's behavior, and no political entity took credit for it. The same is true for the vast majority of cyberattacks on record. Indeed, there is no known cyberattack that has caused the loss of human life. No cyberoffense has ever injured a person or damaged a building. And if an act is not at least potentially violent, it's not an act of war. Separating war from physical violence makes it a metaphorical notion; it would mean that there is no way to distinguish between World War II, say, and the "wars" on obesity and cancer. Yet those ailments, unlike past examples of cyber "war," actually do kill people. "A Digital Pearl Harbor Is Only a Matter of Time." Keep waiting. U.S. Defense Secretary Leon Panetta delivered a stark warning last summer: "We could face a cyberattack that could be the equivalent of Pearl Harbor." Such alarmist predictions have been ricocheting inside the Beltway for the past two decades, and some scaremongers have even upped the ante by raising the alarm about a cyber 9/11. In his 2010 book, Cyber War, former White House counterterrorism czar Richard Clarke invokes the specter of nationwide power blackouts, planes falling out of the sky, trains derailing, refineries burning, pipelines exploding, poisonous gas clouds wafting, and satellites spinning out of orbit -- events that would make the 2001 attacks pale in comparison. But the empirical record is less hair-raising, even by the standards of the most drastic example available. Gen. Keith Alexander, head of U.S. Cyber Command (established in 2010 and now boasting a budget of more than $3 billion), shared his worst fears in an April 2011 speech at the University of Rhode Island: "What I'm concerned about are destructive attacks," Alexander said, "those that are coming." He then invoked a remarkable accident at Russia's Sayano-Shushenskaya hydroelectric plant to highlight the kind of damage a cyberattack might be able to cause. Shortly after midnight on Aug. 17, 2009, a 900-ton turbine was ripped out of its seat by a so-called "water hammer," a sudden surge in water pressure that then caused a transformer explosion. The turbine's unusually high vibrations had worn down the bolts that kept its cover in place, and an offline sensor failed to detect the malfunction. Seventy-five people died in the accident, energy prices in Russia rose, and rebuilding the plant is slated to cost $1.3 billion. Tough luck for the Russians, but here's what the head of Cyber Command didn't say: The ill-fated turbine had been malfunctioning for some time, and the plant's management was notoriously poor. On top of that, the key event that ultimately triggered the catastrophe seems to have been a fire at Bratsk power station, about 500 miles away. Because the energy supply from Bratsk dropped, authorities remotely increased the burden on the Sayano-Shushenskaya plant. The sudden spike overwhelmed the turbine, which was two months shy of reaching the end of its 30-year life cycle, sparking the catastrophe. If anything, the Sayano-Shushenskaya incident highlights how difficult a devastating attack would be to mount. The plant's washout was an accident at the end of a complicated and unique chain of events. Anticipating such vulnerabilities in advance is extraordinarily difficult even for insiders; creating comparable coincidences from cyberspace would be a daunting challenge at best for outsiders. If this is the most drastic incident Cyber Command can conjure up, perhaps it's time for everyone to take a deep breath. "Cyberattacks Are Becoming Easier." Just the opposite. U.S. Director of National Intelligence James R. Clapper warned last year that the volume of malicious software on American networks had more than tripled since 2009 and that more than 60,000 pieces of malware are now discovered every day. The United States, he said, is undergoing "a phenomenon known as 'convergence,' which amplifies the opportunity for disruptive cyberattacks, including against physical infrastructures." ("Digital convergence" is a snazzy term for a simple thing: more and more devices able to talk to each other, and formerly separate industries and activities able to work together.) Just because there's more malware, however, doesn't mean that attacks are becoming easier. In fact, potentially damaging or life-threatening cyberattacks should be more difficult to pull off. Why? Sensitive systems generally have built-in redundancy and safety systems, meaning an attacker's likely objective will not be to shut down a system, since merely forcing the shutdown of one control system, say a power plant, could trigger a backup and cause operators to start looking for the bug. To work as an effective weapon, malware would have to influence an active process -- but not bring it to a screeching halt. If the malicious activity extends over a lengthy period, it has to remain stealthy. That's a more difficult trick than hitting the virtual off-button. Take Stuxnet, the worm that sabotaged Iran's nuclear program in 2010. It didn't just crudely shut down the centrifuges at the Natanz nuclear facility; rather, the worm subtly manipulated the system. Stuxnet stealthily infiltrated the plant's networks, then hopped onto the protected control systems, intercepted input values from sensors, recorded these data, and then provided the legitimate controller code with pre-recorded fake input signals, according to researchers who have studied the worm. Its objective was not just to fool operators in a control room, but also to circumvent digital safety and monitoring systems so it could secretly manipulate the actual processes. Building and deploying Stuxnet required extremely detailed intelligence about the systems it was supposed to compromise, and the same will be true for other dangerous cyberweapons. Yes, "convergence," standardization, and sloppy defense of control-systems software could increase the risk of generic attacks, but the same trend has also caused defenses against the most coveted targets to improve steadily and has made reprogramming highly specific installations on legacy systems more complex, not less.

#### ---No STEM Shortage – all hype

**Charette 8-30**

[“The STEM Crisis Is a Myth” Robert N. Charette | IEEE Spectrum | An IEEE Spectrum contributing editor, Charette is a self-described “risk ecologist” who investigates the impact of risk on technology and society. His interest is both professional and personal: He's a 33-year member of the IEEE Computer Society. 30 Aug 2013 <http://spectrum.ieee.org/at-work/education/the-stem-crisis-is-a-myth>]

Given all of the above, it is difficult to make a case that there has been, is, or will soon be a STEM labor shortage. “If there was really a STEM labor market crisis, you’d be seeing very different behaviors from companies,” notes Ron Hira, an associate professor of public policy at the Rochester Institute of Technology, in New York state. “You wouldn’t see companies cutting their retirement contributions, or hiring new workers and giving them worse benefits packages. Instead you would see signing bonuses, you’d see wage increases. You would see these companies really training their incumbent workers.”¶ “None of those things are observable,” Hira says. “In fact, they’re operating in the opposite way.”¶ So why the persistent anxiety that a STEM crisis exists? Michael S. Teitelbaum, a Wertheim Fellow at Harvard Law School and a senior advisor to the Alfred P. Sloan Foundation, has studied the phenomenon, and he says that in the United States the anxiety dates back to World War II. Ever since then it has tended to run in cycles that he calls “alarm, boom, and bust.” He says the cycle usually starts when “someone or some group sounds the alarm that there is a critical crisis of insufficient numbers of scientists, engineers, and mathematicians” and as a result the country “is in jeopardy of either a national security risk or of falling behind economically.” In the 1950s, he notes, Americans worried that the [Soviet Union was producing 95 000 scientists and engineers](http://pubs.acs.org/doi/abs/10.1021/cen-v033n015.p1522) a year while the United States was producing only about 57 000. In the 1980s, it was the perceived Japanese economic juggernaut that was the threat, and now it is China and India.¶ You’ll hear similar arguments made elsewhere. In India, the director general of the Defence Research and Development Organisation, Vijay Kumar Saraswat, recently noted that in his country, “[a meagre four persons out of every 1000 are choosing S&T or research](http://www.thehindu.com/news/cities/Vijayawada/india-facing-shortage-of-engineers-in-st-drdo-dg/article4356570.ece), as compared to 110 in Japan, 76 in Germany and Israel, 55 in USA, 46 in Korea and 8 in China.” Leaders in South Africa and Brazil cite similar statistics to show how they are likewise falling behind in the STEM race.¶ “The government responds either with money [for research] or, more recently, with visas to increase the number of STEM workers,” Teitelbaum says. “This continues for a number of years until the claims of a shortage turn out not to be true and a bust ensues.” Students who graduate during the bust, he says, are shocked to discover that “they can’t find jobs, or they find jobs but not stable ones.”¶ At the moment, we’re in the alarm-heading-toward-boom part of the cycle. According to a recent report from the Government Accountability Office, the U.S. government spends more than [US $3 billion each year on 209 STEM-related initiatives](http://www.gao.gov/products/GAO-13-529T) overseen by 13 federal agencies. That’s about $100 for every U.S. student beyond primary school. In addition, major corporations are collectively spending millions to support STEM educational programs. And every U.S. state, along with a host of public and private universities, high schools, middle schools, and even primary schools, has its own STEM initiatives. The result is that many people’s fortunes are now tied to the STEM crisis, real or manufactured.¶ Clearly, powerful forces must be at work to perpetuate the cycle. One is obvious: the bottom line. Companies would rather not pay STEM professionals high salaries with lavish benefits, offer them training on the job, or guarantee them decades of stable employment. So having an oversupply of workers, whether domestically educated or imported, is to their benefit. It gives employers a larger pool from which they can pick the “best and the brightest,” and it helps keep wages in check. No less an authority than Alan Greenspan, former chairman of the Federal Reserve, said as much when in 2007 he advocated boosting the number of skilled immigrants entering the United States so as [to “suppress” the wages of their U.S.](http://www.boston.com/business/globe/articles/2007/03/14/greenspan_let_more_skilled_immigrants_in/) counterparts, which he considered too high.¶ Governments also push the STEM myth because an abundance of scientists and engineers is widely viewed as an [important engine for innovation and also for national defense](http://www.whitehouse.gov/blog/2011/07/14/stem-jobs-help-america-win-future). And the perception of a STEM crisis benefits higher education, says Ron Hira, because as “taxpayers subsidize more STEM education, that works in the interest of the universities” by allowing them to expand their enrollments.

#### ---New developments sure up grid stability

Kemp 12 -- Reuters market analyst (John, 4/5/12, "COLUMN-Phasors and blackouts on the U.S. power grid: John Kemp," http://www.reuters.com/article/2012/04/05/column-smart-grid-idUSL6E8F59W120120405)

The hoped-for solution to grid instability is something called the North American SynchroPhasor Initiative (NASPI), which sounds like something out of Star Trek but is in fact a collaboration between the federal government and industry to improve grid monitoring and control by using modern communications technology. More than 500 phasor monitoring units have so far been installed across the transmission network to take precise measurements of frequency, voltage and other aspects of power quality on the grid up to 30 times per second (compared with once every four seconds using conventional technology). Units are synchronised using GPS to enable users to build up a comprehensive real-time picture of how power is flowing across the grid (www.naspi.org/Home.aspx and). It is a scaled-up version of the monitoring system developed by the University of Tennessee's Power Information Technology Laboratory using inexpensive frequency monitors that plug into ordinary wall sockets. Tennessee's FNET project provides highly aggregated data to the public via its website. The systems being developed under NASPI provide a much finer level of detail that will reveal congestion and disturbances on individual transmission lines and particular zones so that grid managers can act quickly to restore balance or isolate failures ()

#### -- Blackouts won’t hurt the economy

Gaylord 3 (Becky, “Blackout Blues Hit Local Industries”, The Plain Dealer, 8-16,

http://www.cleveland.com/blackout/index.ssf?/blackout/more/1061038185297290.html)

The biggest blackout in U.S. history will pinch the nation’s economy **only modestly**, but for some Northeast Ohio manufacturers, the setbacks may linger for weeks. The $10 trillion U.S. economy is **so resilient** that the power outage’s impact **shouldn’t shave significant growth** from third-quarter output, economists predicted. Federal tax refunds and consumer spending have fueled recent growth, and much of the productivity disrupted by the brief blackout can be **made up through overtime and other measures**, said Stuart Hoffman, chief economist at PNC Bank in Pittsburgh. But the outages walloped some industries crucial to this region, such as steel and automotive. “For the individual companies that have problems, they are colossal,” said Ken Mayland, president of ClearView Economics in Pepper Pike.

#### ---Trade wars don't escalate

Bearce in ‘3

(David, Associate Prof. Pol. Sci. @ U. Pittsburgh, International Studies Quarterly, “Grasping the Commercial Institutional Peace”, 47:3, Blackwell-Synergy)

Even as we accept that such trade dispute settlement mechanisms help resolve economic conflict, it is not clear that this finding should have any strong application to the dependent variable of inter-state military conflict. On this point, it is important to distinguish between different types of inter-state conflict—economic versus military (McMillan, 1997:39)—and recognize that disputes about banana tariffs, for example, are not likely to escalate into military confrontations. While military conflict often has economic antecedents, there is little evidence that trade wars ever become shooting wars. In terms of inter-state disagreements with real potential for military conflict, scholars highlight territorial disputes (Vasquez, 1993; Hensel, 2000; Huth, 2000). The trade dispute settlement mechanisms embedded in regional commercial institutions simply have no jurisdiction or power to resolve highly contentious territorial disagreements.

#### ---Economic decline doesn’t cause war

Tir 10 [Jaroslav Tir - Ph.D. in Political Science, University of Illinois at Urbana-Champaign and is an Associate Professor in the Department of International Affairs at the University of Georgia, “Territorial Diversion: Diversionary Theory of War and Territorial Conflict”, The Journal of Politics, 2010, Volume 72: 413-425)]

Empirical support for the economic growth rate is much weaker. The finding that poor economic performance is associated with a higher likelihood of territorial conflict initiation is significant only in Models 3–4.14 The weak results are not altogether surprising given the findings from prior literature. In accordance with the insignificant relationships of Models 1–2 and 5–6, Ostrom and Job (1986), for example, note that the likelihood that a U.S. President will use force is uncertain, as the bad economy might create incentives both to divert the public’s attention with a foreign adventure and to focus on solving the economic problem, thus reducing the inclination to act abroad. Similarly, Fordham (1998a, 1998b), DeRouen (1995), and Gowa (1998) find no relation between a poor economy and U.S. use of force. Furthermore, Leeds and Davis (1997) conclude that the conflict-initiating behavior of 18 industrialized democracies is unrelated to economic conditions as do Pickering and Kisangani (2005) and Russett and Oneal (2001) in global studies. In contrast and more in line with my findings of a significant relationship (in Models 3–4), Hess and Orphanides (1995), for example, argue that economic recessions are linked with forceful action by an incumbent U.S. president. Furthermore, Fordham’s (2002) revision of Gowa’s (1998) analysis shows some effect of a bad economy and DeRouen and Peake (2002) report that U.S. use of force diverts the public’s attention from a poor economy. Among cross-national studies, Oneal and Russett (1997) report that slow growth increases the incidence of militarized disputes, as does Russett (1990)—but only for the United States; slow growth does not affect the behavior of other countries. Kisangani and Pickering (2007) report some significant associations, but they are sensitive to model specification, while Tir and Jasinski (2008) find a clearer link between economic underperformance and increased attacks on domestic ethnic minorities. While none of these works has focused on territorial diversions, my own inconsistent findings for economic growth fit well with the mixed results reported in the literature.15 Hypothesis 1 thus receives strong support via the unpopularity variable but only weak support via the economic growth variable. These results suggest that embattled leaders are much more likely to respond with territorial diversions to direct signs of their unpopularity (e.g., strikes, protests, riots) than to general background conditions such as economic malaise. Presumably, protesters can be distracted via territorial diversions while fixing the economy would take a more concerted and prolonged policy effort. Bad economic conditions seem to motivate only the most serious, fatal territorial confrontations. This implies that leaders may be reserving the most high-profile and risky diversions for the times when they are the most desperate, that is when their power is threatened both by signs of discontent with their rule and by more systemic problems plaguing the country (i.e., an underperforming economy).

**---No escalation from accidents**

- safeguards, no use or lose pressures, and rational leaders all prevent them and history proves the scenario is science fiction

**Quinlan 9** (Sir Michael Quinlan, Former Permanent Under-Secretary of State UK Ministry of Defense, Thinking About Nuclear Weapons: Principles, Problems, Prospects, p. 63-69, The book reflects the author's experience across more than forty years in assessing and forming policy about nuclear weapons, mostly at senior levels close to the centre both of British governmental decision-making and of NATO's development of plans and deployments, with much interaction also with comparable levels of United States activity in the Pentagon and the State department)

Even if initial nuclear use did not quickly end the fighting, the supposition of inexorable momentum in a developing exchange, with each side rushing to overreaction amid confusion and uncertainty, is implausible. It fails to consider what the situation of the decision-makers would really be. Neither side could want escalation. Both would be appalled at what was going on. Both would be desperately looking for signs that the other was ready to call a halt. Both, given the capacity for evasion or concealment which drive modern delivery platforms and vehicles can possess, could have in reserve significant forces invulnerable enough not to entail use-or-lose pressures. (It may be more open to question, as noted earlier, whether newer nuclear weapon possessors can be immediately in that position; but it is within reach of any substantial state with advanced technological capabilities and attaining it is certain to be a high priority in the development of forces.) As a result, neither side can have any predisposition to suppose, in an ambiguous situation of fearful risk, that the right course when in doubt is to go on copiously launching weapons. And none of this analysis rests on any presumption of highly subtle or pre-concerted rationality. The rationality required is plain. The argument is reinforced if we consider the possible reasoning of an aggressor at a more dispassionate level. Any substantial nuclear armoury can inflict destruction outweighing any possible prize that aggression could hope to seize. A state attacking the possessor of such an armoury must therefore be doing so (once given that it cannot count upon destroying the armoury pre-emptively) on a judgment that the possessor would be found lacking in the will to use it. If the attacker possessor used nuclear weapons, whether first or in response to the aggressor’s own first use, this judgment would begin to look dangerously precarious. There must be at least a substantial probability of the aggressor leaders’ concluding that their initial judgment had been mistaken—that the risks were after all greater than whatever prize they had been seeking, and that for their own country’s survival they must call off the aggression. Deterrence planning such as that of NATO was directed in the first place to preventing the initial misjudgment and in the second, if it were nevertheless made, to compelling such a reappraisal. The former aim had to have primacy, because it could not be taken for granted that the latter was certain to work. But there was no ground for assuming in advance, for all possible scenarios, that the chance of its working must be negligible. An aggressor state would itself be at huge risk if nuclear war developed, as its leaders would know. It may be argued that a policy which abandons hope of physically defeating the enemy and simply hopes to get him to desist is pure gamble, a matter of who blinks first; and that the political and moral nature of most likely aggressors, almost ex hypothesi, makes them less likely to blink. One response to this is to ask what is the alternative—it can be only surrender. But a more hopeful answer lies in the fact that the criticism is posed in a political vacuum. Real-life conflict would have a political context.

### Solvency

#### Secrecy means Congress would be ineffective—no solvency

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

#### The National Security Act of 1947 23 showed Congress’s determination to exert some control over this nation’s intelligence apparatus. That determination was strengthened after the disclosure of widespread intelligence abuses by the CIA and other agencies.24¶ In 1991, in response to the Iran-Contra Affair, Congress adopted a measure directing the President to keep the congressional intelligence committees “fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity.”25 The term “intelligence activity” expressly includes “covert actions,”26 which additionally require a written finding by the President that they are “necessary to support identifiable foreign policy objectives of the United States and [are] important to the national security of the United States.”27 Intelligence activities are also understood to include “all activities that elements of the Intelligence Community are authorized to conduct pursuant to [Executive Order No. 12,333],” the executive charter for such activities.28 The “intelligence community” includes the Office of the Director of National Intelligence, CIA, NSA, other Defense Department intelligence components, and other federal intelligence elements,29 which are authorized to engage in, inter alia, intelligence collection and analysis and “activities to protect against international terrorism . . . and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents.”30 This broad mandate certainly encompasses many U.S. efforts to defend against cyber attack and to employ cyber weapons offensively. By this definition, most preparations for and conduct of cyber warfare should be reported to the intelligence committees as “intelligence activities.” It is significant that the reporting requirement in the 1991 law is not limited to agencies within the intelligence community. ¶ Yet this legislation provides no guarantee that Congress will receive the information it needs to play a meaningful role in the development or execution of cyber warfare policy. It is not known, for example, precisely what it means for the intelligence committees to be “fully and currently” informed, what kinds of intelligence activities are regarded as “significant” enough to report, or who decides.31 Other sections of the 1991 law call on all agencies involved in intelligence activities, not just the President, to keep the intelligence committees informed about those activities, but only “[t]o the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.”32 The “due regard for” language might be invoked to keep Congress in the dark. ¶ Under the 1991

#### Military procedures means cyber operations wouldn’t be reported—kills solvency

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Another potential obstacle to congressional involvement is the reportedly common but statutorily unauthorized practice of informal reporting to an even smaller “Gang of Four” – the leaders of the intelligence committees – generally for sensitive non-covert intelligence activities.38¶ The Defense Department is heavily engaged in preparations for cyber warfare, having recently announced the establishment of a new U.S. Cyber Command.39 But congressional oversight of the work of this command could be hampered by the military’s reported practice of labeling its clandestine activities – those that are intended to be secret, but that can be publicly acknowledged if discovered or inadvertently revealed – as “operational preparation of the environment,” rather than intelligence activities, even though they may pose the same diplomatic and national security risks.40 As thus characterized, these activities might not be reported to the intelligence committees.41 Any oversight that occurred would be conducted instead by the House and Senate Armed Services Committees.42 Such a division of responsibilities might create dangerous confusion. ¶ Congressional involvement also might be frustrated by the statutory exclusion of “traditional . . . military activities or routine support to such activities” from the definition of “covert action.”43 If secret military preparations for cyber war are regarded as “traditional military activities,” under the rationale outlined above they might escape both the presidential findings requirement for covert actions and any reporting to the intelligence committees.44

#### The President would ignore the plan

Stephen Dycus—1AC Author—10, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Congress’s active role in the development and implementation of cyber warfare policy is no guarantee of national security. The policy might be flawed in various ways. There is also a risk that whatever policy is adopted will not be properly executed or that its execution will have unintended results. The policy might be misunderstood or might not provide clear or appropriate guidance in the urgent circumstances facing its interpreter. The person charged with implementing the policy might make a mistake – for example, by interpreting a potential enemy’s electronic espionage as an attack. Available cyber weaponry might not work as planned. Or a purely defensive move by U.S. operators might be construed by another nation as offensive, and provoke an attack. Nor can the clearest policy, statutory or executive, guarantee compliance by an Executive determined to ignore it.71 The rules might be construed by the President in a way that reduces the importance of Congress’s role. Or they might be challenged in court.

law, “covert actions,” those with respect to which “it is intended that the role of the United States Government will not be apparent or acknowledged publicly,”33 need only be reported to a small group of legislators known as the “Gang of Eight,”34 and then only in a “timely fashion,” a term not defined by statute.35 Characterization of U.S. planning and execution of electronic warfare as “covert” could enable reporting to the smaller group, making it more difficult for Congress to play a significant role.36 Moreover, any reporting might be delayed indefinitely.37

## 2NC – Case, K

## Case

**---Cyber War- Threat Inflation**

Their authors inflate threats and conflate completely different types of attacks

Clark’12, MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/

(Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

This increased focus on cyber-security has led to concern that the perceived risk is greater than the actual risk, a situation that has resulted in an imbalance between security and privacy and civil liberties (American Civil Liberties Union 2012). In 1993 a Rand Corporation paper predicted that “cyberwar is coming” and twenty years later the prediction is the same and critics argue that cyber-war is “more hype than hazard” (Rid 2012). A review of high profile cyberattacks shows that, with the exception of Stuxnet and the limited Israeli disruption of Syrian air defense networks, most cyber-attacks are categorized as information theft, network compromise, or website defacement (Lewis 2012). Even the high profile threat of an “Electronic Pearl Harbor” (Bronk 2009), despite being repeated by senior government officials like U.S. Defense Secretary Leon Panetta (Rid 2012) , has been found to be only a slight possibility (Wilson 2005). There is no doubt that cyber-security is important. Businesses recognize this importance and spent more than $80 billion on computer network security in 2011 (Johnson 2012) and the federal government is expected to be spending $10.5 billion per year by 2015 (Brito and Watkins 2012). This response is appropriate when data shows that the vast majority of cyber-attacks are focused on espionage and the theft of intellectual property. It is not clear why senior government officials and corporate executives focus on high-impact low-probability events and engage in “alarmist rhetoric” (Brito and Watkins 2011) that skews the public perception of risk and creates an atmosphere of fear. The danger of an inappropriate response in reaction to an inflated threat and prevalence of misinformation is exemplified by the politicized intelligence that led to the invasion of Iraq in 2003 (Brito and Watkins 2011). Understanding how information on the risk posed by cyber-attacks is poorly communicated and the public reaction to an increased perception of risk – fear – is important in identifying when the perceived risk is greater than the actual risk; when risk is more hype than threat. Critics of current cyber-security policy believe that threats are being conflated; this results in a threat appearing larger than it is (Brito and Watkins 2012). In essence, a wide variety of cyber-activity – political and social activity, criminal activity for profit, espionage, and offensive cyber-attack – are treated as presenting the same level of threat. There is a wide divide between easily mounted and easily defended denial of service attacks on public websites and high-potential cyber-weapons capable of severely disrupting or destroying critical infrastructure (Rid and McBurney 2012). The rise of automated tools that allow for low-level cyber-attacks to be easily mounted has caused a significant increase in the number of cyber-attacks, a statistic often cited as proof of increased risk, but qualified cyber-security organizations have discarded the number of cyber-attacks as a metric and consider it to be meaningless as a method of assessing the scope and effects of cyber-attacks (Wilson 2005). Without differentiating between generic malicious software and highly specialized and targeted offensive cyber-attacks, the risk of cyber-attacks on critical infrastructure systems like the electrical grid cannot be properly assessed.

**They’re biased and engage in constant risk inflation**

Brito ’12, director – Technology Policy Program and senior research fellow – Mercatus Center @ George Mason University, and Watkins, research associate – Technology Policy Program and State and Local Policy Project @ GMU, 2/14/

(Jerry and Tate, “Wired Opinion: Cyberwar Is the New Yellowcake,” Wired Magazine)

Yet evidence to sustain such dire warnings is conspicuously absent. In many respects, rhetoric about cyber catastrophe resembles threat inflation we saw in the run-up to the Iraq War. And while Congress’ passing of comprehensive cybersecurity legislation wouldn’t lead to war, it could saddle us with an expensive and overreaching cyber-industrial complex. In 2002 the Bush administration sought to make the case that Iraq threatened its neighbors and the United States with weapons of mass destruction (WMD). By framing the issue in terms of WMD, the administration conflated the threats of nuclear, biological, and chemical weapons. The destructive power of biological and chemical weapons—while no doubt horrific—is minor compared to that of nuclear detonation. Conflating these threats, however, allowed the administration to link the unlikely but serious threat of a nuclear attack to the more likely but less serious threat posed by biological and chemical weapons. Similarly, proponents of regulation often conflate cyber threats. In his 2010 bestseller Cyber War, Richard Clarke warns that a cyberattack today could result in the collapse of the government’s classified and unclassified networks, the release of “lethal clouds of chlorine gas” from chemical plants, refinery fires and explosions across the country, midair collisions of 737s, train derailments, the destruction of major financial computer networks, suburban gas pipeline explosions, a nationwide power blackout, and satellites in space spinning out of control. He assures us that “these are not hypotheticals.” But the only verifiable evidence he presents relates to several well-known distributed denial of service (DDOS) attacks, and he admits that DDOS is a “primitive” form of attack that would not pose a major threat to national security. When Clarke ventures beyond DDOS attacks, his examples are easily debunked. To show that the electrical grid is vulnerable, for example, he suggests that the Northeast power blackout of 2003 was caused in part by the “Blaster” worm. But the 2004 final report of the joint U.S.-Canadian task force that investigated the blackout found that no virus, worm, or other malicious software contributed to the power failure. Clarke also points to a 2007 blackout in Brazil, which he says was the result of criminal hacking of the power system. Yet investigations have concluded that the power failure was the result of soot deposits on high-voltage insulators on transmission lines. Clarke’s readers would no doubt be as frightened at the prospect of a cyber attack as they might have been at the prospect of Iraq passing nuclear weapons to al Qaeda. Yet evidence that cyberattacks and cyberespionage are real and serious concerns is not evidence that we face a grave risk of national catastrophe, just as evidence of chemical or biological weapons is not evidence of the ability to launch a nuclear strike. The Bush administration claimed that Iraq was close to acquiring nuclear weapons but provided no verifiable evidence. The evidence they did provide—Iraq’s alleged pursuit of uranium “yellowcake” from Niger and its purchase of aluminum tubes allegedly meant for uranium enrichment centrifuges—was ultimately determined to be unfounded. Despite the lack of verifiable evidence to support the administration’s claims, the media tended to report them unquestioned. Initial reporting on the aluminum tubes claim, for example, came in the form of a front page New York Times article by Judith Miller and Michael Gordon that relied entirely on anonymous administration sources. Appearing on Meet the Press the same day the story was published, Vice President Dick Cheney answered a question about evidence of a reconstituted Iraqi nuclear program by stating that, while he couldn’t talk about classified information, The New York Times was reporting that Iraq was seeking to acquire aluminum tubes to build a centrifuge. In essence, the Bush administration was able to cite its own leak—with the added imprimatur of the Times—as a rationale for war. The media may be contributing to threat inflation today by uncritically reporting alarmist views of potential cyber threats. For example, a 2009 front page Wall Street Journal story reported that the U.S. power grid had been penetrated by Chinese and Russian hackers and laced with logic bombs. The article is often cited as evidence that the power grid is rigged to blow. Yet similar to Judith Miller’s Iraq WMD reporting, the only sources for the article’s claim that infrastructure has been compromised are anonymous U.S. intelligence officials. With little specificity about the alleged infiltrations, readers are left with no way to verify the claims. More alarmingly, when Sen. Susan Collins (R-Maine) took to the Senate floor to introduce the comprehensive cybersecurity bill that she co-authored with Sen. Joe Lieberman (I-Conn.), the evidence she cited to support a pressing need for regulation included this very Wall Street Journal story. Washington teems with people who have a vested interest in conflating and inflating threats to our digital security. The watchword, therefore, should be “trust but verify.” In his famous farewell address to the nation in 1961, President Dwight Eisenhower warned against the dangers of what he called the “military-industrial complex”: an excessively close nexus between the Pentagon, defense contractors, and elected officials that could lead to unnecessary expansion of the armed forces, superfluous military spending, and a breakdown of checks and balances within the policy making process. Eisenhower’s speech proved prescient. Cybersecurity is a big and booming industry. The U.S. government is expected to spend $10.5 billion a year on information security by 2015, and analysts have estimated the worldwide market to be as much as $140 billion a year. The Defense Department has said it is seeking more than $3.2 billion in cybersecurity funding for 2012. Lockheed Martin, Boeing, L-3 Communications, SAIC, and BAE Systems have all launched cybersecurity divisions in recent years. Other traditional defense contractors, such as Northrop Grumman, Raytheon, and ManTech International, have invested in information security products and services. We should be wary of proving Eisenhower right again in the cyber sphere. Before enacting sweeping changes to counter cyber threats, policy makers should clear the air with some simple steps. Stop the apocalyptic rhetoric. The alarmist scenarios dominating policy discourse may be good for the cybersecurity-industrial complex, but they aren’t doing real security any favors. Declassify evidence relating to cyber threats. Overclassification is a widely acknowledged problem, and declassification would allow the public to verify the threats rather than blindly trusting self-interested officials. Disentangle the disparate dangers that have been lumped together under the “cybersecurity” label. This must be done to determine who is best suited to address which threats. In cases of cybercrime and cyberespionage, for instance, private network owners may be best suited and have the best incentives to protect their own valuable data, information, and reputations.

**Their authors are paid off**

Hersh ’10, contributor – The New Yorker, Pulitzer winner and 5-time George Polk Award winner, 11/1

(Seymour M, “The Online Threat,” The New Yorker Annals of National Security)

A great deal of money is at stake. Cyber security is a major growth industry, and warnings from Clarke, McConnell, and others have helped to create what has become a military-cyber complex. The federal government currently spends between six and seven billion dollars annually for unclassified cyber-security work, and, it is estimated, an equal amount on the classified portion. In July, the Washington *Post* published a critical assessment of the unchecked growth of government intelligence agencies and private contractors. Benjamin Powell, who served as general counsel for three directors of the Office of National Intelligence, was quoted as saying of the cyber-security sector, “Sometimes there was an unfortunate attitude of bring your knives, your guns, your fists, and be fully prepared to defend your turf. . . . Because it’s funded, it’s hot and it’s sexy.” Clarke is the chairman of Good Harbor Consulting, a strategic-planning firm that advises governments and companies on cyber security and other issues. (He says that more than ninety per cent of his company’s revenue comes from non-cyber-related work.) McConnell is now an executive vice-president of Booz Allen Hamilton, a major defense contractor. Two months after McConnell testified before the Senate, Booz Allen Hamilton landed a thirty-four-million-dollar cyber contract. It included fourteen million dollars to build a bunker for the Pentagon’s new Cyber Command. American intelligence and security officials for the most part agree that the Chinese military, or, for that matter, an independent hacker, is theoretically capable of creating a degree of chaos inside America. But I was told by military, technical, and intelligence experts that these fears have been exaggerated, and are based on a fundamental confusion between cyber espionage and cyber war. Cyber espionage is the science of covertly capturing e-mail traffic, text messages, other electronic communications, and corporate data for the purpose of gathering national-security or commercial intelligence. Cyber war involves the penetration of foreign networks for the purpose of disrupting or dismantling those networks, and making them inoperable. (Some of those I spoke to made the point that China had demonstrated its mastery of cyber espionage in the EP-3E incident, but it did not make overt use of it to wage cyber war.) Blurring the distinction between cyber war and cyber espionage has been profitable for defense contractors—and dispiriting for privacy advocates.

**Basic risk calculus demands you throw out their impact**

Clark, ’12 MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/(Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

The Department of Homeland Security measures risk as the product of a threat, vulnerability to the threat, and seriousness of the consequences of a successful attack (Masse, ONeil and Rollins 2007). Using this formula, the analysis of the threat posed by the Stuxnet offensive cyber-attack, the vulnerability of the U.S. electrical grid, and the consequences of both the Stuxnet attack and disruption of the electrical grid shows that there is a low probability risk that a cyber-attack could severely disrupt or destroy the electrical component of critical sensitive infrastructure to the point that it would seriously degrade national security economically or militarily.

**---Cyber War- No China Threat**

**No Impact – Our Cyber Tech is better – the “Chinese threat” is all hype.**

**Ross, ‘9**, Robert S. is a professor of political science at Boston College, an associate of the John King Fairbank Center for East Asian Research at Harvard University and a fellow of the Security Studies Program at the Massachusetts Institute of Technology. September 2009 - October 2009, (The National Interest, HEADLINE: Here Be Dragons, Robert S. Ross and Aaron L. Friedberg Debate: Is China a Military Threat?, p. Lexis)

Beijing is also developing cyber-warfare techniques, but **exaggerated** assessments of this capability fail to evaluate China’s own emerging vulnerability to such attacks. Cyber-warfare technologies and skills are readily accessible and U.S. advanced munitions are increasingly dependent on high-technology communication and surveillance technologies. The United States is thus vulnerable to cyber attacks, and a Chinese cyber offensive against the United States could influence U.S. operations in the western Pacific. Nonetheless, the reciprocal effect of Washington’s cyber-warfare capability on Beijing’s ability to wage high-technology warfare is equally significant. The same advanced Chinese technologies and weaponry that pessimists argue present a major threat to U.S. security, including ASBMs, are highly dependent on advanced communication and surveillance technologies that **are particularly vulnerable to U.S. cyber attacks**. And once the United States degrades the PLA’s advanced communication technologies, China would lose its high-technology asymmetric capability that so alarms America’s pessimists, and it would be very susceptible to a wide range of superior U.S. sea-based forces, **even if the U**nited **S**tates **suffered from an effective Chinese cyber attack**.

**The US is way ahead of China and Russia in cyberwar**

**Rid 12** (Thomas, PhD, Reader in War Studies @ King's College London, Non-Resident Fellow at the Center for Transatlantic Relations in the School for Advanced International Studies at Johns Hopkins, "Think Again: Cyberwar," March/April, Foreign Policy, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=0,0,

Yes, but not how you think. Russia and China are busy sharpening their cyberweapons and are already well steeped in using them. The Russian military clandestinely crippled Estonia's economy in 2007 and Georgia's government and banks in 2008. The People's Liberation Army's numerous Chinese cyberwarriors have long inserted "logic bombs" and "trapdoors" into America's critical infrastructure, lying dormant and ready to wreak havoc on the country's grid and bourse in case of a crisis. Both countries have access to technology, cash, and talent -- and have more room for malicious maneuvers than law-abiding Western democracies poised to fight cyberwar with one hand tied behind their backs. Or so the alarmists tell us. Reality looks quite different. Stuxnet, by far the most sophisticated cyberattack on record, was most likely a U.S.-Israeli operation. Yes, Russia and China have demonstrated significant skills in cyberespionage, but the fierceness of Eastern cyberwarriors and their coded weaponry is almost certainly overrated. When it comes to military-grade offensive attacks, America and Israel seem to be well ahead of the curve.

#### No cyber war with China—interdependence checks

**Austin and Gady 2012** (Greg, professorial fellow at the EastWest Institute and senior visiting fellow in the department of War Studies at King’s College London, and Franz-Stefan, associate and foreign policy analyst at the EastWest Institute, "Cyber Detente Between the united States and China: Shaping the Agenda", http://www.ewi.info/system/files/detente.pdf)

That said, the two countries’ economies, though very different in many respects, are each highly dependent on a global Internet and shared communications platforms and hardware. While the Chinese economy is not as dependent on the Internet as the U.S., economy is, the difference between the two is fast shrinking. China’s export-driven economy and its trade in financial services make it as vulnerable to cyber attack as the United States. This interdependence—despite occasional outbursts of confrontational rhetoric coming from both Beijing and Washington— can be leveraged to promote stability in bilateral relations. In fact, this is already happening. We can think of this interdependency as a bal-ance of cyber power. If one accepts that both governments make rational calculations, than this new interconnectedness can be exploited to make conflict less likely. In today’s interconnected, digitalized world, the “opportunity cost” associated with embarking on a confrontational course will deter both parties from engaging in open hostile actions. This of course does not preclude cyber espionage, intellectual property theft, or even what some analysts have called the “long game,” i.e. the slow and gradual infiltration of strategically significant economic ICT systems by hackers on both sides.

#### Interdependence is amplified in cyber war—the potential impacts prevent any potential conflict

**Austin and Gady 2012** (Greg, professorial fellow at the EastWest Institute and senior visiting fellow in the department of War Studies at King’s College London, and Franz-Stefan, associate and foreign policy analyst at the EastWest Institute, "Cyber Detente Between the united States and China: Shaping the Agenda", http://www.ewi.info/system/files/detente.pdf)

China and the United States do have a com-plementary interest in cooperating on many aspects of cybersecurity. The most significant argument to support a claim for cooperation in China’s international behavior in cyberspace is mutual dependence among the major economic powers (including China, the United States, Japan and the European Union) in the economic sphere, in a situation where trillions of dollars of transactions occur through networked digital communications each day. In speaking of the U.S.’s economic reliance on digital networks and systems, former Director of National Intelligence Mike McConnell observed in 2010: “The United States economy is $14 trillion a year. Two banks in New York City move $7 trillion a day. On a good day, they do eight trillion... All of those transactions are massive reconciliation and accounting. If those who wish us ill, if someone with a different world view was successful in attacking that information and destroying the data, it could have a devastating impact, not only on the nation, but the globe.” 31 The cost to global economic stability would likely be very high if there were a major confrontation between China and the United States. Sustained or repeated interruptions in connectivity, corruption of transaction data, or deletion of commercial records on a large scale could have major negative repercus-sions for the global economy. Whether confidence after such attacks could be restored remains an open question. These costs would be so high that they should at least dampen if not fully deter states from resorting to cyber war. Cyberspace only amplifies traditional interdependence in trade.

#### China won’t fight– they want cooperation

**CCTV, 7/5/13** – “CPC official urges international cooperation on cyber-security issues”, <http://english.cntv.cn/program/newsupdate/20130705/100849.shtml>

A senior Chinese official has urged international cooperation to tackle emerging cyber-security issues. Meng Jianzhu, Secretary of the Commission for Political and Legal Affairs of the Chinese Communist Party's Central Committee, made the remarks in a keynote speech delivered at an international meeting in Vladivostock, Russia. He said all nations should enhance cooperation and bear the responsibilities together in the face of cyber security threats and challenges. Meng urged the international community to jointly and actively combat all kinds of cyber crimes, speed up the formulation of international norms on information security and oppose conflicts in cyber space.

**---Cyber War- No Nuclear Impact**

**Nuclear weapons are protected from hacking**

**Green ‘2** (Joshua Green, editor of Washington Monthly, November, 2002, The Myth of Cyberterrorism, Washington Monthly,)

"The government is **miles ahead** of the private sector when it comes to cybersecurity," says Michael Cheek, director of intelligence for iDefense, a Virginia-based computer security company with government and private-sector clients. "**Particularly the most sensitive military systems**." Serious effort and plain good fortune have combined to bring this about. Take nuclear weapons. The biggest fallacy about their vulnerability, promoted in action thrillers like WarGames, is that they're designed for remote operation. "[The movie] is premised on the assumption that there's a modem bank hanging on **the side of the computer that controls** the missiles," says Martin Libicki, a defense analyst at the RAND Corporation. "**I assure you, there isn't**." Rather, nuclear weapons and other sensitive military systems enjoy the most basic form of Internet security: they're "air-gapped," meaning that they're **not physically connected to the Internet** and are therefore **inaccessible to** outside **hackers**. (Nuclear weapons also contain "permissive action links," mechanisms to prevent weapons from being armed without inputting codes carried by the president.) A retired military official was somewhat indignant at the mere suggestion: "As a general principle, we've been looking at this thing for 20 years. What cave have you been living in if you haven't considered this [threat]?"

#### Cyberattacks won’t result in nuclear war --- airgapping solves

Green 2 – editor of The Washington Monthly (Joshua, 11/11, The Myth of Cyberterrorism, http://www.washingtonmonthly.com/features/2001/0211.green.html)

There's just one problem: There is no such thing as cyberterrorism--no instance of anyone ever having been killed by a terrorist (or anyone else) using a computer. Nor is there compelling evidence that al Qaeda or any other terrorist organization has resorted to computers for any sort of serious destructive activity. What's more, outside of a Tom Clancy novel, computer security specialists believe it is virtually impossible to use the Internet to inflict death on a large scale, and many scoff at the notion that terrorists would bother trying. "I don't lie awake at night worrying about cyberattacks ruining my life," says Dorothy Denning, a computer science professor at Georgetown University and one of the country's foremost cybersecurity experts. "Not only does [cyberterrorism] not rank alongside chemical, biological, or nuclear weapons, but it is not anywhere near as serious as other potential physical threats like car bombs or suicide bombers." Which is not to say that cybersecurity isn't a serious problem--it's just not one that involves terrorists. Interviews with terrorism and computer security experts, and current and former government and military officials, yielded near unanimous agreement that the real danger is from the criminals and other hackers who did $15 billion in damage to the global economy last year using viruses, worms, and other readily available tools. That figure is sure to balloon if more isn't done to protect vulnerable computer systems, the vast majority of which are in the private sector. Yet when it comes to imposing the tough measures on business necessary to protect against the real cyberthreats, the Bush administration has balked. Crushing BlackBerrys When ordinary people imagine cyberterrorism, they tend to think along Hollywood plot lines, doomsday scenarios in which terrorists hijack nuclear weapons, airliners, or military computers from halfway around the world. Given the colorful history of federal boondoggles--billion-dollar weapons systems that misfire, $600 toilet seats--that's an understandable concern. But, with few exceptions, it's not one that applies to preparedness for a cyberattack. "The government is miles ahead of the private sector when it comes to cybersecurity," says Michael Cheek, director of intelligence for iDefense, a Virginia-based computer security company with government and private-sector clients. "Particularly the most sensitive military systems." Serious effort and plain good fortune have combined to bring this about. Take nuclear weapons. The biggest fallacy about their vulnerability, promoted in action thrillers like WarGames, is that they're designed for remote operation. "[The movie] is premised on the assumption that there's a modem bank hanging on the side of the computer that controls the missiles," says Martin Libicki, a defense analyst at the RAND Corporation. "I assure you, there isn't." Rather, nuclear weapons and other sensitive military systems enjoy the most basic form of Internet security: they're "air-gapped," meaning that they're not physically connected to the Internet and are therefore inaccessible to outside hackers. (Nuclear weapons also contain "permissive action links," mechanisms to prevent weapons from being armed without inputting codes carried by the president.) A retired military official was somewhat indignant at the mere suggestion: "As a general principle, we've been looking at this thing for 20 years. What cave have you been living in if you haven't considered this [threat]?" When it comes to cyberthreats, the Defense Department has been particularly vigilant to protect key systems by isolating them from the Net and even from the Pentagon's internal network. All new software must be submitted to the National Security Agency for security testing. "Terrorists could not gain control of our spacecraft, nuclear weapons, or any other type of high-consequence asset," says Air Force Chief Information Officer John Gilligan. For more than a year, Pentagon CIO John Stenbit has enforced a moratorium on new wireless networks, which are often easy to hack into, as well as common wireless devices such as PDAs, BlackBerrys, and even wireless or infrared copiers and faxes. The September 11 hijackings led to an outcry that airliners are particularly susceptible to cyberterrorism. Earlier this year, for instance, Sen. Charles Schumer (D-N.Y.) described "the absolute havoc and devastation that would result if cyberterrorists suddenly shut down our air traffic control system, with thousands of planes in mid-flight." In fact, cybersecurity experts give some of their highest marks to the FAA, which reasonably separates its administrative and air traffic control systems and strictly air-gaps the latter. And there's a reason the 9/11 hijackers used box-cutters instead of keyboards: It's impossible to hijack a plane remotely, which eliminates the possibility of a high-tech 9/11 scenario in which planes are used as weapons. Another source of concern is terrorist infiltration of our intelligence agencies. But here, too, the risk is slim. The CIA's classified computers are also air-gapped, as is the FBI's entire computer system. "They've been paranoid about this forever," says Libicki, adding that paranoia is a sound governing principle when it comes to cybersecurity. Such concerns are manifesting themselves in broader policy terms as well. One notable characteristic of last year's Quadrennial Defense Review was how strongly it focused on protecting information systems.

