# AFF – IU MP vs. Trinity DU

# 1AC

Same as Round 1

# 2AC

### 2ac

#### We meet- we ban the president’s authority to conduct strikes using the CIA-and that’s Authority

**Chesney 12**  (2012, Robert, Charles I. Francis Professor in Law at the University of Texas School of Law, non-resident Senior Fellow of the Brookings Institution, “Military-Intelligence Convergence and the Law of the Title 10/Title 50 Debate,” JOURNAL OF NATIONAL SECURITY LAW and POLICY, Vol. 5:539)

Title 50 is a portion of the U.S. Code that contains a diverse array of statutes relating to national security and foreign affairs. These include the standing affirmative grants of authority through which Congress originally empowered the CIA to carry out its various functions. That set in turn includes the sweeping language of the so-called fifth function, which the executive branch has long construed to grant authority to engage in covert action. Separately, Title 50 also contains the statutes that define covert action, require presidential findings in support of them, and oblige notification of them to SSCI and HPSCI. As a result, Title 50 authority has also become a shorthand, in this case one that refers to the domestic law authorization for engaging in quintessential intelligence activities such as intelligence collection and covert action.

#### Restriction means a limit and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition."). P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### 2. we meet- by definition the Pesident can not act without money to carry out the strike, means authority is limited

#### C/I Authority includes power to act or conduct an act

#### Hill 05 Free Legal Dictionary definition. <http://legal-dictionary.thefreedictionary.com/authority> (Gerald and Kathleen Hill are co-authors of 25 books, including The People's Law Dictionary, Real Life Dictionary of the Law, Encyclopedia of Federal Agencies and Commissions, Facts On File Dictionary of American Politics, and the popular Hill Guides: Sonoma Valley: The Secret Wine Country, Napa Valley: Land of Golden Vines; Victoria and Vancouver Island: the Almost Perfect Eden; Northwest Wine Country; Santa Barbara and the Central Coast: California's Riviera; and Monterey and Carmel: Eden by the Sea. Gerald has practiced law for more than four decades in both San Francisco's financial district and the town of Sonoma, California. He has an A.B. from Stanford University and Juris Doctor from Hastings College of the Law of the University of California. He was Executive Director of the California Governor’s Housing Commission, drafted legislation, taught at Golden Gate University Law School, served as an arbitrator and pro tem judge, edited and co-authored Housing in California, was an elected trustee of a public hospital, and has testified before Congressional committees.)

authority n. permission, a right coupled with the power to do an act or order others to act. Often one person gives another authority to act, as an employer to an employee, a principal to an agent, a corporation to its officers, or governmental empowerment to perform certain functions. There are different types of authority including "apparent authority" when a principal gives an agent various signs of authority to make others believe he or she has authority, "express authority" or "limited authority" which spell out exactly what authority is granted (usually a written set of instructions), "implied authority" which flows from the position one holds, and "general authority" which is the broad power to act for another.

#### Funding restrictions are restrictions on authority , rooted in U.S. code

Richard F. Grimmett, Specialist in National Defense Foreign Affairs, Defense, and Trade Division, 2007 CRS, Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments

Uses by Congress of Funding Restrictions to Affect Presidential Policy Toward Foreign Military/Paramilitary Operations

Although not directly analogous to efforts to seek withdrawal of American military forces from abroad by use of funding cutoffs, Congress has used funding restrictions to limit or prevent foreign activities of a military or paramilitary nature. As such, these actions represent alternative methods to affect elements of presidentially sanctioned foreign military operations. Representative examples of these actions are in legislation relating to Angola and Nicaragua, which are summarized below. In 1976, controversy over U.S. covert assistance to paramilitary forces in Angola led to legislative bans on such action. These legislative restrictions are summarized below. ! The Defense Department Appropriations Act for FY1976, P.L. 94-212, signed February 9, 1976, provided that none of the funds “appropriated in this Act may be used for any activities involving Angola other than intelligence gathering....” This funding limitation would expire at the end of this fiscal year. Consequently, Congress provided for a ban in permanent law, which embraced both authorization and appropriations acts, in the International Security Assistance and Arms Export Control Act of 1976. ! Section 404 of the International Security Assistance and Arms Export Control Act of 1976, P.L. 94-329, signed June 30, 1976, stated that “Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting, augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola, unless and until Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.” This section also permitted the President to provide the prohibited assistance to Angola if he made a detailed, unclassified report to Congress stating the specific amounts and categories of assistance to be provided and the proposed recipients of the aid. He also had to certify that furnishing such aid was “important to the national security interests of the United States.” ! Section 109 of the Foreign Assistance and Related Programs Appropriations Act for FY1976, P.L. 94-330, signed June 30, 1976, provided that “None of the funds appropriated or made available pursuant to this Act shall be obligated to finance directly or indirectly any type of military assistance to Angola.” In 1984, controversy over U.S. assistance to the opponents of the Nicaraguan government (the anti-Sandinista guerrillas known as the “contras”) led to a prohibition on such assistance in a continuing appropriations bill. This legislative ban is summarized below. ! The continuing appropriations resolution for FY1985, P.L. 98-473, 98 Stat. 1935-1937, signed October 12, 1984, provided that “During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual.” This legislation also provided that after February 28, 1985, if the President made a report to Congress specifying certain criteria, including the need to provide further assistance for “military or paramilitary operations” prohibited by this statute, he could expend $14 million in funds if Congress passed a joint resolution approving such action.