**No escalation from accidents**

- safeguards, no use or lose pressures, and rational leaders all prevent them and history proves the scenario is science fiction

**Quinlan 9** (Sir Michael Quinlan, Former Permanent Under-Secretary of State UK Ministry of Defense, Thinking About Nuclear Weapons: Principles, Problems, Prospects, p. 63-69, The book reflects the author's experience across more than forty years in assessing and forming policy about nuclear weapons, mostly at senior levels close to the centre both of British governmental decision-making and of NATO's development of plans and deployments, with much interaction also with comparable levels of United States activity in the Pentagon and the State department)

Even if initial nuclear use did not quickly end the fighting, the supposition of inexorable momentum in a developing exchange, with each side rushing to overreaction amid confusion and uncertainty, is implausible. It fails to consider what the situation of the decision-makers would really be. Neither side could want escalation. Both would be appalled at what was going on. Both would be desperately looking for signs that the other was ready to call a halt. Both, given the capacity for evasion or concealment which drive modern delivery platforms and vehicles can possess, could have in reserve significant forces invulnerable enough not to entail use-or-lose pressures. (It may be more open to question, as noted earlier, whether newer nuclear weapon possessors can be immediately in that position; but it is within reach of any substantial state with advanced technological capabilities and attaining it is certain to be a high priority in the development of forces.) As a result, neither side can have any predisposition to suppose, in an ambiguous situation of fearful risk, that the right course when in doubt is to go on copiously launching weapons. And none of this analysis rests on any presumption of highly subtle or pre-concerted rationality. The rationality required is plain. The argument is reinforced if we consider the possible reasoning of an aggressor at a more dispassionate level. Any substantial nuclear armoury can inflict destruction outweighing any possible prize that aggression could hope to seize. A state attacking the possessor of such an armoury must therefore be doing so (once given that it cannot count upon destroying the armoury pre-emptively) on a judgment that the possessor would be found lacking in the will to use it. If the attacker possessor used nuclear weapons, whether first or in response to the aggressor’s own first use, this judgment would begin to look dangerously precarious. There must be at least a substantial probability of the aggressor leaders’ concluding that their initial judgment had been mistaken—that the risks were after all greater than whatever prize they had been seeking, and that for their own country’s survival they must call off the aggression. Deterrence planning such as that of NATO was directed in the first place to preventing the initial misjudgment and in the second, if it were nevertheless made, to compelling such a reappraisal. The former aim had to have primacy, because it could not be taken for granted that the latter was certain to work. But there was no ground for assuming in advance, for all possible scenarios, that the chance of its working must be negligible. An aggressor state would itself be at huge risk if nuclear war developed, as its leaders would know. It may be argued that a policy which abandons hope of physically defeating the enemy and simply hopes to get him to desist is pure gamble, a matter of who blinks first; and that the political and moral nature of most likely aggressors, almost ex hypothesi, makes them less likely to blink. One response to this is to ask what is the alternative—it can be only surrender. But a more hopeful answer lies in the fact that the criticism is posed in a political vacuum. Real-life conflict would have a political context.

**No accidental or miscalc escalation**

– history and disaster behavior studies prove

**Mueller ’10** [John Mueller – Woody Hayes Chair of National Security Studies, Mershon Center, and professor of Political Science, at Ohio State University, Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda, p. 100

However, even if a bomb, or a few bombs, were to go off, it does not necessarily follow that war would result. For that to happen, it is usually assumed, the accident would have to take place at a time of high war- readiness, as during a crisis, when both sides are poised for action and when one side could perhaps be triggered—or panicked—into major action by an explosion mistakenly taken to be part of, or the prelude to, a full attack." This means that the unlikely happening—a nuclear accident—would have to coincide precisely with an event, a militarized international crisis, something that is rare to begin with, became more so as the cold war progressed, and has become even less likely since its demise. Furthermore, even if the accident takes place during a crisis, it does not follow that escalation or hasty response is inevitable, or even very likely. As Bernard Brodie points out, escalation scenarios essentially impute to both sides "a well-nigh limitless concern with saving face" and/or "a great deal of ground-in automaticity of response and counterresponse." None of this was in evidence during the Cuban missile crisis when there were accidents galore. An American spy plane was shot down over Cuba, probably without authorization, and another accidentally went off course and flew threateningly over the Soviet Union. As if that weren't enough, a Soviet military officer spying for the West sent a message, apparently on a whim, warning that the Soviets were about to attack." **None of these remarkable events triggered anything in the way of precipitous response**. They were duly evaluated and then ignored. Robert Jervis points out that "when critics talk of the impact of irrationality, they imply that all such deviations will be in the direction of emotional impulsiveness, of launching an attack, or of taking actions that are terribly risky. Bu**t irrationality could** also **lead a state to passive acquiescence:"** In moments of high stress and threat, people can be said to have three psychological alternatives: (1) to remain calm and rational, (2) to refuse to believe that the threat is imminent or significant, or (3) to panic, lashing out frantically and incoherently at the threat. Generally, people react in one of the first two ways. In her classic study of disaster behavior, Martha Wolfenstein concludes, "The usual reaction is one of being unworried."32 In addition, **the historical record suggests that wars simply do not begin by accident**. In his extensive survey of wars that have occurred since 1400, diplomat-historian Evan Luard concludes, "It is impossible to identify a single case in which it can be said that a war started accidentally; in which it was not, at the time the war broke out, the deliberate intention of at least one party that war should take place." Geoffrey Blainey, after similar study, very much agrees: although many have discussed "accidental" or "unintentional" wars, "it is difficult," he concludes, "to find a war which on investigation fits this description." Or, as Henry Kissinger has put it dryly, "Despite popular myths, large military units do not fight by accident.""

### ---Cyber War- Rid Prodict

#### Rid is super qualified

**Crawford 9-3**

(Emily, Law professor at University of Sydney, The Young Witness, fire appeared in Inside Story, “The fanciful world of cyber warfare”)

This is not to say that the book has limited value. Rid provides a measured and well-researched analysis of cyber hostilities to date, and identifies where the real threat comes from: espionage, sabotage and subterfuge. Indeed, recent experience tends to support his contentions. The victims of the massive data theft from the Australian government, linked to Chinese hackers in May this year, were not only, or even primarily, military; rather, they were agencies such as ASIO, the Department of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet, the Reserve Bank and the Bureau of Statistics.¶ Rid stands as a useful voice among the Cassandras and Chicken Littles who warn of the impending cyber apocalypse. He bridges the divide between law and technology, and serves as the standard bearer for those hoping to lead the cyber-war debate out of what he calls the ''realm of myth and fairytale'' into rational, empirical discussion.

## K

### AT FW – New

#### -- Counter interpretation – aff must defend their discourse. The judge is an academic challengning the values and assumptions of the entire text of the 1AC.

#### -- Predictable – aff gets to pick their aff and gets strategic gains from reading hyperbolic impact scenarios

#### -- Education outweighs – it’s the only terminal impact – your exclusive focus on policymaking crowds outs critical questioning.

Biswas 7 [Shampa, Professor of Politics – Whitman College, “Empire and Global Public Intellectuals: Reading Edward Said as an International Relations Theorist”, Millennium, 36(1), p. 117-125]

It has been 30 years since Stanley Hoffman accused IR of being an ‘American social science’ and noted its too close connections to US foreign policy elites and US preoccupations of the Cold War to be able to make any universal claims,7 yet there seems to be a curious amnesia and lack of curiosity about the political history of the discipline, and in particular its own complicities in the production of empire.8 Through what discourses the imperial gets reproduced, resurrected and re-energised is a question that should be very much at the heart of a discipline whose task it is to examine the contours of global power. Thinking this failure of IR through some of Edward Said’s critical scholarly work from his long distinguished career as an intellectual and activist, this article is an attempt to politicise and hence render questionable the disciplinary traps that have, ironically, circumscribed the ability of scholars whose very business it is to think about global politics to actually think globally and politically. What Edward Said has to offer IR scholars, I believe, is a certain kind of global sensibility, a critical but sympathetic and felt awareness of an inhabited and cohabited world. Furthermore, it is a profoundly political sensibility whose globalism is predicated on a cognisance of the imperial and a firm non-imperial ethic in its formulation. I make this argument by travelling through a couple of Said’s thematic foci in his enormous corpus of writing. Using a lot of Said’s reflections on the role of public intellectuals, I argue in this article that IR scholars need to develop what I call a ‘global intellectual posture’. In the 1993 Reith Lectures delivered on BBC channels, Said outlines three positions for public intellectuals to assume – as an outsider/exile/marginal, as an ‘amateur’, and as a disturber of the status quo speaking ‘truth to power’ and self-consciously siding with those who are underrepresented and disadvantaged.9 Beginning with a discussion of Said’s critique of ‘professionalism’ and the ‘cult of expertise’ as it applies to International Relations, I first argue the importance, for scholars of global politics, of taking *politics* seriously. Second, I turn to Said’s comments on the posture of exile and his critique of identity politics, particularly in its nationalist formulations, to ask what it means for students of global politics to take the *global* seriously. Finally, I attend to some of Said’s comments on humanism and contrapuntality to examine what IR scholars can learn from Said about *feeling and thinking globally* concretely, thoroughly and carefully. IR Professionals in an Age of Empire: From ‘International Experts’ to ‘Global Public Intellectuals’ One of the profound effects of the war on terror initiated by the Bush administration has been a significant constriction of a democratic public sphere, which has included the active and aggressive curtailment of intellectual and political dissent and a sharp delineation of national boundaries along with concentration of state power. The academy in this context has become a particularly embattled site with some highly disturbing onslaughts on academic freedom. At the most obvious level, this has involved fairly well-calibrated neoconservative attacks on US higher education that have invoked the mantra of ‘liberal bias’ and demanded legislative regulation and reform10, an onslaught supported by a well-funded network of conservative think tanks, centres, institutes and ‘concerned citizen groups’ within and outside the higher education establishment11 and with considerable reach among sitting legislators, jurists and policy-makers as well as the media. But what has in part made possible the encroachment of such nationalist and statist agendas has been a larger history of the corporatisation of the university and the accompanying ‘professionalisation’ that goes with it. Expressing concern with ‘academic acquiescence in the decline of public discourse in the United States’, Herbert Reid has examined the ways in which the university is beginning to operate as another transnational corporation12, and critiqued the consolidation of a ‘culture of professionalism’ where academic bureaucrats engage in bureaucratic role-playing, minor academic turf battles mask the larger managerial power play on campuses and the increasing influence of a relatively autonomous administrative elite and the rise of insular ‘expert cultures’ have led to academics relinquishing their claims to public space and authority.13 While it is no surprise that the US academy should find itself too at that uneasy confluence of neoliberal globalising dynamics and exclusivist nationalist agendas that is the predicament of many contemporary institutions around the world, there is much reason for concern and an urgent need to rethink the role and place of intellectual labour in the democratic process. This is especially true for scholars of the global writing in this age of globalisation and empire. Edward Said has written extensively on the place of the academy as one of the few and increasingly precarious spaces for democratic deliberation and argued the necessity for public intellectuals immured from the seductions of power.14 Defending the US academy as one of the last remaining utopian spaces, ‘the one public space available to real alternative intellectual practices: no other institution like it on such a scale exists anywhere else in the world today’15, and lauding the remarkable critical theoretical and historical work of many academic intellectuals in a lot of his work, Said also complains that ‘the American University, with its munificence, utopian sanctuary, and remarkable diversity, has defanged (intellectuals)’16. The most serious threat to the ‘intellectual vocation’, he argues, is ‘professionalism’ and mounts a pointed attack on the proliferation of ‘specializations’ and the ‘cult of expertise’ with their focus on ‘relatively narrow areas of knowledge’, ‘technical formalism’, ‘impersonal theories and methodologies’, and most worrisome of all, their ability and willingness to be **seduced by power**.17 Said mentions in this context the funding of academic programmes and research which came out of the exigencies of the Cold War18, an area in which there was considerable traffic of political scientists (largely trained as IR and comparative politics scholars) with institutions of policy-making. Looking at various influential US academics as ‘organic intellectuals’ involved in a dialectical relationship with foreign policy-makers and examining the institutional relationships at and among numerous think tanks and universities that create convergent perspectives and interests, Christopher Clement has studied US intervention in the Third World both during and after the Cold War made possible and justified through various forms of ‘intellectual articulation’.19 This is not simply a matter of scholars working for the state, but indeed a larger question of intellectual orientation. It is not uncommon for IR scholars to feel the need to formulate their scholarly conclusions in terms of its relevance for global politics, where ‘relevance’ is measured entirely in terms of policy wisdom. Edward Said’s searing indictment of US intellectuals – policy-experts and Middle East experts - in the context of the first Gulf War20 is certainly even more resonant in the contemporary context preceding and following the 2003 invasion of Iraq. The space for a critical appraisal of the motivations and conduct of this war has been considerably diminished by the expertise-framed national debate wherein certain kinds **of ethical questions** irreducible **to formulaic ‘for or against’ and** ‘costs and benefits’ analysiscan simply **not be raised**. In effect, what Said argues for, and IR scholars need to pay particular heed to, is an understanding of ‘intellectual relevance’ that is larger and more worthwhile, that is about the posing of critical, historical, ethical and perhaps unanswerable questions rather than the offering of recipes and solutions, that is about politics (rather than techno-expertise) in the most fundamental and important senses of the vocation.21

#### That’s key to avoid inevitable policy failure

**Reus-Smit 12** – Professor of International Relations at the European University Institute, Florence (Christian, 6/2012, “International Relations, Irrelevant? Don’t Blame Theory”, Millennium Journal of International Studies 40(3), EBSCO)

However widespread it might be, the notion that IR’s lack of practical relevance stems from excessive theorising rests more on vigorous assertion than weighty evidence. As noted above, we lack good data on the field’s practical relevance, and the difficulties establishing appropriate measures are all too apparent in the fraught attempts by several governments to quantify the impact of the humanities and social sciences more generally. Beyond this, though, we lack any credible evidence that any fluctuations in the field’s relevance are due to more or less high theory. We hear that policymakers complain of not being able to understand or apply much that appears in our leading journals, but it is unclear why we should be any more concerned about this than physicists or economists, who take theory, even high theory, to be the bedrock of advancement in knowledge. Moreover, there is now a wealth of research, inside and outside IR, that shows that policy communities are not open epistemic or cognitive realms, simply awaiting well-communicated, non-jargonistic knowledge – they are bureaucracies, deeply susceptible to groupthink, that filter information through their own intersubjective frames. 10 Beyond this, however, there are good reasons to believe that precisely the reverse of the theory versus relevance thesis might be true; that theoretical inquiry may be a necessary prerequisite for the generation of practically relevant knowledge. I will focus here on the value of metatheory, as this attracts most contemporary criticism and would appear the most difficult of theoretical forms to defend. Metatheories take other theories as their subject. Indeed, their precepts establish the conditions of possibility for second-order theories. In general, metatheories divide into three broad categories: epistemology, ontology and meta-ethics. The first concerns the nature, validity and acquisition of knowledge; the second, the nature of being (what can be said to exist, how things might be categorised and how they stand in relation to one another); and the third, the nature of right and wrong, what constitutes moral argument, and how moral arguments might be sustained. Second-order theories are constructed within, and on the basis of, assumptions formulated at the metatheoretical level. Epistemological assumptions about what constitutes legitimate knowledge and how it is legitimately acquired delimit the questions we ask and the kinds of information we can enlist in answering them. 11 Can social scientists ask normative questions? Is literature a valid source of social-scientific knowledge? Ontological assumptions about the nature and distinctiveness of the social universe affect not only what we ‘see’ but also how we order what we see; how we relate the material to the ideational, agents to structures, interests to beliefs, and so on. If we assume, for example, that individuals are rational actors, engaged in the efficient pursuit of primarily material interests, then phenomena such as faith-motivated politics will remain at the far periphery of our vision. 12 Lastly, meta-ethical assumptions about the nature of the good, and about what constitutes a valid moral argument, frame how we reason about concrete ethical problems. Both deontology and consequentialism are meta-ethical positions, operationalised, for example, in the differing arguments of Charles Beitz and Peter Singer on global distributive justice. 13 Most scholars would acknowledge the background, structuring role that metatheory plays, but argue that we can take our metatheoretical assumptions off the shelf, get on with the serious business of research and leave explicit metatheoretical reflection and debate to the philosophers. If practical relevance is one of our concerns, however, there are several reasons why this is misguided. Firstly, whether IR is practically relevant depends, in large measure, on the kinds of questions that animate our research. I am not referring here to the commonly held notion that we should be addressing questions that practitioners want answered. Indeed, our work will at times be most relevant when we pursue questions that policymakers and others would prefer left buried. My point is a different one, which I return to in greater detail below. It is sufficient to note here that being practically relevant involves asking questions of practice; not just retrospective questions about past practices – their nature, sources and consequences – but prospective questions about what human agents should do. As I have argued elsewhere, being practically relevant means asking questions of how we, ourselves, or some other actors (states, policymakers, citizens, NGOs, IOs, etc.) should act. 14 Yet our ability, nay willingness, to ask such questions is determined by the metatheoretical assumptions that structure our research and arguments. This is partly an issue of ontology – what we see affects how we understand the conditions of action, rendering some practices possible or impossible, mandatory or beyond the pale. If, for example, we think that political change is driven by material forces, then we are unlikely to see communicative practices of argument and persuasion as potentially successful sources of change. More than this, though, it is also an issue of epistemology. If we assume that the proper domain of IR as a social science is the acquisition of empirically verifiable knowledge, then we will struggle to comprehend, let alone answer, normative questions of how we should act. We will either reduce ‘ought’ questions to ‘is’ questions, or place them off the agenda altogether. 15 Our metatheoretical assumptions thus determine the macro-orientation of IR towards questions of practice, directly affecting the field’s practical relevance. Secondly, metatheoretical revolutions license new second-order theoretical and analytical possibilities while foreclosing others, directly affecting those forms of scholarship widely considered most practically relevant. The rise of analytical eclecticism illustrates this. As noted above, Katzenstein and Sil’s call for a pragmatic approach to the study of world politics, one that addresses real-world problematics by combining insights from diverse research traditions, resonates with the mood of much of the field, especially within the American mainstream. Epistemological and ontological debates are widely considered irresolvable dead ends, grand theorising is unfashionable, and gladiatorial contests between rival paradigms appear, increasingly, as unimaginative rituals. Boredom and fatigue are partly responsible for this new mood, but something deeper is at work. Twenty-five years ago, Sil and Katzenstein’s call would have fallen on deaf ears; the neo-neo debate that preoccupied the American mainstream occurred within a metatheoretical consensus, one that combined a neo-positivist epistemology with a rationalist ontology. This singular metatheoretical framework defined the rules of the game; analytical eclecticism was unimaginable. The Third Debate of the 1980s and early 1990s destabilised all of this; not because American IR scholars converted in their droves to critical theory or poststructuralism (far from it), but because metatheoretical absolutism became less and less tenable. The anti-foundationalist critique of the idea that there is any single measure of truth did not produce a wave of relativism, but it did generate a widespread sense that battles on the terrain of epistemology were unwinnable. Similarly, the Third Debate emphasis on identity politics and cultural particularity, which later found expression in constructivism, did not vanquish rationalism. It did, however, establish a more pluralistic, if nevertheless heated, debate about ontology, a terrain on which many scholars felt more comfortable than that of epistemology. One can plausibly argue, therefore, that the metatheoretical struggles of the Third Debate created a space for – even made possible – the rise of analytical eclecticism and its aversion to metatheoretical absolutes, a principal benefit of which is said to be greater practical relevance. Lastly, most of us would agree that for our research to be practically relevant, it has to be good – it has to be the product of sound inquiry, and our conclusions have to be plausible. The pluralists among us would also agree that different research questions require different methods of inquiry and strategies of argument. Yet across this diversity there are several practices widely recognised as essential to good research. Among these are clarity of purpose, logical coherence, engagement with alternative arguments and the provision of good reasons (empirical evidence, corroborating arguments textual interpretations, etc.). Less often noted, however, is the importance of metatheoretical reflexivity. If our epistemological assumptions affect the questions we ask, then being conscious of these assumptions is necessary to ensure that we are not fencing off questions of importance, and that if we are, we can justify our choices. Likewise, if our ontological assumptions affect how we see the social universe, determining what is in or outside our field of vision, then reflecting on these assumptions can prevent us being blind to things that matter. A similar argument applies to our meta-ethical assumptions. Indeed, if deontology and consequentialism are both meta-ethical positions, as I suggested earlier, then reflecting on our choice of one or other position is part and parcel of weighing rival ethical arguments (on issues as diverse as global poverty and human rights). Finally, our epistemological, ontological and meta-ethical assumptions are not metatheoretical silos; assumptions we make in one have a tendency to shape those we make in another. The oft-heard refrain that ‘if we can’t measure it, it doesn’t matter’ is an unfortunate example of epistemology supervening on ontology, something that metatheoretical reflexivity can help guard against. In sum, like clarity, coherence, consideration of alternative arguments and the provision of good reasons, metatheoretical reflexivity is part of keeping us honest, making it practically relevant despite its abstraction.

### 2NC Overview

#### K outweighs the case

#### -- Magnitude -- logic of security created the most destructive features of the international system -- war, oppression, and ecological destruction are all inevitable when particular decisions become necessities. Try or die -- voting aff makes their impacts inevitable.

#### -- Turns case --

#### -- Independent impact --

#### -- Alt' solves case -- rejecting dominant political discourse challenges the root cause of violent identity construction, undermining the solar reason for war. It's a prerequisite to better policy-making and a matter of sequencing -- good theory now causes better action later.

### Yudkowsky (Conjunctive Fallacy)

#### Prefer our disjunctive scenarios to their short-term conjunctive scenarios.

Yudkowsky 6 – Research Fellow & Director @ Singularity Institute for Artificial Intelligence (Eliezer, 8/31/. Palo Alto, CA. “Cognitive biases potentially affecting judgment of global risks,” Forthcoming in Global Catastrophic Risks, eds. Nick Bostrom and Milan Cirkovic, singinst.org/upload/cognitive-biases.pdf)

The conjunction fallacy similarly applies to futurological forecasts. Two independent sets of professional analysts at the Second International Congress on Forecasting were asked to rate, respectively, the probability of "A complete suspension of diplomatic relations between the USA and the Soviet Union, sometime in 1983" or "A Russian invasion of Poland, and a complete suspension of diplomatic relations between the USA and the Soviet Union, sometime in 1983". The second set of analysts responded with significantly higher probabilities. (Tversky and Kahneman 1983.) In Johnson et. al. (1993), MBA students at Wharton were scheduled to travel to Bangkok as part of their degree program. Several groups of students were asked how much they - 6 - were willing to pay for terrorism insurance. One group of subjects was asked how much they were willing to pay for terrorism insurance covering the flight from Thailand to the US. A second group of subjects was asked how much they were willing to pay for terrorism insurance covering the round-trip flight. A third group was asked how much they were willing to pay for terrorism insurance that covered the complete trip to Thailand. These three groups responded with average willingness to pay of $17.19, $13.90, and $7.44 respectively. According to probability theory, adding additional detail onto a story must render the story less probable. It is less probable that Linda is a feminist bank teller than that she is a bank teller, since all feminist bank tellers are necessarily bank tellers. Yet human psychology seems to follow the rule that adding an additional detail can make the story more plausible. People might pay more for international diplomacy intended to prevent nanotechnological warfare by China, than for an engineering project to defend against nanotechnological attack from any source. The second threat scenario is less vivid and alarming, but the defense is more useful because it is more vague. More valuable still would be strategies which make humanity harder to extinguish without being specific to nanotechnologic threats - such as colonizing space, or see Yudkowsky (this volume) on AI. Security expert Bruce Schneier observed (both before and after the 2005 hurricane in New Orleans) that the U.S. government was guarding specific domestic targets against "movie-plot scenarios" of terrorism, at the cost of taking away resources from emergency-response capabilities that could respond to any disaster. (Schneier 2005.) Overly detailed reassurances can also create false perceptions of safety: "X is not an existential risk and you don't need to worry about it, because A, B, C, D, and E"; where the failure of any one of propositions A, B, C, D, or E potentially extinguishes the human species. "We don't need to worry about nanotechnologic war, because a UN commission will initially develop the technology and prevent its proliferation until such time as an active shield is developed, capable of defending against all accidental and malicious outbreaks that contemporary nanotechnology is capable of producing, and this condition will persist indefinitely." Vivid, specific scenarios can inflate our probability estimates of security, as well as misdirecting defensive investments into needlessly narrow or implausibly detailed risk scenarios. More generally, people tend to overestimate conjunctive probabilities and underestimate disjunctive probabilities. (Tversky and Kahneman 1974.) That is, **people tend to overestimate the probability that**, e.g., **seven events of 90% probability will all occur**. Conversely, **people tend to underestimate the probability that at least one of seven events of 10% probability will occur**. Someone judging whether to, e.g., incorporate a new startup, must evaluate the probability that many individual events will all go right (there will be sufficient funding, competent employees, customers will want the product) while also considering the likelihood that at least one critical failure will occur (the bank refuses - 7 - a loan, the biggest project fails, the lead scientist dies). This may help explain why only 44% of entrepreneurial ventures3 survive after 4 years. (Knaup 2005.) Dawes (1988) observes: 'In their summations lawyers avoid arguing from disjunctions ("either this or that or the other could have occurred, all of which would lead to the same conclusion") in favor of conjunctions. Rationally, of course, disjunctions are much more probable than are conjunctions.' The scenario of humanity going extinct in the next century is a disjunctive event. It could happen as a result of any of the existential risks discussed in this book - or some other cause which none of us foresaw. Yet for a futurist, disjunctions make for an awkward and unpoetic-sounding prophecy.

### 2NC - Cyber Attacks/Terror Links

#### Their cyberattack arguments are produced from the scholarship of paranoia – this justifies unending threat construction and elimination of those threats

Hart 11 (Catherine, Masters in Communications at Simon Fraser U, "Mobilizing the Cyberspace Race: the Securitization of the Internet and its Implications for Civil Liberties," Cyber-Surveillance in Everyday Life: An International Workshop \* May 12-15, 2011 \* University of Toronto, <http://www.digitallymediatedsurveillance.ca/wp-content/uploads/2011/04/Hart-Mobilizing-the-Cyberspace-race.pdf>)

In this paper I seek to explore the way in which the increasing regulation of networked computing through digital controls and surveillance is being **justified using a securitizing discourse**. I argue that **the dominant frame** of ‘cybersecurity’ has become one based on national security, due to the potentially debilitating effect that a breakdown of the network would have on society, the economy, the military, and government. This understanding caused President Obama, during his 2008 presidential campaign, to declare the U.S. information infrastructure a ‘strategic asset,’ a move which positions the Internet as a significant issue for the military (Clarke, 2010, 116). Within the Copenhagen School’s perspective on International Security Studies, this is known as a ‘securitizing move’; an attempt to frame something as essential to national security. I seek to examine the application of this securitizing discourse to networked computing and its development into an issue of ‘cybersecurity’ over the past three U.S. administrations. To do this, I will apply the Copenhagen School’s framework to each administration’s official policy on cybersecurity, in order to assess whether the securitization is successful, and what impact proposed responses may have on civil liberties. Securitization: A Framework for Analysis A securitization is a speech act which constitutes a ‘referent object’, in this case the state, as threatened in its very existence, and therefore necessitates urgent action (Buzan et al, 1998). The analysis of this process of “securitization” in networked computing involves a three-part process: the identification of a discourse of national security within discussions of networked computing, evidence of the acceptance of this discourse by an audience, and the promotion or uptake of restrictive responses aimed at increasing security. The first part of the process, the mobilization of an existing discourse of national security, relies upon the understanding that “the very utterance of ‘security’ is more than just saying or describing something but the **performing of an action**,” with the potential to create a new reality (Stritzel, 2007, 362). This is a prominent feature of framing, which Edelman explains allows “the character, causes, and consequences of any phenomenon [to] become radically different as changes are made in what is prominently displayed, what is repressed and especially in how observations are classified” (as cited in Entman, 1993, 54). Therefore scholars of securitization are not concerned with the validity of an asserted threat; their focus, rather, is the action that is facilitated as a result of the acceptance of the validity of a threat. Buzan explains that [s]tates, like people, can be **paranoid** (**constructing threats where none exist**) or complacent (ignoring actual threats). But since it is the success (or not) of the securitization that determines whether action is taken, that side of threat analysis deserves scrutiny just as close as that given to the material side. (Buzan, 2006, 1102) The second stage in the process concerns the likelihood that this discourse will be accepted by a wider audience than those advancing the securitization. The ability of an actor to successfully securitize an issue is highly dependent on their position. Security has, to some degree, been institutionalized, as is the case with the military, and therefore “some actors are placed in positions of power by virtue of being generally accepted voices of security, by having the power to define security” (Buzan et al, 1998, 31). Government cybersecurity policy would therefore seem to be an ideal vehicle to mobilize and perhaps also legitimize a securitizing move. Policy represents an administration’s **official standpoint** on an issue which is understood to be a problem, and proposes solutions based on technical knowledge and research. However, as public policy scholar Frank Fischer explains, [f]rom the social constructivist perspective... the social and political life under investigation is embedded in a web of social meanings produced and reproduced through discursive practices. Politics and public policy are understood to take shape through socially interpreted understandings, and their meanings and the discourses that circulate them are not of the actors’ own choosing or making. (2003, 13) Public policy therefore contains both a persuasive and a responsive element; it seeks to **justify a chosen course of action** which is based upon socially interpreted understandings of ‘national security’. To use the Copenhagen School’s terms, it is both part of the securitizing move, employing a discourse of security, but by its very existence, demonstrates the success of the securitizing move because the issue has been taken seriously enough to warrant an official standpoint and planned response. Assessing how far securitization in policy promotes national security above all other considerations, including civil liberties, is the third part of the process. By applying a framework of security to an event, it is understood that the issue is one of urgency, and, in the words of Buzan et al, “if the problem is not handled now it will be too late, and we will not exist to remedy our failure” (1998, 26). According to the Copenhagen School's approach, “[t]he invocation of security has been the key to **legitimizing the use of force**, but more generally it has opened the way for the state to **mobilize**, or to take special powers, **to handle existential threats**” (ibid, 21). If a securitization is successful, an audience will tolerate violations of rules that would otherwise have to be obeyed, for example the restriction of free speech, or freedom from unreasonable search and seizure. By its very definition, a framework selectively calls attention to certain aspects of reality, and therefore ignores or omits others(Entman, 1993, 54). A security framework privileges security above all other concerns, sometimes to the detriment of civil liberties. It is commonly understood that to attain security, a little freedom must be given up, but how much freedom is under debate. It is not yet clear whether the security arguments of the U.S. military, the intelligence community, and more hawkish members of government will result in the hypersecuritization of cyberspace—to use Barry Buzan's term for the mobilization of exaggerated threats and excessive countermeasures (2004, 172)—or whether a more measured view, taking into account civil liberties and the positive potential of the Internet, will win out.

### Stuff 1

#### Don’t multiply probability times magnitude – methodological black-mail that causes error replication and sereal policy failure

Hagmann & Cavelty 12 – \*senior researcher at the Center for Security Studies, lecturer at the Department of Humanities, Social and Political Sciences, ETH Zürich, holds a Doctorate and an MA in International Relations from the Graduate Institute of International and Development Studies in Geneva AND \*\*lecturer for security studies and a senior researcher in the field of risk and resilience at the Center for Security Studies, PhD, studied International Relations, History, and International Law at the University of Zurich (Jonas and Myriam Dunn, 2/15/2012, "National risk registers: Security scientism and the propagation of permanent insecurity," Security Dialogue 43(1), Sage)

Risk registers’ adoption of conventional risk-assessment methodology – the formula that defines risk as likelihood multiplied by impact – also has a distinct influence on how insecurity is to be understood and handled. On the one hand, the emphasis on ‘likelihood’ initiates a consequential rationalization of danger occurrence. This rationalization, of course, is geared towards forecasting future developments. It is methodologically grounded in an in-depth analysis of danger’s ‘natural’ patterns of manifestation. As already mentioned, existing datasets and historical case studies are central elements in the identification of these patterns. The rationalization of risks based on past events is analytically efficacious, given that it empowers a projection of the past into the future. There is an implicit argument in the methodological measurement of ‘likelihood’ to the effect that the future essentially emulates history – the risk themes described in risk registers are extrapolations of misfortunes already experienced (Bigo, 2007; Jasanoff, 2009). Focusing on these risk themes, then, not only means focusing on past insecurities. It also means that, as technologies, risk registers project the very same insecurities into the future. With this, the very variable of ‘likelihood’ empowers an inert view of reality. This is problematic in the case of those risks that openly rely on, or are mediated by, social actors. Social actors are capable of adopting new types of behaviour over time. The risk of terrorism, for instance, can only be regarded as a persistent one under the assumption that terrorists will never cease, or be induced to cease, their activities. Given their commitment to engineering and econometric risk-assessment methodology, then, risk registers advance a regularized assessment of future practices. They leave little room for contingency, change and alternative trajectories, and so they tend to project a rather fatalist account of public insecurity. Another effect then adds to this projection. The reliance on past experiences as proof of the existence of risks negates the need to test their current viability. There is no requirement to prove that these issues will ever ‘actually’ become relevant in the future. Together with risk registers’ reliance on probability syllogisms, this causes these projected risks to gain a very specific kind of traction in the present. As risks are claimed to exist, but their date and place of materialization are held impossible to predict, a sense of comprehensive and ever-present insecurity is created. Insecurity comes to be regarded as substantial if not all-encompassing, always present and always possible – an understanding that directly caters to the permanent mobilization of a comprehensive kind of security dispositif. On the other hand, the focus on ‘impact’ as a determinant of risks also implies larger analytical claims. The problem here is the intimate focus of risk registers on damaging effects as such. The focus on material damage and financial costs in particular raises difficult questions as to what kinds of harmful effects can be claimed to be relevant to human beings and political collectives. In the risk registers, this question is simply delegated to the underlying risk formula. There are no selection criteria underlying risk registers other than a cost–benefit rationale, which comes into play when everything that seemed relevant to experts is compared by its calculated magnitude in the risk matrix. Another problematic aspect is the fact that while analyses of quantities of harm reveal a lot about damage, such an approach is of limited use in understanding how public dangers are created in the first place. The classic lines of enquiry in risk assessment are: ‘What can go wrong? What is the likelihood of it going wrong? What are the consequences if it goes wrong?’ (Haimes, 1998: 54–5). This means that risk assessments do not ask why something can go wrong, or how one’s own actions might be complicit in engendering such dangers. The focus on risk as harmful ‘impact’, then, not only implies debatable assumptions about relevant measures. Its focus on the consequences of risks and ignorance of their origins also poses limits to the reflexivity with which risks are approached.

#### You cannot make linear predictions within the international system – it’s inherently volatile

Taleb & Blythe 11 – \*Distinguished Professor of Risk Engineering at New York University’s Polytechnic Institute, AND \*\*Professor of International Political Economy at Brown University (Nassim and Mark, May/June 2011, “The Black Swan of Cairo How Suppressing Volatility Makes the World Less Predictable and More Dangerous,” <http://www.foreignaffairs.com/articles/67741/nassim-nicholas-taleb-and-mark-blyth/the-black-swan-of-cairo>)

Why is surprise the permanent condition of the U.S. political and economic elite? In 2007–8, when the global ﬁnancial system imploded, the cry that no one could have seen this coming was heard everywhere, despite the existence of numerous analyses showing that a crisis was unavoidable. It is no surprise that one hears precisely the same response today regarding the current turmoil in the Middle East. The critical issue in both cases is the artiﬁcial suppres- sion of volatility—the ups and downs of life—in the name of stability. It is both mis- guided and dangerous to push unobserved risks further into the statistical tails of the probability distribution of outcomes and allow these high-impact, low-probability “tail risks” to disappear from policymakers’ ﬁelds of observation. What the world is witnessing in Tunisia, Egypt, and Libya is simply what happens when highly constrained systems explode. Complex systems that have artiﬁcially suppressed volatility tend to become extremely fragile, while at the same time exhibiting no visible risks. In fact, they tend to be too calm and exhibit minimal variability as silent risks accumulate beneath the surface. Although the stated intention of political leaders and economic policymakers is to stabilize the system by inhibiting ﬂuctuations, the result tends to be the opposite. These artiﬁcially con- strained systems become prone to “Black Swans”—that is, they become extremely vulnerable to large-scale events that lie far from the statistical norm and were largely unpredictable to a given set of observers. Such environments eventually experi- ence massive blowups, catching everyone oª-guard and undoing years of stability or, in some cases, ending up far worse than they were in their initial volatile state. Indeed, the longer it takes for the blowup to occur, the worse the resulting harm in both economic and political systems. Seeking to restrict variability seems to be good policy (who does not prefer stability to chaos?), so it is with very good intentions that policymakers unwittingly increase the risk of major blowups. And it is the same misperception of the properties of natural systems that led to both the economic crisis of 2007–8 and the current turmoil in the Arab world. The policy implications are identical: to make systems robust, all risks must be visible and out in the open— ﬂuctuat nec mergitur(it ﬂuctuates but does not sink) goes the Latin saying. Just as a robust economic system is one that encourages early failures (the concepts of “fail small” and “fail fast”), the U.S. gov- ernment should stop supporting dictato- rial regimes for the sake of pseudostability and instead allow political noise to rise to the surface. Making an economy robust in the face of business swings requires allowing risk to be visible; the same is true in politics. SEDUCED BY STABILITY Both the recent ﬁnancial crisis and the current political crisis in the Middle East are grounded in the rise of complexity, interdependence, and unpredictability. Policymakers in the United Kingdom and the United States have long promoted policies aimed at eliminating ﬂuctuation— no more booms and busts in the economy, no more “Iranian surprises” in foreign policy. These policies have almost always produced undesirable outcomes. For example, the U.S. banking system became very fragile following a succession of pro- gressively larger bailouts and government interventions, particularly after the 1983 rescue of major banks (ironically, by the same Reagan administration that trum- peted free markets). In the United States, promoting these bad policies has been a bipartisan eªort throughout. Republicans have been good at fragilizing large corpora- tions through bailouts, and Democrats have been good at fragilizing the government. At the same time, the ﬁnancial system as a whole exhibited little volatility; it kept get- ting weaker while providing policymakers with the illusion of stability, illustrated most notably when Ben Bernanke, who was then a member of the Board of Gover- nors of the U.S. Federal Reserve, declared the era of “the great moderation” in 2004. Putatively independent central bankers fell into the same trap. During the 1990s, U.S. Federal Reserve Chair Alan Greenspan wanted to iron out the economic cycle’s booms and busts, and he sought to control economic swings with interest-rate reductions at the slightest sign of a downward tick in the economic data. Furthermore, he adapted his eco- nomic policy to guarantee bank rescues, with implicit promises of a backstop—the now infamous “Greenspan put.” These policies proved to have grave delayed side effects. Washington stabilized the market with bailouts and by allowing certain com- panies to grow “too big to fail.” Because policymakers believed it was better to do something than to do nothing, they felt obligated to heal the economy rather than wait and see if it healed on its own. The foreign policy equivalent is to support the incumbent no matter what. And just as banks took wild risks thanks to Greenspan’s implicit insurance policy, client governments such as Hosni Mubarak’s in Egypt for years engaged in overt plunder thanks to similarly reliable U.S. support. Those who seek to prevent volatility on the grounds that any and all bumps in the road must be avoided paradoxically increase the probability that a tail risk will cause a major explosion. Consider as a thought experiment a man placed in an artiﬁcially sterilized environment for a decade and then invited to take a ride on a crowded subway; he would be expected to die quickly. Likewise, preventing small forest ﬁres can cause larger forest ﬁres to become devastating. This property is shared by all complex systems. In the realm of economics, price con- trols are designed to constrain volatility on the grounds that stable prices are a good thing. But although these controls might work in some rare situations, the long-term effect of any such system is an eventual and extremely costly blowup whose cleanup costs can far exceed the beneﬁts accrued. The risks of a dictatorship, no matter how seemingly stable, are no diªerent, in the long run, from those of an artiﬁcially controlled price. Such attempts to institutionally engineer the world come in two types: those that conform to the world as it is and those that attempt to reform the world. The nature of humans, quite reasonably, is to in- tervene in an eªort to alter their world and the outcomes it produces. But government interventions are laden with unintended— and unforeseen—consequences, particularly in complex systems, so humans must work with nature by tolerating systems that absorb human imperfections rather than seek to change them. Take, for example, the recent celebrated documentary on the ﬁnancial crisis, Inside Job, which blames the crisis on the malfea- sance and dishonesty of bankers and the incompetence of regulators. Although it is morally satisfying, the ﬁlm naively over- looks the fact that humans have always been dishonest and regulators have always been behind the curve. The only diªerence this time around was the unprecedented magnitude of the hidden risks and a mis- understanding of the statistical properties of the system. What is needed is a system that can prevent the harm done to citizens by the dishonesty of business elites; the limited competence of forecasters, economists, and statisticians; and the imperfections of regulation, not one that aims to eliminate these ﬂaws. Humans must try to resist the illusion of control: just as foreign policy should be intelligence-proof (it should minimize its reliance on the competence of information-gathering organizations and the predictions of “experts” in what are inherently unpredictable domains), the economy should be regulator-proof, given that some regulations simply make the system itself more fragile. Due to the complexity of markets, intricate regulations simply serve to generate fees for lawyers and proﬁts for sophisticated derivatives traders who can build complicated ﬁnancial products that skirt those regulations. DON’T BE A TURKEY The life of a turkey before Thanksgiving is illustrative: the turkey is fed for 1,000 days and every day seems to conﬁrm that the farmer cares for it—until the last day, when conﬁdence is maximal. The “turkey problem” occurs when a naive analysis of stability is derived from the absence of past variations. Likewise, conﬁdence in stability was maximal at the onset of the ﬁnancial crisis in 2007. The turkey problem for humans is the result of mistaking one environment for another. Humans simultaneously inhabit two systems: the linear and the complex. The linear domain is characterized by its predictability and the low degree of interaction among its components, which allows the use of mathematical methods that make forecasts reliable. In complex systems, there is an absence of visible causal links between the elements, masking a high degree of interdependence and extremely low predictability. Nonlinear elements are also present, such as those commonly known, and generally misun- derstood, as “tipping points.” Imagine someone who keeps adding sand to a sand pile without any visible consequence, until suddenly the entire pile crumbles. It would be foolish to blame the collapse on the last grain of sand rather than the structure of the pile, but that is what people do consistently, and that is the policy error. U.S. President Barack Obama may blame an intelligence failure for the gov- ernment’s not foreseeing the revolution in Egypt (just as former U.S. President Jimmy Carter blamed an intelligence failure for his administration’s not fore- seeing the 1979 Islamic Revolution in Iran), but it is the suppressed risk in the statis- tical tails that matters—not the failure to see the last grain of sand. As a result of complicated interdependence and conta- gion eªects, in all man-made complex systems, a small number of possible events dominate, namely, Black Swans. Engineering, architecture, astronomy, most of physics, and much of common science are linear domains. The complex domain is the realm of the social world, epidemics, and economics. Crucially, the linear domain delivers mild variations without large shocks, whereas the complex domain delivers massive jumps and gaps. Complex systems are misunderstood, mostly because humans’ sophistication, obtained over the history of human knowl- edge in the linear domain, does not transfer properly to the complex domain. Humans can predict a solar eclipse and the trajectory of a space vessel, but not the stock market or Egyptian political events. All man-made complex systems have commonalities and even universalities. Sadly, deceptive calm (followed by Black Swan surprises) seems to be one of those properties. THE ERROR OF PREDICTION As with a crumbling sand pile, it would be foolish to attribute the collapse of a fragile bridge to the last truck that crossed it, and even more foolish to try to predict in advance which truck might bring it down. The system is responsible, not the compo- nents. But after the ﬁnancial crisis of 2007–8, many people thought that predict- ing the subprime meltdown would have helped. It would not have, since it was a symptom of the crisis, not its underlying cause. Likewise, Obama’s blaming “bad in- telligence” for his administration’s failure to predict the crisis in Egypt is symptomatic of both the misunderstanding of complex systems and the bad policies involved. Obama’s mistake illustrates the illusion of local causal chains—that is, confusing catalysts for causes and assuming that one can know which catalyst will produce which eªect. The ﬁnal episode of the upheaval in Egypt was unpredictable for all observers, especially those involved. As such, blam- ing the ciais as foolish as funding it to forecast such events. Governments are wasting billions of dollars on attempting to predict events that are produced by interdependent systems and are therefore not statistically understandable at the individual level. As Mark Abdollahian of Sentia Group, one of the contractors who sell predictive analytics to the U.S. government, noted regarding Egypt, policymakers should “think of this like Las Vegas. In blackjack, if you can do four percent better than the average, you’re making real money.” But the analogy is spurious. There is no “four percent better” on Egypt. This is not just money wasted but the construction of a false conﬁdence based on an erroneous focus. It is telling that the intelligence analysts made the same mistake as the risk-management systems that failed to predict the economic crisis—and oªered the exact same excuses when they failed. Political and economic “tail events” are unpredictable, and their probabilities are not scientiﬁcally measurable. No matter how many dollars are spent on research, predicting revolutions is not the same as counting cards; humans will never be able to turn politics into the tractable random- ness of blackjack. Most explanations being oªered for the current turmoil in the Middle East follow the “catalysts as causes” confusion. The riots in Tunisia and Egypt were initially attributed to rising commodity prices, not to stiﬂing and unpopular dictatorships. But Bahrain and Libya are countries with high gdps that can aªord to import grain and other commodities. Again, the focus is wrong even if the logic is comforting. It is the system and its fragility, not events, that must be studied—what physicists call “percolation theory,” in which the proper- ties of the terrain are studied rather than those of a single element of the terrain. When dealing with a system that is inherently unpredictable, what should be done? Diªerentiating between two types of countries is useful. In the ﬁrst, changes in government do not lead to meaningful diªerences in political outcomes (since political tensions are out in the open). In the second type, changes in govern- ment lead to both drastic and deeply unpredictable changes. Consider that Italy, with its much- maligned “cabinet instability,” is economi- cally and politically stable despite having had more than 60 governments since World War II (indeed, one may say Italy’s stability is because of these switches of government). Similarly, in spite of consis- tently bad press, Lebanon is a relatively safe bet in terms of how far governments can jump from equilibrium; in spite of all the noise, shifting alliances, and street protests, changes in government there tend to be comparatively mild. For exam- ple, a shift in the ruling coalition from Christian parties to Hezbollah is not such a consequential jump in terms of the country’s economic and political stability. Switching equilibrium, with control of the government changing from one party to another, in such systems acts as a shock absorber. Since a single party cannot have total and more than temporary control, the possibility of a large jump in the regime type is constrained. In contrast, consider Iran and Iraq. Mohammad Reza Shah Pahlavi and Sad- dam Hussein both constrained volatility by any means necessary. In Iran, when the shah was toppled, the shift of power to Ayatollah Ruhollah Khomeini was a huge, unforeseeable jump. After the fact, analysts could construct convincing accounts about how killing Iranian Communists, driving the left into exile, demobilizing the demo- cratic opposition, and driving all dissent into the mosque had made Khomeini’s rise inevitable. In Iraq, the United States removed the lid and was actually surprised to ﬁnd that the regime did not jump from hyperconstraint to something like France. But this was impossible to predict ahead of time due to the nature of the system itself. What can be said, however, is that the more constrained the volatility, the bigger the regime jump is likely to be. From the French Revolution to the triumph of the Bolsheviks, history is replete with such examples, and yet somehow humans remain unable to process what they mean. THE FEAR OF RANDOMNESS Humans fear randomness—a healthy ancestral trait inherited from a diªerent environment. Whereas in the past, which was a more linear world, this trait enhanced ﬁtness and increased chances of survival, it can have the reverse eªect in today’s complex world, making volatility take the shape of nasty Black Swans hiding behind deceptive periods of “great moderation.” This is not to say that any and all volatility should be embraced. Insurance should not be banned, for example. But alongside the “catalysts as causes” confusion sit two mental biases: the illusion of control and the action bias (the illusion that doing something is always better than doing nothing). This leads to the desire to impose man-made solutions. Greenspan’s actions were harmful, but it would have been hard to justify inaction in a democracy where the incentive is to always promise a better outcome than the other guy, regard- less of the actual, delayed cost. Variation is information. When there is no variation, there is no information. This explains the cia’s failure to predict the Egyptian revolution and, a generation before, the Iranian Revolution—in both cases, the revolutionaries themselves did not have a clear idea of their relative strength with respect to the regime they were hoping to topple. So rather than sub- sidize and praise as a “force for stability” every tin-pot potentate on the planet, the U.S. government should encourage countries to let information ﬂow upward through the transparency that comes with political agitation. It should not fear ﬂuc- tuations per se, since allowing them to be in the open, as Italy and Lebanon both show in diªerent ways, creates the stability of small jumps. As Seneca wrote in De clementia, “Repeated punishment, while it crushes the hatred of a few, stirs the hatred of all . . . just as trees that have been trimmed throw out again countless branches.” The imposition of peace through repeated punishment lies at the heart of many seemingly intractable conﬂicts, including the Israeli-Palestinian stalemate. Further- more, dealing with seemingly reliable high-level officials rather than the people themselves prevents any peace treaty signed from being robust. The Romans were wise enough to know that only a free man under Roman law could be trusted to engage in a contract; by extension, only a free people can be trusted to abide by a treaty. Treaties that are negotiated with the consent of a broad swath of the populations on both sides of a conﬂict tend to survive. Just as no central bank is powerful enough to dictate stability, no superpower can be powerful enough to guarantee solid peace alone. U.S. policy toward the Middle East has historically, and especially since 9/11, been unduly focused on the repression of any and all political ﬂuctuations in the name of preventing “Islamic fundamentalism”— a trope that Mubarak repeated until his last moments in power and that Libyan leader Muammar al-Qaddaﬁ continues to emphasize today, blaming Osama bin Laden for what has befallen him. This is wrong. The West and its autocratic Arab allies have strengthened Islamic funda- mentalists by forcing them underground, and even more so by killing them. As Jean-Jacques Rousseau put it, “A little bit of agitation gives motivation to the soul, and what really makes the species prosper is not peace so much as freedom.” With freedom comes some unpredictable ﬂuctuation. This is one of life’s packages: there is no freedom without noise—and no stability without volatility.∂

### Stuff 2

#### Security necessitates calculation – that outweighs war

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony “What security makes possible,” Working Paper 2007 p.11-12)

**Even if threats are credible and existential**, I do not believe that they warrant invoking the ‘state of exception’, which has in our time been more commonly enacted in the detention and rendition of terrorism suspects, immigration detention centres and the use of arbitrary arrest and deportation powers. The ‘state of exception’ also haunts much legial innovation in counter-terrorism policy. And, as Agamben, Judith Butler and Arendt have argued, such approaches have their roots in processes (namely colonialism and the Holocaust) that **systematically dehumanized their victims producing lives that were ‘bare’, ‘ungreivable’, ‘unliveable’ and ‘superfluous’**. If nothing else, it ought to raise serious doubts as to how securitization theory can be helpful in resignifying security as emancipation. It also precludes the ability to speak of human or environmental security in terms consistent with democratic political processes in a state of normalacy. The existential threat of human beings may be real enough, but it should generate a **very different policy logic** than outlined by the Copenhagen School. As Rocanne Lynn Doty and Karin Fierke have argued, the Copenhagen School’s conceptualization blocks the path to human security. This would seem to be implicit in the way Waever, in his 1995 article, attempts to provide security with ontological grounding. There he states that ‘as concepts, neither individual nor international security exist’: National security, that is the security of a state, is the name of an ongoing debate, tradition, an established set of practices ... there is no literature, no philosophy, no tradition of security in non-state terms ... the concept of security refers to the state.36

#### The 1AC harms claims are manufactured – the threat industry fabricates danger to justify military expansion.

Pieterse 7 [Jan Nederveen, professor of sociology at the University of Illinois, Review of International Political Economy, Vol. 14, No. 3, Aug., “Political and Economic Brinkmanship,” p. 473-4]

Brinkmanship and producing instability carry several meanings. The American military spends 48% of world military spending (2005) and rep resents a vast, virtually continuously growing establishment that is a world in itself with its own lingo, its own reasons, internecine battles and projects. That this large security establishment is a bipartisan project makes it politically relatively immune. That for security reasons it is an insular world shelters it from scrutiny. For reasons of 'deniability' the president is insulated from certain operations (Risen, 2006). That it is a completely hierarchical world onto itself makes it relatively unaccountable. Hence, to quote 'stuff happens'. In part this is the familiar theme of the Praetorian Guard and the shadow state (Stockwell, 1991). It includes a military on the go, a military that seeks career advancement through role expansion, seeks expansion through threat inflation, and in inflated threats finds rationales for ruthless action and is thus subject to feedback from its own echo chambers. Misinformation broadcast by part of the intelligence apparatus blows back to other security circles where it may be taken for real (Johnson, 2000). Inhabiting a hall of mirrors this apparatus operates in a perpetual state of self hypnosis with, since it concerns classified information and covert ops, limited checks on its functioning.¶ The military stages phirric victories that come at a price of lasting instability. In Afghanistan the US staged a swift settlement by backing and funding the Northern Alliance, which brought warlords and drug lords to power and a corrupt power structure that eventually precipitated the comeback of the Taliban. In Iraq the US backed the Kurds and permitted Shiite militias to operate (until the Samarra bombing of April 2006) and thus created conditions for lasting instability.¶ The American rules of engagement are self-serving. But because the military inhabits a parallel universe and the media are clogged with 'defense experts', discussion of these tactics and hence the capacity for self-correction is limited.¶ Part of the backdrop is the trend of the gradual erosion of state capacities because of 25 years, since the Reagan era, of cutting government services except the military and security. The laissez-faire state in the US has created an imbalance in which the military remains the major growing state capability, which leaves military power increasingly unchecked because monitoring institutions have been downsized or dismantled too. When recently the Pentagon wanted to review all the subcontracts it has outsourced this task was outsourced too. This redistribution of power within the US government played a key part leading up to the war and in the massive failure in Iraq. Diplomacy was under resourced, intelligence was manipulated and the Pentagon and the Office of Strategic Planning ignored experts' advice and State Department warnings on the need for postwar planning (Packer, 2005; Lang, 2004).

### AT Perm – Do Both

#### 1. Cross-apply framework – the aff must prove there’s value in incorporating their discourse and epistemology. Testing competitiveness with the plan is nonsensical because our kritik is about their scholarship.

#### 2. Theory – permutations must include 1AC representations, they’re the majority of the opening speech. Severance makes the aff a moving target and being neg becomes impossible. The aff isn’t selected in a vacuum, they had infinite prep to select advantages they had defenses of.

#### 3. Liberal policy option ward off critique

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony, Beyond Security, Ethics and Violence, p. 3-4)

These frameworks are interrogated at the level both of their theoretical conceptualisation and their practice: in their influence and implementation in specific policy contexts and conflicts in East and Central Asia, the Middle East and the 'war on terror', where their meaning and impact take on greater clarity. This approach is based on a conviction that the meaning of powerful political concepts cannot be abstract or easily universalised: they all have histories, often complex and conflictual; their forms and meanings change over time; and they are developed, refined and deployed in concrete struggles over power, wealth and societal form. While this should not preclude normative debate over how political or ethical concepts should be defined and used, and thus be beneficial or destructive to humanity, it embodies a caution that the meaning of concepts can never be stabilised or unproblematic in practice. Their normative potential must always be considered in relation to their utilisation in systems of political, social and economic power and their consequent worldly effects. Hence this book embodies a caution by Michel Foucault, who warned us about the 'politics of truth . . the battle about the status of truth and the economic and political role it plays', and it is inspired by his call to 'detach the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time'.1 It is clear that traditionally coercive and violent approaches to security and strategy are both still culturally dominant, and politically and ethically suspect. However, the reasons for pursuing a critical analysis **relate not only to the** most destructive or controversial approaches, such as the war in Iraq, **but also to their available** (and generally preferable) alternatives. There is a necessity to question not merely extremist versions such as the Bush doctrine, Indonesian militarism or Israeli expansionism, **but also their mainstream critique**s - whether they take the form **of liberal policy approaches** in international relations (IR), just war theory, US realism, optimistic accounts of globalisation, rhetorics of sensitivity to cultural difference, or centrist Israeli security discourses based on territorial compromise with the Palestinians. The surface appearance of lively (and often significant) debate masks a deeper agreement **about major concepts**, forms of political identity and the imperative to secure them. Debates about when and how it may be effective and legitimate to use military force in tandem with other policy options, for example, mask a more fundamental discursive consensus about the meaning of security, the effectiveness of strategic power, the nature of progress, the value of freedom or the promises of national and cultural identity. As a result, political and intellectual debate about insecurity, violent conflict and global injustice can become hostage to a claustrophic structure of political and ethical possibility that systematically wards off critique**.**

**4. Multiple perms are a VI – no risk option for the aff that demands lots of block time and are impossible to generate offense against, sandbags explanation to the 1AR screwing the neg, ci – they get 1 permutation.**

#### Embedded in their 1ac discourse –

### Harvard XS – OCO

#### Cyber hawks –

#### Austin -- "The cyber superiority of the United States, while legal and understandable, is now a cause of strategic instability" – couch the plan in terms of strategy, means we’ll take other actions to expand the military

#### Gjelten -- "If we are allowing ourselves to go on the offense without our assumptions regarding offense, we're likely to militarize cyberspace" –

#### US has an incentive to maintain threat construction for self-preservation – Goldsmith -- -- "Even if we could stop all cyberattacks from our soil, we wouldn't want to"

#### Also says "U.S. cybersecurity policymakers are in the habit of thinking too much about those who attack us" -- your second adv maintains that concern

#### Their cyber-war rhetoric justifies hawk-ish policies that cause the conflict you reference

Hirsch 13 -- former staff editor at Foreign Affairs, and Sam Adelsberg, a fellow at the Yale Information Society Project; students @ Yale Law School (Jordan Chandler, 5/31/2013, "An Elizabethan Cyberwar," http://www.nytimes.com/2013/06/01/opinion/an-elizabethan-cyberwar.html?pagewanted=all&\_r=1&)

With the two countries accusing each other of breaking the old rules of the game, a new breed of “cyberhawks” on both sides are arguing for cold-war-like escalation that could turn low-level cyberconflict into total war. But treating today’s Beijing like Brezhnev’s Moscow distorts the nature of the threat and how Washington should respond to it. In confronting today’s cyberbattles, the United States should think less about Soviets and more about pirates. Indeed, today’s cybercompetition is less like the cold war than the battle for the New World. In the era after the discovery of the Americas, European states fought for mastery over the Atlantic. Much like the Internet today, the ocean then was a primary avenue for trade and communication that no country could cordon off. At that time, the Spanish empire boasted a fearsome navy, but it could not dominate the seas. Poorer and weaker England tested Spain’s might by encouraging and equipping would-be pirates to act on its behalf without official sanction. These semi-state-sponsored privateers robbed Spain of gold and pride as they raided ships off the coasts of the New World and Spain itself, enriching the English crown while augmenting its naval power. Spain’s inability to attribute the attacks directly to England allowed Queen Elizabeth I to level the playing field in an arena lacking laws or customs. Today’s cyberbattles aren’t so different. Next week’s summit takes place amid reports of increasingly sophisticated Chinese cyberespionage. Earlier this week, evidence surfaced that Chinese hackers had gained access to several top-secret Pentagon programs. That followed news that cyberunits believed to be linked to the Chinese Army have resumed attacks on American businesses and government agencies. As tensions deepen, hawkish Chinese military leaders are paving the way for offensive war. A study by a RAND Corporation expert cited Chinese sources calling for pre-emptive cyberstrikes “under the rubric of the rising Chinese strategy of xianfa zhiren, or ‘gaining mastery before the enemy has struck.’ ” And a recent paper found that Chinese military officials have contemplated using cyberweapons like Stuxnet, which the United States and Israel deployed against Iran’s nuclear program, to target critical infrastructure. American policy makers are beginning to view their cyberstruggle with China through a cold war lens. One Pentagon official recently said that while during the cold war America focused “on the nuclear command centers around Moscow,” today American leaders “worry as much about the computer servers in Shanghai.” Another senior official declared that “the Cold War enforced norms, and the Soviets and the United States didn’t go outside a set of boundaries.” But, he argued, “China is going outside those boundaries now.” Among those who view these hostilities as the cold war redux, some are proposing a more strident response. Earlier this year, the United States military announced the formation of 13 units dedicated to offensive cyberstrikes and endorsed pre-emptive cyberattacks. And late last month, Jon M. Huntsman Jr., the former ambassador to China, and Dennis C. Blair, the former director of national intelligence, suggested allowing American companies to retaliate against Chinese hackers on their own. This emergence of cyberhawks in both nations raises the odds of a hack’s becoming a cyberwar. These voices could pressure both nations to treat any escalating cyberconflict as a latter-day Cuban missile crisis. But the cold war model of a struggle with calibrated boundaries, clear rules, and the threat of mutual assured destruction simply doesn’t fit cyberspace. The first major difference is terrain. The United States and the Soviet Union fought for global influence, manning divisions here and infiltrating covert operatives there. The Internet is more fluid. Neither the United States nor China can slice cyberspace into the reassuring structure of spheres of influence. With no obvious borders for states to violate or defend, power in cyberspace is at once easier to exercise and harder to maintain, a battle of subtleties rather than hard-nosed deterrence. There are also more players today. The United States and the Soviet Union were the world’s unmatched nuclear powers. But in the cyberrealm, the United States and China stand only just ahead of other nations, hacker groups and individuals in their ability to inflict damage. And all of these actors can hide behind layers of networks and third parties, making it difficult to discover not only who attacked but also how and when. There will, in most cases, be plausible deniability. Even if American and Chinese policy makers wanted to manage the Web as carefully as their predecessors did the cold war, no working group could tame this instability. With nations still navigating how to interact on the Web and arguments persisting about whether international law applies to the Internet, there are few established customs of cyberbehavior, legal or implicit. The United States should not expect China to follow the rules of a previous era. The norms of American-Soviet conflict, which themselves emerged out of years of gunpoint diplomacy, can’t be grafted onto cyberspace. If American policy makers continue to define the cyberstruggle between Washington and Beijing as a new cold war, they will not meet the challenge. Viewing China’s actions through an obsolete lens will give them a distorted sense of its intentions. And it will limit American retaliation to the outmoded rules of a bygone battle. If they must look to the past, they should heed the lessons of the 16th century, not the 20th. In 1588, the Spanish crown, in no small part due to its frustration with English piracy, resorted to massive retaliation, sending its armada to overthrow Queen Elizabeth. That move ended in disaster and an overwhelming English victory. Instead of trying to beat back the New World instability of the Internet with an old playbook, American officials should embrace it. With the conflict placed in its proper perspective, policy makers could ratchet down the rhetoric and experiment with a new range of responses that go beyond condemnation but stop short of all-out cyberwar — giving them the room to maneuver without approaching cyberconflict as a path to Defcon 1.

#### "the best defense of critical computer systems is a good offense"

#### Fears of cyberwar are threat inflation – causes us to create imaginary enemies

Severs 13 [Henry holds 1st (Hons) in Criminology & Social Policy from the University of Sheffield, further awarded the Vaughan Bevan Prize by the Faculty of Law. Currently a postgraduate of War Studies at King's College London, reading Terrorism, Security, & Society as a Stapley Trust Scholar. Primary focus includes; domestic counter-terrorism and security policy, geopolitical risk, and cyber-security. He acts as Development Manager for The Risky Shift. Explore his personal portfolio or follow Henry on Twitter. The Cyber-Industrial-Complex MARCH 26, 2013 http://theriskyshift.com/2013/03/the-cyber-industrial-complex-2/#ixzz2bRZiyoUK]

The drumbeat of “cyber-doom”[66] scenarios, replayed in the media echo-chamber, has provided a steady and constant cadence for the oratory emanating from Westminster and especially Washington[67]. Prophetical disaster rhetoric evoked by ‘expert’ commentators envisage a cataclysmic cyber event, in which the financial sector collapses, planes collide midair, trains derail, military defences disintegrate, industrial control systems fail, “lethal clouds of chlorine gas” leak from chemical plants, gas pipelines and refineries explode, dams breach, reactors meltdown, power blackouts engulf the country, satellites spin into the obis, and “thousands of people” die… but authorities are paralysed in the face of crumbling communications and digital devastation[68]. This tone continues elsewhere: Secretary of Defense, Leon Panetta’s ominous forecast of a looming “cyber Pearl Harbour”, former head of the National Cyber Security Division, Amit Yoran’s claims “cyber-9/11 has happened”, Vanity Fair’s portrayal of Stuxnet as the “Hiroshima of cyber-war”, and Director of the International Telecommunications Union, Hamadoun Touré’s claims that “cyber-war will be worse than a tsunami”, are the most infamous, vacuous, and distasteful examples of this apocalyptic theme[69]. Although the most revealing doomsday framing[70] comes from former Senate Armed Services Committee Chairman, Carl Levin, when he stated; “cyberweapons and cyberattacks… approach weapons of mass destruction in their effects”[71]. Yet, nothing remotely resembling ‘cyber-doom’ has come to pass, and no fatality nor building destruction has even been attributable to a cyber-attack[72]. Despite Estonian politicians claiming that DDoS attacks and “a nuclear explosion…[are] the same thing”[73], NATO’s Cyber Defence Centre of Excellence described the impact of the attacks as “minimal” or “nonexistent”[74] This solipsistic introjection – assigning imagined behaviours and character traits onto an invisible enemy[75] – combined with a technological malaise characteristic of late-modernity[76], has seen the development of societal pessimism, dystopian fears, and a sense of political impotence regarding the prevalence of modern technologies[77]. These fears are reminiscent of bygone anxieties regarding earlier communicative mediums and reflective of broader, tenuous concerns about societal fragility[78]. Previous 20th Century moral panics over increased radio, telegraph, and telephone use, ultimately proved unfounded and transient, soon to be surpassed by the latest technological trepidation[79] The WMD parallel does, however, provide an illuminating comparison in one regard. In the run up the Iraq war the Bush administration described a “bullet-proof”[80] link between Sadaam Hussein and 9/11 – purportedly providing refuge and training to al-Qaeda[81]. Controlled Whitehouse leaks implied Iraq held WMDs, successfully conflating the very different threats and consequences of chemical, biological, and nuclear weapons[82]. Although allegations — including the purchase of ‘yellowcake’ for uranium enrichment — were ultimately proved fallacious, 40% of Americans still believed Saddam Hussein was “personally involved” in 9/11 as late as 2006[83]. Although no evidence substantiated these alarmist claims, the media relayed the government line without scrutiny and the administration was essentially able to cite news articles written speculating upon their own fictitious leaks[84]. It is this amplification of risk, or ‘threat inflation’, that Cramer and Thrall[85] describe. Speculative commentary about Iranian or North Korean cyber capabilities, unsubstantiated suppositions of the Chinese “lac[ing] US infrastructure with logic bombs”[86], and unverifiable assertions from the Center for Strategic and International Studies (CSIS) that cyber threats represent “a strategic issue on par with weapons of mass destruction and global jihad!”[87], fuel cyber-doom advocacy, and conflate sabotage, espionage, and subversion, under the banner of ‘cyber-war’ in a manner eerily redolent of Iraq WMD threat inflation[88].

#### Pre-emption -- your logic of security causes it -- only the alt' can solve it

#### Lawson -- we solve reason US would irrationally lash-out -- you make this inevitable

#### Cyber soldiers –

#### Hayes -- the US needs to make sure it can recruit over 4,000 "cyber soldiers" -- idea that they are functionally part of the military means they will take offensive steps

#### Bias -- first 10 cards are staff writers only citing elected officials -- saying the NSA scandal was only bad because people don't wanna work for us

#### FCW -- we had 50k attacks in five months -- obvi this indicates this is vandalism not terror -- you put the vandalist who spray-painted the school in Gitmo

#### Heg --

#### Brezinski -- security advisor for Carter --

#### Goldstein -- if just perception causes lash-out, we're lashing out all the time -- perception of decline is inevitable with your logic

#### US hegemony maps the world as a source of danger and insecurity. These representations produce the world that they claim to describe.

Campbell et al. 7 [David, Professor of Cultural and Political Geography at Durham University, Luiza Bialasiewicz, Senior Lecturer in the Department of Geography at Royal Holloway University of London, Stuart Elden, Professor in the Department of Geography at Durham University, Stephen Graham, Professor of Human Geography in the Department of Geography at Durham University, Alex Jeffrey, Lecturer in the School of Geography, Politics and Sociology at Newcastle University, Alison J. Williams, Post-Doctoral Research Associate in the International Boundaries Research Unit of the Geography Department at Durham University, Political Geography 26, “Performing security: The imaginative geographies of current US strategy,” p. 409-411]

It is important to highlight the way performativity’s idea of reiteration calls attention to changes in historically established imaginative geographies. While US foreign policy has been traditionally written in the context of identity/difference expressed in self/other relationships (Campbell, 1992), we detect in recent strategic performances a different articulation of America’s relationship to the world. Signified by the notion of integration we identify elements in the formation of a new imaginative geography which enable the US to draw countries into its spheres of influence and control. We show how integration (and its coeval strategies of exclusion) has been enunciated over the last 15 years through popular-academic books, think-tank documents, policy programmes and security strategies, as well as popular geopolitical sources. This concept of integration, we argue, is enacted through a number of practices of representation and coercion that encourage countries to adopt a raft of US attitudes and ways of operating or else suffer the consequences. As such, we are witnessing the performance of a security problematic that requires critical perspectives to move beyond a simple ideal/material dichotomy in social analysis in order to account for more complex understandings of opposition, including the emergence of new, mobile geographies of exclusion.¶ Non-state scribes¶ To understand the power of the imaginative geographies guiding current US strategy it is important to look back at the recitation, reiteration and resignification of previous strategic formulations. During the Clinton years, a number of figures who had been involved in various guises in previous Republican administrations wrote widely on the geopolitical opportunities and threats of a post-Cold War era. From specifications of the threat posed by international terrorism, ‘failed states’ and ‘rogue regimes’, to the dangers posed by cultural/civilisational conflicts. The individuals and institutions we choose to examine in this section are those whose geographical imaginations have been central in laying the ground for some of the securitizing strategies of the current Bush administration and, specifically, whose work has been key in specifying the importance of ‘‘integrating’’ a chaotic world where conflict is inevitable.¶ The writers whose work we highlight here occupy a liminal position within policy circles. While not paid members of the administration, they have either occupied such positions in the past or were aspiring to them in the future. They do not, therefore, directly speak for the state (a position that grants them a veneer of ‘‘objectivity’’), and they navigate in the interstices between academic and ‘‘policy-oriented’’ research: a location that, in turn, absolves them from the rigors of a scholarly discipline, including disciplinary critique. By the term ‘non-state scribes’ we wish to indicate those who occupy a liminal zone between academic and non-academic work, working in a range of governmental and private research centres, think-tanks and study groups. What we would like to highlight are some of the ways in which their influence problematises simple, secure understandings of the state and the constitution of ‘state-interest’. While these individuals appear as impartial commentators-cum-advisers-cum-analysts, their access to policy circles is open, if not privileged. To the extent that their geographical imaginations are invoked by state power, they are also today’s consummate ‘‘intellectuals of statecraft’’: those who ‘‘designate a world and ‘fill’ it with certain dramas, subjects, histories and dilemmas’’ (O ́ Tuathail & Agnew, 1992: 192).¶ Certainly the most prominent self-styled ‘community of experts’ intersecting with the Bush administration is the Project for a New American Century (for critical analysis see Sparke, 2005). The PNAC, founded in the spring of 1997, defines itself as a ‘‘non-profit, educational organization whose goal is to promote American global leadership’’ (see PNAC, 2006). Putatively lying outside ‘‘formal’’ policy networks, the Project from its inception has aimed to provide the intellectual basis for continued US military dominance – and especially the willingness to use its military might.¶ As sole hegemon, PNAC argued, the US could not ‘‘avoid the responsibilities of global leadership’’. But it should not simply ‘‘react’’ to threats as they present themselves: it should, rather, actively shape the global scenario before such threats emerge: ‘‘the history of the 20th century should have taught us that it is important to shape circumstances before crises emerge, and to meet threats before they become dire’’ (PNAC, 2000: i).¶ The resonance of these views with those of the Bush administration should come as no surprise: among the Project’s founders were individuals who had held posts in previous Republican administrations and went on to serve in Bush’s cabinet: Vice-President Dick Cheney, former Defense Secretary Donald Rumsfeld and his deputy and now World Bank President Paul Wolfowitz, along with the former ambassador to Iraq (and soon to be US Ambassador to the UN) Zalmay Khalilzad, in addition to well known neoconservatives shaping policy debates in the US today, including Francis Fukuyama, Norman Podhoretz, and William Kristol (see Fukuyama, 2006; Williams, 2005). Unsurprisingly, the most explicit formulation of what would become goals of the Bush administration can be found in the PNAC’s manifesto Rebuilding America’s Defenses, which appeared in the election year of 2000. Here and in subsequent documents, the PNAC envisages the US military’s role to be fourfold: ‘‘Defend the American Homeland’’; ‘‘fight and decisively win multiple, simultaneous major theatre wars’’; ‘‘perform the ‘constabulary’ duties associated with shaping the security environment in critical regions’’; and ‘‘transform U.S. forces to exploit the ‘revolution in military affairs’’’ (PNAC, 2000: iv, 5; cf. The White House, 2002b: 30).¶ It is telling just how spatialised some of these specifications become when worked through in detail. Already in 2000, PNAC argued that the major military mission is no longer to deter Soviet expansionism, but to ‘‘secure and expand zones of democratic peace; deter rise of new great-power competitor; defend key regions; exploit transformation of war’’ (PNAC, 2000: 2). They suggested that rather than the Cold War’s ‘‘potential global war across many theatres’’, the concern now is for several ‘‘potential theatre wars spread across the globe’’ fought against ‘‘separate and distinct adversaries pursuing separate and distinct goals’’ (2000: 2, 3). To counter such threats, the US needs to station its troops broadly, and their presence ‘‘in critical regions around the world is the visible expression of the extent of America’s status as a superpower and as the guarantor of liberty, peace and stability’’ (2000: 14). They claimed that while US security interests have ‘‘expanded’’, and that its forces ‘‘provide the first line of defense in what may be described as the ‘American security perimeter’’’, at the same time ‘‘the worldwide archipelago of U.S. military installations has contracted’’ (2000: 14, 15). Because the security perimeter ‘‘has expanded slowly but inexorably’’ since the end of the Cold War, US forces – ‘‘the cavalry on the new American frontier’’ – ‘‘must be positioned to reflect the shifting strategic landscape’’ (2000: 14, 15). Equally, their use of the term ‘homeland’ drew strongly on its use in the Clinton administration – and prefigured the creation of the Office for Homeland Security under G.W. Bush, with the concept strengthened by both the PATRIOT acts and the establishment of U.S. Northern Command.¶ Again, it is essential that we conceptualize these strategies as both containing and making imaginative geographies; specifying the ways ‘‘the world is’’ and, in so doing, actively (re)-making that same world. This goes beyond merely the military action or aid programmes that governments follow, but indicates a wider concern with the production of ways of seeing the world, which percolate through media, popular imaginations as well as political strategy. These performative imaginative geographies are at the heart of this paper and will re-occur throughout it. Our concern lies specifically with the ways in which the US portrays – and over the past decade has portrayed – certain parts of the world as requiring involvement, as threats, as zones of instability, as rogue states, ‘‘states of concern’’, as ‘‘global hotspots’’, as well as the associated suggestion that by bringing these within the ‘‘integrated’’ zones of democratic peace, US security – both economically and militarily – can be preserved. Of course, the translation of such imaginations into actual practice (and certainly results) is never as simple as some might like to suggest. Nonetheless, what we wish to highlight here is how these strategies, in essence, produce the effect they name. This, again, is nothing new: the United States has long constituted its identity at least in part through discourses of danger that materialize others as a threat (see Campbell, 1992). Equally, much has been written about the new set of threats and enemies that emerged to fill the post-Soviet void – from radical Islam through the war on drugs to ‘‘rogue states’’ (for a critical analyses see, among others, Benjamin & Simon, 2003; Stokes, 2005; on the genealogies of the idea of ‘‘rogue states’’ see Blum, 2002; Litwak, 2000).

#### Economic security –

#### Royal -- stat support for rally around the flag -- your nationalism causes itTerror talk –

#### Economic collapse predictions create self-fulfilling prophecies

Mckendrick 12 (Joe, Independent analyst who tracks the impact of information technology on management and markets, author of the SOA Manifesto, written for Forbes, ZDNet and Database Trends & Applications, 9/18/12, “Are economic downturns self-fulfilling prophecies,” <http://www.smartplanet.com/blog/business-brains/are-economic-downturns-self-fulfilling-prophecies/26329>)

There are tangible, and often painful, fundamentals that determine the course of the economy — unemployment, interest rates, housing prices, inflation, industrial production, government debt. But more than anything else, markets are psychology, and an atmosphere of fear and panic among producers and consumers leads to scaling back of purchases, which further exacerbates a downturn. Over the past few years in particular, there have been plenty of messages of impending doom circulating through the mass media. Like Eeyore, the miserable mule from Winnie-the-Pooh, many pundits ignore any bright spots and flood the airwaves with grim predictions of imminent collapse and despair just around the corner. In an economy heavily tied to consumer confidence, such talk could have far-reaching consequences. Such downbeat messages may eventually result in a self-fulfilling prophecy, actually translating into job losses. A new analysis by Sylvain Leduc and Zheng Liu, analysts at the Federal Reserve Bank of San Fransisco, says there is a statistically measurable impact from “talking down” the economy. The economists say that the atmosphere of uncertainty in the recent downturn of 2008-2009 added at least one to two percentage points to the unemployment rate: “During the Great Recession, the increase in uncertainty appears to have been much greater in magnitude…. Our model estimates that uncertainty has pushed up the U.S. unemployment rate by between one and two percentage points since the start of the financial crisis in 2008. To put this in perspective, had there been no increase in uncertainty in the past four years, the unemployment rate would have been closer to 6% or 7% than to the 8% to 9% actually registered.” Policymakers and pundits can’t be pollyanish in the face of economic troubles, of course. But the Fed authors suggest that as media channels fill up with dire and downbeat talk, fear levels go up, and people start to lose their jobs. “Heightened uncertainty acts like a decline in aggregate demand because it depresses economic activity and holds down inflation,” the Fed economists observe. Another thing is clear as well: when analysts and pundits put their Eeyore faces on, it doesn’t help anybody. What is needed is more discussion and ideas about solutions and disruptive innovation that create opportunities, improve our world, and provide people more control over their economic destiny.

#### Economic security becomes the basis of liberal intervention – manifests in violence

Neocleous 8 – Mark Neocleous, Prof. of Government @ Brunel, 2008 [Critique of Security, p.101-105]

In other words, the new international order moved very quickly to reassert the connection between economic and national security: the commitment to the former was simultaneously a commitment to the latter, and vice versa. As the doctrine of national security was being born, the major player on the international stage would aim to use perhaps its most important power of all – its economic strength – in order to re-order the world. And this re-ordering was conducted through the idea of ‘economic security’.99 Despite the fact that ‘economic security’ would never be formally deﬁned beyond ‘economic order’ or ‘economic well-being’,100 the signiﬁcant conceptual consistency between economic security and liberal order-building also had a strategic ideological role. By playing on notions of ‘economic well-being’, economic security seemed to emphasise economic and thus ‘human’ needs over military ones. The reshaping of global capital, international order and the exercise of state power could thus look decidedly liberal and ‘humanitarian’. This appearance helped co-opt the liberal Left into the process and, of course, played on individual desire for personal security by using notions such as ‘personal freedom’ and ‘social equality’.101 Marx and Engels once highlighted the historical role of the bour geoisie in shaping the world according to its own interests. The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connections everywhere . . . It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them . . . to become bourgeois in themselves. In one word, it creates a world after its own image.102 In the second half of the twentieth century this ability to ‘batter down all Chinese walls’ would still rest heavily on the logic of capital, but would also come about in part under the guise of security. The whole world became a garden to be cultivated – to be recast according to the logic of security. In the space of ﬁfteen years the concept ‘economic security’ had moved from connoting insurance policies for working people to the desire to shape the world in a capitalist fashion – and back again. In fact, it has constantly shifted between these registers ever since, being used for the constant reshaping of world order and resulting in a comprehensive level of intervention and policing all over the globe. Global order has come to be fabricated and administered according to a security doctrine underpinned by the logic of capital accumulation and a bourgeois conception of order. By incorporating within it a particular vision of economic order, the concept of national security implies the interrelatedness of so many different social, econ omic, political and military factors that more or less any development anywhere can be said to impact on liberal order in general and America’s core interests in particular. Not only could bourgeois Europe be recast around the regime of capital, but so too could the whole international order as capital not only nestled, settled and established connections, but also ‘secured’ everywhere. Security politics thereby became the basis of a distinctly liberal philosophy of global ‘intervention’, fusing global issues of economic management with domestic policy formations in an ambitious and frequently violent strategy. Here lies the Janus-faced character of American foreign policy.103 One face is the ‘good liberal cop’: friendly, prosperous and democratic, sending money and help around the globe when problems emerge, so that the world’s nations are shown how they can alleviate their misery and perhaps even enjoy some prosperity. The other face is the ‘bad liberal cop’: should one of these nations decide, either through parliamentary procedure, demands for self-determination or violent revolution to address its own social problems in ways that conﬂict with the interests of capital and the bourgeois concept of liberty, then the authoritarian dimension of liberalism shows its face; the ‘liberal moment’ becomes the moment of violence. This Janus-faced character has meant that through the mandate of security the US, as the national security state par excellence, has seen ﬁt to either overtly or covertly re-order the affairs of myriads of nations – those ‘rogue’ or ‘outlaw’ states on the ‘wrong side of history’.104 ‘Extrapolating the ﬁgures as best we can’, one CIA agent commented in 1991,‘there have been about 3,000 major covert operations and over 10,000 minor operations – all illegal, and all designed to disrupt, destabilize, or modify the activities of other countries’, adding that ‘every covert operation has been rationalized in terms of U.S. national security’.105 These would include ‘interventions’ in Greece, Italy, France, Turkey, Macedonia, the Ukraine, Cambodia, Indonesia, China, Korea, Burma, Vietnam, Thailand, Ecuador, Chile, Argentina, Brazil, Guatemala, Costa Rica, Cuba, the Dominican Republic, Uruguay, Bolivia, Grenada, Paraguay, Nicaragua, El Salvador, the Philippines, Honduras, Haiti, Venezuela, Panama, Angola, Ghana, Congo, South Africa, Albania, Lebanon, Grenada, Libya, Somalia, Ethiopia, Afghanistan, Iran, Iraq, and many more, and many of these more than once. Next up are the ‘60 or more’ countries identiﬁed as the bases of ‘terror cells’ by Bush in a speech on 1 June 2002.106 The methods used have varied: most popular has been the favoured technique of liberal security – ‘making the economy scream’ via controls, interventions and the imposition of neo-liberal regulations. But a wide range of other techniques have been used: terror bombing; subversion; rigging elections; the use of the CIA’s ‘Health Alteration Committee’ whose mandate was to ‘incapacitate’ foreign ofﬁcials; drug-trafﬁcking;107 and the sponsorship of terror groups, counterinsurgency agencies, death squads. Unsurprisingly, some plain old fascist groups and parties have been co-opted into the project, from the attempt at reviving the remnants of the Nazi collaborationist Vlasov Army for use against the USSR to the use of fascist forces to undermine democratically elected governments, such as in Chile; indeed, one of the reasons fascism ﬂowed into Latin America was because of the ideology of national security.108 Concomitantly, ‘national security’ has meant a policy of non-intervention where satisfactory ‘security partnerships’ could be established with certain authoritarian and military regimes: Spain under Franco, the Greek junta, Chile, Iraq, Iran, Korea, Indonesia, Cambodia, Taiwan, South Vietnam, the Philippines, Turkey, the ﬁve Central Asian republics that emerged with the break-up of the USSR, and China. Either way, the whole world was to be included in the new‘secure’ global liberal order. The result has been the slaughter of untold numbers. John Stock well, who was part of a CIA project in Angola which led to the deaths of over 20,000 people, puts it like this: Coming to grips with these U.S./CIA activities in broad numbers and ﬁguring out how many people have been killed in the jungles of Laos or the hills of Nicaragua is very difﬁcult. But, adding them up as best we can, we come up with a ﬁgure of six million people killed – and this is a minimum ﬁgure. Included are: one million killed in the Korean War, two million killed in the Vietnam War, 800,000 killed in Indonesia, one million in Cambodia, 20,000 killed in Angola – the operation I was part of – and 22,000 killed in Nicaragua.109 Note that the six million is a minimum ﬁgure, that he omits to mention rather a lot of other interventions, and that he was writing in 1991. This is security as the slaughter bench of history. All of this has been more than conﬁrmed by events in the twenty ﬁrst century: in a speech on 1 June 2002, which became the basis of the ofﬁcial National Security Strategy of the United States in September of that year, President Bush reiterated that the US has a unilateral right to overthrow any government in the world, and launched a new round of slaughtering to prove it. While much has been made about the supposedly ‘new’ doctrine of preemption in the early twenty-ﬁrst century, the policy of preemption has a long history as part of national security doctrine. The United States has long maintained the option of pre-emptive actions to counter a sufﬁcient threat to our national security. The greater the threat, the greater is the risk of inaction – and the more compelling the case for taking anticipatory action to defend ourselves . . . To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre emptively.110 In other words, the security policy of the world’s only superpower in its current ‘war on terror’ is still underpinned by a notion of liberal order-building based on a certain vision of ‘economic order’. The National Security Strategy concerns itself with a ‘single sustainable model for national success’ based on ‘political and economic liberty’, with whole sections devoted to the security beneﬁts of ‘economic liberty’, and the beneﬁts to liberty of the security strategy proposed.111 Economic security (that is, ‘capitalist accumulation’) in the guise of ‘national security’ is now used as the justiﬁcation for all kinds of ‘intervention’, still conducted where necessary in alliance with fascists, gangsters and drug cartels, and the proliferation of ‘national security’ type regimes has been the result. So while the national security state was in one sense a structural bi-product of the US’s place in global capitalism, it was also vital to the fabrication of an international order founded on the power of capital. National security, in effect, became the perfect strategic tool for landscaping the human garden.112 This was to also have huge domestic consequences, as the idea of containment would also come to reshape the American social order, helping fabricate a security apparatus intimately bound up with national identity and thus the politics of loyalty.