#### Prefer our interpriation

1. Key to real world education- learning about how congress appropriates money is necessary to learn about the real world.

#### 1) Prefer our definition: Congresses enforcement power is the purse – any affirmative that fails to specify has no leverage power - they’re a resolution

#### 2) Turn – we increase your ground by specifying our enforcement, you can counterplan out or run disads

**3) Their interp crushes aff innovation, it’s easy to be negative on this topic – repertoire of Ks, Cps, and disads makes it important for the aff to be able to adapt**

#### 4) Prevents bidirectionality – checks aff circumvention good arguments

#### 5) Literature and substantial check limits explosions

#### 6) Vietnam proves – congress threatened to cut funding if the president failed to withdrawal. Our interp accesses historic and topic specific education

#### No ground loss- they still can read all of their Das based off of a reduction of war powers.

#### Default to reasonability – competing interpretations forces a race to the bottom and leads to stale, hyper-generic debates.

### Legal norms don’t cause war

#### Legal norms don’t cause wars and the alt can’t effect liberalism

David **Luban 10**, law prof at Georgetown, Beyond Traditional Concepts of Lawfare: Carl Schmitt and the Critique of Lawfare, 43 Case W. Res. J. Int'l L. 457

Among these associations is the positive, constructive side of politics, the very foundation of Aristotle's conception of politics, which Schmitt completely ignores. Politics, we often say, is the art of the possible. It is the medium for organizing all human cooperation. Peaceable civilization, civil institutions, and elemental tasks such as collecting the garbage and delivering food to hungry mouths all depend on politics. Of course, peering into the sausage factory of even such mundane municipal institutions as the town mayor's office will reveal plenty of nasty politicking, jockeying for position and patronage, and downright corruption. Schmitt sneers at these as "banal forms of politics, . . . all sorts of tactics and practices, competitions and intrigues" and dismisses them contemptuously as "parasite- and caricature-like formations." n55 The fact is that **Schmitt has nothing** whatever **to say about the constructive side of politics**, and his entire theory focuses on enemies, not friends. In my small community, political meetings debate issues as trivial as whether to close a street and divert the traffic to another street. It is hard to see mortal combat as even a remote possibility in such disputes, and so, in Schmitt's view, they would not count as politics, but merely administration. Yet issues like these are the stuff of peaceable human politics. Schmitt, I have said, uses the word "political" polemically--in his sense, politically. I have suggested that his very choice of the word "political" to describe mortal enmity is tendentious, attaching to mortal enmity Aristotelian and republican associations quite foreign to it. But the more basic point is that Schmitt's critique of humanitarianism as political and polemical is itself political and polemical. In a word, the critique of lawfare is itself lawfare. It is self-undermining because to the extent that it succeeds in showing that lawfare is illegitimate, it de-legitimizes itself. What about the merits of Schmitt's critique of humanitarianism? His argument is straightforward: either humanitarianism is toothless and [\*471] apolitical, in which case ruthless political actors will destroy the humanitarians; or else humanitarianism is a fighting faith, in which case it has succumbed to the political but made matters worse, because wars on behalf of humanity are the most inhuman wars of all. Liberal humanitarianism is either too weak or too savage. The argument has obvious merit. When Schmitt wrote in 1932 that wars against "outlaws of humanity" would be the most horrible of all, it is hard not to salute him as a prophet of Hiroshima. The same is true when Schmitt writes about the League of Nations' resolution to use "economic sanctions and severance of the food supply," n56 which he calls "imperialism based on pure economic power." n57 Schmitt is no warmonger--he calls the killing of human beings for any reason other than warding off an existential threat "sinister and crazy" n58 --nor is he indifferent to human suffering. But **international** humanitarian law **and criminal law are not the same thing as wars to end all war or humanitarian military interventions, so Schmitt's** important moral **warning** against ultimate military self-righteousness **does not** really **apply**. n59 Nor does "bracketing" war by humanitarian constraints on war-fighting presuppose a vanished order of European public law. The fact is that in nine years of conventional war, the United States has significantly bracketed war-fighting, even against enemies who do not recognize duties of reciprocity. n60 This may frustrate current lawfare critics who complain that American soldiers in Afghanistan are being forced to put down their guns. Bracketing warfare is a decision--Schmitt might call it an existential decision--that rests in part on values that transcend the friend-enemy distinction. **Liberal values are not alien extrusions into politics** or evasions of politics; **they are part of politics, and**, as Stephen Holmes argued against Schmitt, **liberalism has proven remarkably strong, not weak**. n61 We could choose to abandon liberal humanitarianism, and that would be a political decision. It would simply be a bad one.