#### Terrorism discourse privileges national security, intervention, and causes serial policy failure

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This article has attempted to provide the reader with a first glimpse of some of the main rhetorical features of Bush’s speeches on terrorism and counter-terrorism. The large majority of the structures and devices present in Bush’s discourse on terrorism are commonly adopted in political and ideological text and talk, such as positive self-presentation and negative other-presentation, over-lexicalisation, and the use of hyperboles and repetitions. More interestingly, however, are the effects deriving from the adoption of these linguistic features. Limitation of civil freedoms has occurred virtually everywhere. The target of state opponents facilitated by the discourse has occurred in countries as diverse as Spain, Russia, Algeria, Sri Lanka and India. Worldwide, the constant reiteration in the discourse of an incoming ‘terrorism attack’ of catastrophic proportions has led to the privileging of ‘national security’ even to the detriment of human rights. The reduction of personal and civil freedoms in the name of the fight against ‘terrorism’ has also been considerable and not only in the U.S., but also in Europe, Israel, Russia, and elsewhere (Anderson 2003). Indeed, such an essentialising, absolutist, highly moralising discourse has made virtually impossible the capacity for dissent because of the risk of being considered ‘disloyal’, ‘a terrorist supporter’ and alike (see also Kellner 2002). For instance, Attorney General John Ashcroft reportedly said that “critics of the Bush administration ‘only aid terrorists’ because such commentary “gives ammunition to America’s enemies, and pause to America’s friends” (Coe et al. 2004, 249). The discourse with its constant reiteration of incoming threats and the representation of the world divided between good/bad nations and good/bad people in a civilisational fight, has brought with it a pervasive feeling of fear. Such a feeling has been nourished by the warnings (colour coded) issued by several governments and the pervasiveness of the borderless and timeless ‘terrorism evil’ in public and media discussions. Furthermore, the discourse has also led to the a priori dismissal of non-violent alternatives to rather exalt a zero sum approach. The discourse ultimately creates an “erosion of public morality” (Jackson 2007, 425) and leads to the acceptance of extreme measures, including torture and other abuses, believed to be necessary to win the ‘war on terrorism’. At the same time, the exceptional measures adopted throughout the world in order to fight ‘terrorism’ have contributed to a climate that has certainly caused more violence than enabled its reduction, leading to a logic that encourages hostility and to the preventive adoption of armed violence to fight against ‘terrorism’. In conclusion, it can be said that, at the policy level, framing events as ‘terrorism’ and individuals and groups as ‘terrorists’ has been proved to be counterproductive. Framing terrorists as ‘outlaws of justice and humanity’ brings evil into play and instantly precludes possibilities of comprehension and dialogue. A strong ‘response’ is thus deemed necessary, based on force rather than negotiation. Such an understanding often brings the state to an ‘over-reaction’ that is ultimately counterproductive for the state itself. Dividing individuals and groups between ‘good’ and ‘evil’, ‘civilised’ and ‘uncivilised’ not only mischaracterises complex topics but also brings an erosion of public cohesion and promotes a culture of suspicion in which anyone anywhere can be labeled an ‘enemy’. Furthermore, it is accompanied by a pervasive sense of unease and anxiety given the completely random character of the threat. This article, however, does not want to conclude in suggesting the complete suppression of the label of ‘terrorism’ in academic or political debates. That option in fact would be counterproductive in academia for the reason that the researcher writing about ‘terrorism’ without calling it ‘terrorism’ would be automatically marginalised, and unrealistic in the political arena for its consolidation in public debates. Rather, a more cautious use of the term, an acknowledgment of its loaded political meaning, and of the assumptions surrounding it, are suggested. Thus, instead of framing all violent encounters of sub-national groups against the state as ‘terrorism’, a case-by-case framing should then be preferred. In this way, for instance, events that resemble nothing more than ordinary crime should be labelled as such and dealt with through a legalistic approach. Furthermore, labelling someone or something as ‘terrorist’ or ‘terrorism’ should bring to mind the possible effects of such labelling as to carefully assess if the benefits of adopting it surpass the negative effects.

#### Now international compliance is nothing more than imperialism

**Shaikh 7** (Nermeen, Asia Source, “Interrogating Charity and the Benevolence of Empire”, Development, 50, Palgrave Journals)

And where, again, does this power for benevolent goodwill reside? In the post-war period, and especially after the collapse of the Soviet Union and the end of the Cold War, it is the United States that sees itself increasingly as the vanguard of human emancipation, John Winthrop's 'city upon a hill'. This is also its rightful place, having emerged from a unique tradition (political, social, cultural and religious), which has brought it to its current position of freedom and leadership. And so it is the US, sometimes in the guise of multilateralism, most recently not as much, that exercises the **most power globally**. The liberal, democratic-capitalist political system is triumphant. How, then, does one interrogate American intervention in the world according to its own standards? How does one hold the US accountable precisely for the goodwill it professes? Can the US hold itself accountable in any meaningful sense? Collateral damage One clue as to the possibility of such an auto-critique lies in a phrase that has become part of the popular political imaginary: collateral damage. This term, inaugurated during the Cold War, is perhaps the euphemism par excellence: it contains within it the **cleansing**, indeed the impossibility, **of culpability;** it must be assumed that the US is always acting with good intentions, and if events unfold in such a way as to suggest otherwise, then each instance is simply a betrayal of the original intent, which is itself beyond reproach – or at the very least, **absolved of the worst offences**. In certain readings, the various forms of oppression and exclusion that make up the collateral damage of imperial power might also be interpreted as **constitutive of the order** in which they occur. In the economic realm, Joseph Stiglitz, for instance, argues that the West has used its disproportionate share of economic power to maintain its position, most notably when it comes to determining the terms of trade as well as the limits of free trade (an essential ingredient of the present liberal-capitalist dispensation) (Stiglitz, 2002). This often, and perhaps unsurprisingly, results in a distinct advantage for richer countries. In other readings, intentions may be harder to determine, but given that the term collateral damage includes within it the possibility of its own exoneration, what can be said about the likelihood of justice in such a system? If every inequality, every abuse, every infraction is seen as an aberration, as a demonstration of the fact that the order **has not yet reached its full potential,** are we to hope that this same order will eventually be equal to its own avowed aspirations? The response to the latter question is of course widely affirmative. The problem is that it is predicated on the claims of the dispensers of benevolent intervention themselves. But it is necessary to interrogate these very claims to bring out the more **egregious and systematic forms of collateral damage** and thereby question the very possibility of justice within this order. On the one hand, as Stiglitz also points out, there is some hope: whereas previously only the radical left was critical of the World Bank and IMF, now these critiques are far more widespread. On the other hand, the possibility of a global, socialist revolution is scarcely found anywhere. Attempting to speak from the perspective of the recipients of goodwill immediately, then, begs the question: is radical structural change necessary before the possibility of justice in the realm of collateral damage can be born?

### 2NC Alt Solvency

#### The alternative reject's the affirmative's security discourse – think of the alternative as a broader process rather thean a finished product – our untimely rejection in the face of impending threats overturn what it means to be relevant – only a rupture of the political imaginary can challenge the confinement of the present to security – refusing to take part in security politics is our only hope for a counter-discourse – tha's Calkivik

#### Only resistance to security logic can generate genuine political thought

Neocleous 8 – Mark Neocleous, Prof. of Government @ Brunel, 2008 [Critique of Security, 185-6]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether - to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain 'this is an insecure world' and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debatesand discussionsthat animate political life. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible - that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security', despite the fact that we are never quite told - never could be told - what might count as having achieved it. Security politics is, in this sense, an anti-politics,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole."' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift."'

## 1NR – T, Case

### T – Only Cyberattack – 2NC Overview

#### OCO includes only cyberattacks – that excludes information gathering, exploitation and active defense – key to precision

Lorber 13 (Eric, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science, "COMMENT: Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?," 15 U. Pa. J. Const. L. 961, lexis)

Cyberattacks are "efforts to alter, disrupt, or destroy computer systems or networks or the information or programs on them ... [,] encompassing activities that range in target (military versus civilian, public versus private), consequences (minor versus major, direct versus indirect), and duration (temporary versus long-term)." n83 While this definition provides broad [\*977] guidance as to what may constitute a cyberattack, for the purposes of applying existing legal structures, the definition must be conceptualized in a way that usefully fits into those preexisting regimes. Because of the complexity and great number of potential means of cyberattack, this Comment groups such attacks based on employment, i.e., the way in which they are utilized and their intended purposes. Such an approach provides greater clarity as to which U.S. domestic legal regime will likely govern their employment. The following section proceeds by first discussing some of the technical details of cyberattacks and then moves into understanding how they have been - and likely will be - employed in future conflicts.¶ Before moving to a discussion of what cyberattacks are, it is important to note what they are not. They are not cyberexploitation, that is, "the use of actions and operations ... to obtain information that would otherwise be kept confidential ... . Cyberexploitations are usually clandestine and conducted with the smallest possible intervention that still allows extraction of the information sought." n84 The core difference between attack and exploitation is in the cyber operation's purpose; cyberattacks are meant to be destructive whereas cyberexploitation acquires information nondestructively. n85 While the term offensive cyber operations usually encompasses both attack and exploitative elements, here "OCO" refers only to attacks. n86

#### Topical affs can only restrict cyber attacks – that’s best –

#### Limits – Clearly defining OCO’s as exclusively cyber attacks is the only way to draw the line in the sand – otherwise any other interpretation becomes arbitrary and blurs the line between exploitation and defense – allows a bunch of new affs that focus on nebulous things such as active defense and exploitation – adds at least two mechanisms for every aff in the area. The aff already has core affs in three other categories – this makes the category intended to be the smallest too large

#### Limits outweigh – they’re the vital access point for any theory impact – its key to fairness – huge research burdens mean we can’t prepare to compete – and its key to education – big topics cause hyper-generics, lack of clash, and shallow debate – and it destroys participation

Rowland 84 (Robert C., Debate Coach – Baylor University, “Topic Selection in Debate”, American Forensics in Perspective, Ed. Parson, p. 53-54)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing in scope and size.4 This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breath. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. Naitonal debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change.5 The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of the topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process.6 Despite this advantage of policy debate, Gaske belives that NDT debate is not the best vehicle for teaching beginners. The problem is that broad policy topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breadth of the topic and experience “negophobia,”7 the fear of debating negative. As a consequence, the educational advantages associated with teaching novices through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caugh without evidence or substantive awareness of the issues that confront them at a tournament.”8 The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters or eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much times and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity.9 Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.”10 The final effect may be that entire programs either cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.”11 In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

### T – Only Cyberattack – A2: We Meet – Espionage

#### Offensive cyber operations means computer network attacks

Rattray and Healey 10 (Gregory and Jason, Fellow @ Internet Corporation for Assigned Names and Numbers and Fellow @ Delta Risk, Proceedings of a Workshop on Deterring Cyberattacks: Informing Strategies and Developing Options for U.S. Policy, "Categorizing and Understanding Offensive Cyber Capabilities and Their Use," p. 77)

For the purposes of this paper, offensive operations are those analogous to Computer Network Attacks (CNA), as defined by the Department of Defense, and do not include acts of cyber espionage, or Computer Network Exploitation. Through both types of operations may use similar technical techniques to access an adversary's networks, cyber exploitation is generally more akin to espionage than offensive operations. This paper's focus is therefore on Computer Network Attacks, whether operations between political actors operating across state boundaries or by non-state actors for political purposes.

### Operational Preparation of the Environment Defs

#### OPE is not offensive cyber – it is intel gathering, planning and data identification/not attacks

**Cartwright 10**

James, General, US Marine Corps, Vice Charirman of the Joint Chiefs of Staff “Memorandum for chiefs of the military services commanders of the combatant commands directors of the joint staff directorates, “subject: Joint terminology for cyberspace operations”

Cyber Operational Preparation of the Environment (C-OPE): Non-intelligence enabling functions within cyberspace conducted to plan and prepare for potential follow-on military operations. C-OPE includes but is not limited to identifying data, system/network configurations, or physical structures connected to or associated with the network or system (to include software, ports, and assigned network address ranges or other identifiers) for the purposes of determining system vulnerabilities; and actions taken to assure future access and/or control of the system, network, or data during anticipated hostilities.

#### OPE is not an offensive attack – it comes before it and is merely intel gathering

GAO 11

United States Government Accountability Office

GAO Report to Congressional Requesters :DEFENSE¶ DEPARTMENT ¶ CYBER EFFORTS ¶ DOD Faces ¶ Challenges In Its ¶ Cyber Activities

Computer network attack ¶ operational preparation of the ¶ environment:

Operations conducted to gain or confirm access to, or both, and gather key information on the target ¶ network concerning the capabilities and configuration of targeted networks or systems and to ¶ facilitate target acquisition and target analysis in preparation for computer network attack or other ¶ offensive missions. These activities facilitate subsequent computer network attack or other offensive ¶ missions by identifying a window of opportunity when computer network attack or other offensive ¶ missions will be most likely to succeed. The authority to conduct computer network attack ¶ operational preparation of the environment is inherent in the authority to conduct computer network ¶ attack. This activity does not include the intentional acquisition of communications information for ¶ the purpose of foreign intelligence.

#### OPE means nothing

**Wiki ‘11**

This is CITING House Permanent Select Committee on Intelligence (26 June 2009), report from hearings on the Intelligence Authorization Act for Fiscal Year 2010, House of Representatives, 1st Session, 111th Congress

In its hearings for the Intelligence Authorization Act for Fiscal Year 2010, the House Permanent Select Committee on Intelligence expressed concern [3] about blurring between the intelligence-gathering activities carried out by the Central Intelligence Agency (CIA) and the clandestine operations of the Department of Defense (DOD).¶ "In categorizing its clandestine activities, DOD frequently labels them as Operational Preparation of the Environment (OPE) to distinguish particular operations as traditional military activities and not as intelligence functions. The Committee observes, though, that overuse of this term has made the distinction all but meaningless. The determination as to whether an operation will be categorized as an intelligence activity is made on a case-by-case basis; there are no clear guidelines or principles for making consistent determinations. The Director of National Intelligence himself has acknowledged that there is no bright line between traditional intelligence missions carried out by the military and the operations of the CIA."

### T – Only Cyberattack – A2: Counter-interp

#### Even IF you give them their restriction definition – it doesn’t solve limits in terms of the OCO violation

#### But extend our restriction defition – just a reason why this version of the plan specifically kills limits – prefer ours because its in terms of federal law

#### Doesn’t solve limits – that was in the overview –

#### Existing definitions of offensive cyber operations are too broad – prefer limits in this context

Belk and Noyes 12 (Robert and Matthew, Political-Military Fellow @ Harvard Kennedy School + senior associate

with the cybersecurity practice at Good Harbor Consulting, "On the Use of Cyber Capabilities," http://belfercenter.ksg.harvard.edu/files/cybersecurity-pae-belk-noyes.pdf)

Using this system, it is clear that current classifications of offensive cyber ¶ operations are overly broad, applying actually to external cyber operations. ¶ Given this distinction, we provide a detailed examination of external cyber ¶ operations as shown in Figure 1. Within this ontology, we have identified eleven¶ types of external cyber actions, and have conducted detailed analyses of six: 1) ¶ Scanning, 2) Intrusion, 3) Information Collection, 4) Cyber Attack, 5) ¶ Counterattack, and 6) Cyber Force.

#### Doesn’t solve precision – our interpretation clearly distinguishes OCO’s as only being cyberattack – prefer it – it’s exclusive, has an intent to define, and is in the context of war powers

#### Precision outweighs – accurate reading of the resolution is a pre-requisite to fairness and education – contrived interpretations make the resolution meaningless which makes limits and ground impossible. Plus the aff would always lose because the neg could always have a more limiting interpretation, even if it’s not based in the resolution or evidence

#### More evidence –

#### Offensive cyber operations means cyberattacks – cyberespionage or exploitation are distinct – must be a conflict

Healey et al 13 (Jason, Director of Cyber Statecraft Initiative, Harvey Rishikof, Chair, American Bar Association (ABA) Advisory Standing Committee on Law and National Security; Co-chair, ABA Taskforce on Cyber and Security Speakers: Tom Bossert, President, Civil Defense Solutions; Andrew Grotto, Professional Staff Member, Select Committee on Intelligence, U.S. Senate; Jason Healey, Director, Cyber Statecraft Initiative, Brent Scowcroft Center on International Security, The Atlantic Council; Derek Khanna, Political Consultant, Former Professional Staffer, Republican Study Committee, U.S. House of Representatives, "The Role of Congress in Cyber Conflict," 2/13, lexis)

MR. RISHIKOF: And I think what's interesting is in the cyber area, we often talk about cyber crime, cyberespionage, and cyberwar. And cybercrime uses Title 18. And you scratched the surface because the recommendation talks -- what is offensive cyber? And so, as you know, most of us refer to cyberincidents. We don't really classify it, because when you start classifying the concept, then you have to take action.¶ So how do you guys see classification of what offense is versus what we think of cyberespionage, which is as old as the Old Testament and has always been done by state nations and it's not to be considered quote-unquote, "a hostile act," which, under international law, also is a term of we say art to define what it is.¶ So how do you guys understand what offense is? If you were general counsel to the president and said, well, we have to inform Congress when we do something offensive, that's what these guys want, how would you define it in the cyber area? Why don't we do -- start going down the other end. Yeah.¶ MR. BOSSERT: Sure. There's a number of assumptions, I guess, building to that question. I'll start with -- it helps me to conceive of cyber largely as a medium and not a domain. And I know there's not much distinction there, but it's useful because the conduct of the people -- this is kind of the gun rights debate, right? -- it's people who use cyber, not cyber. So this is a medium over which we conduct operations that are an age-old tradecraft. And so for me, I think of this as the one area for interpretive difference. So I'm glad we're into this area because I do believe we're going to agree on a number of our conversation points today.¶ How do I view offensive? It is an absolute reality and necessity of today's cyberworld that we break into other nations' electronic systems for the purpose of gaining information and espionage, conducting espionage. And I believe that that has been largely viewed at least up until now as somebody that does not constitute an act of war. And could we with the control over those systems, over those electronic systems use them to then shut down a switch or cause some physical consequence? Yes.¶ And so I think what becomes unique here, unlike in other areas or aspect of this review is we had to look at the consequences to decide whether we think it was an act of war. If you want to talk about offensive, I think we should probably not use that term. Simply it triggers the notion that we're committing an offense, an offense that the international community will not tolerate. I think there's a long history of tolerating espionage on both sides.¶ MR. GROTTO: Just to add -- you know -- I mean, I agree. The phrase, you know, "offensive cyber operations," is imprecise, right? And, you know, I prefer to use -- you know, sort of the trifecta: computer network defense, computer network exploitation and computer network attack, CND, CNE and CNA as us cyber nerds refer to the three.¶ You know, CNA, computer network attack, usually means something along the lines of any action that impairs the availability of information or an information system, affects the integrity, confidentiality of information or information system. Exploitation is merely gaining unauthorized access to an information system without necessarily, you know, manipulating the underlying data, the information without impairing the availability of the system. It's typically limited to, you know, pulling perhaps information back. And, obviously, computer network defense -- you know, sometimes, you know, can be kind of hard to draw a line. But, generally, it means defending your own network against unauthorized intrusions.¶ MR. HEALEY: And we like those definitions. Those have been around since the late '90s. And they really helped when the DOD agreed on those, take a lot of different ideas that had been going around different services and bring them together so that we could all agree. And so the CNA, CNE, CND were very effective at getting us all talking about the same thing.¶ But what they've also done is they've kept us focused on the purpose of the activity. If you're breaking something, it's CNA, if you're not breaking something, it's CNE. And that's a good way of classifying and thinking, but I've also found that since we instituted those, particularly in the Department of Defense, we then stopped any further thought about what differentiates this kind of conduct, and we have tended to focus on a single mission only.¶ It's as -- so when I think about offense, there's probably four that really kind of fit -- that could fit in broadly. Some people fit in intelligence activity, you know, for espionage. I don't, but I think it certainly fits in Congress' role to -- and especially to see if we're drawing the line right, especially as we might be seeing more blowback on the private sector.¶ The three main ways that I've seen nations in practice using offense are: one, the doctrine of battlefield use, of nations saying, you know, we're going to use this and we're going to integrate it with our kinetic military force. We don't have great examples of this. You know, arguably, Georgia, in 2008, Marine Corps General Mills said that he was using cybereffects on the battlefield in Afghanistan. But that might have been more referring to just getting into people's cell phones. And so -- but it stands out as -- if you talk to DOD people that's certainly what they mean by offense. We're going to -- we're going to drop cybers like we dropped bombs from an F-16.¶ Second is the way the U.S. seems to be quite active with this in using it like drones -- sorry to use the D word -- but using it as a quiet, covert capability to disrupt either in line with an existing authorization of use of military force or in other ways, in the way that we would use commandoes. We've got to affect someone somewhere, very precisely, very quickly, very quietly, and cyber gives a great way to do that.¶ Third is the way our adversaries tend to be using it is through proxies. Whether that's China or Russia, they tend not to have uniform people doing this as much. They tend to use state-owned enterprises or patriotic hackers or others.¶ But what we found when we looked at the history -- I'll hold it up again if you want -- is that -- all of these tend to be looking at single uses, a single tactical engagement, if you will, to get -- to start using military terms -- rather than saying, all right.¶ Well, what about all of these tactical engagements rollup?¶ And so when I really think a lot about offense and the role of Congress and a lot of other areas, I find it's best to think of these cyberconflicts and cybercampaigns, because as we found -- the more strategically significant a cyberconflict, so that is not the little petty cybercrime stuff, not when someone tries to hack into the DOD, but the real campaigns, whether that's Estonia, 2007, Georgia 2008, Stuxnet -- the more strategically significant, the more similar it is to conflict in the other domains, meaning odds are you're going to know who the other adversary involved is. Odds are it's not going to happen at the speed of light. It's going to take place over weeks, months or years.¶ So it's not network speed. The tactical engagement might be network speed, but that's true in every domain that a tactical engagement might be over quickly. If I was Air Force, the dogfight could be over before you know it. If you're a Marine, you could get ambushed before you even know the adversary is there and the fight's over. The same is true in cyber. You could get hacked. You could get owned. They could have their effect before you know that you're in their system.¶ But the more strategically significant -- the conflict, history has shown -- I'm not saying it's always going to be that way -- odds are it's going to be this back and forth of adversary versus adversary, attack versus defense, back and forth. And that I think opens up a different conversation about the scope of Congress than what we're hearing from Fort Meade, that this is network speed. Congress can't have a role because it happens like that.¶ MR. RISHIKOF: OK. So you've opened up the doors, we say in the legal community, and raised the S word, which is Stuxnet.¶ MR. KHANNA: Oh, right.¶ MR. RISHIKOF: And whoever was behind Stuxnet -- I guess, Derek, the question to you: do you see that as a hostile act that rises to an act of war? Do you see it as -- because there was no direct destruction of human beings, carbon units, that there may have been some destruction of property? How do you begin to classify that concept? And in the law of armed conflict or in the law of nations, what would be an appropriate response if you were advising the Iranians as to what they should do vis-a-vis this event that took place, if they can ever manage to get attribution?¶ MR. KHANNA: Sure. Good question. So my paper deliberately does not define the term "hostilities" for this reason. And it's because the point is that that term is extremely vague and that we need to kind of start these conservations now.¶ Stewart Baker, assistant DHS secretary, he said the danger is not that some crazy general -- I should probably actually quote his words -- "The danger is not so much that cyber capabilities will be used without warning by some crazy general, the real worry is that they won't be used at all because the generals don't know what the rules are." And General Michael Hayden said something very similar about Cyber Command. There are a lot of instances where the U.S. government was reluctant to use the cyber tools at its disposal. In Libya, for example, also in the Bin Laden raid there have been media reports that they didn't pull the trigger on cybertools they had at their disposal.¶ So we need to have these conversations now and figure out, you know, what is offensive? I think Stuxnet is a thorny example. I don't have an easy -- I think it's kind of both sides of the polarity.

### T – Only Cyberattack – A2: Reasonability

#### --They aren’t reasonable – the Aff literally explodes the topic and eviscerates ground – they lose under their own standard

#### -- Prefer competing interpretations –

#### A) Only objective standard – reasonability is arbitrary and takes the debate out of the hands of the debaters by encouraging overtly subjective decisions.

#### B) Incentivizes bad debate – Negs would read their worst strategy to prove abuse – don’t punish well-prepared teams.

#### -- Competing interpretations should be judged by both precision and limits – means debate mirrors relevant topic literature with respect to particular resolutional wording – solves race to the bottom

#### It’s arbitrary and undermines research

Resnick 1 Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

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

### Conditionality

Multiple conditional worlds are good  
  
Here’s our offense:

1. Most real world – the status quo is always an option for a rational policy maker  
  
2. Prefer breadth over depth – we must know multiple policy options – it’s a prerequisite to in depth debates, without debating multiple ideas we can’t decide which in depth debate would promote the best education

3. Key to critical thinking – conditionality forces the 2AC to make strategic choices and specific answers  
  
4. Key to efficient thinking – it teaches the 2A how much effort to put into one position  
  
5. Counter interpretation – we’ll advocate 2 conditional worlds and choose 1 in the 2NR

A. Logic – a policy maker with two proposals can always reject one and compare others  
  
B. No extreme aff skew – because we only advocate 2 worlds there can never be a huge strategy skew   
  
NEW TOPIC = key to test

Now on defense:  
  
1. No abuse – we’re not running two conflicting advocacies where we can kick out of both – no in round abuse

2. 2NR choice checks abuse – the 2AR can answer our advocacy with 5 minutes  
  
3. All arguments are conditional – we kick out of DAs and can drop all arguments on T

4. Research is driving conditionality into debates – the aff should be prepared anyway

### 2NC Heg/War – Fettweis Biz

#### No wars absent hegemony – nuclear deterrence, globalization, insituitions and democracy will exist with or without the US and will check great power conflict

#### And – their authors construct threats to justify hegemony

Fettweis 10 (Christopher J., Professor of Political Science at Tulane, “Threat and Anxiety in US Foreign Policy,” Survival 52.2, Informaworld)

For the architects of US foreign policy, one belief has remained constant since the Second World War: we are living in dangerous times. In the 1950s, fears of communism caused the United States to raise and maintain an enormous peacetime military for the first time in its history, an action that would have horrified the founding generation. The Cold War ended, but the perception of threat lived on. Today, the Committee on the Present Danger, first established in the 1950s, has re-emerged to assure America that mortal danger had not gone the way of the Soviet Union. Former Speaker of the House Newt Gingrich is typical of many American leaders in his belief that the challenges of the current era are every bit as great as those faced by Abraham Lincoln during the Civil War, taking it as given that America's present enemies pose a 'mortal threat to our survival as a free country'.11 To US foreign policymakers, the world is full of enemies and evil, and America must never relax its guard. More than one observer has noted that the United States displays a level of threat perception that is far higher than that of the other great powers.12 This feeling of insecurity is not limited to US leaders. Six in ten Americans apparently think that a Third World War is 'likely to occur' in their lifetime; others, including influential opinion-makers, believe it has already begun.13 In April 2007, 82% of Americans told pollsters that the world is a more dangerous place than it used to be, and that it is getting worse. One year later, another poll by the same firm found that a 'significant majority' of Americans were anxious about US security, demonstrating that in the United States, 'anxiety remains steady over time'.14 This level of anxiety is striking when compared to public opinion in other post-Cold War powers. Whether the issue is Islamic fundamentalist terrorism or rogue actors such as Saddam Hussein or Hugo Chaacutevez, the United States detects higher levels of danger than any other state. During the Cold War, the pattern was the same: the United States feared an attack by the Warsaw Pact far more than did its West European allies, who presumably had more to lose if such an event occurred; it worried about the influence of communist China more than did South Korea, Japan or the ASEAN states; and it obsessed over the potential pernicious influence of Fidel Castro and the Sandinistas more than did the smaller states of the region.15 Despite the fact that virtually all other states are demonstrably weaker than the United States, and therefore presumably more vulnerable to a variety of threats, they do not seem to worry about their safety nearly as much as does Uncle Sam. Is the US perception justified? Just because a country is paranoid does not mean that there are not forces seeking to do it harm. Any modern state is confronted with a number of possible dangers and threats. The question is whether those facing the twenty-first-century United States are quite as dire as its leaders seem to believe. Conventional security threats Compared to any other country in the long history of international affairs, the United States is fundamentally safe from conventional assault. It is hard to imagine how even the combined military and economic might of Eurasia (if such a combination were possible) could be harnessed to mount a successful trans-oceanic invasion. Today, a few nuclear weapons would probably suffice to deter any imaginable approaching armada, but even before the nuclear age few serious strategists considered invasion a realistic possibility. 'Shall we expect some transatlantic military giant, to step the Ocean, and crush us at a blow?' wondered Abraham Lincoln in 1838: Never! All the armies of Europe, Asia and Africa combined, with all the treasure of the earth (our own excepted) in their military chest; with a Bonaparte for a commander, could not by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years.16 Princeton international-relations scholars Harold and Margaret Sprout spoke for many security analysts when they argued in 1939 that by the time the United States entered the First World War, 'it was manifest, both from indisputable data publicly available at that time and from inferences easily and fairly deductible therefrom' that a trans-oceanic invasion 'simply could not occur'.17 Not only is the invasion and conquest of the United States virtually unthinkable, but warfare of all kinds is everywhere on the decline. Since the end of the Cold War, inter-and intra-national conflict and crises have steadily declined in number and intensity.18 The risk for the average person of dying in battle has plummeted since the Second World War, especially since the end of the Cold War.19 The incidence of new wars is also at an all-time low.20 Only one international war has been fought since the invasion of Iraq, and it can be counted only if the common understanding of 'war' is stretched a bit. Despite the sound and fury that accompanied the 2008 Russo-Georgian clash, the combined battle-death figure appears to be under 1,000, which means it would not even qualify as a war using the most-used definitions.21 By virtually all measures, the world is a far more peaceful place than it has been at any time in recorded history. This trend is apparent on every continent. At the beginning of 2010, the only conflict raging in the Western Hemisphere was the ongoing civil war in Colombia, but even this conflict is far less severe today than it was ten years ago. Europe, which has in the past been the most war-prone of continents, is entirely calm, without even the threat of inter-state conflict. Little war planning now goes on among the European powers, a rather stark departure from previous eras.22 Every one of the two billion or so people of the Pacific Rim is currently living in a society at peace. The brief but bloody Sri Lankan civil war was Asia's only conflict in 2009. In Africa, despite a variety of serious on-going challenges, levels of conflict are the lowest they have been in the centuries of written history we have about the continent. In the greater Middle East, the Israeli-Palestinian issue continues to simmer, if at a relatively low level, as do the civil war in Yemen and the two counterinsurgency campaigns in which the United States and its allies currently find themselves bogged down. None of this is to suggest that these places are without problems, or that war is impossible. But given the rapid increase in the world's population and the number of countries (the League of Nations had 63 members at its peak between the wars, while the United Nations currently has 192), a pure extrapolation of historical trends might lead one to expect a great deal more warfare than there actually is. Conquest, it seems, is far less common today than it has been throughout history. Territorial disputes, the most common cause of warfare in the past, have dropped to record low levels, especially among the great powers. International borders have all but hardened. By any reasonable measure, the world is living in a golden age of peace and security, even if it may not always appear so. If indeed major war is all but obsolete, as an increasing number of prominent observers believe,23 then surely even the most diehard pessimists can admit that the United States need not fear invasion and conquest. State survival, the key factor behind state behaviour according to 'defensive realists', is today all but assured for even the smallest states.24 To be sure, throughout most of human history, the obliteration of political entities was a distinct possibility. Polities as diverse as Central Asian empires, Greek poleis and German 'princely states' were all at risk of conquest or absorption by powerful neighbours. That this no longer occurs is an under-appreciated break from the past. Since the Second World War, precisely zero UN members have been forcibly removed from the map.25 Today, states are safe from complete annihilation. The stronger countries are even safer; the strongest is the safest. A variety of explanations have been proposed to account for this peaceful trend. Some realists take the view that nuclear weapons have thrust peace upon the otherwise conflictual system.26 Liberal explanations include the expanding number of democracies, multilateral institutions and the deepening complexity of economic interdependence.27 Constructivists do not necessarily deny the importance of any of these factors, but give primary credit to a change in ideas in contemporary international society.28 Those factors exogenous to the human mind are important only to the extent that they affect the way people think, and that society functions. It is ideational evolution, and the corresponding change in behavioural norms regarding conflict, that has been decisive in this view. All these explanations share one important factor: the change they describe is likely to be irreversible. Nuclear weapons cannot be uninvented, and no defence against their use is ever going to be completely foolproof. The pace of globalisation and economic interdependence shows no sign of slowing. Democracy seems to be firmly embedded in the cultural fabric of many of the places it currently exists, and may well be in the process of spreading to the places where it does not. The United Nations shows no signs of disappearing. Finally, normative progress, like that which brought an end to slavery and duelling, tends to be unidirectional. One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security. 'No serious analyst of American military capabilities', argued neo-conservatives William Kristol and Robert Kagan in 1996, 'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilis-ing presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated. Unconventional security threats Conventional war, much less outright assault, is not the leading security challenge in the minds of most Americans today. Instead, irregular or non-state actors, especially terrorists, top the list of threats to the West since 11 September 2001. The primary guiding principle of US foreign policymaking, for better or worse, is the continuing struggle against terrorism. President Bush repeatedly used the term 'Islamofascists' to describe the enemy that he re-oriented the US defence establishment to fight, transforming al-Qaeda from a ragtag band of lunatics into a threat to the republic itself. It is not uncommon for even sober analysts to claim that Islamic terrorists present an 'existential threat' to the United States, especially if they were ever to employ nuclear, biological or chemical weapons. Perhaps it is Parkinson's Law that inspires some analysts to compare Islamic fundamentalists with the great enemies of the past, such as the Nazis or the Communists, since no rational analysis of their destructive potential would allow such a conclusion. Threat is a function of capabilities and intent; even if al-Qaeda has the intent to threaten the existence of the United States, it does not possess the capability to do so. This is not to deny that Islamist terrorists pose a danger to the United States, or to suggest that policymakers are poised to 'let down their guard', as President Bush has worried. A rational United States, however, would interpret this issue for what it is: a law-enforcement challenge of the first order rather than an existential strategic threat. Fortunately, there is no meaningful dissension in the industrialised world about modern transnational problems such as terrorism, weapons proliferation, human trafficking, drug smuggling or piracy. Multilateral cooperation, coordination and intelligence-sharing to address such issues are in the interest of every state and occur at high, if often under-reported, levels. Police action against terrorism is much less expensive than war, and is likely to be far more productive. Even terrorists equipped with nuclear, biological or chemical weapons would be incapable of causing damage so cataclysmic that it would prove fatal to modern states. Though the prospect of terrorists obtaining and using such weapons is one of the most consistently terrifying scenarios of the new era, it is also highly unlikely and not nearly as dangerous as sometimes portrayed. As the well-funded, well-staffed Aum Shinrikyo cult found out in the 1990s, workable forms of weapons of mass destruction are hard to purchase, harder still to synthesise without state help, and challenging to use effectively. The Japanese group managed to kill a dozen people on the Tokyo subway system at rush hour. While tragic, the attack was hardly the stuff of apocalyptic nightmares. Super-weapons are simply not easy for even the most sophisticated non-state actors to use.31 If terrorists were able to overcome the substantial obstacles and use the most destructive weapons in a densely populated area, the outcome would of course be terrible for those unfortunate enough to be nearby. But we should not operate under the illusion that doomsday would arrive. Modern industrialised countries can cope with disasters, both natural and man-made. As unpleasant as such events would be, they do not represent existential threats. Responsibility lies with those who ought to know better The American public can be forgiven for being afraid of nuclear-, biological-or chemical-armed terrorists, since the messages they have been receiving from US leaders have been uniformly apocalyptic, informed by worst-case thinking. The responsibility for this pathological fear lies with those who ought to know better - who know, for instance, that plastic sheeting and duct tape are not realistic protections against anything, but who recommend their stockpiling anyway. Terrorists can kill people and scare many more, but the localised damage they can cause is by itself incapable of changing the character of Western civilisation. Only the people of the West, largely through their own overreaction, can accomplish that. While US analysts spend time worrying about such events, it is worth recalling that the diplomats of any prior age would likely have been quite grateful to have our problems in lieu of their own. Today's security debate often seems to be driven less by actual threats than vague, unnamed dangers. Former Secretary of Defense Donald Rumsfeld warned about 'unknown unknowns': the threats 'we don't know we don't know', which 'tend to be the difficult ones'.32 Kristol and Kagan worry that if the United States fails to remain highly engaged, the international system 'is likely to yield very real external dangers, as threatening in their own way as the Soviet Union was a quarter century ago'.33 What exactly these dangers are is left open to interpretation. In the absence of identifiable threats, the unknown can provide us with an enemy, one whose power is limited only by the imagination. This is what Benjamin Friedman and Harvey Sapolsky call 'the threat of no threats', and is perhaps the most frightening danger of all.34 Even if, as folk wisdom has it, anything is possible, not everything is plausible. Vague, generalised dangers should never be acceptable replacements for specific threats when crafting national policy. There is no limit to the potential dangers the human mind can manufacture, but there are very definite limits to the specific threats the world contains. 'To make any thing very terrible, obscurity seems in general to be necessary', noted Edmund Burke. 'When we know the full extent of any danger, when we can accustom our eyes to it, a great deal of the apprehension vanishes.'35 The full extent of today's dangers is not only knowable, but relatively minor. Non-security threats: liberty and prosperity Security is not the only vital national interest, of course. Prosperity and democracy are typically items included on the short list of issues for which the United States should be willing to fight. During the Cold War, neither could be taken for granted. The health of the US economy would presumably have been at grave risk if the rest of the world had been swept into the communist camp. A united, hostile, Soviet-led Eurasia could have posed a major threat to the United States. Embargoes or other forms of economic warfare could have proved devastating to the US standard of living. Furthermore, as economist and political theorist (and later national security advisor) Walter Rostow argued at the time, if totalitarian dictatorships had come to power across the world, the very survival of democracy in the United States would have been imperiled.36 The precarious balance that every country must strike between liberty and security might have tilted decisively toward the latter if the United States were left alone in a hostile world. It was difficult for Rostow to imagine how American democracy could have long survived as an island in a totalitarian sea. It was therefore imperative for the United States to oppose the spread of communism in Eurasia, to secure the future of both prosperity and liberty. The vigour with which post-Cold War American administrations have pursued the promotion of democracy around the world might make one believe that without a strong ally, liberty and freedom are powerless and doomed, and even under threat in the United States. One need not be convinced that history has ended, however, to accept the notion that the collapse of communism has left no viable political challenger to democracy and no economic alternative to free markets.37 No political ideology exists around which to rally a hostile coalition of states against the major democratic powers. Communism and fascism, while perhaps not completely dead, are relegated to the background, and although totalitarianism persists in some regions of the world, political legitimacy in today's international society comes from a mandate from the masses. Even if democracy does not soon infiltrate those last bastions of illiberalism (and it might), it is not losing ground to other forms of government. Meanwhile, 'waves' of democracy have at times swept over the world with very little direct aid from abroad, and it is reasonable to assume that the values of liberty and freedom will endure even without US efforts to promote them.38 In addition, although the flavours may differ, free-market capitalism is today almost universally recognised as the fastest route to prosperity and wealth. Were a group of unfriendly governments to come to power in Eurasia, they would still find it in their interest to maintain trade and financial relations with the United States. No state would benefit from cutting ties with the world's largest market and producer of goods. Economic inter-dependence is, after all, a two-way street; the major trading partners of the United States are all more dependent upon the US market than vice versa.39 As long as capitalism remains the dominant form of economic organisation, and there is little reason to believe that any change is on the horizon, the economic danger presented by even the most hostile of coalitions will remain extremely low. Explaining the pathology If a mismatch between perceptions of threat and reality indeed exists in the United States, how can it be explained? If the connection between power and paranoia is an example of a political pathology, one that compels irrational reactions and behaviour, why is it present? Potential explanations draw from structural features of the international system; those unique to the American experience; and factors of individual psychology. Systemic-level explanations Since great powers have broader interests than do smaller powers, one might expect that the lone hyperpower in a unipolar system would have the broadest interests of all.40 With great power comes both great flexibility to pursue a wide variety of goals and great responsibility to affect the progression of events. 'Most countries are primarily concerned with what happens in their neighborhoods', says Robert Jervis, 'but the world is the unipole's neighborhood'.41 As interests expand, new threats appear which, if states are not careful, can soon take on an inflated importance and inspire unnecessary action. Threats to secondary interests can rapidly be misinterpreted as significant dangers if not kept in perspective by a constant, conscious process of evaluation. The expansion of interests as power grows is natural, but the interpretation of those new interests as vital is not. Vital national interests do not change from decade to decade, much less from administration to administration, but interest inflation is a central aspect of foreign-policy pathology in unipolar systems. Great powers of the past have often proved unable to disconnect vital interests from peripheral ones as expansion occurred. Newly perceived dangers have seemed to require action, which has often taken the form of further expansion, leading to the identification of new threats. There will never be a time when no threats can be generated by the human imagination. States can never be fully safe if all interests are vital and all threats dire. Insecurity has no natural limits, and if not kept in check can easily lead to overexpansion, overspending and decline.42 Historical examples are not difficult to find. Two millennia after its collapse, it is easy to forget that insecurity contributed to the growth of the Roman Empire. Many of its most prominent conquests, from Gaul to Dacia to Iberia, were driven not only by the desire for glory or plunder but also by the sincere belief that the populations along Rome's widening periphery could represent a threat. Cicero observed that many Romans felt that expansion was thrust upon them, as part of a project to rid themselves of 'frightening neighbours'.43 The fact that most of these neighbours were manifestly weaker did not matter. As its power grew, so too did Rome's insecurity. Even Rome's most ardent defenders stop short of claiming that Roman expansion can be fully explained with reference to virtuous, defensive motives. But prestige and financial gain were not the only motivations of Roman strategists. As both Cicero and Virgil argued, Rome never felt safe as long as it had enemies, both real and imagined.44 The most powerful - and in many ways safest - society in the ancient world was unconvinced that its security was assured as long as it had neighbours. Their mere existence constituted a potential threat. Great Britain exhibited a similar level of insecurity as its power grew throughout the eighteenth and nineteenth centuries. As the boundaries of its empire expanded, new dangers constantly appeared just over the horizon. British politicians and strategists felt that turbulence on colonial borders 'pulled them toward expansion', in the words of historian John Galbraith.45 The notion that empire could never be safe until all potential threats were addressed encouraged unnecessary and strength-sapping forays into such places as Afghanistan, Zululand and the Crimea. There is little doubt that the empires of the past did have real enemies that could have been the cause of genuine security concerns. Insecurity is only pathological when elevated to disproportionate, irrational levels. Today the United States faces far fewer existential dangers than did either the Roman or British empires. American dominance is far greater, as is the strength of its pathology. State-level explanations Given that the geographic position of the United States occasionally allows its people the luxury of forgetting about the problems of the world, greaterthan-average shock follows when that seeming isolation is shattered by surprise attack.46 The vast distance separating the United States from any potential foe tends to create the preconditions for overreaction if and when its presumed safety is violated. As a result, surprise attacks have a greater influence on the development of the national-security posture of the United States than any other great power.47 Since the attacks of September 2001 were a major shock, one might expect a US reaction that was out of proportion to extant threats. As New York Times columnist Thomas Friedman put it, '9/11 made us stupid'.48 The liberal tradition encourages a Manichaean worldview The United States might also be peculiarly susceptible to the insecurity pathology because of what political scientist Louis Hartz called the 'liberal tradition' in the United States, at least as compared with those states whose intellectual inheritances are based more squarely in the lessons of realpolitik.49 This liberal political tradition encourages a Manichaean worldview and a simultaneous acceptance of messianic responsibilities. It is unsurprising to American liberals that their country - a major force for good in the world - is the target of a variety of evil-doers. Islamist fundamentalist terrorists, they argue, harbour hatred for the United States not based upon what it has done, but what it is: the world's leading voice for freedom, democracy and modernity.50 Realists are usually somewhat more sanguine about the threats facing a state, and are by nature less prone to exaggeration. Liberalism has been particularly influential in the White House over the past 16 years. The administration of George W. Bush contained a number of people who inhabited the far end of the threat-perception spectrum, and who drove it in a decidedly liberal direction. There is no doubt that the neo-conservatives, who represent a muscular version of the American liberal tradition, tend to perceive more danger in the international system than do many other observers. Indeed, inherent in many of the definitions of neoconservatism is a high perception of threat; it is an essential part of what differentiates a neocon from other analysts.51 The extent to which the United States overestimates the level of danger in the world is at least in part directly related to the influence of neo-conservatives both directly upon policymaking and indirectly in the marketplace of ideas. When neo-conservatives are prominent, as they have been since the Cold War ended, either in administrations or as leading voices of the opposition, the people of the United States are bound to feel more insecure than they actually are. The liberal tradition has helped foster a sense of moral superiority that is a central feature of the American historical narrative. While it is normal for people to take pride in their country or culture, Americans have long been exceptional in their exceptionalism.52 A key component of the US national self-image is moral, driven in part by the comparative strength of religious belief in the United States: America is not only unique and essential, but good. And good cannot exist without evil. The greater the power of good, the greater the threat it represents to evil, which will respond in diabolical ways, employing all of the cunning and deception at its disposal. No amount of security will ever be enough to assure safety in a world beset by the forces of darkness; as US strength grows, so too will that of Satan's minions, even if they are not always detectable. Finally, the United States is served, or held hostage, by a 24-hour news cycle that thrives on conflict and danger. Fear is an essential component of the business model of both CNN and Fox News, a necessary tool to keep fingers away from remote controls during commercial breaks. Voices of reason tend to spoil the fun, and may inspire people to seek excitement elsewhere. News outlets win by presenting stories that are more frightening, angry and simple than those of their competitors, not by supplying historical perspective and reassurance. If no danger exists, it must be created, or at least creatively implied. Truth, as George Kennan noted, is sometimes a poor competitor in the marketplace of ideas. 'The counsels of impatience and hatred can always be supported by the crudest and cheapest symbols', he wrote: For the counsels of moderation, the reasons are often intricate, rather than emotional, and difficult to explain. And so the chauvinists of all times and places go their appointed way: plucking the easy fruits, reaping the little triumphs of the day at the expense of someone else tomorrow, deluging in noise and filth anyone who gets in their way, dancing their reckless dance on the prospects for human progress.53 The noise and filth produced by the American media is louder and thicker than in any other state. Individual explanations At least three mental processes may help account for the overestimation of threat among US policymakers. Firstly, a number of scholars have proposed that the creation of enemies is a natural and inevitable part of human social interaction, for both individuals and groups.54 People need enemies for their own self-image; it is meaningless to be the good guy if there is no corresponding bad guy. Evil will always be found, even if none exists. In the absence of clear enemies foreign policy tends to flounder, as critics accused US foreign policy of doing in the 1990s. The attacks of 2001 merely con-firmed what many already believed: our enemies are massing against us. But the psychological need to have a rival does not make a danger real. Secondly, there seems to be a tendency towards a correlation between power and insecurity, or even paranoia, in individual leaders.55 Time and again, people who have exhibited borderline deranged behaviour have attracted followers, solidified bases, come to power and remained there for extended periods across a wide variety of settings. It could be there are times when paranoia is advantageous for the would-be leader, since broad purges surely kill conspirators alongside innocents. US leaders are not autocrats, of course, but they do enjoy an unprecedented level of power, which is virtually uncheckable by the international system. Perhaps they too, like the dictator or the king, though not to the same degree, are affected by the destabilising effects of great power. Finally, security discourse itself may help explain the high level of threat perception in the United States. That we live in a dangerous world has become something of a truism, a shared belief in the foreign-policy community that is rarely subjected to rational analysis. Official discourse can not only affect popular perceptions but frame potential reactions and shape state behaviour. Constant repetition of the idea that we live in a dangerous world can, over time, easily lead to genuine belief, for leaders and followers alike.56 A more rational examination of threats could therefore be useful in altering the current conventional wisdom in both popular and strategic circles. US leaders have repeatedly decided to raise threat levels to encourage Americans to support otherwise unpopular policy choices. This is not new phenomenon; H.L. Mencken observed that in order to create support for America's entry into the First World War, Woodrow Wilson and other US liberals realised that 'the only way to make the mob fight was to scare it half to death'.57 More recently, the American public showed little enthusiasm for the first Gulf War until President George H.W. Bush began injecting the threat of Iraqi nuclear weapons into his speeches. Likewise, National Security Advisor Condoleezza Rice and Vice President Dick Cheney were fond of arguing that a failure to attack Iraq could well result in a nuclear attack on the United States. When faced with such choices, the American people understandably go along. Manipulation of popular perceptions by individual leaders surely contributes to the national pathology. Stoking such fires not only has effects for the short term, raising support for otherwise unnecessary action, but tends to do long-term damage as well. Once lit, such fires are hard to extinguish. Fear and anxiety persist long after they are useful, and continue to drive decisions. It can prove beyond the power of more rational leaders to control them. President Barack Obama has repeatedly demonstrated an instinct toward restraint and moderation, but time and again has decided that the political situation requires hyperventilation, or at least that overreaction would not be costly. On a range of issues, including the Russian incursion into Georgia, the Iranian nuclear programme and the so-called 'Underpants Bomber', Obama's instincts initially produced measured and calm reactions, but each time, criticism from the right, and comparisons with the perceived weaknesses of the Jimmy Carter administration, convinced him to change his reaction and become much more belligerent. Only in a deeply pathological society is reason a synonym for weakness. It will probably never be possible to determine the precise explanatory power of any of these explanations, none of which are mutually exclusive. But in the final analysis, understanding the cause is not as urgent as recognition, treatment and cure. Policymakers would be wise to take account of Parkinson's Law, the natural tendency to see more threats as power grows. In unipolar systems, the dominant state sees more monsters in need of destruction than do lesser states. Unnecessary ventures follow, accompanied by overextension, overspending and eventual decline. Perhaps this tendency to identify more threats as power increases is one of the natural levelling forces of international politics. Unless US leaders wish to see the unipolar moment end sooner than need be, they must recognise that the threats they perceive are generally less dire than they appear. The pathological, exaggerated sense of threat among many Americans is potentially harmful to the future of the country and the world. Born in irrationality, it inspires equally irrational actions, many of which are costly beyond any possible benefit. With a new administration in power and serious economic uncertainty gripping the nation, one can hope that the American public will be receptive to a more reasonable conception of danger, now that it has seen the results of overreaction. As with alcoholics, sometimes a nation must hit rock bottom before it sees the need to make drastic changes. Iraq should be that rock bottom for America. If the consequences lead the United States to return to its traditional, restrained grand strategy, then perhaps the whole experience will not have been in vain.

### AT Transition Wars

#### Nuclear weapons means transition wars don’t escalate

**Schweller and Pu 11** [Randall L. Schweller is Professor of Political Science and Director of the Mershon Center’s Series on National Security Studies at Ohio State University. Xiaoyu Pu is a doctoral candidate in the Department of Political Science at Ohio State University - “After Unipolarity: China's Visions of International Order in an Era of U.S. Decline”, International Security; Summer2011, Vol. 36 Issue 1, p41-72, 32p, Chetan]

**The nuclear age makes power transition by means of a deliberately waged hegemonic war unthinkable**. In this crucial sense, **the hegemonic-war cycle has been permanently broken.** That said, we argue that the transition from unipolarity to some form of global balance will conform to the early phases of this cyclical pattern. Where it goes from there is anyone’s guess. The key issue is whether international order will be preserved by peaceful adjustment or undone by military balancing or mismanagement and incompetence.

### Economy Debate

No escalation – Jervis

More evidence

Tir 10 [Jaroslav Tir - Ph.D. in Political Science, University of Illinois at Urbana-Champaign and is an Associate Professor in the Department of International Affairs at the University of Georgia, “Territorial Diversion: Diversionary Theory of War and Territorial Conflict”, The Journal of Politics, 2010, Volume 72: 413-425)]

Empirical support for the economic growth rate is much weaker. The finding that poor economic performance is associated with a higher likelihood of territorial conflict initiation is significant only in Models 3–4.14 The weak results are not altogether surprising given the findings from prior literature. In accordance with the insignificant relationships of Models 1–2 and 5–6, Ostrom and Job (1986), for example, note that the likelihood that a U.S. President will use force is uncertain, as the bad economy might create incentives both to divert the public’s attention with a foreign adventure and to focus on solving the economic problem, thus reducing the inclination to act abroad. Similarly, Fordham (1998a, 1998b), DeRouen (1995), and Gowa (1998) find no relation between a poor economy and U.S. use of force. Furthermore, Leeds and Davis (1997) conclude that the conflict-initiating behavior of 18 industrialized democracies is unrelated to economic conditions as do Pickering and Kisangani (2005) and Russett and Oneal (2001) in global studies. In contrast and more in line with my findings of a significant relationship (in Models 3–4), Hess and Orphanides (1995), for example, argue that economic recessions are linked with forceful action by an incumbent U.S. president. Furthermore, Fordham’s (2002) revision of Gowa’s (1998) analysis shows some effect of a bad economy and DeRouen and Peake (2002) report that U.S. use of force diverts the public’s attention from a poor economy. Among cross-national studies, Oneal and Russett (1997) report that slow growth increases the incidence of militarized disputes, as does Russett (1990)—but only for the United States; slow growth does not affect the behavior of other countries. Kisangani and Pickering (2007) report some significant associations, but they are sensitive to model specification, while Tir and Jasinski (2008) find a clearer link between economic underperformance and increased attacks on domestic ethnic minorities. While none of these works has focused on territorial diversions, my own inconsistent findings for economic growth fit well with the mixed results reported in the literature.15 Hypothesis 1 thus receives strong support via the unpopularity variable but only weak support via the economic growth variable. These results suggest that embattled leaders are much more likely to respond with territorial diversions to direct signs of their unpopularity (e.g., strikes, protests, riots) than to general background conditions such as economic malaise. Presumably, protesters can be distracted via territorial diversions while fixing the economy would take a more concerted and prolonged policy effort. Bad economic conditions seem to motivate only the most serious, fatal territorial confrontations. This implies that leaders may be reserving the most high-profile and risky diversions for the times when they are the most desperate, that is when their power is threatened both by signs of discontent with their rule and by more systemic problems plaguing the country (i.e., an underperforming economy).

### Training Debate

#### Current training programs solve recruitment

Smith, 13 – technology reporter at The Huffington Post (Gerry, 1/28. “Pentagon Cyber Force Turns To Hackers To Meet Growing Demand.” http://www.huffingtonpost.com/2013/01/28/pentagon-cyber-force\_n\_2567564.html)

### Faced with growing fears of potentially crippling cyber attacks and not enough skilled technicians to combat the threat, the Defense Department has launched a massive recruitment drive that's tapping an unlikely group: computer hackers. The Pentagon plans to dramatically boost the ranks of U.S. cybersecurity forces, expanding its number of cyber warriors more than five-fold, the Washington Post reported Sunday. But that strategy immediately confronts a critical shortage of those with the required skills. "The people do not exist at all," said Alan Paller, director of the SANS Institute, a training organization for computer security professionals. "A program is underway to build a pipeline of the needed people very rapidly." To meet its own demand, the Defense Department has begun a massive cyber recruiting effort that some have called this generation's Manhattan Project. Pentagon officials and defense contractors have established cyber camps, competitions, scholarships and internships for high school and college students and created cybersecurity training programs for veterans returning from Iraq and Afghanistan. In addition, a growing number of colleges now offer programs focused on cybersecurity.

#### Budget cuts tank solvency – can’t hire more people

Hayes, 13 – London-based political journalist and commentator (Patrick, 2/6. “Seeking Hackers: The Military Aims to Recruit More Cyber Soldiers.” http://www.fedtechmagazine.com/article/2013/02/seeking-hackers-military-aims-recruit-more-cyber-soldiers)

The U.S. Cyber Command (Cybercom) plans to boost its numbers in the coming years by adding 4,000 cyber soldiers to its current workforce of 900 military and civilian personnel. These new employees will be part of Cybercom’s expanded hands-on fight against cyber terrorism. As these cyber soldiers are brought into the fold at Cybercom, the force will become the major player in national cyber defense. With the additional hands on deck, the U.S. Cyber Command will be divided into three distinct teams: National Mission Forces, Combat Mission Forces and Cyber Protection Forces. Each team will have a very specific area of responsibility, according to a report from ReadWrite: The National Mission Force will protect computer networks for infrastructure like electrical grids, telecommunications and power plants from overseas attacks. The Combat Mission Force will provide assistance to the military to respond or implement cyber attacks of their own; and the Cyber Protection Force will add protection levels to Department of Defense websites. There are, however, some practical concerns with these cyber-warfare endeavors: Recent Department of Defense budget cuts could make it difficult to hire a host of new personnel.

#### Hiring more people is silly – results in getting people who leak

Michaels, 13 (Jim, USA Today, 6/13. “Tech hiring binge may pose security risks for government.” http://www.usatoday.com/story/news/nation/2013/06/12/hackers-cyber-nsa-intelligence/2413183/)

Among the more curious revelations to emerge from the recent National Security Agency leak saga is how a 29-year-old high school dropout landed a $122,000 job in a sensitive government program. Edward Snowden, the contractor who spilled top secret information about a sensitive government electronic data-collection program, said he did so out of idealism. His actions have triggered a debate about privacy and national security. His case also highlights just how hungry the government and private industry are for people with computer skills. "They're competing heavily for anyone who can get a clearance and has computer skills," said Jeffrey Carr, founder of Taia Global, a cybersecurity consultancy. The Pentagon and the intelligence community are both ramping up cyber capabilities in the face of repeated attacks on U.S. companies from China and elsewhere and concerns about how terrorists use technology to communicate and raise money. The Snowden case raises questions about whether the government has opened itself to security breaches in its rush to hire computer experts. Carr said his failure to complete high school and military training should have raised concerns about his employment prospects. The Army said Snowden attempted to complete Special Forces training but was administratively discharged after several months of training. "I would see too many danger signals with this guy," Carr said. Spending on cyberoperations is one of the few areas in the Pentagon that will increase in coming years. The Pentagon has requested $4.6 billion for cybersecurity expenses next year, up from $3.9 billion this fiscal year. The Pentagon expects to spend $23 billion on cyberoperations in the next five years. The demand for people with computer skills has bid up the price for computer jobs, analysts say. Snowden's $122,000 salary was high for someone who didn't complete high school, but was not completely out of line, particularly for someone with a government security clearance and potentially some specific skills, said J.P. Auffret, who heads a cybersecurity master's degree program at George Mason University. Snowden had previously worked for the CIA. At the time he leaked the information, Snowden worked for Booz Allen Hamilton at an NSA office in Hawaii and apparently had access to a sensitive data-collection program. The company said Tuesday that it fired Snowden. In their quest for computer expertise the Defense Department and intelligence agencies outsourced much of their work to organizations like Booz Allen Hamilton. Private companies can generally hire faster and pay larger salaries, allowing the military and intelligence agencies to get talent quickly.

### Internal Link debate

#### --Blackouts only have a modest impact on the economy – Gaylord makes a resiliency argument – other measures make up for any impact in a short timeframe

#### Grid stable

Fellman 3/4 -- science and engineering editor at Northwestern University (Megan, 2013, "No More Blackouts: Preventive Care for the Power Grid: New guidelines could help improve power grid reliability and reduce electricity cost," http://www.northwestern.edu/newscenter/stories/2013/03/no-more-blackouts-preventive-care-for-the-power-grid.html)

When a problem develops in the power-grid network, control devices are used to return power generators to a synchronized state. Motter likens this to using medicine to treat someone who is ill. He and his colleagues are suggesting conditions to keep synchronicity in good shape so interventions are kept to a minimum. “Our approach is preventive care -- preventing failures instead of mitigating them,” said Motter, an author of the paper and an executive committee member of the Northwestern Institute on Complex Systems (NICO). “The guidelines we offer could be very useful as the power grid expands.” The researchers derived a condition under which the desired synchronous state of a power grid is stable. They then used this condition to identify tunable parameters of the power generators that result in spontaneous synchronization. This synchronization can be autonomous, not guided by control devices.

#### --And no trade wars – not a strong enough incentive to halt the economy – that’s Bearce

# 7 vs. Mary Wash MP (Drone Court)

## 1NC

### 1NC

#### A. Interpretation – Statutory restrictions must directly prohibit activities currently under the president’s war powers authority – this excludes regulation or oversight

#### Statutory restrictions prohibit actions

Lamont 5 (Michael, Legal Analyst @ Occupational health, "Legal: Staying on the right side of the law," http://www.personneltoday.com/articles/01/04/2005/29005/legal-staying-on-the-right-side-of-the-law.htm#.UgFe\_o3qnoI)

It will be obvious what 'conduct' and 'redundancy' dismissals are. A statutory restriction means that the employee is prevented by law from doing the job - for example, a driver who loses his driving licence. 'Some other substantial reason' means "Parliament can't be expected to think of everything".

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. Vote Neg –

#### 1. Limits – Regulation and oversight of authority allows a litany of new affs in each area – justifies indirect effects of statutory policies and affs that don’t alter presidential authority – undermines prep and clash

#### 2. Ground – Restriction ground is the locus of neg prep – their interpretation jacks all core disads – politics, presidential powers, and any area based disad because an aff doesn’t have to prevent the president from doing anything

### 1NC

#### Shutdown will be avoided now

Yglesias 9/18/13 (Matthew, business/economics correspondent @ Slate, "The Odds of a Government Shutdown Are Falling, Not Rising," http://www.slate.com/blogs/moneybox/2013/09/18/government\_shutdown\_odds\_falling\_not\_rising.html)

But read on to the second graf of the piece and you'll see that the odds are not rising at all. What's happening is that John Boehner is preparing to pass an appropriations bill that also defunds Obamacare that he knows perfectly well stands no chance of passing, and he's hoping that doing this will placate the right wing of the his caucus for when he surrenders.¶ Here they explain:¶ House leaders are hoping the vote on the defunding measure will placate conservatives once the Democratically controlled Senate rejects it. The House, they are betting, would then pass a stopgap spending measure unencumbered by such policy baggage and shift the argument to the debt ceiling, which must be raised by mid-October if the government is to avoid an economically debilitating default.¶ The key thing to remember here is that the House, as a discretionary decision, operates by the "Hastert Rule" in which only bills that are supported by a majority of GOP members can be brought to the floor for a vote. There is no Hastert-compliant appropriations bill that can pass the Senate. But there very likely is majority support in the House for the kind of "clean" funding bill that can also pass the Senate. All that has to happen is for John Boehner to violate the Hastert Rule. And the Hastert Rule isn't actually a rule, it's something Boehner has put aside many times. But it's also a rule he can't flagrantly ignore, lest his caucus get too grumpy and depose him. The operating theory here is that if Boehner has the whole House GOP indulge the maximalist faction by all passing a defuding bill, that creates enough room to move to later violate the Hastert Rule and pass a continuing resolution.¶ If anything is happening to the odds of a shutdown, in other words, they're falling, not rising.

#### Obama fights the plan and saps his political capital – controversy and policy trade-offs

Holman 13 (Kwame, “ACLU, Congress Await Obama's Next Action on Overseas Drone Strikes”, 3/29, http://www.pbs.org/newshour/rundown/2013/03/aclu-others-await-presidents-next-action-on-overseas-drone-strikes.html)

As the American Civil Liberties Union's chief Washington lobbyist, Chris Anders spends a lot of time with members of Congress and their staffs. But he says no one seems to know when President Barack Obama will fulfill his promise to engage Congress and the public on the controversial use of U.S. drone attacks to kill terror suspects. "I was just in a meeting yesterday with a couple of key congressional staff who've asked the White House if they have a proposal, if they have anything they want to engage on and they got nothing back in response," Anders said by phone Thursday as he rode in a taxi to a Capitol Hill meeting. "The administration has not given Congress any guidance on what [it's] looking for other than a promise that the president would be providing a longer explanation of the targeted killing program and explaining it to the country," said Anders. In October 2012 on The Daily Show, Mr. Obama said of the U.S. drone strike program, "we've got to ... put a legal architecture in place, and we need Congressional help in order to do that, to make sure that not only am I reined in but any president's reined in, in terms of some of the decisions that we're making." The highly secret drone program dates to the George W. Bush administration, but the vast majority of away-from-the-battlefield strikes -- largely in Pakistan and Yemen -- have occurred under Mr. Obama. The strikes have generated anti-American sentiment in both those countries. The New America Foundation counts more than 420 targeted strikes in the last eight years which killed between 2,426 and 3,969 people, overwhelmingly militants, as well as up to 368 civilians. A year ago, after an American-born suspected terrorist, Anwar al-Awlaki, was killed by a U.S. drone in Yemen, Attorney General Eric Holder endorsed the strikes as legally permissible. "The use of force in foreign territory would be consistent with ... international legal principles if conducted, for example, with the consent of the nation involved -- or after a determination that the nation is unable or unwilling to deal effectively with a threat to the United States," Holder said in a speech at the Northwestern University School of Law. "The U.S. government's use of lethal force in self-defense against a leader of al Qaida or an associated force who presents an imminent threat of violent attack would not be unlawful -- and therefore would not violate the Executive Order banning assassination," Holder said. The ACLU's Anders calls that an "elastic" interpretation of self-defense. And the administration has been reluctant to share the specific legal memoranda that certify their assertions. During the confirmation process for new CIA director John Brennan, documents certifying the legality of strikes on Americans on foreign soil were shown to members of the House and Senate Intelligence committees. But Anders says there are six more legal memos that claim perhaps even broader authority to attack non-Americans outside the U.S. that the administration has not shared. The ACLU has sued the government to get them. "What Congress needs to see are the other six legal opinions because if they saw [them] they would have a much better idea of the breadth of the legal authority the president is claiming to use drones and other lethal force away from the battlefield," Anders said. "It's telling that there isn't a single country in the entire world that agrees with the U.S's claims of authority to use lethal force away from the battlefield. So the U.S. is on its own. My guess is if the rest of the legal opinions dealing with non-citizens were publicly disclosed we would find that they're even farther afield from where the law is and ... that is why they haven't been disclosed." In recent weeks, supporters of President Obama, including Senate Majority Whip Dick Durbin, D-Ill., and former Clinton administration official John Podesta, have urged the president to involve Congress and open up about the drone program and its justifications. Meanwhile, fresh polls show the drone strikes are increasingly unpopular with the public, potentially cutting into Mr. Obama's political strength in coming policy battles with Congress.

#### Capital key

Dumain 9/18/13 (Emma, Roll Call, "Will House Democrats Balk at Sequester-Level CR?," http://blogs.rollcall.com/218/will-house-democrats-balk-at-sequester-level-cr/)

What would be helpful for the duration of the political battle over the CR between now and the end of the month, however, is if Obama more frequently took to the “bully pulpit” to blast Republicans and bolster Democrats, the aide said.¶ “The more the better,” he said.

#### Shutdown wrecks the economy

Wu 8/27/13 (Yi, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, <http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea>)

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### 1NC

#### The executive branch of the United States should mandate that the Inspector Generals of relevant executive agencies conduct internal, independent investigation of current targeted killing practices. The findings of such investigations should be made public. The United States federal government should abide by the results of the investigation.

#### Independent review of targeted killing by Inspector General solves – ensures the accuracy and legality of strikes, curbs abuses, and provides necessary accountability

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

There are other candidates to conduct independent review. Executive officials, to be sure, are not as independent as federal judges. These officials have a natural impulse to avoid embarrassing the administration they work for. Moreover, if the media are correct that CIA Director Leon Panetta approves drone strikes, n181 then this review goes toward the most senior officials in the intelligence community. Despite these challenges, there is at least one official with a measure of independence for meaningful review of CIA drone strikes.¶ [\*1237] The CIA's Inspector General (IG) is charged with investigating the legality of CIA actions. n182 He or she is experienced with protecting classified information. His or her independence is protected by a statute that permits only the president to remove the IG. n183 And he or she has a dual reporting line to the CIA Director and to the congressional oversight committees. n184 The CIA's IG is thus our preferred candidate.¶ The CIA's IG should review all the CIA's targeted killings for reasoned decision making. Based on this review, an IG could recommend internal discipline, compensation to unwarranted victims of a strike, or, in an extreme case of abuse, referral to the Department of Justice for criminal proceedings. The IG should also be involved in reviewing the CIA's internal procedures on target selection and execution of attacks. IG's due process, so to speak, substitutes for what otherwise might come from the courts. To enhance accountability, the IG could prepare public reports detailing as much information on strikes as reasonably consonant with national security. Such reports would need to balance the interests of accountability against the CIA's need to enable foreign governments to keep their role in assisting U.S. intelligence a secret. They would also need to avoid excessive revelations of sensitive sources and methods.¶ Given the limited number of CIA strikes, the dangers this program poses to peaceful civilians now and in the future, and the extensive data concerning each strike, it is feasible for the IG to conduct an investigation of all CIA drone strikes. These investigations will not guarantee perfection. Nothing can. But they will help ensure the accuracy and the legality of strikes, curb abuses, and provide a modicum of accountability for a shadow war. Because they are feasible under the laws of war, IHL requires them.

#### The Courts are self-interested – they’ll use the aff’s precedent to expand their power vis-à-vis the President

Choper 7 -- Earl Warren Prof of Public Law @ UC Berkeley (Jesse H., 2007, "The Political Question Doctrine and the Supreme Court of the United States," Introduction, p. 1-21)

Because the prudential doctrine allows the Court to avoid deciding a case without an anchor in constitutional interpretation, it is this aspect of the political question doctrine that seems most troublesome. It would be unwise, however, to reject the entire political question doctrine because of the failings of the prudential doctrine. Indeed, the classical political question doctrine is critically important in the constitutional order, and its demise is cause for concern. In particular, the disappearance of the classical political question doctrine has a negative effect on two fronts. First, it has a direct negative impact in that it prevents the political branches from exercising constitutional judgment in those cases in which a classical political question is presented. Admittedly, this is a small category of cases that are not likely to arise very often. Electoral count disputes, judicial impeachments, and constitutional amendment ratification questions do not occur with much frequency. These questions are of fundamental importance, however, and judicial interference in these circumstances could have a negative effect on our government that transcends the scope of the particular case. Nothis provides a more poignant illustration than the Article II issue in the 2000 election cases. the doctrine strikes at the heart of separation of powers and the need for each branch to stay within its sphere to maintain the constitutional order. Second, the end of the classical political question doctrine has a much broader secondary effect. The Supreme Court is effectively left alone to police the boundaries of its power. This is, perhaps, the most difficult of all the Court's tasks, for it requires the most extreme form of willpower. It also dramatically displays the tension that exists beneath the surface of all the Court's decisions, That is, when the Court is protecting individual rights against congressional action, deciding whether authority resides with the states or with Congress, or resolving controversies between the executive and Congress, its own interest is not at the fore in the decision. Ostensibly, the Court is protecting one entity from another. When the Court decides whether the political question doctrine applies, however, what is merely implicit in those other decisions becomes explicit: the Court's institutional interests and strengths vis-a-vis the other branches. Thus, when the Court conducts the threshold inquiry of whether a matter rests exclusively with another branch, it must inevitably weigh the advantages and disadvantages of judicial review versus pure political analysis. This process therefore highlights for the Court its own strengths and weaknesses, as well as the upsides and downsides of giving the question to Congress of the executive. This is a healthy analysis for the Court to undertake, for it highlights the functional concerns behind the separation of powers and forces the Court to take a more modest view of its own powers and abilities. Therefore, eliminating this jurisdictional question from the Court's tasks helps pave the way for a much broader vision of judicial supremacy and a much more limited view of deference to the political branches. The end of the classical political question doctrine thus threaten to disrupt our constitutional order and turn the framers' vision of a constitutional conversation among three coordinate branches into a monologue by the Supreme Court.

#### Multiple scenario for nuclear war

Yoo 06

[John, Law Professor at University of California, Berkeley and Visiting Scholar at the American Enterprise Institute Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Energy in the Executive: Re-examining Presidential Power in the Midst of the War on Terrorism, 8/24/06, <http://www.heritage.org/research/reports/2006/04/energy-in-the-executive-reexamining-presidential-power-in-the-midst-of-the-war-on-terrorism>]

Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. We did not win the four-decade Cold War by declarations of war. Rather, we prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led us into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the U.S. from entering conflicts that are in the national interest. Most would agree that congressional isolationism before World War II harmed U.S. interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought us into the conflict much earlier. Congressional participation does not automatically, or even consistently, produce desirable results in war decision-making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. Legislative deliberation may breed consensus in the best of cases, but it also may inhibit speed and decisiveness. In the post-Cold War era, the United States is confronting several major new threats to national security: the proliferation of WMD, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterwards. Take the threat posed by the al-Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than those posed by conventional armed forces. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Despite the fact that terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, weapons of mass destruction allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than was the norm during the time when nation-states generated the primary threats to American national security. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, the executive branch needs flexibility to act quickly, possibly in situations where congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, perhaps before WMD components have been fully assembled or before an al-Qaeda operative has left for the United States, the executive branch might also be able to engage in a more limited, more precisely targeted, use of force. Similarly, the least dangerous way to prevent rogue nations from acquiring weapons of mass destruction may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity.

### 1NC

#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### Enframing of security makes macro-political violence inevitable

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This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use of armed force, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form. I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational hegemony and closure that limits debate and questioning**, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.** This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, **instrumental violence is married to an ontology of insecure national existence which itself admits no questioning**. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including **other humans, which have no essence or integrity outside their value as objects**. In Heidegger's terms, **technology becomes being; epistemology immediately becomes technique, immediately being**. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. **The need is to critique dominant images of political being and dominant ways of securing that being at the same time**, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the limitless resort to strategic violence without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. **We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable**. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 **Identity**, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of **a craving for order, control and certainty in the face of continual uncertainty**. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has **deep roots in modern thought**, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather **technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy**. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind **demands that 'nature reports itself** in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes **trapped within its logic**. Man, he writes, 'comes to the very brink of a precipitous fall...where **he himself will have to be taken as standing-reserve**. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. **In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.** This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to **place under suspicion the underlying political ontologies** that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it **drives out every other possibility of revealing**...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but **by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence**. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for **a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing**. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives from outside the space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### Reject the affirmative’s security discourse – this untimely intervention is the only chance for a counter-discourse

Calkivik 10 – PhD in Poli Sci @ Univ Minnesota (Emine Asli, 10/2010, "DISMANTLING SECURITY," PhD dissertation submitted to Univ Minnesota for Raymond Duvall, http://conservancy.umn.edu/bitstream/99479/1/Calkivik\_umn\_0130E\_11576.pdf)

It is this self-evidence of security even for critical approaches and the antinomy stemming from dissident voices reproducing the language of those they dissent from that constitutes the starting point for this chapter, where I elaborate on the meaning of dismantling security as untimely critique. As mentioned in the vignette in the opening section, the suggestion to dismantle security was itself deemed as an untimely pursuit in a world where lives of millions were rendered brutally insecure by poverty, violence, disease, and ongoing political conflicts. Colored by the tone of a call to conscience in the face of the ongoing crisis of security, it was not the time, interlocutors argued, for self-indulgent critique. I will argue that it is the element of being untimely, the effort, in the words of Walter Benjamin, “to brush history against the grain” that gives critical thinking its power.291 It might appear as a trivial discussion to bring up the relation between time and critique because conceptions of critical thinking in the discipline of International Relations already possess the notion that critical thought needs to be untimely. In the first section, I will tease out what this notion of untimeliness entails by visiting ongoing conversations within the discipline about critical thought and political time. Through this discussion, I hope to clarify what sets apart dismantling security as untimely critique from the notion of untimeliness at work in critical international relations theory. The latter conception of the untimely, I will suggest, paradoxically calls on critical thought to be “on time” in that it champions a particular understanding of what it means for critical scholarship to be relevant and responsible for its times. This notion of the untimely demands that critique be strategic and respond to political exigency, that it provide answers in this light instead of raising more questions about which questions could be raised or what presuppositions underlie the questions that are deemed to be waiting for answers. After elaborating in the first section such strategic conceptions of the untimeliness of critical theorizing, in the second section I will turn to a different sense of the untimely by drawing upon Wendy Brown’s discussion of the relation between critique, crisis, and political time through her reading of Benjamin’s “Theses on the Philosophy of History.”292 In contrast to a notion of untimeliness that demands strategic thinking and punctuality, Brown’s exegesis provides a conception of historical materialism where critique is figured as a force of disruption, a form of intervention that reconfigures the meaning of the times and “contest[s] the very senses of time invoked to declare critique ‘untimely’.”293 Her exposition overturns the view of critique as a self-indulgent practice as it highlights the immediately political nature of critique and reconfigures the meaning of what it means for critical thought to be relevant.294 It is in this sense of the untimely, I will suggest, that dismantling security as a critique hopes to recover. I should point out that in this discussion my intention is neither to construct a theory of critique nor to provide an exhaustive review and evaluation of the forms of critical theorizing in International Relations. Rather, my aim is to contribute to the existing efforts that engage with the question of what it means to be critical apart from drawing the epistemological and methodological boundaries so as to think about how one is critical.295 While I do not deny the importance of epistemological questions, I contend that taking time to think about the meaning of critique beyond these issues presents itself as an important task. This task takes on additional importance within the context of security studies where any realm of investigation quickly begets its critical counterpart. The rapid emergence and institutionalization of critical terrorism studies when studies on terrorism were proliferating under the auspices of the so-called Global War on Terror provides a striking example to this trend. 296 Such instances are important reminders that, to the extent that epistemology and methodology are reified as the sole concerns in defining and assessing critical thinking297 or “wrong headed refusals”298 to get on with positive projects and empirical research gets branded as debilitating for critical projects, what is erased from sight is the political nature of the questions asked and what is lost is the chance to reflect upon what it means for critical thinking to respond to its times. In his meditation on the meaning of responding and the sense of responsibility entailed by writing, Jean-Luc Nancy suggests that “all writing is ‘committed.’” 299 This notion of commitment diverges from the programmatic sense of committed writing. What underlies this conception is an understanding of writing as responding: writing is a response to the voice of an other.In Nancy’s words, “[w]hoever writes responds” 300 and “makes himself responsible to in the absolute sense.”301 Suggesting that there is always an ethical commitment prior to any particular political commitment, such a notion of writing contests the notion of creative autonomy premised on the idea of a free, self-legislating subject who responds. In other words, it discredits the idea of an original voice by suggesting that there is no voice that is not a response to a prior response. Hence, to respond is configured as responding to an expectation rather than as an answer to a question and responsibility is cast as an “anticipated response to questions, to demands, to still-unformulated, not exactly predictable expectations.”302 Echoing Nancy, David Campbell makes an important reminder as he suggests that as international relations scholars “we are always already engaged,” although the sites, mechanisms and quality of engagements might vary.303 The question, then, is not whether as scholars we are engaged or not, but what the nature of this engagement is. Such a re-framing of the question is intended to highlight the political nature of all interpretation and the importance of developing an “ethos of political criticism that is concerned with assumptions, limits, their historical production, social and political effects, and the possibility of going beyond them in thought and action.”304 Taking as its object assumptions and limits, their historical production and social and political effects places the relevancy of critical thought and responsibility of critical scholarship on new ground. It is this ethos of critique that dismantling security hopes to recover for a discipline where security operates as the foundational principle and where critical thinking keeps on contributing to security’s impressing itself as a self-evident condition. Critical Theory and Punctuality Within the context of International Relations, critical thought’s orientation toward its time comes out strongly in Kimberley Hutchings’s formulation.305 According to Hutchings, no matter what form it takes, what distinguishes critical international relations theory from other forms of theorizing is “its orientation towards change and the possibility of futures that do not reproduce the hegemonic power of the present.”306 What this implies about the nature of critical thought is that it needs to be not only diagnostic, but also self-reflexive. In the words of Hutchings, “all critical theories lay claim to some kind of account not only of the present of international politics and its relation to possible futures, but also of the role of critical theory in the present and future in international politics.” 307 Not only analyzing the present, but also introducing the question of the future into analysis places political time at the center of critical enterprise and makes the problem of change a core concern. It is this question of change that situates different forms of critical thinking on a shared ground since they all attempt to expose the way in which what is presented as given and natural is historically produced and hence open to change. With their orientation to change, their efforts to go against the dominant currents and challenge the hegemony of existing power relations by showing how contemporary practices and discourses contribute to the perpetuation of structures of power and domination, critical theorists in general and critical security studies specialists in particular take on an untimely endeavor. It is this understanding of the untimely aspect of critical thinking that is emphasized by Mark Neufeld, who regards the development of critical approaches to security as “one of the more hopeful intellectual developments in recent years.”308 Despite nurturing from different theoretical traditions and therefore harboring “fundamental differences between modernist and postmodernist commitments,” writes Neufeld, scholars who are involved in the critical project nevertheless “share a common concern with calling into question ‘prevailing social and power relationships and the institutions into which they are organized.’” 309 The desire for change—through being untimely and making the way to alternative futures that would no longer resemble the present—have led some scholars to emphasize the utopian element that must accompany all critical thinking. Quoting Oscar Wilde’s aphorism—a map of the world that does not include Utopia is not even worth glancing at, Ken Booth argues for the need to restore the role and reputation of utopianism in the theory and practice of international politics. 310 According to Booth, what goes under the banner of realism—“ethnocentric self-interest writ large”311 — falls far beyond the realities of a drastically changed world political landscape at the end of the Cold War. He describes the new reality as “an egg-box containing the shells of sovereignty; but alongside it a global community omelette [sic] is cooking.”312 Rather than insisting on the inescapability of war in the international system as political realists argue, Booth argues for the need and possibility to work toward the utopia of overcoming the condition of war by banking on the opportunities provided by a globalizing world. The point that critical thought needs to be untimely by going against its time is also emphasized by Dunne and Wheeler, who assert that, regardless of the form it takes, “critical theory purport[s] to ‘think against’ the prevailing current” and that “[c]ritical security studies is no exception” to this enterprise.313 According to the authors, the function of critical approaches to security is to problematize what is taken for granted in the disciplinary production of knowledge about security by “resist[ing], transcend[ing] and defeat[ing]…theories of security, which take for granted who is to be secured (the state), how security is to be achieved (by defending core ‘national’ values, forcibly if necessary) and from whom security is needed (the enemy).”314 While critical theory in this way is figured as untimely, I want to suggest that this notion of untimeliness gets construed paradoxically in a quite timely fashion. With a perceived disjuncture between writing the world from within a discipline and acting in it placed at the center of the debates, the performance of critical thought gets evaluated to the extent that it is punctual and in synch with the times. Does critical thought provide concrete guidance and prescribe what is to be done? Can it move beyond mere talk and make timely political interventions by providing solutions? Does it have answers to the strategic questions of progressive movements? Demanding that critical theorizing come clean in the court of these questions, such conceptions of the untimely demand that critique respond to its times in a responsible way, where being responsible is understood in stark contrast to a notion of responding and responsibility that I briefly discussed in the introductory pages of this chapter (through the works of Jean-Luc Nancy and David Campbell). Let me visit two recent conversations ensuing from the declarations of the contemporary crisis of critical theorizing in order to clarify what I mean by a timely understanding of untimely critique. The first conversation was published as a special issue in the Review of International Studies (RIS), one of the major journals of the field. Prominent figures took the 25th anniversary of the journal’s publication of two key texts—regarded as canonical for the launching and development of critical theorizing in International Relations—as an opportunity to reflect upon and assess the impact of critical theory in the discipline and interrogate what its future might be. 315 The texts in question, which are depicted as having shaken the premises of the static world of the discipline, are Robert Cox’s 1981 essay entitled on “Social Forces, States, and World Orders”316 and Richard Ashley’s article, “Political Realism and Human Interests.”317 In their introductory essay to the issue, Rengger and Thirkell-White suggest that the essays by Cox and Ashley—followed by Andrew Linklater’s Men and Citizens in the Theory of International Relations318 —represent “the breach in the dyke” of the three dominant discourses in International Relations (i.e., positivists, English School, and Marxism), unleashing “a torrent [that would] soon become a flood” as variety of theoretical approaches in contemporary social theory (i.e., feminism, Neo-Gramscianism, poststructuralism, and post-colonialism) would get introduced through the works of critical scholars.319 After elaborating the various responses given to and resistance raised against the critical project in the discipline, the authors provide an overview and an assessment of the current state of critical theorizing in International Relations. They argue that the central question for much of the ongoing debate within the critical camp in its present state—a question that it cannot help but come to terms with and provide a response to—concerns the relation between critical thought and political practice. As they state, the “fundamental philosophical question [that] can no longer be sidestepped” by critical International Relations theory is the question of the relation between “knowledge of the world and action in it.”320 One of the points alluded to in the essay is that forms of critical theorizing, which leave the future “to contingency, uncertainty and the multiplicity of political projects” and therefore provide “less guidance for concrete political action”321 or, again, those that problematize underlying assumptions of thought and “say little about the potential political agency that might be involved in any subsequent struggles”322 may render the critical enterprise impotent and perhaps even suspect. This point comes out clearly in Craig Murphy’s contribution to the collection of essays in the RIS’s special issue. 323 Echoing William Wallace’s argument that critical theorists tend to be “monks,”324 who have little to offer for political actors engaged in real world politics, Murphy argues that the promise of critical theory is “partially kept” because of the limited influence it has had outside the academy towards changing the world.Building a different world, he suggests, requires more than isolated academic talk; that it demands not merely “words,” but “deeds.”325 This, according to Murphy, requires providing “knowledge that contributes to change.”326 Such knowledge would emanate from connections with the marginalized and would incorporate observations of actors in their everyday practices. More importantly, it would create an inspiring vision for social movements, such as the one provided by the concept of human development, which, according to Murphy, was especially powerful “because it embodied a value-oriented way of seeing, a vision, rather than only isolated observations.”327 In sum, if critical theory is to retain its critical edge, Murphy’s discussion suggests, it has to be in synch with political time and respond to its immediate demands. The second debate that is revelatory of this conception of the timing of critical theory—i.e., that critical thinking be strategic and efficient in relation to political time—takes place in relation to the contemporary in/security environment shaped by the so-called Global War on Terror. The theme that bears its mark on these debates is the extent to which critical inquiries about the contemporary security landscape become complicit in the workings of power and what critique can offer to render the world more legible for progressive struggles.328 For instance, warning critical theorists against being co-opted by or aligned with belligerence and war-mongering, Richard Devetak asserts that critical international theory has an urgent “need to distinguish its position all the more clearly from liberal imperialism.”329 While scholars such as Devetak, Booth,330 and Fierke331 take the critical task to be an attempt to rescue liberal internationalism from turning into liberal imperialism, others announce the “crisis of critical theorizing” and suggest that critical writings on the nature of the contemporary security order lack the resources to grasp their actual limitations, where the latter is said to reside not in the realm of academic debate, but in the realm of political practice.332 It is amidst these debates on critique, crisis, and political time that Richard Beardsworth raises the question of the future of critical philosophy in the face of the challenges posed by contemporary world politics.333 Recounting these challenges, he provides the matrix for a proper form of critical inquiry that could come to terms with “[o]ur historical actuality.”334 He describes this actuality as the “thick context” of modernity (“an epoch, delimited by the capitalization of social relations,” which imposes its own philosophical problematic—“that is, the attempt, following the social consequences of capitalism, to articulate the relation between individuality and collective spirit”335 ), American unilateralism in the aftermath of the attacks on September 11, 2001, and the growing political disempowerment of people worldwide. Arguing that “contemporary return of religion and new forms of irrationalism emerge, in large part, out of the failure of the second response of modernity to provide a secular solution to the inequalities of the nation-state and colonization,”336 he formulates the awaiting political task for critical endeavors as constructing a world polity to resist the disintegration of the world under the force of capital.It is with this goal in mind that he suggests that “responsible scholarship needs to rescue reason in the face irrational war”337 and that intellectuals need to provide “the framework for a world ethical community of law, endowed with political mechanisms of implementation in the context of a regulated planetary economy.”338 He suggests that an aporetic form of thinking such as Jacques Derrida’s—a thinking that “ignores the affirmative relation between the determining powers of reason and history”339 —would be an unhelpful resource because such thinking “does not open up to where work needs to be done for these new forms of polity to emerge.”340 In other words, critical thinking, according to Beardsworth, needs to articulate and point out possible political avenues and to orient thought and action in concrete ways so as to contribute to progressive political change rather than dwelling on the encounter of the incalculable and calculation and im-possibility of world democracy in a Derridean fashion. In similar ways to the first debate on critique that I discussed, critical thinking is once again called upon to respond to political time in a strategic and efficient manner. As critical inquiry gets summoned up to the court of reason in Beardsworth’s account, its realm of engagement is limited to that which the light of reason can be shed upon, and its politics is confined to mapping out the achievable and the doable in a given historical context without questioning or disrupting the limits of what is presented as “realistic” choices. Hence, if untimely critical thought is to be meaningful it has to be on time by responding to political exigency in a practical, efficient, and strategic manner. In contrast to this prevalent form of understanding the untimeliness of critical theory, I will now turn to a different account of the untimely provided by Wendy Brown whose work informs the project of dismantling security as untimely critique. Drawing from her discussion of the relationship between critique, crisis, and political time, I will suggest that untimely critique of security entails, simultaneously, an attunement to the times and an aggressive violation of their self-conception. It is in this different sense of the untimely that the suggestion of dismantling security needs to be situated. Critique and Political Time As I suggested in the Prelude to this chapter, elevating security itself to the position of major protagonist and extending a call to “dismantle security” was itself declared to be an untimely pursuit in a time depicted as the time of crisis in security. Such a declaration stood as an exemplary moment (not in the sense of illustration or allegory, but as a moment of crystallization) for disciplinary prohibitions to think and act otherwise—perhaps the moment when a doxa exhibits its most powerful hold. Hence, what is first needed is to overturn the taken-for-granted relations between crisis, timeliness, and critique. The roots krisis and kritik can be traced back to the Greek word krinõ, which meant “to separate”, to “choose,” to “judge,” to “decide.”341 While creating a broad spectrum of meanings, it was intimately related to politics as it connoted a “divorce” or “quarrel,” but also a moment of decision and a turning point. It was also used as a jurisprudential term in the sense of making a decision, reaching a verdict or judgment (kritik) on an alleged disorder so as to provide a way to restore order. Rather than being separated into two domains of meaning—that of “subjective critique” and “objective crisis”—krisis and kritik were conceived as interlinked moments. Koselleck explains this conceptual fusion: [I]t wasin the sense of “judgment,” “trial,” “legal decision,” and ultimately “court” that crisis achieved a high constitutionalstatus, through which the individual citizen and the community were bound together. The “for and against” wastherefore present in the original meaning of the word and thisin a manner that already conceptually anticipated the appropriate judgment. 342 Recognition of an objective crisis and subjective judgments to be passed on it so as to come up with a formula for restoring the health of the polity by setting the times right were thereby infused and implicated in each other.343 Consequently, as Brown notes, there could be no such thing as “mere critique” or “untimely critique” because critique always entailed a concern with political time: “[C]ritique as political krisis promise[d] to restore continuity by repairing or renewing the justice that gives an order the prospect of continuity, that indeed ma[de] it continuous.”344 The breaking of this intimate link between krisis and kritik, the consequent depoliticization of critique and its sundering from crisis coincides with the rise of modern political order and redistribution of the public space into the binary structure of sovereign and subject, public and private.345 Failing to note the link between the critique it practiced and the looming political crisis, emerging philosophies of history, according Koselleck, had the effect of obfuscating this crisis. As he explains, “[n]ever politically grasped, [this political crisis] remained concealed in historico-philosophical images of the future which cause the day’s events to pale.”346 It is this intimate, but severed, link between crisis and critique in historical narratives that Wendy Brown’s discussion brings to the fore and re-problematizes. She turns to Walter Benjamin’s “Theses on the Philosophy of History” and challenges conventional understandings of historical materialism, which conceives of the present in terms of unfolding laws of history.347 According to Brown, the practice of critical theory appeals to a concern with time to the extent that “[t]he crisis that incites critique and that critique engages itself signals a rupture of temporal continuity, which is at the same time a rupture in political imaginary.”348 Cast in these terms, it is a particular experience with time, with the present, that Brown suggests Benjamin’s theses aim to capture. Rather than an unmoving or an automatically overcome present (a present that is out of time), the present is interpreted as an opening that calls for a response to it. This call for a response highlights the idea that, far from being a luxury, critique is non-optional in its nature. Such an understanding of critical thought is premised on a historical consciousness that grasps the present historically so as to break with the selfconception of the age. Untimely critique transforms into a technique to blow up the present through fracturing its apparent seamlessness by insisting on alternatives to its closed political and epistemological universe.349 Such a conception resonates with the distinction that Žižek makes between a political subjectivity that is confined to choosing between the existing alternatives—one that takes the limits of what is given as the limits to what is possible—and a form of subjectivity that creates the very set of alternatives by “transcend[ing] the coordinates of a given situation [and] ‘posit[ing] the presuppositions’ of one's activity” by redefining the very situation within which one is active.”350 With its attempt to grasp the times in its singularity, critique is cast neither as a breaking free from the weight of time (which would amount to ahistoricity) nor being weighed down by the times (as in the case of teleology).351 It conceives the present as “historically contoured but not itself experienced as history because not necessarily continuous with what has been.”352 It is an attitude that renders the present as the site of “non-utopian possibility” since it is historically situated and constrained yet also a possibility since it is not historically foreordained or determined.353 It entails contesting the delimitations of choice and challenging the confinement of politics to existing possibilities. Rather than positing history as existing objectively outside of narration, what Brown’s discussion highlights is the intimate relation between the constitution of political subjectivity vis-à-vis the meaning of history for the present. It alludes to “the power of historical discourse,” which Mowitt explains as a power “to estrange us from that which is most familiar, namely, the fixity of the present” because “what we believe to have happened to us bears concretely on what we are prepared to do with ourselves both now and in the future.”354 Mark Neocleous concretizes the political stakes entailed in such encounters with history—with the dead—from the perspective of three political traditions: a conservative one, which aims to reconcile the dead with the living, a fascist one, which aims to resurrect the dead to legitimate its fascist program, and a historical materialist one, which seeks redemption with the dead as the source of hope and inspiration for the future.355 Brown’s discussion of critique and political time is significant for highlighting the immediately political nature of critique in contrast to contemporary invocations that cast it as a self-indulgent practice, an untimely luxury, a disinterested, distanced, academic endeavor. Her attempt to trace critique vis-à-vis its relation to political time provides a counter-narrative to the conservative and moralizing assertions that shun untimely critique of security as a luxurious interest that is committed to abstract ideals rather than to the “reality” of politics—i.e., running after utopia rather than modeling “real world” solutions. Dismantling security as untimely critique entails a similar claim to unsettle the accounts of “what the times are” with a “bid to reset time.”356 It aspires to be untimely in the face of the demands on critical thought to be on time; aims to challenge the moralizing move, the call to conscience that arrives in the form of assertions that saying “no!” to security, that refusing to write it, would be untimely. Rather than succumbing to the injunction that thought of political possibility is to be confined within the framework of security, dismantling security aims to open up space for alternative forms, for a different language of politics so as to “stop digging” the hole politics of security have dug us and start building a counter-discourse. Conclusion As an attempt to push a debate that is fixated on security to the limit and explore what it means to dismantle security, my engagement with various aspects of this move is not intended as an analysis raised at the level of causal interpretations or as an attempt to find better solutions to a problem that already has a name. Rather, it tries to recast what is taken-for-granted by attending to the conceptual assumptions, the historical and systemic conditions within which the politics of security plays itself out. As I tried to show in this chapter, it also entails a simultaneous move of refusing to be a disciple of the discipline of security. This implies overturning not only the silent disciplinary protocols about which questions are legitimate to ask, but also the very framework that informs those questions. It is from this perspective that I devoted two chapters to examining and clarifying the proposal to dismantle security as a claim on time. After explicating, in Chapter 4, the temporal structure that is enacted by politics of security and elaborating on how security structures the relation between the present and the future, in this chapter, I approached the question of temporality from a different perspective, by situating it in relation to disciplinary times in order to clarify what an untimely critique of security means. I tried to elaborate this notion of the untimely by exploring the understanding of untimeliness that informs certain conceptions of critical theorizing in International Relations. I suggested that such a notion of the untimely paradoxically calls on critical thought to be on time in the sense of being punctual and strategic. Turning to Wendy Brown’s discussion of the relation between critique and political time, I elaborated on the sense of untimely critique that dismantling security strives for—a critique that goes against the times that are saturated by the infinite passion to secure and works toward taking apart the architecture of security.