### Heg

#### Other countries think heg is inevitable – external perception of power maintains

**Drezner ‘9** (Daniel W., Professor of International Politics at Tufts and a senior editor at The National Interest, 7/15/ 09, “The False Hegemon,” <http://www.nationalinterest.org/Article.aspx?id=21858>)

The rest of the world certainly seems to treat America as the hegemonic power, for good or ill. According to the *New York Times*, Latin America [is waiting](http://www.nytimes.com/2009/07/13/world/americas/13honduras.html%3e) for the United States to break the deadlock in Honduras. Vladimir Putin is incapable of giving a foreign-policy speech in which he does not blast American hegemony as the root of all of Russia's ills. While Chinese officials talk tough about ending the dollar's reign as the world's reserve currency, its leaders also want America to solve the current economic crisis and to take the lead on global warming in the process. It's not just foreign leaders who are obsessed with American hegemony. Last week, in an example of true hardship duty, I taught a short course in American foreign policy at the Barcelona Institute for International Studies. The students in my class represented a true cross section of nationalities: Spaniards, Germans, Brits, Estonian, Chinese, Vietnamese, Indian, Thai, Ghanaian, Kenyan, Turkish, Belgian, Mexican, Nicaraguan and, yes, even Americans. I cannot claim that my students represent a scientific cross section of non-Americans (one of them complained that I did not rely on Marxism as a structural explanation for American foreign policy). Still, by and large the students were bright, well informed about world affairs and cautiously optimistic about President Obama. That said, a persistent trend among my students was their conviction that the U.S. government was the world's puppeteer, consciously manipulating *every single event in world politics*. For example, many of them were convinced that George W. Bush ordered Georgian President Mikheil Saakashvili to precipitate last year's war with Russia. The Ghanaian students wanted to know why Obama visited their country last week. The standard "promotion of good democratic governance" answer did not satisfy them. They were convinced that there had to be some deeper, potentially sinister motive to the whole enterprise. Don't even ask what they thought about the reasons behind the war in Iraq. To be sure, the United States is a powerful actor; the government is trying to influence global events (and Americans are not immune to their [**own misperceptions**](http://www.washingtonpost.com/wp-dyn/content/article/2009/07/12/AR2009071202337_pf.html)). And good social scientists should always search for underlying causes and not take rhetoric at face value. Nevertheless, the belief in an all-powerful America hatching conspiracies left and right frequently did not jibe with the facts. For many of these students, even apparent policy mistakes were merely examples of American subterfuge. Ironically, at the moment when many Americans are questioning the future of U.S. hegemony, many non-Americans continue to believe that the U.S. government is diabolically manipulating events behind the scenes. Going forward, the persistence of anti-Americanism in the age of Obama might have nothing to do with the president, or his rhetoric or even U.S. government actions. It might, instead, have to do with the congealed habits of thought that place the United States at the epicenter of all global movings and shakings. The tragedy is that such an exaggerated perception of American power and purpose is occurring at precisely the moment when the United States will need to scale back its global ambitions. Indeed, the external perception of U.S. omnipresence will make the pursuit of a more modest U.S. foreign policy all the more difficult. The Obama administration has consciously adopted a more modest posture in the hopes of improving America's standing abroad. If the rest of the world genuinely believes that the United States causes everything, however, then the attempt at modesty will inevitably fail.

## Law fare

### FW we get impacts

#### We get to weigh the impacts of the 1ac - This is good -

#### A. Plan focus – otherwise discussion gets shifted away from the topic

#### B. Ground – They moot 9 minutes of 1AC offense – makes debate lop sided and unproductive

#### C. Vague alts and floating piks are a reason to reject the critique – make the neg a moving target and lets them coopt aff offense

#### Maximizing all lives is the only way to affirm equality

Cummiskey 90 – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor,)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

### Legal restrictions work

#### Legal restraints work---exception theory is self-serving and wrong

William E. Scheuerman 6, Professor of Political Science at Indiana University, Carl Schmitt and the Road to Abu Ghraib, Constellations, Volume 13, Issue 1

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to them. The claim also suffers from a certain vagueness and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonisms. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22¶ Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fighters. His view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian model. By broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal framework. Why is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states. 23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international law. We cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.¶ This is a powerful argument, but it remains flawed. Every modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian moments. The same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sources. In short, it is by no means self-evident that trying to give coherent legal form to a transitional political and social moment is always doomed to fail. Moreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt asserts. In some recent accounts, the general trend towards extending basic protections to non-state actors is plausibly interpreted in a more positive – and by no means incoherent – light.24¶ Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12). Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence. 25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50). Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of war. The Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field. “Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).¶ As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universe. To be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet one possible resolution of the dilemma he describes would be to figure how to reform the process whereby rules of war are adapted to novel changes in military affairs in order to minimize the danger of anachronistic or out-of-date law. Instead, Schmitt simply employs the dilemma of legal obsolescence as a battering ram against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