### Pakistan

#### Higher threshold for evidence – cross ex proves impact evidence is fear mongering and authors have no qualification

#### Af-Pak drone strikes decreasing now – no high value targets left, public pressure is causing caution

Farshori 8/27/13 (Kokab, Voice of America News, "Are US Drone Strikes in Pakistan Winding Down?," http://www.voanews.com/content/drone-strikes/1737799.html)

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

#### Drones not key to Pakistan stability- multiple alt causes

Javaid 11 (Umbreen, Director Center of Asian Studies & Chairperson Department of political science University of Punjab, “Thriving Fundamentalism and Militancy in Pakistan An Analytical Overview of their Impact on the Society,” South Asian Studies, Vol. 26 No. 1. Pg. 16-17)

‘The recent increase of violence by jihadi groups, including suicide bombing of ¶ innocent bystanders as well attacks on the police and military, has perhaps brought ¶ more Pakistanis to consider how to strike a new balance between Islam and ¶ politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their ¶ attitude, especially their outlook on religion. Suffered with anti-Americanism and ¶ religious fervor, Pakistanis are filtering their worldview through the prism of ¶ religion and the tensions between Islam and the West, making them to the radical ¶ propaganda and paralyzing their will to act against forces of extremism’ (Hussain, ¶ 2009: 11). mbreen Javaid Thriving Fundamentalism and ¶ 17¶ It is not only the task of the government to control this growing ¶ fundamentalism but the whole society needs to completely shun off these ¶ extremists. The political parties, intellectuals, sectarian and religious parties and ¶ the masses all have to openly condemn the extremists, so that they do not find any ¶ space to flourish. ‘Much still needs to be done on the home front curb religious ¶ zealotry and sectarianism, policies towards minorities, revision of school curricula, ¶ reconstructing ‘official’ history, promotion of universal education, and ¶ overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look ¶ deeply into its causes. The whole society and especially the government needs to ¶ put in serious efforts in controlling on checking the causes if not diminishing ¶ them. It should also be understand that the issue of fundamentalism is very ¶ complex which entails number of factors which are playing their part. These ¶ include economic disparity, lack of education, religious ignorance, unemployment, ¶ extremism, judicial system, poor governance, ethnicity and sectarianism, ¶ corruption and alignment with United States, each of these have played their role ¶ separately and also a combined mix of all in flourishing militant fundamentalism ¶ in Pakistan. To control fundamentalism is not an easy task especially when it is ¶ now combined with militancy. Another major challenge for the government is that ¶ earlier the various militant extremist groups were operating separately and had ¶ divergent aims and objectives from each other but lately various local groups, AlQaeda and Taliban have all joined hands and helping each other irrespective of ¶ their particular objectives. These alignments have made these militant groups more ¶ lethal, thus making things more difficult for the government. ¶ Militant fundamentalism not only has the ability to destabilize Pakistan but it ¶ can, if not controlled, bring about serious security concerns for the region and also ¶ towards the global security and peace.

#### Pakistani stability high and will continue – multiple indicators prove

--successful election

--free press, indy judiciary

--military support

--Sharif economic policy

--improved Indo-Pak relations

Deford 13 (Mac, GlobalPost, "Sharif’s election gives US an opening to help stabilize Pakistan," http://www.globalpost.com/dispatches/globalpost-blogs/commentary/sharif-s-election-gives-us-opening-help-stabilize-pakistan)

OWL’S HEAD, Maine — There's not much good news coming out of the broader Middle East these days and so the successful election this past weekend in Pakistan is cause for at least muted elation. It is, after all, the first time in Pakistan's beleaguered 65-year history that a democratically elected government has been replaced by a democratically elected government.¶ So that's the good news. Toss in the fact that the voter turnout, the highest for parliamentary elections in nearly two generations, was spurred upward by women and younger voters, and was not deterred by Taliban attacks, then add that Pakistan does have a remarkably free press and a quite independent judiciary and, obviously, a military that now is willing to let democracy play out — and things don't look so bad.¶ Pakistan's support of extremist groups like the Taliban, and its high-level decision to keep Osama bin Laden hidden in plain sight, are the clearest evidence of Pakistan perversity.¶ Pakistan-US relations were so low last year that an article in the establishment journal Foreign Affairs suggested that the US should treat Pakistan the same way it treats other "hostile powers," such as Iran and North Korea.¶ As has been well documented, Dick Holbrooke, handpicked by Secretary of State Hillary Clinton to oversee the Afghan-Pakistan theatre, got no support from the president for the two years he was in the role, until his death at the end of 2010.¶ A key part of the problem has been Obama's apparent belief — or at least the belief of his advisors — that Pakistan is a client state, that it needs us more than we need them.¶ A failed Pakistan or one infiltrated by the Taliban or other extremists could cause dangerous problems for the US. At the end of next year, we'll be pulling our last fighting forces out of Afghanistan. But it's never really been about Afghanistan. Pakistan is the key. Has the White House finally learned that?¶ The Arab Middle East faces decades of collapsing regimes, civil wars and even re-drawn borders. Obama's hands-off reaction to the most dangerous current aspect of the failed Arab Spring, Syria's bloody civil war, illustrates not just our relative retreat from our role as the world's night-watchman but as well a realistic assessment of the diminishing importance of the Middle East. And while Israel's concerns about a nuclear-armed Iran — and indeed Saudi Arabia's and its Gulf neighbors as well — may yet explode the area, the most dangerous region in today's world is Pakistan and its environs.¶ For starters, Pakistan has a couple hundred nuclear weapons. It has the Taliban, an insurgency movement that it mid-wifed and returned to haunt it. Strategically, Pakistan is the center of a complex web of relationships that entangle half the world's population.¶ The US sees China as a down-the-road threat to our primacy in Asia. India and China, the world's two most populous countries, have long been rivals, not so much because of their border clashes in the high Himalayas as their regional strategic ambitions.¶ As it moved out of its non-aligned leadership role, India aligned itself more closely with the US. China has long courted close relations with Pakistan, which has been reciprocated as an obvious way for both to counter India's pre-eminent position in the sub-continent.¶ Afghanistan only came into US purview through al-Qaeda and 9/11. But Pakistan has long exercised influence in Afghanistan, where the populous Punjab was arbitrarily split between the two by the Durand Line drawn up by the British colonial enterprise. India, naturally, has numerous consulates throughout Afghanistan for the primary purpose of offsetting Pakistan's influence.¶ The Taliban and nuclear weapons have created a potentially high stakes situation. A failed state, or just a couple of nuclear bombs in the wrong hands, would prompt a somewhat different response from the Obama administration than the understandable waffling on how to deal with Syria's chemical weapons.¶ So, as Nawaz Sharif takes control of Pakistan for the third time, what can the US hope for? And, more importantly, how can the US work with Sharif to reinforce Pakistan's stability? What must Obama do to keep Pakistan out of the "lost" column?¶ The good news is that Sharif, although a religious conservative and a two-time recipient of a military overthrow, is a sophisticated businessman who understands capitalism. He wants to improve relations with India; he wants to help the US negotiate a deal with the Afghan Taliban that would facilitate a peaceful US departure.¶ Pakistan has enormous economic problems: its infrastructure has been unable to keep pace with its rapid population growth; in the larger cities, electricity is cut 12 hours or more each day. Its education system is so weak that millions of Pakistani children end up at religious madrasas, often being taught extremist Islamism.¶ Sharif understands the economic problems that were as much as anything responsible for the overwhelming defeat of current Prime Minister Zardari's party. Sharif knows that for his party to remain in power, economic growth is essential.¶ He's realistic when it comes to India, hoping, as he did the last time he was prime minister, to improve relations. Indeed, he's invited his Indian counterpart to his inauguration. Better relations with India not only lower the overall military decibels but enhanced trade could provide a big boost to that economic bounce Sharif needs.

#### -- Shocks cause cooperation – not escalation

Collins and Wohlforth 4 (Kathleen, Professor of Political Science – Notre Dame and William, Professor of Government – Dartmouth, “Defying ‘Great Game’ Expectations”, Strategic Asia 2003-4: Fragility and Crisis, p. 312-313)

Conclusion The popular great game lens for analyzing Central Asia fails to capture the declared interests of the great powers as well as the best reading of their objective interests in security and economic growth. Perhaps more importantly, it fails to explain their actual behavior on the ground, as well the specific reactions of the Central Asian states themselves. Naturally, there are competitive elements in great power relations. Each country’s policymaking community has slightly different preferences for tackling the challenges presented in the region, and the more influence they have the more able they are to shape events in concordance with those preferences. But these clashing preferences concern the means to serve ends that all the great powers share. To be sure, policy-makers in each capital would prefer that their own national firms or their own government’s budget be the beneficiaries of any economic rents that emerge from the exploitation and transshipment of the region’s natural resources. But the scale of these rents is marginal even for Russia’s oil-fueled budget. And for taxable profits to be created, the projects must make sense economically—something that is determined more by markets and firms than governments. Does it matter? The great game is an arresting metaphor that serves to draw people’s attention to an oft-neglected region. The problem is the great-game lens can distort realities on the ground, and therefore bias analysis and policy. For when great powers are locked in a competitive fight, the issues at hand matter less than their implication for the relative power of contending states. Power itself becomes the issue—one that tends to be nonnegotiable. Viewing an essential positive-sum relationship through zero sum conceptual lenses will result in missed opportunities for cooperation that leaves all players—not least the people who live in the region—poorer and more insecure. While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the major powers are in a better position to serve as a stabilizing force than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region’s response to the profoundly destabilizing shock of coordinated terror attacks was increased cooperation between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers. Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security interests become more entwined, there are sound reasons to conclude that “great game” politics will not shape Central Asia’s future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers’ relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

#### -- Afghan collapse won’t spill over

Silverman 9 (Jerry Mary, Ph.D. in International Relations and Project Specialist – Ford Foundatoin, “Sturdy Dominoes”, The National Interest, 11-19, http://www.nationalinterest.org/Article.aspx?id=22512)

Many advocates of continuing or racheting up our presence in Afghanistan are cut from the same domino-theory cloth as those of the Vietnam era. They posit that losing in Afghanistan would almost certainly lead to the further “loss” of the entire South and central Asian region. Although avoiding explicit reference to “falling dominos,” recent examples include S. Frederick Starr (School of Advanced International Studies, Johns Hopkins University); Sir David Richards (the UK’s relatively new Chief of the General Staff); and, in The National Interest, Ahmed Rashid. The fear that Pakistan and central Asian governments are too weak to withstand the Taliban leads logically to the proposition—just as it did forty years ago—that only the United States can defend the region from its own extremist groups and, therefore, that any loss of faith in America will result in a net gain for pan-Islamist movements in a zero-sum global competition for power. Unfortunately, the resurrection of “falling dominos” as a metaphor for predicted consequences of an American military withdrawal reflects a profound inability to re-envision the nature of today’s global political environment and America’s place in it. The current worry is that Pakistan will revive support for the Taliban and return to its historically rooted policy of noninterference in local governance or security arrangements along the frontier. This fear is compounded by a vision of radical Islamists gaining access to Pakistan’s nuclear arsenal. Those concerns are fueled by the judgment that Pakistan’s new democratically elected civilian government is too weak to withstand pressures by its most senior military officers to keep its pro-Afghan Taliban option open. From that perspective, any sign of American “dithering” would reinforce that historically-rooted preference, even as the imperative would remain to separate the Pakistani-Taliban from the Afghan insurgents. Further, any significant increase in terrorist violence, especially within major Pakistani urban centers, would likely lead to the imposition of martial law and return to an authoritarian military regime, weakening American influence even further. At its most extreme, that scenario ends with the most frightening outcome of all—the overthrow of relatively secular senior Pakistani generals by a pro-Islamist and anti-Western group of second-tier officers with access to that country’s nuclear weapons. Beyond Pakistan, advocates of today’s domino theory point to the Taliban’s links to both the Islamic Movement of Uzbekistan and the Islamic Jihad Union, and conclude that a Taliban victory in Afghanistan would encourage similar radical Islamist movements in Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. In the face of a scenario of increasing radicalization along Russia’s relatively new, southern borders, domino theorists argue that a NATO retreat from Afghanistan would spur the projection of its own military and political power into the resulting “vacuum” there. The primary problem with the worst-case scenarios predicted by the domino theorists is that no analyst is really prescient enough to accurately predict how decisions made by the United States today will affect future outcomes in the South and central Asian region. Their forecasts might occur whether or not the United States withdraws or, alternatively, increases its forces in Afghanistan. Worse, it is entirely possible that the most dreaded consequences will occur only as the result of a decision to stay. With the benefit of hindsight, we know that the earlier domino theory falsely represented interstate and domestic political realities throughout most of Southeast Asia in 1975. Although it is true that American influence throughout much of Southeast Asia suffered for a few years following Communist victories in Cambodia, Laos and Vietnam, we now know that while we viewed the Vietnam War as part of a larger conflict, our opponent’s focus was limited to the unification of their own country. Although border disputes erupted between Vietnam and Cambodia, China and the Philippines, actual military conflicts occurred only between the supposedly fraternal Communist governments of Vietnam, China and Cambodia. Neither of the two competing Communist regimes in Cambodia survived. Further, no serious threats to install Communist regimes were initiated outside of Indochina, and, most importantly, the current political situation in Southeast Asia now conforms closely to what Washington had hoped to achieve in the first place. It is, of course, unfortunate that the transition from military conflict in Vietnam to the welcome situation in Southeast Asia today was initially violent, messy, bloody, and fraught with revenge and violations of human rights. But as the perpetrators, magnitude, and victims of violence changed, the level of violence eventually declined.

#### -- Afghan stability resilient

Robichaud 7 (Carl, Program Officer – The Century Foundation, “Buying Time in Afghanistan”, World Policy Journal, 11-8, http://www.tcf.org/publications/internationalaffairs/RobichaudWPJ.pdf)

Afghanistan is increasingly seen as Iraq in slow motion. It is not. The headlines of car bombs and casualty tolls echo each other, but mask deep differences in each society and in the dynamics of each insurgency. As Iraq has descended into civil war, Afghanistan’s center has held. The government remains weak, but power holders and the public show no appetite for a return to internecine fighting. The insurgency remains solvent because of safe havens across the border in Pakistan, but has been unable to expand upon its toehold in Afghanistan or offer a compelling alternative to the status quo. In the short-run, the only way Afghanistan could capsize is if the ballast of international support is withdrawn. Unfortunately, this scenario seems increasingly likely. The Taliban are fond of saying that “the Americans have watches, but we have time.”1 A quarter of the United States public now favors a pullout from Afghanistan in the next year if things do not improve, and an additional 40 percent believes troops should be withdrawn “as quickly as possible,” if a basic level of stability is achieved. Polls in Canada, Britain, and the Netherlands— the NATO countries which are shouldering the alliance’s military burden in the volatile South—suggest about half of those surveyed want troops withdrawn within a year.2 In Germany, two thirds of the public now opposes its military contribution, and in February a dispute over Afghanistan collapsed the center-left Prodi government in Italy. National leaders continue to assert that “we cannot afford to lose” in Afghanistan, but many of their constituents believe they already have.

#### Multiple safeguards check Pakistani loose nukes

Tepperman, 9/7/2009 (John - journalist based in New York City, Why obama should learn to love the bomb, Newsweek, p.lexis)

As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country's chaos, installing **complicated firing mechanisms** to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they're not infiltrated by extremists. Even if the Pakistani state did **collapse** entirely--the nightmare scenario--the chance of a Taliban bomb would still be **remote**. Desch argues that the idea that terrorists "could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things **need constant maintenance and they're very easy to disable**. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous."

#### No Pakistan coup – it’s media hype, democracy is high, and military won’t intervene

Brulliard 12 (Karin, Editor, “In Pakistan, coup looms but does not strike,” Washington Post, 1-23, http://articles.washingtonpost.com/2012-01-23/world/35440253\_1\_ashfaq-kayani-president-asif-ali-zardari-nawaz-sharif)

Just days ago, the rumblings of a familiar process seemed underway in Pakistan: The squeezed civilian government berated the looming military. The army darkly warned of consequences. A new general assumed control of a brigade known for helping to oust past governments. The president flew overseas. A coup d’etat was coming, the Pakistani media screamed. Except that it did not. Instead, Pakistan again defaulted to what is also becoming a familiar ritual. Having survived the forecast collapse, the government lurched closer to becoming the first-ever elected regime to finish its term. And public debate ensued about whether Pakistan is witnessing a veiled military power grab — or whether this coup-prone nation’s nascent democracy might be growing real roots. “There is an enlarged democratic space,” said Raza Rumi, a newspaper columnist who counts himself among the optimists. “So this is an interesting moment. The government may or may not survive . . . but the assertion of the civilians is inspiring.” The current political crises, involving a memo scandal and graft allegations, feature elements that have helped bring down previous civilian governments: avaricious politicians, baying opposition parties, pliant judges and a failing economy that is said to worry the generals. But many analysts say the tools of past coups, such as tanks and state media blackouts, could not work in today’s Pakistan, where the news media and the judiciary have emerged as new power centers. That has given Prime Minister Yousuf Raza Gilani and President Asif Ali Zardari surprising confidence to publicly challenge the army in what feels like a heavily watched bluffing game. One senior official in the ruling Pakistan People’s Party, speaking on the condition of anonymity because of the sensitivity of the matter, confidently said the party does not “see the chances of direct army intervention.” The military, for starters, has its own problems. Gen. Ashfaq Kayani, chief of the Army, has strived to restore the armed forces’ public image since a decade of military rule ended in 2008, but it has faced unprecedented domestic criticism after the U.S. raid to kill Osama bin Laden. A resilient Islamist insurgency leaves generals little down time to manage the economy, said one military official, who spoke on the condition of anonymity because the official was not authorized to discuss the matter publicly. “The military is so overstretched and preoccupied fighting the militants,” said retired Lt. Gen. Talat Masood, a prominent defense analyst. “It’s a full-time occupation.” Influence today is spread more widely than in past eras, analysts say. In recent years, Pakistan has sprouted a slew of sensationalist and scrappy news outlets that, while generally rabidly anti-government, would be reluctant to endorse a uniformed regime that could corral their reach and profits. Parliament has become less deferential to the military, and the main opposition party, led by Nawaz Sharif, is no friend of the army, which overthrew him in 1999. The main coup deterrent, some argue, is an emboldened Supreme Court, which has assumed an activist, almost messianic public role. Like the media and the army, it has displayed clear antipathy toward the government by keenly pursuing alleged corruption cases. Those include dated money laundering allegations against Zardari, over which the court has threatened to dismiss Gilani. But the court was also restored after a struggle against Gen. Pervez Musharraf, the former dictator, and appears unlikely to give legal blessing to a military takeover. “This was not the case before. The courts were very happy and eager to play along with dictators,” Rumi said.

### Accountability

#### New technology makes drone proliferation by state and non-state actors inevitable

Wood 12 (David, American Drones Ignite New Arms Race From Gaza To Iran To China, Huffington Post, 27 November 2012, http://www.huffingtonpost.com/2012/11/27/american-drones\_n\_2199193.html)

Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.¶ Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned aircraft," the Pentagon study reported.¶ Modern drones were first perfected by Israel, but the U.S. Air Force took the first steps in 2001 to mount sophisticated drones with precision weapons. Today the U.S. fields some 8,000 drones and plans to invest $36.9 billion to boost its fleet by 35 percent over the next eight years.¶ Current research on next-generation drones seems certain to exacerbate the drone arms race. The U.S. and other countries are developing "nano" drones, tiny weapons designed to attack in swarms. Both the U.S. and China are working to incorporate "stealth" technology into micro drones. The Pentagon is fielding a new weapon called the Switchblade, a 5.5-pound precision-attack drone that can be carried and fired by one person -- a capability sure to be envied by terrorists.¶ "This is a robotics revolution, but it's not just an American revolution -- everyone's involved, from Hezbollah to paparazzi," Singer, the Brookings Institution expert, told The Huffington Post. "This is a revolution in which billions and trillions of dollars will be made. To stop it you'd have to first stop science, and then business, and then war."

#### No large-scale drone war - susceptibility to air defenses ensures they'll be limited to only permissive environments

Lewis 12 (Michael, Associate Professor of Law at Ohio Northern University, "SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield," Spring, 47 Tex. Int'l L.J. 293, lexis)

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25

These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

#### No impact to drone prolif – don’t pose military threats and terrorists won’t seek to acquire

Lewis 11 (Michael, eaches international law and the law of war at Ohio Northern University School of Law, "Unfounded drone fears," http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.¶ Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are not effective weapons of conventional warfare. The unmanned aerial vehicles are slow and extremely vulnerable to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.¶ Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.¶ It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.

#### No international consensus or over drones – too hard for agreement

Carafano 13 (James Jay, vice president for foreign and defense policy studies @ Heritage, 3/25, “The Future of Drones,” <http://nationalinterest.org/commentary/the-future-drones-8264>)

4. Will we get new laws of war?

No. The laws of war were written to be agnostic about technology. They do not need to be rewritten when a new capability appears. At most, as in the case of weapons of mass destruction, new regimes might be created to regulate or ban use. But when it comes to drones, there is really nothing exceptional about the technology they employ. Manned weapons systems use the same technologies. Why would you need new rules for one and not the other?

Further, even if there was a reason to rewrite the laws of war, it won’t happen anytime soon. The UN has melted down over trying to agree on a conventional arms treaty. It is hard to believe any kind of consensus of drone war will emerge any time soon.

#### US drone policy doesn’t set a precedent – other countries don’t act based on our use

Boot 12 (Max, Senior Fellow for National Security Studies @ Council on Foreign Relations, "The Incoherence of a Drone-Strike Advocate," http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### Threat posed by China's drones is inflated – all media hype, no arms race, tech advancement and mil mod inevitable

Moss 13 (Trefor, independent journalist based in Hong Kong. He covers Asian politics, defence and security, and was Asia-Pacific Editor at Jane’s Defence Weekly, "Here Comes...China's Drones," http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?all=true)

It’s safe to say, then, that Chinese drones conjure up a particularly intense sense of alarm that the media has begun to embrace as a license to panic. China is indeed developing a range of unmanned aerial vehicles/systems (UAVs/UASs) at a time when relations with Japan are tense, and when those with the U.S. are delicate. But that hardly justifies claims that “drones have taken center stage in an escalating arms race between China and Japan,” or that the “China drone threat highlights [a] new global arms race,” as some observers would have it. This hyperbole was perhaps fed by a 2012 U.S. Department of Defense report which described China’s development of UAVs as "alarming."¶ That’s quite unreasonable. All of the world’s advanced militaries are adopting drones, not just the PLA. That isn’t an arms race, or a reason to fear China, it’s just the direction in which defense technology is naturally progressing. Secondly, while China may be demonstrating impressive advances, Israel and the U.S. retain a substantial lead in the UAV field, with China—alongside Europe, India and Russia— still in the second tier. And thirdly, China is modernizing in all areas of military technology – unmanned systems being no exception.

#### SCS tensions inevitable but no escalation

Meidan 12 -- analyst at Eurasia Group; research includes China's energy and environmental policies, policymaking, Chinese elite politics, and diplomacy; MA in political sciences and East Asian studies from the French Institute of Oriental Languages and Cultures (Michal, 8/7, "Guest post: Why tensions will persist, but not escalate, in the South China Sea," http://blogs.ft.com/beyond-brics/2012/08/07/guest-post-why-tensions-will-persist-but-not-escalate-in-the-south-china-sea/#axzz2GsDDT62R)

These tensions are likely to persist. And Beijing is not alone in perpetuating them. Vietnam and the Philippines, concerned with the shifting balance of powers in the region, are pushing their maritime claims more aggressively and increasing their efforts to internationalise the question by involving both ASEAN and Washington. Attempts to come up with a common position in ASEAN have failed miserably but as the US re-engages Asia, it is drawn into the troubled waters of the South China Sea. Political dynamics in China – with a once in a decade leadership transition coming up, combined with electoral politics in the US and domestic constraints for both Manila and Hanoi – all augur that the South China Sea will remain turbulent. No government can afford to appear weak in the eyes of domestic hawks or of increasingly nationalistic public opinions. The risk of a miscalculation resulting in prolonged standoffs or skirmishes is therefore higher now than ever before. But there are a number of reasons to believe that even these skirmishes are unlikely to escalate into broader conflict. First, despite the strong current of assertive forces within China, cooler heads are ultimately likely to prevail. While a conciliatory stance toward other claimants is unlikely before the leadership transition, China’s top brass will be equally reluctant to significantly escalate the situation, since this will send southeast Asian governments running to Washington. Hanoi and Manila also recognize that despite their need for assertiveness to appease domestic political constituencies, a direct confrontation with China is overly risky. Second, military pundits in China also realize that the cost of conflict is too high, since it will strengthen Washington’s presence in the region and disrupt trade flows. And even China’s oil company CNOOC, whose portfolio of assets relies heavily on the South China Sea, is diversifying its interests in other deepwater plays elsewhere, as its attempted takeover of Nexen demonstrates.

#### No East China Sea conflict

Rudd 3/14 -- Former Prime Minister and Former Foreign Minister, Member, Australian Parliament, interview with Jonathan Tepperman (Kevin, 2013, "The Situation in North Korea and the Future of U.S.-China Relations," http://www.cfr.org/australasia-and-the-pacific/situation-north-korea-future-us-china-relations/p30230)

What ultimately drives this is a -- is a conflicting set of interests between rampant nationalisms on the one hand and, on the other hand, a pragmatic recognition by governments both in Beijing and Tokyo that conflict, for both of them, would be absolutely disastrous and would retard economic growth and stability in the wider region and would further (retard China's ?) -- primacy of China's own economic development objectives. Now, if they're the two competing poles in this debate, both in Tokyo and Beijing, rational foreign policy actors would conclude that rational self-interest and rational economic self-interest would ultimately (prevail ?). As you know, history cautions us against reaching those conclusions. And I think if you've seen the drift in the numbers, both in terms of Sino-Japanese trade numbers and Sino-Japanese investment numbers over the last six to nine months, the impact in real numbers is palpable and measurable in terms of the state of the China-Japan relationship. I think my friends in Beijing, when I have spoken with them, including the military, I think it's fair to say, are working very actively behind the scenes to find face-saving mechanisms by which this can be managed to the point of stability for the period ahead and then put into some longer-term process with the Japanese. However, when I was last in Beijing, which was prior to the -- (audio interference) -- lock-on incident, the -- it was very much a question within the Chinese minds about how one would do that without actually losing face on the national mistakes in the public discourse both about Japan and with Japan.

#### No eocn escalation

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

#### Asian war is unlikely --- regional initiatives check

Bitzinger and Desker ‘8 (senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints**. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect**. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, § Marked 15:55 § seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. **All this suggests that war in Asia – while not inconceivable – is unlikely.**

### Solvency

#### National security courts don’t constrain the executive, lack public accountability, and legalize and encourage an increased use of targeted killing

Beauchamp 13 (Zack, Contributor @ Thinkprogress, "What To Be Concerned About As Congress Mulls Targeted Killing Courts," http://thinkprogress.org/security/2013/02/08/1562861/targeted-killing-courts-concerns/)

But specialized courts are unlikely to provide effective constraints on the President’s power, and there is a real concern that creating a legal system explicitly designed to authorize targeted killings raises troubling questions for a democratic society. The United States has some experience with specialized national security courts. King suggested modelling the targeted killing courts on the Foreign Intelligence Surveillance Act (FISA) system, designed to approve warrants for wiretapping foreigners suspected of espionage. But FISA courts don’t appear to present much of a challenge to a power-hungry executive. In 2011, FISA courts approved every request for wiretapping permission — all 1,506 of them. Lest you think this was a fluke, only two out of 1,329 were denied in 2009. Since FISA courts operate in secret, there’s virtually no public accountability.¶ Targeted killing courts would likely be as permissive as FISA courts. National security law expert Robert Chesney “wouldn’t bet” on such courts “detect[ing] and reject[ing] weak evidentiary arguments for targeting particular persons” because “[j]udges famously tend to defer to the executive branch when it comes to factual judgments on matters of military or national-security significance…[e]specially when the stakes are as high as they will be represented to be in such cases.” There’s not much reason, then, to believe new courts for targeted killing would a bit more adversarial than their FISA equivalents.¶ This permissiveness could potentially expand the targeted killing power well beyond Congress’ original intent — a point made clear by comparison to the Bush torture regime. David Luban, a lawyer and philosopher at Georgetown University, argued against legally enshrined torture on the ground that the practice would necessarily spread throughout the United States government. Abu Ghraib, for Luban, was a direct consequence of Guantanamo Bay and the Bush legal memos authorizing it: legal torture is never a one-off, containable thing. The more torture is built into the legal system, the more a “torture culture” becomes the norm.

#### Civilian judicial review of targeted killing fails

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

Americans expect their government to kill terrorists who cannot be captured and are members of groups willing (and demonstrably able) to kill thousands of civilians. That is the reality for the age of terror. No matter what olive branches we may offer, some parts of Al Qaeda will continue to seek the United States' destruction. Even so, the government's power to kill must be carefully controlled - or it could turn into a tyranny worse than terrorism.

The traditional control of judicial trial does not work for targeted killing; only the fanciful would propose a full judicial trial in which the government and the suspected terrorist make opening statements, admit evidence, and argue the suspect's fate to the jury. In the d**a**wning age of [\*1238] the drone, a new model must be developed that recognizes that fighting terrorism can be as much war as it is law enforcement. The new model can come from hybrid principles of due process, IHL, or from other sources. Whatever the source, appropriate models will increase the probability that targeted killings are directed only against members of extremely dangerous groups that cannot be countered in other ways.

#### Obama can circumvent the plan- covert loopholes are inevitable

Lohmann 13 **(**Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>)

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### Substantial oversight over US targeted killing policy now

Rasdan and Murphy 11 (Afsheen and Richard, Professor of Law, William Mitchell College of Law + AT&T Professor of Law, Texas Tech University School of Law, "ARTICLE: MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING," lexis)

Notwithstanding the agency's reputation for playing fast and loose with the law, CIA officials have strong reasons to ensure compliance with IHL. One reason is that someday the CIA's targeted killings by drone, like other embarrassing "family jewels," will become public. n156 A stronger reason is that CIA officials must be acutely aware that, for many members of the United States and international public, targeted killings come close to prohibited acts of assassination. To stay on the safe side on controversial programs, CIA officials seek both political and legal cover. n157 From past lessons on other covert actions, CIA officials have learned to obtain presidential authorization in writing, to brief the oversight committees, and to obtain legal opinions. It is safe to bet that President Obama has blessed the CIA drone strikes; that the oversight committees have not been kept completely in the dark; that the CIA has developed internal procedures on targeted killing it hopes will withstand scrutiny; and that the agency has presented these procedures to the Justice Department's Office of Legal Counsel for approval. n158

#### Drone strikes decreasing – their authors blow it out of proportion

Shane 13 (Scott, New York Times, Debate Aside, Number of Drone Strikes Drops Sharply, <http://www.nytimes.com/2013/05/22/us/debate-aside-drone-strikes-drop-sharply.html?pagewanted=all&_r=1&>)

But lost in the contentious debate over the legality, morality and effectiveness of a novel weapon is the fact that the number of strikes has actually been in decline. Strikes in Pakistan peaked in 2010 and have fallen sharply since then; their pace in Yemen has slowed to half of last year’s rate; and no strike has been reported in Somalia for more than a year. In a long-awaited address on Thursday at the National Defense University, Mr. Obama will make his most ambitious attempt to date to lay out his justification for the strikes and what they have achieved. He may follow up on public promises, including one he made in his State of the Union speech in February to define a “legal architecture” for choosing targets, possibly shifting more strikes from the C.I.A. to the military; explain how he believes that presidents should be “reined in” in their exercise of lethal power; and take steps to make a program veiled in secrecy more transparent. Previewing the speech last weekend, an administration official speaking on the condition of anonymity said Mr. Obama would also “review our detention policy and efforts to close the detention facility at Guantánamo Bay; and he will frame the future of our efforts against Al Qaeda, its affiliates and adherents.” Some Obama supporters have urged him to use the occasion to announce that part of a 6,000-page Senate study of the C.I.A.'s former interrogation program will be declassified and made public. Mr. Obama, who insisted early in his presidency on a personal role in many strike decisions, may also shed light on the declining use of drone strikes. Current and former officials say the reasons include a shrinking list of important Qaeda targets, a result of the success of past strikes, and transient factors ranging from bad weather to diplomatic strains. But more broadly, the decline may reflect a changing calculation of the long-term costs and benefits of targeted killings. Obama administration officials have sometimes contrasted the drone program’s relative precision, economy and safety for Americans with the huge costs in lives and money of the two wars in Iraq and Afghanistan. Over time, however, the costs of the drone strikes themselves have become more evident. Reports of innocent civilians killed by drones — whether real or, as American officials often assert, exaggerated — have shaken the claims of precise targeting. The strikes have become a staple of Qaeda propaganda, cited to support the notion that the United States is at war with Islam. They have been described by convicted terrorists as a motivation for their crimes, including the failed attack on a Detroit-bound airliner in 2009 and the attempted car bombing of Times Square in 2010. Notably, a growing list of former senior Bush and Obama administration security officials have expressed concern that the short-term gains of drone strikes in eliminating specific militants may be outweighed by long-term strategic costs. Among the cautionary voices are Michael V. Hayden, who as C.I.A. director in 2008 oversaw the first escalation of strikes in Pakistan; Stanley A. McChrystal, the retired general who commanded American forces in Afghanistan; James E. Cartwright, the former vice chairman of the Joint Chiefs of Staff; and Dennis C. Blair, the former director of national intelligence. “I think the strikes have been tremendously effective,” said Mr. Hayden, a retired Air Force general, who said he was speaking generally and not discussing any particular operation. “But circumstances change. We’re in a much safer place than we were before, and maybe it’s time to recalibrate.”