### Biopolitics

#### Biopower key to deterrence

**Bogard, 1991** (william, prof. Of sociology at whitman college, “discipline and deterrence,” online: google)

Although there are many places in the History of Sexuality that might indicate what Foucault had in mind was indeed what we commonly mean by "deterrence," the general context remains one of discipline, expanded to encompass the issues of bio-power and the control over life. But there are a number of reasons to believe that such developments raise problems for the economy of power relations that, while related to those of discipline, are nonetheless conceptually distinct. The following appear to me to be the most relevant of those distinctions. [continues…]If the abstract formula of discipline is to impose a form of conduct on a human multiplicity, the formula for deterrence is to dissuade through the use of simulations of impending harm or risk (e.g., the scenario of nuclear holocaust, environmental impact assessments, profiles of the "typical" or potential criminal, disease carrier, etc.).(n63) Deterrence is a technology of signs and information(though this does not exclude its operation on bodies or species); of the reproduction of models (which does not discount its effect on conduct). There are other differences. Where discipline aims at certainty (Bentham's "inspection house" was also a house of certainty), deterrent strategies aim at the randomization of potential outcomes, the calculation of probabilities, and the assessment of risks--certainty, even as an ideal, is ruled out from the beginning. If discipline serves as a "corrective" for behavior-- i.e., to align conduct more closely to the norm--deterrence serves as a disinclination to depart from a norm already embodied in action: it is not, for example, the criminal who must be deterred, but the law-abiding citizen. Where discipline sets forces in motion, deterrence indefinitely postpones the equivalence of forces. Here again, the case of nuclear deterrence serves as a paradigm, but this is only because it is the most concentrated and extreme form of a whole multiplicity of tactical maneuvers--of postponement, disinclination, destabilization, etc.--that, like the disciplines in the 18th century, have evolved into a general mechanism of domination, and which today pervades the most diverse institutional settings.

#### No alt solvency - biopower is inevitable

Wright, 2008 (Nathan, Fellow at the Centre for Global Political Economy, “Camp as Paradigm: Bio-Politics and State Racism in Foucault and Agamben”, http://ccjournal.cgu.edu/past\_issues/nathan\_wright.html)

Perhaps the one failure of Foucault’s that, unresolved, rings as most ominous is his failure to further examine the problem of bio-political state racism that he first raises in his lecture series, Society Must Be Defended. At the end of the last lecture, Foucault suggests that bio-power is here to stay as a fixture of modernity. Perhaps given its focus on the preservation of the population of the nation it which it is practiced, bio-power itself is something that Foucault accepts as here to stay. Yet his analysis of bio-politics and bio-power leads inevitably to state-sanctioned racism, be the government democratic, socialist, or fascist. As a result, he ends the lecture series with the question, “How can one both make a bio-power function and exercise the rights of war, the rights of murder and the function of death, without becoming racist? That was the problem, and that, I think, is still the problem.” It was a problem to which he never returned. However, in the space opened by Foucault’s failure to solve the problem of state racism and to “elaborate a unitary theory of power” (Agamben 1998, 5) steps Agamben in an attempt to complete an analysis of Foucauldian bio-politics and to, while not solve the problem of state racism, at least give direction for further inquiry and hope of a politics that escapes the problem of this racism.

#### biopower is not always bad – we must emphasize the positive aspects of freedom that solve the kritik – doesn’t assume the good instances of usage of power by the XO and constraint by statutory

**Dickenson 04 -**  University of Cincinnati, Edward Ross, "Biopolitics, Fascism, Democracy: Some Reflections on Our Discourse About "Modernity," *Central European Histor y>* vol. 37, no. 1, p.4 1-44)

In any case, the focus on the activities and ambitions of the social engineers in (he literature on biopolitical modernity has begun to reach the point of diminishing returns. In the current literature\* it seems that biopolitics is almost always acting on (or attempting to act on) people: it is almost never something they do. This kind of model is not very realistic. This is not how societies work. The example of the attempt to create a eugenic counseling system in Prussia should be instructive in this respect. Here public health and eugenics experts— technocrats— tried to imparl their sense of eugenic crisis and their optimism about the possibility of creating a better "race" to the public; and they successfully mobilized the resources of the state in support of their vision. And yet, what emerged quite quickly from this effort was in fact a system of public contraceptive advice — or family planning It is not so easy to impose technocratic ambitions on the public, particularly in a democratic state; and "on the ground" at the level of interactions with actual persons and social groups, public policy often takes on a life of its own, at least partially independent of the fantasies of technocrats.

This is of course a point that Foucault makes with particular clarity. The power of discourse is not the power of manipulative elites. which control it and impose it from above. Manipulative elites always face resistance, often effective, resistance. More important, the power of discourse ties precisely in its ability to set the terms for such struggles, to define what they are about, as much as what their outcomes arc. As Foucault put it. power— including the power to manage life —"comes from everywhere." 105 Biomedical knowledge was not the property only of technocrats, and it could be used to achieve ends that had little to do with their social-engineering schemes. 106 Modem biopolitics is a multifaceted world of discourse and practice elaborated and put into practice at multiple levels throughout modem

Societies. And of count it is often no less economist\* ro less based on calculations of cost ami benefit —at the level of ihe individual or family than it is in the technocrats' visions of national efficiency.