#### Drones key to US global engagement – permit less costly forms of intervention

Rushforth 12 (Elinor, J.D. candidate, University of Arizona, James E. Rogers College of Law, "THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012," 29 Ariz. J. Int'l & Comp. Law 623, lexis)

During Operation Southern Watch, the military used drones to police no-fly zones in Iraq and they were eventually used to target Iraqi radar systems during the second Iraq War. n175 In Operation Enduring Freedom, the military has expanded its use of armed drones to provide air support to ground operations and to act as "killer scouts." n176 By providing immediate battle damage assessment, drones enable commanders to determine if further action is necessary, and provide a new perspective on the field. n177 In Operation Iraqi Freedom, the armed drone retained and expanded its roles targeting anti-aircraft vehicles, performing as a decoy revealing enemy positions, and aiding in a rescue mission. n178 Based on these successes, military leaders maintain the value of drones. n179 The CIA's use [\*650] of drones facilitates U.S. attacks in environments where it is deemed too dangerous for ground troops to have a physical presence. n180 The ability to protect American lives, keep military costs down, and damage terrorist infrastructure and leadership is central to proponents' view of this program.¶ Second, the American public has grown tired of drawn-out conflicts and foreign intervention, and the drone program offers a more palatable form of foreign involvement. n181 President Obama claims that "it is time to focus on nation-building here at home" and, presumably, the drone program allows the government to operate without deployment of ground troops to areas in which intervention is deemed necessary, be it for humanitarian or military purposes. n182 Lethal operations, surveillance for U.S. military operations, and less costly intervention all become possible when robots are the actual tools. With a weary electorate, the Executive can maintain a presence abroad militarily, while remaining able to argue that its full focus is on protecting and growing our nation at home.

#### That solves extinction

Barnett 11 (Thomas, Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, Center for Naval Warfare Studies, U.S. Naval War College American military geostrategist and Chief Analyst at Wikistrat., worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” March 7 <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>)

It is worth first examining the larger picture: **We live in a time of arguably the greatest structural change in the global order yet endured**, **with this historical moment's most amazing feature being its** relative and absolute **lack of mass violence**. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our **stunningly successful stewardship of global order** since World War II. Let me be more blunt: **As the guardian of globalization**, **the U.S. military has been the greatest force for peace the world has ever known**. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the **world did not keep sliding down that path of perpetual war**. **Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace**. **We introduced the international liberal trade order known as globalization** and played loyal Leviathan over its spread. **What resulted was the collapse of empires, an explosion of democracy**, the **persistent spread of human rights**, the liberation of women, **the doubling of life expectancy**, a roughly **10-fold increase in adjusted global GDP** **and a profound and persistent reduction in battle deaths from state-based conflicts.** That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. **¶** As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. **The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars.** That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude**, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity,** something the American-birthed system was designed to both encourage and accommodate. **But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come.¶** To continue the historical survey, after salvaging Western Europe from its half-century of civil war, **the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism.** America then successfully replicated globalization further in East Asia over the second half of the 20th century, **setting the stage for the Pacific Century now unfolding.**

## 2NC – K

## CP

### Executive Circumvents

#### Obama can circumvent the plan- covert loopholes are inevitable

Lohmann 13 **(**Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>)

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### Obama will circumvent – empirically restricts judicial and congressional restrictions, esp. on war powers

Kumar 13 (Anita, White House correspondent for McClatchy Newspapers, former writer for The Washington Post, covering Virginia politics and government, and spent a decade at the St. Petersburg Times, writing about local, state and federal government both in Florida and Washington, “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>)

“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 Environmental Protection Agency 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.¶ While Republicans complain that Obama’s actions cross a line, experts say some of them are less aggressive than they appear.¶ After the mass shooting in Newtown, Conn., in December, the White House boasted of implementing 23 executive actions to curb gun control. In reality, Obama issued a trio of modest directives that instructed federal agencies to trace guns and send information for background checks to a database.¶ In his State of the Union address last month, Obama instructed businesses to improve the security of computers to help prevent hacking. But he doesn’t have the legal authority to force private companies to act.¶ “The executive order can be a useful tool but there are only certain things he can do,” said Melanie Teplinsky, an American University law professor who’s spoken extensively on cyber-law.¶ Executive actions often are fleeting. They generally don’t settle a political debate, and the next president, Congress or a court may overturn them.¶ Consider the so-called Mexico City policy. With it, Reagan banned federal money from going to international family-planning groups that provide abortions. Clinton rescinded the policy. George W. Bush reinstated it, and Obama reversed course again.¶ But congressional and legal action are rare. In 1952, the Supreme Court threw out Harry Truman’s order authorizing the seizure of steel mills during a series of strikes. In 1996, the District of Columbia Court of Appeals dismissed an order by Clinton that banned the government from contracting with companies that hire workers despite an ongoing strike.¶ Obama has seen some pushback.¶ Congress prohibited him from spending money to move inmates from the Guantanamo Bay U.S. naval base in Cuba after he signed an order that said it would close. A Chinese company sued Obama for killing its wind farm projects by executive order after he said they were too close to a military training site. A federal appeals court recently ruled that he’d exceeded his constitutional powers when he named several people to the National Labor Relations Board while the Senate was in recess.¶ But Obama appears to be undaunted.¶ “If Congress won’t act soon to protect future generations,” he told Congress last month, “I will.”

### 2NC Multi-Condo Good

**Condo’s good**

**1. Neg flex – can’t use kritiks and counterplans and test the aff from different angles**

**2. Information processing – multiple choices make for more tactile and harder debate – fosters 2ac tech skills**

**3. Real-world – policy-makers aren’t forced to stick to their opinions if they realize a flaw**

**[4. Research – sides have to learn a broader variety of issues instead of relying on generics**

**5. Checks new affs – neg needs to be able to test multiple options on the fly]**

**Counter-interpretation – we get** [INSERT] **– it’s a logical fixed limit that mitigates their offense**

**Not a voter –**

**[If going for] just a reason to stick us with the CP – solves 1AR allocation**

**[If not going for] just a reason conditional worlds should be banned – solves 1AR allocation**

**AT: Strat Skew**

**No reason we skewed you any more than disads, T, or impact turns would – our advocacies aren’t contradictory**

**AT: In-depth education**

**2NR checks – still gain education but are forced to think about time allocation too – eventually will come down to the best option**

**AT: Neg Bias**

**Aff has first and last speech, gets to pick the focus of the debate, and can go for a single dropped arg in the 2ar – this topic proves there is no predictable neg ground**

**AT: C/I – One Condo**

**Can’t solve either teams offense – means we can’t test new options on the fly and leads to staler debate**

**Arbitrary and self-serving – like saying you can cheat just not in the specific way you cheated in this debate – if theory is entirely offense/defense, then all of our offense is a linear disad**

**AT C/I – Dispo**

**Arbitrary and not real-world – forces us into random rules to stick us with advocacies, let’s the aff frame the debate**

## K

### AT FW – New

#### -- Counter interpretation – aff must defend their discourse. The judge is an academic challengning the values and assumptions of the entire text of the 1AC.

#### -- Predictable – aff gets to pick their aff and gets strategic gains from reading hyperbolic impact scenarios

#### -- Education outweighs – it’s the only terminal impact – your exclusive focus on policymaking crowds outs critical questioning.

Biswas 7 [Shampa, Professor of Politics – Whitman College, “Empire and Global Public Intellectuals: Reading Edward Said as an International Relations Theorist”, Millennium, 36(1), p. 117-125]

It has been 30 years since Stanley Hoffman accused IR of being an ‘American social science’ and noted its too close connections to US foreign policy elites and US preoccupations of the Cold War to be able to make any universal claims,7 yet there seems to be a curious amnesia and lack of curiosity about the political history of the discipline, and in particular its own complicities in the production of empire.8 Through what discourses the imperial gets reproduced, resurrected and re-energised is a question that should be very much at the heart of a discipline whose task it is to examine the contours of global power. Thinking this failure of IR through some of Edward Said’s critical scholarly work from his long distinguished career as an intellectual and activist, this article is an attempt to politicise and hence render questionable the disciplinary traps that have, ironically, circumscribed the ability of scholars whose very business it is to think about global politics to actually think globally and politically. What Edward Said has to offer IR scholars, I believe, is a certain kind of global sensibility, a critical but sympathetic and felt awareness of an inhabited and cohabited world. Furthermore, it is a profoundly political sensibility whose globalism is predicated on a cognisance of the imperial and a firm non-imperial ethic in its formulation. I make this argument by travelling through a couple of Said’s thematic foci in his enormous corpus of writing. Using a lot of Said’s reflections on the role of public intellectuals, I argue in this article that IR scholars need to develop what I call a ‘global intellectual posture’. In the 1993 Reith Lectures delivered on BBC channels, Said outlines three positions for public intellectuals to assume – as an outsider/exile/marginal, as an ‘amateur’, and as a disturber of the status quo speaking ‘truth to power’ and self-consciously siding with those who are underrepresented and disadvantaged.9 Beginning with a discussion of Said’s critique of ‘professionalism’ and the ‘cult of expertise’ as it applies to International Relations, I first argue the importance, for scholars of global politics, of taking *politics* seriously. Second, I turn to Said’s comments on the posture of exile and his critique of identity politics, particularly in its nationalist formulations, to ask what it means for students of global politics to take the *global* seriously. Finally, I attend to some of Said’s comments on humanism and contrapuntality to examine what IR scholars can learn from Said about *feeling and thinking globally* concretely, thoroughly and carefully. IR Professionals in an Age of Empire: From ‘International Experts’ to ‘Global Public Intellectuals’ One of the profound effects of the war on terror initiated by the Bush administration has been a significant constriction of a democratic public sphere, which has included the active and aggressive curtailment of intellectual and political dissent and a sharp delineation of national boundaries along with concentration of state power. The academy in this context has become a particularly embattled site with some highly disturbing onslaughts on academic freedom. At the most obvious level, this has involved fairly well-calibrated neoconservative attacks on US higher education that have invoked the mantra of ‘liberal bias’ and demanded legislative regulation and reform10, an onslaught supported by a well-funded network of conservative think tanks, centres, institutes and ‘concerned citizen groups’ within and outside the higher education establishment11 and with considerable reach among sitting legislators, jurists and policy-makers as well as the media. But what has in part made possible the encroachment of such nationalist and statist agendas has been a larger history of the corporatisation of the university and the accompanying ‘professionalisation’ that goes with it. Expressing concern with ‘academic acquiescence in the decline of public discourse in the United States’, Herbert Reid has examined the ways in which the university is beginning to operate as another transnational corporation12, and critiqued the consolidation of a ‘culture of professionalism’ where academic bureaucrats engage in bureaucratic role-playing, minor academic turf battles mask the larger managerial power play on campuses and the increasing influence of a relatively autonomous administrative elite and the rise of insular ‘expert cultures’ have led to academics relinquishing their claims to public space and authority.13 While it is no surprise that the US academy should find itself too at that uneasy confluence of neoliberal globalising dynamics and exclusivist nationalist agendas that is the predicament of many contemporary institutions around the world, there is much reason for concern and an urgent need to rethink the role and place of intellectual labour in the democratic process. This is especially true for scholars of the global writing in this age of globalisation and empire. Edward Said has written extensively on the place of the academy as one of the few and increasingly precarious spaces for democratic deliberation and argued the necessity for public intellectuals immured from the seductions of power.14 Defending the US academy as one of the last remaining utopian spaces, ‘the one public space available to real alternative intellectual practices: no other institution like it on such a scale exists anywhere else in the world today’15, and lauding the remarkable critical theoretical and historical work of many academic intellectuals in a lot of his work, Said also complains that ‘the American University, with its munificence, utopian sanctuary, and remarkable diversity, has defanged (intellectuals)’16. The most serious threat to the ‘intellectual vocation’, he argues, is ‘professionalism’ and mounts a pointed attack on the proliferation of ‘specializations’ and the ‘cult of expertise’ with their focus on ‘relatively narrow areas of knowledge’, ‘technical formalism’, ‘impersonal theories and methodologies’, and most worrisome of all, their ability and willingness to be **seduced by power**.17 Said mentions in this context the funding of academic programmes and research which came out of the exigencies of the Cold War18, an area in which there was considerable traffic of political scientists (largely trained as IR and comparative politics scholars) with institutions of policy-making. Looking at various influential US academics as ‘organic intellectuals’ involved in a dialectical relationship with foreign policy-makers and examining the institutional relationships at and among numerous think tanks and universities that create convergent perspectives and interests, Christopher Clement has studied US intervention in the Third World both during and after the Cold War made possible and justified through various forms of ‘intellectual articulation’.19 This is not simply a matter of scholars working for the state, but indeed a larger question of intellectual orientation. It is not uncommon for IR scholars to feel the need to formulate their scholarly conclusions in terms of its relevance for global politics, where ‘relevance’ is measured entirely in terms of policy wisdom. Edward Said’s searing indictment of US intellectuals – policy-experts and Middle East experts - in the context of the first Gulf War20 is certainly even more resonant in the contemporary context preceding and following the 2003 invasion of Iraq. The space for a critical appraisal of the motivations and conduct of this war has been considerably diminished by the expertise-framed national debate wherein certain kinds **of ethical questions** irreducible **to formulaic ‘for or against’ and** ‘costs and benefits’ analysiscan simply **not be raised**. In effect, what Said argues for, and IR scholars need to pay particular heed to, is an understanding of ‘intellectual relevance’ that is larger and more worthwhile, that is about the posing of critical, historical, ethical and perhaps unanswerable questions rather than the offering of recipes and solutions, that is about politics (rather than techno-expertise) in the most fundamental and important senses of the vocation.21

#### That’s key to avoid inevitable policy failure

**Reus-Smit 12** – Professor of International Relations at the European University Institute, Florence (Christian, 6/2012, “International Relations, Irrelevant? Don’t Blame Theory”, Millennium Journal of International Studies 40(3), EBSCO)

However widespread it might be, the notion that IR’s lack of practical relevance stems from excessive theorising rests more on **vigorous assertion** than weighty evidence. As noted above, we lack good data on the field’s practical relevance, and the difficulties establishing appropriate measures are all too apparent in the fraught attempts by several governments to quantify the impact of the humanities and social sciences more generally. Beyond this, though, we lack any credible evidence that any fluctuations in the field’s relevance are due to more or less high theory. We hear that policymakers complain of not being able to understand or apply much that appears in our leading journals, but it is unclear why we should be any more concerned about this than physicists or economists, who take theory, even high theory, to be the bedrock of advancement in knowledge. Moreover, there is now a **wealth of research**, inside and outside IR, that shows that policy communities are not open epistemic or cognitive realms, simply awaiting well-communicated, non-jargonistic knowledge – they are bureaucracies, deeply susceptible to groupthink, that filter information through their own intersubjective frames. 10 Beyond this, however, there are good reasons to believe that precisely the reverse of the theory versus relevance thesis might be true; that theoretical inquiry may be a necessary prerequisite for the generation of practically relevant knowledge. I will focus here on the value of metatheory, as this attracts most contemporary criticism and would appear the most difficult of theoretical forms to defend. Metatheories take other theories as their subject. Indeed, their precepts establish the conditions of possibility for second-order theories. In general, metatheories divide into three broad categories: epistemology, ontology and meta-ethics. The first concerns the nature, validity and acquisition of knowledge; the second, the nature of being (what can be said to exist, how things might be categorised and how they stand in relation to one another); and the third, the nature of right and wrong, what constitutes moral argument, and how moral arguments might be sustained. Second-order theories are constructed within, and on the basis of, assumptions formulated at the metatheoretical level. Epistemological assumptions about what constitutes legitimate knowledge and how it is legitimately acquired delimit the questions we ask and the kinds of information we can enlist in answering them. 11 Can social scientists ask normative questions? Is literature a valid source of social-scientific knowledge? Ontological assumptions about the nature and distinctiveness of the social universe affect not only what we ‘see’ but also how we order what we see; how we relate the material to the ideational, agents to structures, interests to beliefs, and so on. If we assume, for example, that individuals are rational actors, engaged in the efficient pursuit of primarily material interests, then phenomena such as faith-motivated politics will remain at the far periphery of our vision. 12 Lastly, meta-ethical assumptions about the nature of the good, and about what constitutes a valid moral argument, frame how we reason about concrete ethical problems. Both deontology and consequentialism are meta-ethical positions, operationalised, for example, in the differing arguments of Charles Beitz and Peter Singer on global distributive justice. 13 Most scholars would acknowledge the background, structuring role that metatheory plays, but argue that we can take our metatheoretical assumptions off the shelf, get on with the serious business of research and leave explicit metatheoretical reflection and debate to the philosophers. If practical relevance is one of our concerns, however, there are several reasons why this is misguided. Firstly, whether IR is practically relevant depends, in large measure, on the kinds of questions that animate our research. I am not referring here to the commonly held notion that we should be addressing questions that practitioners want answered. Indeed, our work will at times be most relevant when **we pursue questions that policymakers** and others **would prefer left buried**. My point is a different one, which I return to in greater detail below. It is sufficient to note here that being practically relevant involves asking questions of practice; not just retrospective questions about past practices – their nature, sources and consequences – but prospective questions about what human agents should do. As I have argued elsewhere, being practically relevant means asking questions of how we, ourselves, or some other actors (states, policymakers, citizens, NGOs, IOs, etc.) should act. 14 Yet our ability, nay willingness, to ask such questions is determined by the metatheoretical assumptions that structure our research and arguments. This is partly an issue of ontology – what we see affects how we understand the conditions of action, rendering some practices possible or impossible, mandatory or beyond the pale. If, for example, we think that political change is driven by material forces, then we are unlikely to see communicative practices of argument and persuasion as potentially successful sources of change. More than this, though, it is also an issue of epistemology. If we assume that the proper domain of IR as a social science is the acquisition of empirically verifiable knowledge, then we will struggle to comprehend, let alone answer, normative questions of how we should act. We will either reduce ‘ought’ questions to ‘is’ questions, or place them off the agenda altogether. 15 Our metatheoretical assumptions thus determine the macro-orientation of IR towards questions of practice, directly affecting the field’s practical relevance. Secondly, metatheoretical revolutions license new second-order theoretical and analytical possibilities while foreclosing others, directly affecting those forms of scholarship widely considered most practically relevant. The rise of analytical eclecticism illustrates this. As noted above, Katzenstein and Sil’s call for a pragmatic approach to the study of world politics, one that addresses real-world problematics by combining insights from diverse research traditions, resonates with the mood of much of the field, especially within the American mainstream. Epistemological and ontological debates are widely considered irresolvable dead ends, grand theorising is unfashionable, and gladiatorial contests between rival paradigms appear, increasingly, as unimaginative rituals. Boredom and fatigue are partly responsible for this new mood, but something deeper is at work. Twenty-five years ago, Sil and Katzenstein’s call would have fallen on deaf ears; the neo-neo debate that preoccupied the American mainstream occurred within a metatheoretical consensus, one that combined a neo-positivist epistemology with a rationalist ontology. This singular metatheoretical framework defined the rules of the game; analytical eclecticism was unimaginable. The Third Debate of the 1980s and early 1990s destabilised all of this; not because American IR scholars converted in their droves to critical theory or poststructuralism (far from it), but because metatheoretical absolutism became less and less tenable. The anti-foundationalist critique of the idea that there is any single measure of truth did not produce a wave of relativism, but it did generate a widespread sense that battles on the terrain of epistemology were unwinnable. Similarly, the Third Debate emphasis on identity politics and cultural particularity, which later found expression in constructivism, did not vanquish rationalism. It did, however, establish a more pluralistic, if nevertheless heated, debate about ontology, a terrain on which many scholars felt more comfortable than that of epistemology. One can plausibly argue, therefore, that the metatheoretical struggles of the Third Debate created a space for – even made possible – the rise of analytical eclecticism and its aversion to metatheoretical absolutes, a principal benefit of which is said to be greater practical relevance. Lastly, most of us would agree that for our research to be practically relevant, it has to be good – it has to be the product of sound inquiry, and our conclusions have to be plausible. The pluralists among us would also agree that different research questions require different methods of inquiry and strategies of argument. Yet across this diversity there are several practices widely recognised as essential to good research. Among these are clarity of purpose, logical coherence, engagement with alternative arguments and the provision of good reasons (empirical evidence, corroborating arguments textual interpretations, etc.). Less often noted, however, is the importance of metatheoretical reflexivity. If our epistemological assumptions affect the questions we ask, then **being conscious of** these **assumptions** is necessary to ensure that we are not fencing off questions of importance, and that if we are, we can justify our choices. Likewise, if our ontological assumptions affect how we see the social universe, determining what is in or outside our field of vision, then reflecting on these assumptions can prevent us being blind to things that matter. A similar argument applies to our meta-ethical assumptions. Indeed, if deontology and consequentialism are both meta-ethical positions, as I suggested earlier, then reflecting on our choice of one or other position is part and parcel of weighing rival ethical arguments (on issues as diverse as global poverty and human rights). Finally, our epistemological, ontological and meta-ethical assumptions are not metatheoretical silos; assumptions we make in one have a tendency to shape those we make in another. The oft-heard refrain that ‘if we can’t measure it, it doesn’t matter’ is an unfortunate example of epistemology supervening on ontology, something that metatheoretical reflexivity can help guard against. In sum, like clarity, coherence, consideration of alternative arguments and the provision of good reasons, metatheoretical reflexivity is part of keeping us honest, making it practically relevant despite its abstraction.

### AT Perm – Do Both

#### 1. Cross-apply framework – the aff must prove there’s value in incorporating their discourse and epistemology. Testing competitiveness with the plan is nonsensical because our kritik is about their scholarship.

#### 2. Theory – permutations must include 1AC representations, they’re the majority of the opening speech. Severance makes the aff a moving target and being neg becomes impossible. The aff isn’t selected in a vacuum, they had infinite prep to select advantages they had defenses of.

#### 3. Liberal policy option ward off critique

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony, Beyond Security, Ethics and Violence, p. 3-4)

These frameworks are interrogated at the level both of their theoretical conceptualisation and their practice: in their influence and implementation in specific policy contexts and conflicts in East and Central Asia, the Middle East and the 'war on terror', where their meaning and impact take on greater clarity. This approach is based on a conviction that the meaning of powerful political concepts cannot be abstract or easily universalised: they all have histories, often complex and conflictual; their forms and meanings change over time; and they are developed, refined and deployed in concrete struggles over power, wealth and societal form. While this should not preclude normative debate over how political or ethical concepts should be defined and used, and thus be beneficial or destructive to humanity, it embodies a caution that the meaning of concepts can never be stabilised or unproblematic in practice. Their normative potential must always be considered in relation to their utilisation in systems of political, social and economic power and their consequent worldly effects. Hence this book embodies a caution by Michel Foucault, who warned us about the 'politics of truth . . the battle about the status of truth and the economic and political role it plays', and it is inspired by his call to 'detach the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time'.1 It is clear that traditionally coercive and violent approaches to security and strategy are both still culturally dominant, and politically and ethically suspect. However, the reasons for pursuing a critical analysis **relate not only to the** most destructive or controversial approaches, such as the war in Iraq, **but also to their available** (and generally preferable) alternatives. There is a necessity to question not merely extremist versions such as the Bush doctrine, Indonesian militarism or Israeli expansionism, **but also their mainstream critique**s - whether they take the form **of liberal policy approaches** in international relations (IR), just war theory, US realism, optimistic accounts of globalisation, rhetorics of sensitivity to cultural difference, or centrist Israeli security discourses based on territorial compromise with the Palestinians. The surface appearance of lively (and often significant) debate masks a deeper agreement **about major concepts**, forms of political identity and the imperative to secure them. Debates about when and how it may be effective and legitimate to use military force in tandem with other policy options, for example, mask a more fundamental discursive consensus about the meaning of security, the effectiveness of strategic power, the nature of progress, the value of freedom or the promises of national and cultural identity. As a result, political and intellectual debate about insecurity, violent conflict and global injustice can become hostage to a claustrophic structure of political and ethical possibility that systematically wards off critique**.**

**4. Multiple perms are a VI – no risk option for the aff that demands lots of block time and are impossible to generate offense against, sandbags explanation to the 1AR screwing the neg, ci – they get 1 permutation.**

#### Embedded in their 1ac discourse –

### MW MP – Drone Court

#### Orientalism --

#### Pitt -- a "best-selling author" -- haves an incentive to make hyperbolic statements like "opening the gates of hell"

#### Chehab -- says groupthink is problematic for military policy -- your strict policy focus allows for that group think

#### Be highly skeptical – Western representations exaggerate Central Asian threats

Heathershaw and Megoran, 11 – Lecturer in International Relations at the University of Exeter, working on the politics of aid and conflict resolution in Central Asia; and political geography lecturer at Newcastle Univerity, in the school of Geography, Politics and Sociology (John and Nick, 6/16. Central Asia: the discourse of danger,” <http://www.opendemocracy.net/od-russia/john-heathershaw-nick-megoran/central-asia-discourse-of-danger>.)

Question: What do a recently-released International Crisis Group report (‘Tajikistan: the changing insurgent threats’) and the latest Red River computer game (‘Operation Flashpoint’) have in common? Answer: They both feature Islamist insurgents infiltrating Tajikistan and posing a threat to Western security. In fact such portrayals of Central Asia are commonplace in the West, from popular culture to the quasi-academic work of policy analysts. In research conducted since the 1990s, we have charted how UK and US representations of Central Asia routinely present it as especially dangerous, fusing the traditional insecurities of the Orient to dysfunctional post-Soviet authoritarianism.  This has elicited a small debate on the margins of Central Asian studies about the significance of the discourse of danger. In response, we wrote a paper on the subject that was presented at Chatham House and recently published in the journal International Affairs (‘Contesting danger: a new agenda for policy and scholarship on Central Asia’), outlining three features of the Western discourse of danger on Central Asia.  By ‘Western discourse of danger on Central Asia’ we mean how Western policy, popular and even academic accounts identify Central Asia as obscure, ethnically and politically fractious, essentially Oriental and—for these reasons—dangerous.  Typically, Central Asia is spuriously identified as a source of a considerable Islamic terrorist threat as in the recent International Crisis Group report on Tajikistan. It can also mean that ethnic conflict is misread and great power conflict is assumed where in fact it may not exist.  Why does the overlap between popular culture and policy analysis matter?  The link we make between computer games and policy reports may seem trite. Surely these are incommensurable genres of discourse for quite diverse audiences and with wholly different intentions? Surely one is primarily for the entertainment of adolescent males, and the other seeks serious understanding in order to change policy?  We should not be too quick to dismiss the effect of popular culture on policy making. Many of the Western military misadventures which have been undertaken since the end of the Cold War may have been made more likely by the feeling of interconnectedness generated by new technologies and cultural forms such as the internet. The portrayal of the military and intelligence services in the era of the ‘war on terror’ are often critical, but most ascribe to governments an ability to get things done which far exceeds what is practically possible in a globalised world.  There are three reasons why popular culture matters in policymaking, and which justify the making of links between forms of representations from quite different genres.  Firstly, there is the basic point that in Western democracies government are more or less responsive to public opinion. If citizens feel Afghanistan is an essentially dangerous place then they are more likely to accept the problematic argument of their governments that threats to the West will continue to come from that country unless we offer military support to a government we have placed in power.  On the other hand, public interest in Central Asia is so limited that few votes are cast and few letters are sent to MPs on the basis of concern about the region. Public opinion only indirectly affects foreign policy and we should not overstate the link between the two. In many respects it is the effect of popular culture on those that do research and make decisions, in governments and non-governmental organisations, that is most significant. Secondly, the dearth of knowledge on the region amongst so-called experts means that popular culture and quasi-academic studies have greater significance. Misguided applications of the ‘great game’ or the idea of Muslim radicalisation are frequently left unchallenged.   Moreover, even powerful Western governments have relatively few people with knowledge of the region and its languages. Area studies has been in decline for decades and nowhere is the phenomenon more acute than Central Asia where there was very little knowledge of the region even during the Cold War when funding was poured into the development of Sovietology.   Finally, and most importantly, knowledge is produced interpretatively. This means that where ideas about the region emerge that associate it with conflict, Islamism and great power conflict they are often difficult to shift even when academic knowledge seems to refute these claims.

#### Your depiction of a violent Afghanistan entrenches Orientalism – reject it

Stanski 9 -- Doctoral Student at Nuffield College, University of Oxford (Keith, 1/23/2009, "`So These Folks are Aggressive': An Orientalist Reading of `Afghan Warlords'," Security Dialogue 40(1), Sage)

Notions of a violent Afghan ‘Other’ persist in Anglo-American political thought about Afghanistan. As suggested at the outset of this article, the longevity of this cultural construct depends in large part on the lasting influence of Orientalist thought in Western attempts to claim greater political, economic and moral authority over the Global South. This section briefly examines some of the core tenets of Orientalism to suggest why and how this pattern of thought has long been, and continues to be, influential in the West’s repeated violent interventions in the Global South. To understand the continued influence of Orientalist thought requires returning to its longstanding argument about cultural difference. Orientalism presents the ‘Orient’ and the ‘West’ as starkly different, but mutually constitutive, cultural realms. But, perhaps more striking than the supposed difference between the two realms is the inherent inequality between them. Regardless of the context, the Orient is consistently cast as inferior to the West, as possessing clear deficiencies that only affirm its counterpart’s presumed superiority. For example, the supposed barbaric nature of the Orient only reinforces the West’s assumed superiority as a model civil political order. Orientalism’s argument about cultural difference advances an idealized vision of the lasting inequalities between the Orient and the West. At first glance, Orientalist accounts of cultural difference appear antiquated. Its idealized patterns seemingly reveal less about contemporary politics than about colonial times, when these types of stark assumptions about culture, race and gender were more explicit in popular discourse. However, to dismiss theories of Orientalism on these grounds risks overlooking its inherent mutability, its capacity to assume various forms depending on specific contexts. ‘Orientalism’, maintains Said, ‘depends for its strategy on this flexible positional superiority, which puts the Westerner in a whole series of possible relationships with the Orient without ever losing him the relative upper hand’ (1978: 7; emphasis in original). These archetypes appear in various forms, contexts and intensities across history; but, regardless of the context, the Orient is described as fundamentally different from and inferior to the West. Although it is important not to overstate the coherence of Orientalist thought, as it contains a number of inconsistencies, omissions and discrepancies, the longevity of this broad ideology of difference is inseparable from its capacity to preserve the West’s presumed superiority over the Global South, regardless of the historical context. More is at stake in Orientalism’s persistence than just how one culture comes to understand another. As suggested above, this discursive tradition has long informed how the West has attempted to expand its imperial influence over the Global South. Orientalist logic shapes many of the core ideologies, identities and arguments that comprise this longstanding project. As Said (1978: 6) concludes, ‘Orientalism . . . is not an airy European fantasy about the Orient, but a created body of theory and practice in which, for many generations, there has been a considerable material investment.’ Orientalism is not just a way of thinking about the Global South, but also a way of conceptualizing its political landscape in a way that makes it susceptible to certain kinds of management. Three of the patterns identified in this article are demonstrative of Orientalism’s lasting influence in how the West attempts to manage the Global South. First, imperial powers return to Orientalist patterns to justify their expanding influence across the Global South. This strategy can be seen in how the stark contrasts that distinguish Orientalist thought can be manipulated to create urgent challenges that seemingly warrant greater Western involvement. For example, in the months preceding the 2004 Afghan presidential election, US officials began to draw an especially crude caricature of ‘Afghan warlords’, casting many of their former allies and other militia leaders as endangering the ongoing state-building process. This portrayal of Afghan politics helped justify the United States’ increasing intervention in all facets of national politics, whether in government appointments or the use of force against intransigent leaders. Orientalism validates the West’s capacity to resolve many of the supposed challenges of politics in the Global South. Second, Orientalist thought has a tendency to accentuate the West’s imperial victories, no matter their significance. Although Orientalist thought is rooted in an idealized vision of the West, this tradition inflates a seemingly minor success into confirmation of the West’s inherent righteousness. This pattern was illustrated after the defeat of the Taliban. Neoconservatives in the Bush administration heralded the US military for combining its ‘sophisticated’ technology with the ‘rudimentary’ Northern Alliance to defeat nothing less than the ‘cause of evil in the world’ (Rumsfeld, 2002: 3). This aggrandizing effect helps Westerns leaders sustain their imperial missions, even in the most dubious of circumstances. Finally, Orientalism defuses some of the inherent liabilities posed by the West’s use of force. Amid the uncertainty, confusion and chaos of war, Western observers often turn to Orientalism’s flexible narrative to help preserve Western supremacy. The utility of this pattern was evident at the Battle of Mazar-e-Sharif. US officials deflected the risks of the Northern Alliance’s brutality by stressing before US voters and international observers the unfamiliar and exotic qualities of their Afghan allies. Romantic accounts of ill-equipped horseback warriors distracted observers from the complete story of the battlefield and suggested that their form of warfare was too foreign to be controlled. Orientalism helps the West try to claim greater influence over how the battlefield is understood. This section argued that the continued existence of the violent Afghan ‘Other’ construct is suggestive of the lasting influence of Orientalist thought in Western relations with the Global South. As demonstrated in this study of Afghanistan, this ideology of difference has lasting consequences for how the West understands, justifies and expands its influence in the Global South, particularly through the use of force. This means scholars are left not only to identify the influence of Orientalist thought throughout the history of Western political thought about the Global South, but also to assess how it shapes imperial social relations. Conclusion This article began by noting the peculiar place of ‘Afghan warlords’ in contemporary debates about Afghanistan. These armed actors have been simultaneously condemned as some of the most abhorrent figures in Afghan politics, on the one hand, and valorized as essential international allies or recast as seemingly innocuous ‘local commanders’, on the other. The article argued that the contested nature of this label stems from an older pattern in Anglo-American thought to construct a violent Afghan ‘Other’ that departs from, but also confirms, purportedly essential features of the West. Similar to British descriptions of the ‘Afghan people’ during the First Anglo-Afghan War, contemporary US conceptions of ‘Afghan warlords’ are distinguished by this cultural construct’s Orientalist archetypes about the violent and treacherous nature of Afghans and the superiority of Western modes of warfare. The longevity of this construct can be traced back, in large part, to the lasting influence of Orientalist thought in Western violent interventions in the Global South. In contemporary times, Orientalist conceptions of ‘Afghan warlords’ have simultaneously deflected attention away from liabilities in the battlefield, affirmed US military supremacy and validated an increasingly troubled intervention in Afghan politics. This suggests that greater scrutiny should be paid to the origins of evocative labels and how imperial powers employ them to sustain their influence across the Global South.

#### Landay – natl security correspondent at knight ridder -- Asia lacks the diplomatic structures to check conflict -- what about ASEAN, SCO -- or institutions that they're in with the US

#### Drone prolif --

#### Let’s see…. Russia could do this….

#### Our actions are only problematic because they lead o "illiberal actions" of other states -- Whibley -- that causes intervention

#### Miscalc only occurs because of the impetus for natl security

#### Economic security --

#### Lind says rivalries increased because nationalism -- your security rhetoric causes the rally around the flag effect -- substantiates our root cause claims

#### Economic collapse predictions create self-fulfilling prophecies

Mckendrick 12 (Joe, Independent analyst who tracks the impact of information technology on management and markets, author of the SOA Manifesto, written for Forbes, ZDNet and Database Trends & Applications, 9/18/12, “Are economic downturns self-fulfilling prophecies,” <http://www.smartplanet.com/blog/business-brains/are-economic-downturns-self-fulfilling-prophecies/26329>)

There are tangible, and often painful, fundamentals that determine the course of the economy — unemployment, interest rates, housing prices, inflation, industrial production, government debt. But more than anything else, markets are psychology, and an atmosphere of fear and panic among producers and consumers leads to scaling back of purchases, which further exacerbates a downturn. Over the past few years in particular, there have been plenty of messages of impending doom circulating through the mass media. Like Eeyore, the miserable mule from Winnie-the-Pooh, many pundits ignore any bright spots and flood the airwaves with grim predictions of imminent collapse and despair just around the corner. In an economy heavily tied to consumer confidence, such talk could have far-reaching consequences. Such downbeat messages may eventually result in a self-fulfilling prophecy, actually translating into job losses. A new analysis by Sylvain Leduc and Zheng Liu, analysts at the Federal Reserve Bank of San Fransisco, says there is a statistically measurable impact from “talking down” the economy. The economists say that the atmosphere of uncertainty in the recent downturn of 2008-2009 added at least one to two percentage points to the unemployment rate: “During the Great Recession, the increase in uncertainty appears to have been much greater in magnitude…. Our model estimates that uncertainty has pushed up the U.S. unemployment rate by between one and two percentage points since the start of the financial crisis in 2008. To put this in perspective, had there been no increase in uncertainty in the past four years, the unemployment rate would have been closer to 6% or 7% than to the 8% to 9% actually registered.” Policymakers and pundits can’t be pollyanish in the face of economic troubles, of course. But the Fed authors suggest that as media channels fill up with dire and downbeat talk, fear levels go up, and people start to lose their jobs. “Heightened uncertainty acts like a decline in aggregate demand because it depresses economic activity and holds down inflation,” the Fed economists observe. Another thing is clear as well: when analysts and pundits put their Eeyore faces on, it doesn’t help anybody. What is needed is more discussion and ideas about solutions and disruptive innovation that create opportunities, improve our world, and provide people more control over their economic destiny.

#### Economic security becomes the basis of liberal intervention – manifests in violence

Neocleous 8 – Mark Neocleous, Prof. of Government @ Brunel, 2008 [Critique of Security, p.101-105]

In other words, the new international order moved very quickly to reassert the connection between economic and national security: the commitment to the former was simultaneously a commitment to the latter, and vice versa. As the doctrine of national security was being born, the major player on the international stage would aim to use perhaps its most important power of all – its economic strength – in order to re-order the world. And this re-ordering was conducted through the idea of ‘economic security’.99 Despite the fact that ‘economic security’ would never be formally deﬁned beyond ‘economic order’ or ‘economic well-being’,100 the signiﬁcant conceptual consistency between economic security and liberal order-building also had a strategic ideological role. By playing on notions of ‘economic well-being’, economic security seemed to emphasise economic and thus ‘human’ needs over military ones. The reshaping of global capital, international order and the exercise of state power could thus look decidedly liberal and ‘humanitarian’. This appearance helped co-opt the liberal Left into the process and, of course, played on individual desire for personal security by using notions such as ‘personal freedom’ and ‘social equality’.101 Marx and Engels once highlighted the historical role of the bour geoisie in shaping the world according to its own interests. The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connections everywhere . . . It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them . . . to become bourgeois in themselves. In one word, it creates a world after its own image.102 In the second half of the twentieth century this ability to ‘batter down all Chinese walls’ would still rest heavily on the logic of capital, but would also come about in part under the guise of security. The whole world became a garden to be cultivated – to be recast according to the logic of security. In the space of ﬁfteen years the concept ‘economic security’ had moved from connoting insurance policies for working people to the desire to shape the world in a capitalist fashion – and back again. In fact, it has constantly shifted between these registers ever since, being used for the constant reshaping of world order and resulting in a comprehensive level of intervention and policing all over the globe. Global order has come to be fabricated and administered according to a security doctrine underpinned by the logic of capital accumulation and a bourgeois conception of order. By incorporating within it a particular vision of economic order, the concept of national security implies the interrelatedness of so many different social, econ omic, political and military factors that more or less any development anywhere can be said to impact on liberal order in general and America’s core interests in particular. Not only could bourgeois Europe be recast around the regime of capital, but so too could the whole international order as capital not only nestled, settled and established connections, but also ‘secured’ everywhere. Security politics thereby became the basis of a distinctly liberal philosophy of global ‘intervention’, fusing global issues of economic management with domestic policy formations in an ambitious and frequently violent strategy. Here lies the Janus-faced character of American foreign policy.103 One face is the ‘good liberal cop’: friendly, prosperous and democratic, sending money and help around the globe when problems emerge, so that the world’s nations are shown how they can alleviate their misery and perhaps even enjoy some prosperity. The other face is the ‘bad liberal cop’: should one of these nations decide, either through parliamentary procedure, demands for self-determination or violent revolution to address its own social problems in ways that conﬂict with the interests of capital and the bourgeois concept of liberty, then the authoritarian dimension of liberalism shows its face; the ‘liberal moment’ becomes the moment of violence. This Janus-faced character has meant that through the mandate of security the US, as the national security state par excellence, has seen ﬁt to either overtly or covertly re-order the affairs of myriads of nations – those ‘rogue’ or ‘outlaw’ states on the ‘wrong side of history’.104 ‘Extrapolating the ﬁgures as best we can’, one CIA agent commented in 1991,‘there have been about 3,000 major covert operations and over 10,000 minor operations – all illegal, and all designed to disrupt, destabilize, or modify the activities of other countries’, adding that ‘every covert operation has been rationalized in terms of U.S. national security’.105 These would include ‘interventions’ in Greece, Italy, France, Turkey, Macedonia, the Ukraine, Cambodia, Indonesia, China, Korea, Burma, Vietnam, Thailand, Ecuador, Chile, Argentina, Brazil, Guatemala, Costa Rica, Cuba, the Dominican Republic, Uruguay, Bolivia, Grenada, Paraguay, Nicaragua, El Salvador, the Philippines, Honduras, Haiti, Venezuela, Panama, Angola, Ghana, Congo, South Africa, Albania, Lebanon, Grenada, Libya, Somalia, Ethiopia, Afghanistan, Iran, Iraq, and many more, and many of these more than once. Next up are the ‘60 or more’ countries identiﬁed as the bases of ‘terror cells’ by Bush in a speech on 1 June 2002.106 The methods used have varied: most popular has been the favoured technique of liberal security – ‘making the economy scream’ via controls, interventions and the imposition of neo-liberal regulations. But a wide range of other techniques have been used: terror bombing; subversion; rigging elections; the use of the CIA’s ‘Health Alteration Committee’ whose mandate was to ‘incapacitate’ foreign ofﬁcials; drug-trafﬁcking;107 and the sponsorship of terror groups, counterinsurgency agencies, death squads. Unsurprisingly, some plain old fascist groups and parties have been co-opted into the project, from the attempt at reviving the remnants of the Nazi collaborationist Vlasov Army for use against the USSR to the use of fascist forces to undermine democratically elected governments, such as in Chile; indeed, one of the reasons fascism ﬂowed into Latin America was because of the ideology of national security.108 Concomitantly, ‘national security’ has meant a policy of non-intervention where satisfactory ‘security partnerships’ could be established with certain authoritarian and military regimes: Spain under Franco, the Greek junta, Chile, Iraq, Iran, Korea, Indonesia, Cambodia, Taiwan, South Vietnam, the Philippines, Turkey, the ﬁve Central Asian republics that emerged with the break-up of the USSR, and China. Either way, the whole world was to be included in the new‘secure’ global liberal order. The result has been the slaughter of untold numbers. John Stock well, who was part of a CIA project in Angola which led to the deaths of over 20,000 people, puts it like this: Coming to grips with these U.S./CIA activities in broad numbers and ﬁguring out how many people have been killed in the jungles of Laos or the hills of Nicaragua is very difﬁcult. But, adding them up as best we can, we come up with a ﬁgure of six million people killed – and this is a minimum ﬁgure. Included are: one million killed in the Korean War, two million killed in the Vietnam War, 800,000 killed in Indonesia, one million in Cambodia, 20,000 killed in Angola – the operation I was part of – and 22,000 killed in Nicaragua.109 Note that the six million is a minimum ﬁgure, that he omits to mention rather a lot of other interventions, and that he was writing in 1991. This is security as the slaughter bench of history. All of this has been more than conﬁrmed by events in the twenty ﬁrst century: in a speech on 1 June 2002, which became the basis of the ofﬁcial National Security Strategy of the United States in September of that year, President Bush reiterated that the US has a unilateral right to overthrow any government in the world, and launched a new round of slaughtering to prove it. While much has been made about the supposedly ‘new’ doctrine of preemption in the early twenty-ﬁrst century, the policy of preemption has a long history as part of national security doctrine. The United States has long maintained the option of pre-emptive actions to counter a sufﬁcient threat to our national security. The greater the threat, the greater is the risk of inaction – and the more compelling the case for taking anticipatory action to defend ourselves . . . To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre emptively.110 In other words, the security policy of the world’s only superpower in its current ‘war on terror’ is still underpinned by a notion of liberal order-building based on a certain vision of ‘economic order’. The National Security Strategy concerns itself with a ‘single sustainable model for national success’ based on ‘political and economic liberty’, with whole sections devoted to the security beneﬁts of ‘economic liberty’, and the beneﬁts to liberty of the security strategy proposed.111 Economic security (that is, ‘capitalist accumulation’) in the guise of ‘national security’ is now used as the justiﬁcation for all kinds of ‘intervention’, still conducted where necessary in alliance with fascists, gangsters and drug cartels, and the proliferation of ‘national security’ type regimes has been the result. So while the national security state was in one sense a structural bi-product of the US’s place in global capitalism, it was also vital to the fabrication of an international order founded on the power of capital. National security, in effect, became the perfect strategic tool for landscaping the human garden.112 This was to also have huge domestic consequences, as the idea of containment would also come to reshape the American social order, helping fabricate a security apparatus intimately bound up with national identity and thus the politics of loyalty.