In fact, Ihe literature of the past twenty years has made ft abundantly clear (hat a great deal of "official"' biopoliiical discourse generated by academics and civil servants was essentially reactive. A vast amount of discussion among eugenics, population policy, and welfare experts focused on the concrete "problem'\* of the demographic transition of the carry twentieth century. It was the use of reproductive knowledge and reproductive technology by millions of Europeans to limit their fertility the Geburtenruckeang or decline of births, in German parlance — thai was the center of concern. While much of the historical literature stresses the role of science in shaping technocratic ambiiion, of course actually a large proportion of ihe technocrats' discourse was concerned with orchestrating a return to more "natural'\* and less technologically-enabled reproductive patterns. The problem, particularly for ihe more influential moderate and pronaialisi branch of eugenics, was not only how 10 apply modern science to humanity, but more importantly how to eel humanity to stop applying modern science to itself.

Alana Grossmarui, in her history'of the organized mass popular movement for fertility control in Germany in the 1920s, has given us a good example of what this shift in perspective can reveal. Grossmarui stresses the technocratic ambition and relatively conservative intent of many medical sex reformers, the power of the "rnoiherbood-eugenics consensus" (o shape and limit acceptable definitions of women's social and sexual roles and aspirations in this period, and the prevalence of the rhetoric of "social health, mcdtcalixalion, cost effectiveness, and national welfare.\*\* And yet, in the final analysis she describes a powerful reform movement that helped 10 spread corxroccptrves and contraceptive knowledge widely among the German population Popular groups were "increasingly insistent that the working class also had a right to the benefits of scientific progress'\* (in the form of contraceptive technologies): and while most of the medical establishment opposed the widespread use of contraceptives, the popular movement garnered critical support from radical socialists v/xhin the med-ical profession. As Grossmarui remarks, "the German case is instructive precisely because il illustrates (he fallacies of setting up rigid categories of'popular\* and professional "!07

in short: is the microphysics of modem power/knowledge always the microphvsics of oppression, exploitation, and manipulation? Are technocratic elites always in charge of the imperatives of discourse — or do discourses have their own logic, which technocrats can define, escape or direct no more (or less) than can anyone else? Discourse may or may not be a locomotive, driving down a pre-determmcd track and dictating individual decisions and fates by its own internal logic; but even if it is, the technocrats aren't driving it, and in fact their schemes may get field of stale activity was often the product of technocratic "readings\*1 of biopohtical discourse. But it was only one small pan of a much broader process by which a large proportion of the German population came to define their needs and aspirations in new ways. We need not exaggerate the degrees of freedom that process generated to be able to appreciate that in seme cases, to some extent, and sometimes willy-nilly, discourse and policy were actually a response to that broader process of redefinition — in short, to "demand-side\*1 pressures.

Uncoupling "technocracy\*' from "discourse\*\* is not yet enough, however. We should also be alive to the wavs in which new social practices, institutions, and knowledge generated new choices — a limited range of them, constrained by all kinds of discursive and social frameworks, but nonetheless historically new and significant Modern biopolitics did create, in a real sense, not only new constraints but also new degrees of freedom— new levers that increased people's power to move their own worlds, to shape their own lives. Our understanding of modem biopolitics will be more realistic and more fruitful if we reconceptualize its development as a complex process in which the implications of those new choices were negotiated out in the social and discursive context. Again, in the early twentieth century many more conservative biopolitical "experts" devoted much of their energy precisely to trying— without any discernible success— to control those new degrees of freedom. For most social liberals and Social Democrats, however, those new choices were a potential source of greater social efficiency and social dynamism. State policy reflected the constant negotiation and tension between these perspectives.

### Militarism good

**US militarism prevents international instability and full scale great power war**

Brooks et al 12 (“Don’t Come Home, America: The Case Against Retrenchment” Stephen G. Brooks, G. John Ikenberry, and William C. Wohlforth, Stephen G. Brooks is Associate Professor of Government at Dartmouth College. John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs. He is also a Global Eminence Scholar at Kyung Hee University. William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College, International Security 37:3, http://belfercenter.ksg.harvard.edu/files/IS3703\_Brooks%20Wohlforth%20Ikenberry.pdf)

Even if deep engagement’s costs are far less than retrenchment advocates claim, they are not worth bearing unless they yield greater benefits. We focus here on the strategy’s major security benefits; in the next section, we take up the wider payoffs of the United States’ security role for its interests in other realms, notably the global economy—an interaction relatively unexplored by international relations scholars. A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their in centive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power damp ens the baleful effects of anarchy is consistent with inºuential variants of real ist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war.

### Legal solves violence

#### Legal reforms restrain the cycle of violence and prevent error replication

Colm O’Cinneide 8, Senior Lecturer in Law at University College London, “Strapped to the Mast: The Siren Song of Dreadful Necessity, the United Kingdom Human Rights Act and the Terrorist Threat,” Ch 15 in Fresh Perspectives on the ‘War on Terror,’ ed. Miriam Gani and Penelope Mathew, <http://epress.anu.edu.au/war_terror/mobile_devices/ch15s07.html>

This ‘symbiotic’ relationship between counter-terrorism measures and political violence, and the apparently inevitable negative impact of the use of emergency powers upon ‘target’ communities, would indicate that it makes sense to be very cautious in the use of such powers. However, the impact on individuals and ‘target’ communities can be too easily disregarded when set against the apparent demands of the greater good. Justice Jackson’s famous quote in Terminiello v Chicago [111] that the United States Bill of Rights should not be turned into a ‘suicide pact’ has considerable resonance in times of crisis, and often is used as a catch-all response to the ‘bleatings’ of civil libertarians.[112] The structural factors discussed above that appear to drive the response of successive UK governments to terrorist acts seem to invariably result in a depressing repetition of mistakes.¶ However, certain legal processes appear to have some capacity to slow down the excesses of the counter-terrorism cycle. What is becoming apparent in the UK context since 9/11 is that there are factors at play this time round that were not in play in the early years of the Northern Irish crisis. A series of parliamentary, judicial and transnational mechanisms are now in place that appear to have some moderate ‘dampening’ effect on the application of emergency powers.¶ This phrase ‘dampening’ is borrowed from Campbell and Connolly, who have recently suggested that law can play a ‘dampening’ role on the progression of the counter-terrorism cycle before it reaches its end. Legal processes can provide an avenue of political opportunity and mobilisation in their own right, whereby the ‘relatively autonomous’ framework of a legal system can be used to moderate the impact of the cycle of repression and backlash. They also suggest that this ‘dampening’ effect can ‘re-frame’ conflicts in a manner that shifts perceptions about the need for the use of violence or extreme state repression.[113] State responses that have been subject to this dampening effect may have more legitimacy and generate less repression: the need for mobilisation in response may therefore also be diluted.

### State engmanget good

#### Engaging the state is critical to solve global challenges: Engagement refocuses energies through citizen participation in national institutions that solve for war as well as environmental and social challenges

Sassen 2009

[ColumbiaUniversity, istheauthorof TheGlobalCity (2ndedn, Princeton, 2001), Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton, 2008) and A Sociology of Globalisation (Norton,2007), among others, 2009, The Potential for a Progressive State?,)

Using state power for a new global politics These post-1980s trends towards a greater interaction of national andglobal dynamics are not part of some unidirectional historical progres-sion. There have been times in the past when they may have been as strong in certain aspects as they are today (Sassen, 2008a: chapter 3). But the current positioning of national states is distinctive precisely because 270 Saskia Sassen the national state has become the most powerful complex organizational entity in the world, and because it is a resource that citizens, confined largely to the national, can aim at governing and using to develop novel political agendas. It is this mix of the national and the global that is so full of potential. The national state is one particular form of state: at the other end of this variable the state can be conceived of as a technical administrative capability that could escape the historic bounds of narrow nationalisms that have marked the state historically, or colonialism as the only form of internationalism that states have enacted. Stripping the state of the particularity of this historical legacy gives me more analytic freedom in conceptualising these processes and opens up the possibility of the denationalised state.As particular components of national states become the institutional home for the operation of some of the dynamics that are central to glob-alisation they undergo change that is difficult to register or name. In my own work I have found useful the notion of an incipient denation-alising of specific components of national states, i.e. components that function as such institutional homes. The question for research then becomes what is actually ‘national’ in some of the institutional compo-nents of states linked to the implementation and regulation of economic globalisation. The hypothesis here would be that some components of national institutions, even though formally national, are not national in the sense in which we have constructed the meaning of that term overthe last hundred years.This partial, often highly specialised or at least particularised, dena-tionalisation can also take place in domains other than that of economic globalisation, notably the more recent developments in the humanrights regime which allow national courts to sue foreign firms and dictators, or which grant undocumented immigrants certain rights. Denationalisation is, thus, multivalent: it endogenises global agendas of many different types of actors, not only corporate firms and financial markets, but also human rights and environmental objectives. Those confined to the national can use national state institutions as a bridge into global politics. This is one kind of radical politics, and only one kind, that would use the capacities of hopefully increasingly denationalized states. The existence and the strengthening of global civil society organ-isations becomes strategic in this context. In all of this lie the possibilities of moving towards new types of joint global action by denationalized states–coalitions of the willing focused not on war but on environmental and social justice projects.