### 2NC War Powers – Only Alt’ Solves

#### Topic spf

#### Liberal reforms don’t change executive authority – must examine liberal security strategies first

Desch 10 -- professor in and chair of the department of political science at the University of Notre Dame (Michael C., June 2010, "The More Things Change, the More They Stay the Same: The Liberal Tradition and Obama's Counterterrorism Policy," PS: Political Science & Politics 43(3), EBSCO)

Goldsmith's fourth explanation, in contrast, explains a large part of the consistency. He points to the broad consensus among the country's political elite that we are in an unprecedented era of peril after September 11 that requires extraordinary measures to survive in. What makes the war on terrorism so dangerous, from the perspective of what historian Arthur Schlesinger referred to as the “vital center” of U.S. politics, is not so much the physical threat of terrorism to the United States, but rather the existential threat to the American way of life as a result of the uncivilized means that adversaries employ in seeking to destroy it (Schlesinger 1949). I explain this tendency to overstate the real—but hardly apocalyptic—threat from terrorism by turning to Louis Hartz's famous observation that, at its core, the United States' liberal tradition contains a “deep and unwritten tyrannical compulsion” that “hampers creative action abroad by identifying the alien [e.g., the nonliberal] with the unintelligible, and it inspires hysteria at home by generating the anxiety that unintelligible things produce” (Hartz 1955, 12, 285). Or, as McKittrick puts it, “With nothing to push against it, [liberalism] thinks in absolutes; the occasional shadows which cross its path quickly lengthen into monsters; every enemy is painted in satanic terms, and it has no idea how it would behave if the enemy were either bigger or different” (McKittrick 1955). But to put the terrorist threat in perspective, of the roughly 14,000 Americans who were murdered in the United States in 2009, just 14 (or .01%) died as a result of terrorism (Shane 2010; Walt 2010; Desch 2010). In addition to overstating the threat we face today, America's liberal tradition also understates the difficulty of eliminating it once and for all through such extravagant measures as nation-building and the spread of democracy. Were it not for this liberal tradition, the United States might view the threat from global terrorism in a less alarmist light (more akin to a chronic crime problem than World War IV1) and adopt more restrained policies in response (i.e., containment rather than global transformation). Despite important differences with its predecessor, there is substantial evidence that the Obama administration, like the Bush administration before it, embraces the core tenets of America's liberal tradition. For example, the Obama administration shares many elements of the Bush administration's view of the nature of the threat we face. Vice President Joe Biden has warned that, along with the Persian Gulf states and Israel, the United States faces an “existential threat” from Iran's nuclear program, despite no evidence that Iran has made the decision to pursue nuclear weapons and the fact that even if it did, the United States and Israel would retain a huge nuclear advantage. In a similar vein, President Obama refers to September 11, 2001, as “the deadliest attack on American soil in our history,” neglecting the almost 100,000 deaths as a result of the Japanese attack on Pearl Harbor and the subsequent war to defeat Japan (Obama 2009g; see also Obama 2010a and Biden 2009). Like the Bush administration, Obama National Security Advisor General James Jones waxed nostalgic for the “simpler” days of the Cold War threat environment, a period in which we fought wars in which we suffered tens of thousands of deaths and hundreds of thousands of casualties and faced Armageddon (Jones 2009). As with the Bush administration, the Obama administration underestimates the difficulty of addressing these real, but hardly existential, threats. For example, the President, like his predecessor, continues to link the spread of democracy to U.S. success in Iraq and Afghanistan (Obama and al-Maliki 2009). As he explained in his Nobel Prize acceptance speech, echoing classic democratic peace theory, “Only when Europe became free did it finally find peace. America has never fought a war against a democracy, and our closest friends are governments that protect the rights of their citizens” (Obama 2010a). This belief has convinced the current administration to commit to nation-building in Afghanistan on the grounds, as the President puts it, that “military power alone will not win this war … We also need diplomacy8 and development and good governance” (Obama 2009e). Nor are the days of the United States striving for primacy fully past either. Vice President Biden argues that the Obama administration's core foreign policy objective is to “first and foremost, reestablish America's preeminent leadership in the world” (Biden 2009; Obama 2009b). President Obama justified this effort by reminding the world in Oslo last year that “it was not simply international institutions—not just treaties and declarations—that brought stability to a post–World War II world. Whatever mistakes we have made, the plain fact is this: The United States has helped to underwrite global security for more than six decades with the blood of our citizens and the strength of our arms” (Obama 2010a). Finally, the naïve belief that we can have our cake (vigorously waging the war on terror in much the same way as the previous administration) while eating it too (doing so at no cost to our international standing or our domestic civil liberties) is alive and well in Obama's White House. As the President puts it, “America is unique—because of that fundamental belief that we are committed both to our security and to the rule of law” (Obama 2009h), and so we can “reject the false choice between our security and our ideals” (Obama 2009c; see also Obama 2010a). If only it were so easy. CONCLUSIONS I conclude with two points, one theoretical and one policy-relevant: First, the liberal tradition argument provides a convincing solution to the puzzle of why, despite so much talk about change during the campaign, the Obama administration has actually not departed all that much from the policies of its predecessor. Second, if we accept this argument, then real change in U.S. counterterrorism policy can only come from outside the liberal consensus. Our task then is to identify the approaches that are compatible with the many desirable elements of liberalism that are central to our domestic political system.

### RC 1

#### Prefer our disjunctive scenarios to their short-term conjunctive scenarios.

Yudkowsky 6 – Research Fellow & Director @ Singularity Institute for Artificial Intelligence (Eliezer, 8/31/. Palo Alto, CA. “Cognitive biases potentially affecting judgment of global risks,” Forthcoming in Global Catastrophic Risks, eds. Nick Bostrom and Milan Cirkovic, singinst.org/upload/cognitive-biases.pdf)

The conjunction fallacy similarly applies to futurological forecasts. Two independent sets of professional analysts at the Second International Congress on Forecasting were asked to rate, respectively, the probability of "A complete suspension of diplomatic relations between the USA and the Soviet Union, sometime in 1983" or "A Russian invasion of Poland, and a complete suspension of diplomatic relations between the USA and the Soviet Union, sometime in 1983". The second set of analysts responded with significantly higher probabilities. (Tversky and Kahneman 1983.) In Johnson et. al. (1993), MBA students at Wharton were scheduled to travel to Bangkok as part of their degree program. Several groups of students were asked how much they - 6 - were willing to pay for terrorism insurance. One group of subjects was asked how much they were willing to pay for terrorism insurance covering the flight from Thailand to the US. A second group of subjects was asked how much they were willing to pay for terrorism insurance covering the round-trip flight. A third group was asked how much they were willing to pay for terrorism insurance that covered the complete trip to Thailand. These three groups responded with average willingness to pay of $17.19, $13.90, and $7.44 respectively. According to probability theory, adding additional detail onto a story must render the story less probable. It is less probable that Linda is a feminist bank teller than that she is a bank teller, since all feminist bank tellers are necessarily bank tellers. Yet human psychology seems to follow the rule that adding an additional detail can make the story more plausible. People might pay more for international diplomacy intended to prevent nanotechnological warfare by China, than for an engineering project to defend against nanotechnological attack from any source. The second threat scenario is less vivid and alarming, but the defense is more useful because it is more vague. More valuable still would be strategies which make humanity harder to extinguish without being specific to nanotechnologic threats - such as colonizing space, or see Yudkowsky (this volume) on AI. Security expert Bruce Schneier observed (both before and after the 2005 hurricane in New Orleans) that the U.S. government was guarding specific domestic targets against "movie-plot scenarios" of terrorism, at the cost of taking away resources from emergency-response capabilities that could respond to any disaster. (Schneier 2005.) Overly detailed reassurances can also create false perceptions of safety: "X is not an existential risk and you don't need to worry about it, because A, B, C, D, and E"; where the failure of any one of propositions A, B, C, D, or E potentially extinguishes the human species. "We don't need to worry about nanotechnologic war, because a UN commission will initially develop the technology and prevent its proliferation until such time as an active shield is developed, capable of defending against all accidental and malicious outbreaks that contemporary nanotechnology is capable of producing, and this condition will persist indefinitely." Vivid, specific scenarios can inflate our probability estimates of security, as well as misdirecting defensive investments into needlessly narrow or implausibly detailed risk scenarios. More generally, people tend to overestimate conjunctive probabilities and underestimate disjunctive probabilities. (Tversky and Kahneman 1974.) That is, **people tend to overestimate the probability that**, e.g., **seven events of 90% probability will all occur**. Conversely, **people tend to underestimate the probability that at least one of seven events of 10% probability will occur**. Someone judging whether to, e.g., incorporate a new startup, must evaluate the probability that many individual events will all go right (there will be sufficient funding, competent employees, customers will want the product) while also considering the likelihood that at least one critical failure will occur (the bank refuses - 7 - a loan, the biggest project fails, the lead scientist dies). This may help explain why only 44% of entrepreneurial ventures3 survive after 4 years. (Knaup 2005.) Dawes (1988) observes: 'In their summations lawyers avoid arguing from disjunctions ("either this or that or the other could have occurred, all of which would lead to the same conclusion") in favor of conjunctions. Rationally, of course, disjunctions are much more probable than are conjunctions.' The scenario of humanity going extinct in the next century is a disjunctive event. It could happen as a result of any of the existential risks discussed in this book - or some other cause which none of us foresaw. Yet for a futurist, disjunctions make for an awkward and unpoetic-sounding prophecy.

#### Don’t multiply probability times magnitude – methodological black-mail that causes error replication and sereal policy failure

Hagmann & Cavelty 12 – \*senior researcher at the Center for Security Studies, lecturer at the Department of Humanities, Social and Political Sciences, ETH Zürich, holds a Doctorate and an MA in International Relations from the Graduate Institute of International and Development Studies in Geneva AND \*\*lecturer for security studies and a senior researcher in the field of risk and resilience at the Center for Security Studies, PhD, studied International Relations, History, and International Law at the University of Zurich (Jonas and Myriam Dunn, 2/15/2012, "National risk registers: Security scientism and the propagation of permanent insecurity," Security Dialogue 43(1), Sage)

Risk registers’ adoption of conventional risk-assessment methodology – the formula that defines risk as likelihood multiplied by impact – also has a distinct influence on how insecurity is to be understood and handled. On the one hand, the emphasis on ‘likelihood’ initiates a consequential rationalization of danger occurrence. This rationalization, of course, is geared towards forecasting future developments. It is methodologically grounded in an in-depth analysis of danger’s ‘natural’ patterns of manifestation. As already mentioned, existing datasets and historical case studies are central elements in the identification of these patterns. The rationalization of risks based on past events is analytically efficacious, given that it empowers a projection of the past into the future. There is an implicit argument in the methodological measurement of ‘likelihood’ to the effect that the future essentially emulates history – the risk themes described in risk registers are extrapolations of misfortunes already experienced (Bigo, 2007; Jasanoff, 2009). Focusing on these risk themes, then, not only means focusing on past insecurities. It also means that, as technologies, risk registers project the very same insecurities into the future. With this, the very variable of ‘likelihood’ empowers an inert view of reality. This is problematic in the case of those risks that openly rely on, or are mediated by, social actors. Social actors are capable of adopting new types of behaviour over time. The risk of terrorism, for instance, can only be regarded as a persistent one under the assumption that terrorists will never cease, or be induced to cease, their activities. Given their commitment to engineering and econometric risk-assessment methodology, then, risk registers advance a regularized assessment of future practices. They leave little room for contingency, change and alternative trajectories, and so they tend to project a rather fatalist account of public insecurity. Another effect then adds to this projection. The reliance on past experiences as proof of the existence of risks negates the need to test their current viability. There is no requirement to prove that these issues will ever ‘actually’ become relevant in the future. Together with risk registers’ reliance on probability syllogisms, this causes these projected risks to gain a very specific kind of traction in the present. As risks are claimed to exist, but their date and place of materialization are held impossible to predict, a sense of comprehensive and ever-present insecurity is created. Insecurity comes to be regarded as substantial if not all-encompassing, always present and always possible – an understanding that directly caters to the permanent mobilization of a comprehensive kind of security dispositif. On the other hand, the focus on ‘impact’ as a determinant of risks also implies larger analytical claims. The problem here is the intimate focus of risk registers on damaging effects as such. The focus on material damage and financial costs in particular raises difficult questions as to what kinds of harmful effects can be claimed to be relevant to human beings and political collectives. In the risk registers, this question is simply delegated to the underlying risk formula. There are no selection criteria underlying risk registers other than a cost–benefit rationale, which comes into play when everything that seemed relevant to experts is compared by its calculated magnitude in the risk matrix. Another problematic aspect is the fact that while analyses of quantities of harm reveal a lot about damage, such an approach is of limited use in understanding how public dangers are created in the first place. The classic lines of enquiry in risk assessment are: ‘What can go wrong? What is the likelihood of it going wrong? What are the consequences if it goes wrong?’ (Haimes, 1998: 54–5). This means that risk assessments do not ask why something can go wrong, or how one’s own actions might be complicit in engendering such dangers. The focus on risk as harmful ‘impact’, then, not only implies debatable assumptions about relevant measures. Its focus on the consequences of risks and ignorance of their origins also poses limits to the reflexivity with which risks are approached.

### 2NC Alt Solvency

#### The alternative reject's the affirmative's security discourse – think of the alternative as a broader process rather thean a finished product – our untimely rejection in the face of impending threats overturn what it means to be relevant – only a rupture of the political imaginary can challenge the confinement of the present to security – refusing to take part in security politics is our only hope for a counter-discourse – tha's Calkivik

#### Only resistance to security logic can generate genuine political thought

Neocleous 8 – Mark Neocleous, Prof. of Government @ Brunel, 2008 [Critique of Security, 185-6]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether - to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain 'this is an insecure world' and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debates and discussions that animate political life. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible - that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security', despite the fact that we are never quite told - never could be told - what might count as having achieved it. Security politics is, in this sense, an anti-politics,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole."' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift."'

### Bilgin (Short-Term Fallacy)

#### Focus on short-term impacts is epistemologically bankrupt – greater attention to structural conditions and root causes is key.

Bilgin & Morton 4 [Pinar, Associate Professor of International Relations at Bilkent University, & Adam David, Lecturer in the Department of Politics and International Relations at Lancaster University, Politics, 24(3), “From ‘Rogue’ to ‘Failed’ States? The Fallacy of Short-termism,” p. 176-178]

Calls for alternative approaches to the phenomenon of state failure are often met with the criticism that such alternatives could only work in the long term whereas ‘something’ needs to be done here and now. Whilst recognising the need for immediate action, it is the role of the political scientist to point to the fallacy of ‘short-termism’ in the conduct of current policy. Short-termism is defined by Ken Booth (1999, p. 4) as ‘approaching security issues within the time frame of the next election, not the next generation’. Viewed as such, short-termism is the enemy of true strategic thinking. The latter requires policymakers to rethink their long-term goals and take small steps towards achieving them. It also requires heeding against taking steps that might eventually become self-defeating.¶ The United States has presently fought three wars against two of its Cold War allies in the post-Cold War era, namely, the Iraqi regime of Saddam Hussein and the Taliban in Afghanistan. Both were supported in an attempt to preserve the delicate balance between the United States and the Soviet Union. The Cold War policy of supporting client regimes has eventually backfired in that US policymakers now have to face the instability they have caused. Hence the need for a comprehensive understanding of state failure and the role Western states have played in failing them through varied forms of intervention. Although some commentators may judge that the road to the existing situation is paved with good intentions, a truly strategic approach to the problem of international terrorism requires a more sensitive consideration of the medium-to-long-term implications of state building in different parts of the world whilst also addressing the root causes of the problem of state ‘failure’.¶ Developing this line of argument further, reflection on different socially relevant meanings of ‘state failure’ in relation to different time increments shaping policy-making might convey alternative considerations. In line with John Ruggie (1998, pp. 167–170), divergent issues might then come to the fore when viewed through the different lenses of particular time increments. Firstly, viewed through the lenses of an incremental time frame, more immediate concerns to policymakers usually become apparent when linked to precocious assumptions about terrorist networks, banditry and the breakdown of social order within failed states. Hence relevant players and events are readily identified (al-Qa’eda), their attributes assessed (axis of evil, ‘strong’/’weak’ states) and judgements made about their long-term significance (war on terrorism). The key analytical problem for policymaking in this narrow and blinkered domain is the one of choice given the constraints of time and energy devoted to a particular decision. These factors lead policymakers to bring conceptual baggage to bear on an issue that simplifies but also distorts information.¶ Taking a second temporal form, that of a conjunctural time frame, policy responses are subject to more fundamental epistemological concerns. Factors assumed to be constant within an incremental time frame are more variable and it is more difficult to produce an intended effect on ongoing processes than it is on actors and discrete events. For instance, how long should the ‘war on terror’ be waged for? Areas of policy in this realm can therefore begin to become more concerned with the underlying forces that shape current trajectories.¶ Shifting attention to a third temporal form draws attention to still different dimensions. Within an epochal time frame an agenda still in the making appears that requires a shift in decision-making, away from a conventional problem-solving mode ‘wherein doing nothing is favoured on burden-of-proof grounds’, towards a risk-averting mode, characterised by prudent contingency measures. To conclude, in relation to ‘failed states’, the latter time frame entails reflecting on the very structural conditions shaping the problems of ‘failure’ raised throughout the present discussion, which will demand lasting and delicate attention from practitioners across the academy and policymaking communities alike.

### AT O’Tuathail

#### 1. Our evidence subsumes- O’Tuathail just says a focus on representations without discussion of political institutions is flawed but does not counter the sequencing argument of our framework

#### 2. They misread Ó Tuathail. He concedes representations come first and that your logic of geopolitical domination enables further violence

Ó Tuathail 96 -- Gearóid Department of Geography, Virginia Tech (“At the end of geopolitics: reflections on a plural problematic at the century’s end” http://www.nvc.vt.edu/toalg/website/publish/papers/End.htm)

With their powerful systems of image capture, global media machines have tremendous police power over how we see and understand "real (i.e. virtual) geography" in international politics. Together with other megamachinic assemblages, they help zone and format post-Cold War global space into sectors like "rogue states," (a war machine zone), "failed states" (a paragovernmental zone) and "emerging markets" (a global financial machine zone). Beyond the mass media but still part of the technological enframing of global space, commercial and quasi-state enterprises, like Sovinformsputnik and Prioda from Russia, Israeli Aircraft Industries and the private California based Core Software Technology, Space Imaging (lead by Lockheed Martin), E-Systems (a Raytheon and Mitsubishi Corp joint venture), EarthWatch (backed by Ball Aerospace, WorldView Imaging and Hitachi) and Orbital Sciences, are all in competition to sell high-quality satellite images of any spot on the exposed face on the earth. The postmodern geopolitics of these satellite image companies is particularly interesting for they mark the privatization of previously state monopolized intelligence operations. A sub-division of Orbital Sciences, Orbital Imaging's satellite OrbView is scheduled for launch in mid-1997 and offers exclusive territorial agreements for clients. Buy the images of a certain terrain or region and no one else will get access. In the future, states may be forced to buy up images of their own territory to prevent spying. The Israeli government has already objected to a Saudi Arabian investment in Orbital Science, resulting in an agreement to alter the satellite's software to block imaging of the Israeli state. The French state, whose Helios 1A high-resolution optical spy satellite joined those of Russia and the United States in orbit in early 1996, understands the global view afforded by their system as a geo-power which helps, literally and figuratively, to define the nation. More than simply seeing actual high-definition images of France from space, it re-confirms France's mythical identity as a great power. As a Chirac aid put it: "Over-the-horizon information is a new source of geopolitical power, like nuclear weapons." Other machinic systems producing techno-geopolitical views include the U.S. run global positioning system (GPS) and military intelligence platforms and systems whose ongoing efforts to police the planetary spectrum are driven by technoscientific and militaristic fantasies of pure global (war machine) vision. A complex postmodern geopolitics entwining territory, media and machines was evident in the U.S. cruise missile attacks against Iraq in September 1996. The latest version of the U.S. Tomahawk cruise missile used in these attacks (made by the GM owned Hughes Aircraft Company at an estimated cost of $1 million apiece) employed not only a supposedly improved terrain "scene-matching" computer but also a complementary guidance system that used satellites to continually update the missile's location and target. (Many of the missiles still missed!). The unusual geopolitics of these attacks -- the use of drone weapons launched by warships in international waters and by B-52's based in Guam, a 20 hour flight away -- was necessitated both by territorial limits in the region, diplomatic restrictions on the use of airbases in Turkey and Saudi Arabia, and televisual limits at home, the Clinton administration's fear of the spectacle of U.S. military casualties in the run-up to a presidential election. The geopolitics of vision, in this case, was triangulated by technology, territory and television. A second cluster of postmodern geopolitics is that emerging from the efforts of intellectuals and institutions of statecraft to re-map the global strategic landscape after the Cold War. While the crude Manichean world of the Cold War may be gone for now, the preoccupation of the national security establishment with "rogue states and nuclear outlaws" is indicative of a persistent territorial conceptualization of danger in international security studies. Underwriting these territorializing specifications of danger are, of course, old-fashioned essentialist identities -- totalitarian states, Islamic fundamentalists, die-hard Communists, terrorists, criminals and devils (like Saddam Hussein) -- and a longstanding strategic commitment on the part of the Western security apparatus to pro-Western states like Israel, Saudi Arabia and Kuwait. The effort of NATO to extend this zone of strategic commitment and protection in Central Europe is evidence that a state-centric territorial geopolitics does persist, but increasingly it is also non-territorial "postmodern terrorist" threats in a speeding hybrid world that preoccupy the defense planners in the Pentagon, at NATO headquarters in Brussels, and elsewhere. Threats from contraband flows and proliferations -- the spread of nuclear weapons, plutonium, terrorists, drugs, illegal migrants, infectious diseases, money laundering, sensitive high-tech assets, biological and chemical agents, etc. -- and threats to vital official flows and ports -- oil pipelines, subways, world trading centers, airports, teleports, secret data archives, fiber-optic lines, international financial networks, and global sporting spectacles -- have brought into being a postmodern geopolitics of security where the geographies are in fluid flowmations not fixed formations. Ostensibly preoccupied by a geography of territorial fixities during the Cold War, security discourse has exspanded to encompass the protection of fundamental spaces of flows from material attack or the immaterial terrorism of computer hackers and software viruses. The creation of a Belfast-style "ring of steel" and CCTV system around the City of London -- a strategic space of financial flows -- and the militarization of U.S. airports in response to recent spectacular bombings disclose a geopolitics that mixes traditional forms of containment and detainment with new panoptic surveillance and scanning technologies. Again, media vectors are also implicated in the creation of these landscapes, one of their "strategic" functions being the simulation of security and the containment of media borne viruses of panic and hysteria. Even within the much remarked upon emergence of "environmental security" and the sacred visions of green governmentalists like Al Gore, geography is post-territorial in-flowmations of ozone gases, acid rain, industrial pollution, topsoil erosion, smog emissions, rainforest depletions and toxic spills. Yet, the discourse of unveiled and primordial geographical regions persists also. In the place of Mackinder's natural seats of power, Gore presents the "great genetic treasure map" of the globe, twelve areas around the globe that "hold the greatest concentration of germplasm important to modern agriculture and world food production." Robert Kaplan's unsentimental journey to the "ends of the earth" where cartographic geographies are unravelling and fading has him disclosing a "real world" of themeless violence and chaos, a world where "[w]e are not in control." The specter of a second Cold War -- "a protracted struggle between ourselves and the demons of crime, population pressure, environmental degradation, disease and cultural conflict" -- haunt his thoughts. This equivocal environmentalization of strategic discourse (and visa versa) -- and the environmental strategic think tanks like the World Watch Institute which promote it -- deserve problematization as clusters of postmodern geopolitics, in this case congealments of geographical knowledge and green governmentality designed to re-charge the American polity with a circumscribed global environmental mission to save planet earth from destruction. Thirdly, the deterritorialization of national sovereignty, territorial integrity and inherited identity by the transnational flowmations of economic, financial and cultural globalization has already provoked a postmodern geopolitical rhetoric of acceleration and pace, on the one hand, and resistance and place, on the other hand, within U.S. political culture. On the one side, one has dromo-celebrants like Jack Kemp and Newt Gingrich for whom "accelerating the transition" from Second Wave industrial capitalism to Third Wave informational capitalism has become a mantra. America needs to dismantle its obsolete and old-fashioned regulatory "barriers" and speed itself out onto Microsoft's "road ahead" and into a futuristic "opportunity society" of friction-free (b)orderless capitalism. On the other hand, one has self-styled rebels, fundamentalists, and cultural warriors, like Patrick Buchanan, Ross Perot and Pat Choate, who campaign against the swamping of American identity by illegal immigration and multiculturalism, the erosion of American sovereignty by international agencies and corporations, and the dissipation of American patriotism induced by permissive individualism and radical social minorities. Buchanan's call for the construction of a vast wall along the Rio Grande seemed to symbolize his whole campaign for president, his metaphors of barriers, walls and resistance symptomatic of a profound desire to resolidify and reterritorialize America around imaginary notions of place, country and kin. In a postmodern time where, Zygmunt Bauman notes, "formlessness is the fittest of forms," Buchananism represented a desire to return to a time when forms were enduring fixities, the durable structures of family, faith and America first that made the United States the fittest of all the nations. Yet Buchanan, an electronic populist -- a product of the very screens of power he condemns -- can only offer teletraditionalist solutions to deterritorialization, the simulation of sovereignty in a world where the real thing is gone forever. Briefly summarized here are only some of the many decentered clusters in the postmodern geopolitics constellation now free-forming around us. As should be evident, the condition of postmodernity is saturated with geographical politics of many different kinds. To glibly assert that geopolitics is coming to an end is to ignore the ongoing struggle over global space at the end of the twentieth century. The imperial visions of Halford Mackinder and Cold War geopoliticians may be obsolete but new technoscientific visions of space have taken their place and strive to enframe our world. Geopolitics is not over; the struggle to envision and enframe global space in imperial constellations of geography/power/ knowledge continues. So also do struggles of resistance.

### RC 2

#### Security necessitates calculation – that outweighs war

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony “What security makes possible,” Working Paper 2007 p.11-12)

**Even if threats are credible and existential**, I do not believe that they warrant invoking the ‘state of exception’, which has in our time been more commonly enacted in the detention and rendition of terrorism suspects, immigration detention centres and the use of arbitrary arrest and deportation powers. The ‘state of exception’ also haunts much legial innovation in counter-terrorism policy. And, as Agamben, Judith Butler and Arendt have argued, such approaches have their roots in processes (namely colonialism and the Holocaust) that **systematically dehumanized their victims producing lives that were ‘bare’, ‘ungreivable’, ‘unliveable’ and ‘superfluous’**. If nothing else, it ought to raise serious doubts as to how securitization theory can be helpful in resignifying security as emancipation. It also precludes the ability to speak of human or environmental security in terms consistent with democratic political processes in a state of normalacy. The existential threat of human beings may be real enough, but it should generate a **very different policy logic** than outlined by the Copenhagen School. As Rocanne Lynn Doty and Karin Fierke have argued, the Copenhagen School’s conceptualization blocks the path to human security. This would seem to be implicit in the way Waever, in his 1995 article, attempts to provide security with ontological grounding. There he states that ‘as concepts, neither individual nor international security exist’: National security, that is the security of a state, is the name of an ongoing debate, tradition, an established set of practices ... there is no literature, no philosophy, no tradition of security in non-state terms ... the concept of security refers to the state.36

#### You cannot make linear predictions within the international system – it’s inherently volatile

Taleb & Blythe 11 – \*Distinguished Professor of Risk Engineering at New York University’s Polytechnic Institute, AND \*\*Professor of International Political Economy at Brown University (Nassim and Mark, May/June 2011, “The Black Swan of Cairo How Suppressing Volatility Makes the World Less Predictable and More Dangerous,” <http://www.foreignaffairs.com/articles/67741/nassim-nicholas-taleb-and-mark-blyth/the-black-swan-of-cairo>)

Why is surprise the permanent condition of the U.S. political and economic elite? In 2007–8, when the global ﬁnancial system imploded, the cry that no one could have seen this coming was heard everywhere, despite the existence of numerous analyses showing that a crisis was unavoidable. It is no surprise that one hears precisely the same response today regarding the current turmoil in the Middle East. The critical issue in both cases is the artiﬁcial suppres- sion of volatility—the ups and downs of life—in the name of stability. It is both mis- guided and dangerous to push unobserved risks further into the statistical tails of the probability distribution of outcomes and allow these high-impact, low-probability “tail risks” to disappear from policymakers’ ﬁelds of observation. What the world is witnessing in Tunisia, Egypt, and Libya is simply what happens when highly constrained systems explode. Complex systems that have artiﬁcially suppressed volatility tend to become extremely fragile, while at the same time exhibiting no visible risks. In fact, they tend to be too calm and exhibit minimal variability as silent risks accumulate beneath the surface. Although the stated intention of political leaders and economic policymakers is to stabilize the system by inhibiting ﬂuctuations, the result tends to be the opposite. These artiﬁcially con- strained systems become prone to “Black Swans”—that is, they become extremely vulnerable to large-scale events that lie far from the statistical norm and were largely unpredictable to a given set of observers. Such environments eventually experi- ence massive blowups, catching everyone oª-guard and undoing years of stability or, in some cases, ending up far worse than they were in their initial volatile state. Indeed, the longer it takes for the blowup to occur, the worse the resulting harm in both economic and political systems. Seeking to restrict variability seems to be good policy (who does not prefer stability to chaos?), so it is with very good intentions that policymakers unwittingly increase the risk of major blowups. And it is the same misperception of the properties of natural systems that led to both the economic crisis of 2007–8 and the current turmoil in the Arab world. The policy implications are identical: to make systems robust, all risks must be visible and out in the open— ﬂuctuat nec mergitur(it ﬂuctuates but does not sink) goes the Latin saying. Just as a robust economic system is one that encourages early failures (the concepts of “fail small” and “fail fast”), the U.S. gov- ernment should stop supporting dictato- rial regimes for the sake of pseudostability and instead allow political noise to rise to the surface. Making an economy robust in the face of business swings requires allowing risk to be visible; the same is true in politics. SEDUCED BY STABILITY Both the recent ﬁnancial crisis and the current political crisis in the Middle East are grounded in the rise of complexity, interdependence, and unpredictability. Policymakers in the United Kingdom and the United States have long promoted policies aimed at eliminating ﬂuctuation— no more booms and busts in the economy, no more “Iranian surprises” in foreign policy. These policies have almost always produced undesirable outcomes. For example, the U.S. banking system became very fragile following a succession of pro- gressively larger bailouts and government interventions, particularly after the 1983 rescue of major banks (ironically, by the same Reagan administration that trum- peted free markets). In the United States, promoting these bad policies has been a bipartisan eªort throughout. Republicans have been good at fragilizing large corpora- tions through bailouts, and Democrats have been good at fragilizing the government. At the same time, the ﬁnancial system as a whole exhibited little volatility; it kept get- ting weaker while providing policymakers with the illusion of stability, illustrated most notably when Ben Bernanke, who was then a member of the Board of Gover- nors of the U.S. Federal Reserve, declared the era of “the great moderation” in 2004. Putatively independent central bankers fell into the same trap. During the 1990s, U.S. Federal Reserve Chair Alan Greenspan wanted to iron out the economic cycle’s booms and busts, and he sought to control economic swings with interest-rate reductions at the slightest sign of a downward tick in the economic data. Furthermore, he adapted his eco- nomic policy to guarantee bank rescues, with implicit promises of a backstop—the now infamous “Greenspan put.” These policies proved to have grave delayed side effects. Washington stabilized the market with bailouts and by allowing certain com- panies to grow “too big to fail.” Because policymakers believed it was better to do something than to do nothing, they felt obligated to heal the economy rather than wait and see if it healed on its own. The foreign policy equivalent is to support the incumbent no matter what. And just as banks took wild risks thanks to Greenspan’s implicit insurance policy, client governments such as Hosni Mubarak’s in Egypt for years engaged in overt plunder thanks to similarly reliable U.S. support. Those who seek to prevent volatility on the grounds that any and all bumps in the road must be avoided paradoxically increase the probability that a tail risk will cause a major explosion. Consider as a thought experiment a man placed in an artiﬁcially sterilized environment for a decade and then invited to take a ride on a crowded subway; he would be expected to die quickly. Likewise, preventing small forest ﬁres can cause larger forest ﬁres to become devastating. This property is shared by all complex systems. In the realm of economics, price con- trols are designed to constrain volatility on the grounds that stable prices are a good thing. But although these controls might work in some rare situations, the long-term effect of any such system is an eventual and extremely costly blowup whose cleanup costs can far exceed the beneﬁts accrued. The risks of a dictatorship, no matter how seemingly stable, are no diªerent, in the long run, from those of an artiﬁcially controlled price. Such attempts to institutionally engineer the world come in two types: those that conform to the world as it is and those that attempt to reform the world. The nature of humans, quite reasonably, is to in- tervene in an eªort to alter their world and the outcomes it produces. But government interventions are laden with unintended— and unforeseen—consequences, particularly in complex systems, so humans must work with nature by tolerating systems that absorb human imperfections rather than seek to change them. Take, for example, the recent celebrated documentary on the ﬁnancial crisis, Inside Job, which blames the crisis on the malfea- sance and dishonesty of bankers and the incompetence of regulators. Although it is morally satisfying, the ﬁlm naively over- looks the fact that humans have always been dishonest and regulators have always been behind the curve. The only diªerence this time around was the unprecedented magnitude of the hidden risks and a mis- understanding of the statistical properties of the system. What is needed is a system that can prevent the harm done to citizens by the dishonesty of business elites; the limited competence of forecasters, economists, and statisticians; and the imperfections of regulation, not one that aims to eliminate these ﬂaws. Humans must try to resist the illusion of control: just as foreign policy should be intelligence-proof (it should minimize its reliance on the competence of information-gathering organizations and the predictions of “experts” in what are inherently unpredictable domains), the economy should be regulator-proof, given that some regulations simply make the system itself more fragile. Due to the complexity of markets, intricate regulations simply serve to generate fees for lawyers and proﬁts for sophisticated derivatives traders who can build complicated ﬁnancial products that skirt those regulations. DON’T BE A TURKEY The life of a turkey before Thanksgiving is illustrative: the turkey is fed for 1,000 days and every day seems to conﬁrm that the farmer cares for it—until the last day, when conﬁdence is maximal. The “turkey problem” occurs when a naive analysis of stability is derived from the absence of past variations. Likewise, conﬁdence in stability was maximal at the onset of the ﬁnancial crisis in 2007. The turkey problem for humans is the result of mistaking one environment for another. Humans simultaneously inhabit two systems: the linear and the complex. The linear domain is characterized by its predictability and the low degree of interaction among its components, which allows the use of mathematical methods that make forecasts reliable. In complex systems, there is an absence of visible causal links between the elements, masking a high degree of interdependence and extremely low predictability. Nonlinear elements are also present, such as those commonly known, and generally misun- derstood, as “tipping points.” Imagine someone who keeps adding sand to a sand pile without any visible consequence, until suddenly the entire pile crumbles. It would be foolish to blame the collapse on the last grain of sand rather than the structure of the pile, but that is what people do consistently, and that is the policy error. U.S. President Barack Obama may blame an intelligence failure for the gov- ernment’s not foreseeing the revolution in Egypt (just as former U.S. President Jimmy Carter blamed an intelligence failure for his administration’s not fore- seeing the 1979 Islamic Revolution in Iran), but it is the suppressed risk in the statis- tical tails that matters—not the failure to see the last grain of sand. As a result of complicated interdependence and conta- gion eªects, in all man-made complex systems, a small number of possible events dominate, namely, Black Swans. Engineering, architecture, astronomy, most of physics, and much of common science are linear domains. The complex domain is the realm of the social world, epidemics, and economics. Crucially, the linear domain delivers mild variations without large shocks, whereas the complex domain delivers massive jumps and gaps. Complex systems are misunderstood, mostly because humans’ sophistication, obtained over the history of human knowl- edge in the linear domain, does not transfer properly to the complex domain. Humans can predict a solar eclipse and the trajectory of a space vessel, but not the stock market or Egyptian political events. All man-made complex systems have commonalities and even universalities. Sadly, deceptive calm (followed by Black Swan surprises) seems to be one of those properties. THE ERROR OF PREDICTION As with a crumbling sand pile, it would be foolish to attribute the collapse of a fragile bridge to the last truck that crossed it, and even more foolish to try to predict in advance which truck might bring it down. The system is responsible, not the compo- nents. But after the ﬁnancial crisis of 2007–8, many people thought that predict- ing the subprime meltdown would have helped. It would not have, since it was a symptom of the crisis, not its underlying cause. Likewise, Obama’s blaming “bad in- telligence” for his administration’s failure to predict the crisis in Egypt is symptomatic of both the misunderstanding of complex systems and the bad policies involved. Obama’s mistake illustrates the illusion of local causal chains—that is, confusing catalysts for causes and assuming that one can know which catalyst will produce which eªect. The ﬁnal episode of the upheaval in Egypt was unpredictable for all observers, especially those involved. As such, blam- ing the ciais as foolish as funding it to forecast such events. Governments are wasting billions of dollars on attempting to predict events that are produced by interdependent systems and are therefore not statistically understandable at the individual level. As Mark Abdollahian of Sentia Group, one of the contractors who sell predictive analytics to the U.S. government, noted regarding Egypt, policymakers should “think of this like Las Vegas. In blackjack, if you can do four percent better than the average, you’re making real money.” But the analogy is spurious. There is no “four percent better” on Egypt. This is not just money wasted but the construction of a false conﬁdence based on an erroneous focus. It is telling that the intelligence analysts made the same mistake as the risk-management systems that failed to predict the economic crisis—and oªered the exact same excuses when they failed. Political and economic “tail events” are unpredictable, and their probabilities are not scientiﬁcally measurable. No matter how many dollars are spent on research, predicting revolutions is not the same as counting cards; humans will never be able to turn politics into the tractable random- ness of blackjack. Most explanations being oªered for the current turmoil in the Middle East follow the “catalysts as causes” confusion. The riots in Tunisia and Egypt were initially attributed to rising commodity prices, not to stiﬂing and unpopular dictatorships. But Bahrain and Libya are countries with high gdps that can aªord to import grain and other commodities. Again, the focus is wrong even if the logic is comforting. It is the system and its fragility, not events, that must be studied—what physicists call “percolation theory,” in which the proper- ties of the terrain are studied rather than those of a single element of the terrain. When dealing with a system that is inherently unpredictable, what should be done? Diªerentiating between two types of countries is useful. In the ﬁrst, changes in government do not lead to meaningful diªerences in political outcomes (since political tensions are out in the open). In the second type, changes in govern- ment lead to both drastic and deeply unpredictable changes. Consider that Italy, with its much- maligned “cabinet instability,” is economi- cally and politically stable despite having had more than 60 governments since World War II (indeed, one may say Italy’s stability is because of these switches of government). Similarly, in spite of consis- tently bad press, Lebanon is a relatively safe bet in terms of how far governments can jump from equilibrium; in spite of all the noise, shifting alliances, and street protests, changes in government there tend to be comparatively mild. For exam- ple, a shift in the ruling coalition from Christian parties to Hezbollah is not such a consequential jump in terms of the country’s economic and political stability. Switching equilibrium, with control of the government changing from one party to another, in such systems acts as a shock absorber. Since a single party cannot have total and more than temporary control, the possibility of a large jump in the regime type is constrained. In contrast, consider Iran and Iraq. Mohammad Reza Shah Pahlavi and Sad- dam Hussein both constrained volatility by any means necessary. In Iran, when the shah was toppled, the shift of power to Ayatollah Ruhollah Khomeini was a huge, unforeseeable jump. After the fact, analysts could construct convincing accounts about how killing Iranian Communists, driving the left into exile, demobilizing the demo- cratic opposition, and driving all dissent into the mosque had made Khomeini’s rise inevitable. In Iraq, the United States removed the lid and was actually surprised to ﬁnd that the regime did not jump from hyperconstraint to something like France. But this was impossible to predict ahead of time due to the nature of the system itself. What can be said, however, is that the more constrained the volatility, the bigger the regime jump is likely to be. From the French Revolution to the triumph of the Bolsheviks, history is replete with such examples, and yet somehow humans remain unable to process what they mean. THE FEAR OF RANDOMNESS Humans fear randomness—a healthy ancestral trait inherited from a diªerent environment. Whereas in the past, which was a more linear world, this trait enhanced ﬁtness and increased chances of survival, it can have the reverse eªect in today’s complex world, making volatility take the shape of nasty Black Swans hiding behind deceptive periods of “great moderation.” This is not to say that any and all volatility should be embraced. Insurance should not be banned, for example. But alongside the “catalysts as causes” confusion sit two mental biases: the illusion of control and the action bias (the illusion that doing something is always better than doing nothing). This leads to the desire to impose man-made solutions. Greenspan’s actions were harmful, but it would have been hard to justify inaction in a democracy where the incentive is to always promise a better outcome than the other guy, regard- less of the actual, delayed cost. Variation is information. When there is no variation, there is no information. This explains the cia’s failure to predict the Egyptian revolution and, a generation before, the Iranian Revolution—in both cases, the revolutionaries themselves did not have a clear idea of their relative strength with respect to the regime they were hoping to topple. So rather than sub- sidize and praise as a “force for stability” every tin-pot potentate on the planet, the U.S. government should encourage countries to let information ﬂow upward through the transparency that comes with political agitation. It should not fear ﬂuc- tuations per se, since allowing them to be in the open, as Italy and Lebanon both show in diªerent ways, creates the stability of small jumps. As Seneca wrote in De clementia, “Repeated punishment, while it crushes the hatred of a few, stirs the hatred of all . . . just as trees that have been trimmed throw out again countless branches.” The imposition of peace through repeated punishment lies at the heart of many seemingly intractable conﬂicts, including the Israeli-Palestinian stalemate. Further- more, dealing with seemingly reliable high-level officials rather than the people themselves prevents any peace treaty signed from being robust. The Romans were wise enough to know that only a free man under Roman law could be trusted to engage in a contract; by extension, only a free people can be trusted to abide by a treaty. Treaties that are negotiated with the consent of a broad swath of the populations on both sides of a conﬂict tend to survive. Just as no central bank is powerful enough to dictate stability, no superpower can be powerful enough to guarantee solid peace alone. U.S. policy toward the Middle East has historically, and especially since 9/11, been unduly focused on the repression of any and all political ﬂuctuations in the name of preventing “Islamic fundamentalism”— a trope that Mubarak repeated until his last moments in power and that Libyan leader Muammar al-Qaddaﬁ continues to emphasize today, blaming Osama bin Laden for what has befallen him. This is wrong. The West and its autocratic Arab allies have strengthened Islamic funda- mentalists by forcing them underground, and even more so by killing them. As Jean-Jacques Rousseau put it, “A little bit of agitation gives motivation to the soul, and what really makes the species prosper is not peace so much as freedom.” With freedom comes some unpredictable ﬂuctuation. This is one of life’s packages: there is no freedom without noise—and no stability without volatility.∂

## 1NR – Case