### No alternative

#### Liberalism is inevitable

Sparer ‘84

[Ed, Prof. Law and Soc Welfare @ Pennsylvania, “Fundamental Human Rights, Legal Entitlements, and the Social Struggle: A Friendly Critique of the Critical Legal Studies Movement,” 36 Stan. L. Rev. 509, January]

The thrust of CLS critique is devoted, in turn, to the exposure of the contradictions in liberal philosophy and law. This strand of the Critical legal critique is quite powerful and makes a much-needed contribution. In my view, however, it suffers from two general problems. First, the critique lends itself to exaggeration. This observation may be appreciated by considering what happens when Critical legal theorists themselves make tentative gestures at the social direction in which we should move. Such gestures, even from the most vigorous critics of liberalism, do not escape from liberalism and, indeed, liberal rights theory. Nevertheless, those gestures have great merit, particularly because of their use of liberal rights. For example, Frug, while expounding his vision of the city as a site of localized power and participatory democracy, attacks liberal theory and its dualities as an obstacle to his vision. n19 At the same time, without [\*518] acknowledging the significance of what he is doing, Frug relies on the liberal image of law and rights to defend the potential of his vision. He writes: It should be emphasized that participatory democracy on the local level need not mean the tyranny of the majority over the minority. Cities are units within states, not the state itself; cities, like all individuals and entities within the state, could be subject to state-created legal restraints that protect individual rights. Nor does participatory democracy necessitate the frustration of national political objectives by local protectionism; participatory institutions, like others in society, could still remain subject to general regulation to achieve national goals. The liberal image of law as mediating between the need to protect the individual from communal coercion and the need to achieve communal goals could thus be retained even in the model of participatory democracy. n20

### AT: Militarism

#### No risk of militarism escalating – alt doesn’t solve it

Gray 7—Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is **not at all convincing**. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, **must be nothing if not pragmatic**.

#### No impact uniqueness – world getting better now heg is peaceful

**Busby, 12** [Get Real Chicago IR guys out in force, Josh, Assistant Professor of Public Affairs and a fellow in the RGK Center for Philanthropy and Community Service as well as a Crook Distinguished Scholar at the Robert S. Strauss Center for International Security and Law. <http://duckofminerva.blogspot.com/2012/01/get-real-chicago-ir-guys-out-in-force.html>]

Is Unipolarity Peaceful? As evidence, Monteiro provides metrics of the number of years during which great powers have been at war. For the unipolar era since the end of the Cold War, the United States has been at war 13 of those 22 years or 59% (see his Table 2 below). Now, I've been following some of the discussion by and about Steven Pinker and Joshua Goldstein's [work](http://www.nytimes.com/2011/12/18/opinion/sunday/war-really-is-going-out-of-style.html?pagewanted=all) that suggests the world is becoming more peaceful with interstate wars and intrastate wars becoming more rare. I was struck by the graphic that Pinker used in a Wall Street Journal [piece](http://online.wsj.com/article/SB10001424053111904106704576583203589408180.html) back in September that drew on the Uppsala Conflict Data, which shows a steep decline in the number of deaths per 100,000 people. How do we square this account by Monteiro of a unipolar world that is not peaceful (with the U.S. at war during this period in Iraq twice, Afghanistan, Kosovo) and Pinker's account which suggests declining violence in the contemporary period? Where Pinker is focused on systemic outcomes, Monteiro's measure merely reflect years during which the great powers are at war. Under unipolarity, there is only one great power so the measure is partial and not systemic. However, Monteiro's theory aims to be systemic rather than partial. In critiquing Wohlforth's early work on unipolarity stability, Monteiro notes: Wohlforth’s argument does not exclude all kinds of war. Although power preponderance allows the unipole to manage conflicts globally, this argument is not meant to apply to relations between major and minor powers, or among the latter (17). So presumably, a more adequate test of the peacefulness or not of unipolarity (at least for Monteiro) is not the number of years the great power has been at war but whether the system as a whole is becoming more peaceful under unipolarity compared to previous eras, including wars between major and minor powers or wars between minor powers and whether the wars that do happen are as violent as the ones that came before. Now, as Ross Douthat pointed [out](http://douthat.blogs.nytimes.com/2011/10/17/steven-pinkers-history-of-violence/), Pinker's argument isn't based on a logic of benign hegemony. It could be that even if the present era is more peaceful, unipolarity has nothing to do with it. Moreover, Pinker may be wrong. Maybe the world isn't all that peaceful. I keep thinking about the places I don't want to go to anymore because they are violent (Mexico, Honduras, El Salvador, Nigeria, Pakistan, etc.) As Tyler Cowen [noted](http://marginalrevolution.com/marginalrevolution/2011/10/steven-pinker-on-violence.html), the measure Pinker uses to suggest violence is a per capita one, which doesn't get at the absolute level of violence perpetrated in an era of a greater world population. But, if my read of other [reports](http://www.hsrgroup.org/human-security-reports/20092010/graphs-and-tables.aspx) based on Uppsala data is right, war is becoming more rare and less deadly (though later [data](http://www.pcr.uu.se/research/ucdp/charts_and_graphs/) suggests lower level armed conflict may be increasing again since the mid-2000s). The apparent violence of the contemporary era may be something of a presentist bias and reflect our own lived experience and the ubiquity of news media .Even if the U.S. has been at war for the better part of unipolarity, the deadliness is declining, even compared with Vietnam, let alone World War II. Does Unipolarity Drive Conflict? So, I kind of took issue with the Monteiro's premise that unipolarity is not peaceful. What about his argument that unipolarity drives conflict? Monteiro suggests that the unipole has three available strategies - defensive dominance, offensive dominance and disengagement - though is less likely to use the third. Like Rosato and Schuessler, Monteiro suggests because other states cannot trust the intentions of other states, namely the unipole, that minor states won't merely bandwagon with the unipole. Some "recalcitrant" minor powers will attempt to see what they can get away with and try to build up their capabilities. As an aside, in Rosato and Schuessler world, unless these are located in strategically important areas (i.e. places where there is oil), then the unipole (the United States) should disengage. In Monteiro's world, disengagement would inexorably lead to instability and draw in the U.S. again (though I'm not sure this necessarily follows), but neither defensive or offensive dominance offer much possibility for peace either since it is U.S. power in and of itself that makes other states insecure, even though they can't balance against it.

#### Current system is best

**Cohen 11** (CSIS Group Report, Craig S. Cohen, Jon B. Alterman, Ernest Z. Bower, Victor D. Cha, Heather A. Conley, Stephen J. Flanagan, Bonnie S. Glaser, Michael J. Green, Andrew C. Kuchins, Haim Malka, Teresita C. Schaffer, “Capacity and Resolve: Foreign Assessments of US Power,” <http://csis.org/files/publication/110613_Cohen_CapacityResolve_Web.pdf>)

We are now entering the third decade of a new international system—let me call it the post– Cold War era. This international system is unique in that it comprises a single global superpower—the United States—but with a number of regional powers, several of which operate beyond the boundaries of their regions. Brazil is South America’s indisputable power. India dominates South Asia. In Europe we see for the first time the emergence of the supranational state of the European Union—an economic superpower to be sure, but not yet a diplomatic or military superpower. But this will emerge. Europe also has the phenomenon of Russia—a remaining military superpower (largely because of nuclear weapons), but not an economic superpower. In West Asia there is an uneasy balance among Iran, Saudi Arabia, Israel, and a rising Turkey. In East Asia we have two superpowers—China and Japan. Both are now economic superpowers, and China is certainly a military superpower. Japan’s military alliance with the United States rounds out its economic power base although it is still recovering from the terrible recent events following the earthquake, tsunami, and nuclear spillage. For this third international epoch, I pose the same questions we asked of the earlier epochs. Is this a stable international system—that is, will it be prone to resolve differences among the power centers through peaceful means or violent means—and is it a durable system? First, on the question of stability, I believe that a careful analysis will reveal it is an inherently stable system. The global superpower has no incentive to enter conflict with a regional superpower because, although it might win that military exchange, it would sap all its energies doing so and permit other regional superpowers to fill the vacuum. No regional superpower would conceivably find it advantageous to go to war with the global superpower.

# 1AR

## Critique

### Perm

Richard Wyn **Jones, 1999**, “Security, Strategy, and Critical Theory,” ciao

Because emancipatory political practice is central to the claims of critical theory, one might expect that proponents of a critical approach to the study of international relations would be reflexive about the relationship between theory and practice. Yet their thinking on this issue thus far does not seem to have progressed much beyond grandiose statements of intent. There have been no systematic considerations of how critical international theory can help generate, support, or sustain emancipatory politics beyond the seminar room or conference hotel. Robert Cox, for example, has described the task of critical theorists as providing “a guide to strategic action for bringing about an alternative order” (R. Cox 1981: 130). Although he has also gone on to identify possible agents for change and has outlined the nature and structure of some feasible alternative orders, he has not explicitly indicated whom he regards as the addressee of critical theory (i.e., who is being guided) and thus how the theory can hope to become a part of the political process (see R. Cox 1981, 1983, 1996). Similarly, Andrew Linklater has argued that “a critical theory of international relations must regard the practical project of extending community beyond the nation–state as its most important problem” (Linklater 1990b: 171). However, he has little to say about the role of theory in the realization of this “practical project.” Indeed, his main point is to suggest that the role of critical theory “is not to offer instructions on how to act but to reveal the existence of unrealised possibilities” (Linklater 1990b: 172). But the question still remains, reveal to whom? Is the audience enlightened politicians? Particular social classes? Particular social movements? Or particular (and presumably particularized) communities? In light of Linklater’s primary concern with emancipation, one might expect more guidance as to whom he believes might do the emancipating and how critical theory can impinge upon the emancipatory process. There is, likewise, little enlightenment to be gleaned from Mark Hoffman’s otherwise important contribution. He argues that critical international theory seeks not simply to reproduce society via description, but to understand society and change it. It is both descriptive and constructive in its theoretical intent: it is both an intellectual and a social act. It is not merely an expression of the concrete realities of the historical situation, but also a force for change within those conditions. (M. Hoffman 1987: 233) Despite this very ambitious declaration, once again, Hoffman gives no suggestion as to how this “force for change” should be operationalized and what concrete role critical theorizing might play in changing society. Thus, although the critical international theorists’ critique of the role that more conventional approaches to the study of world politics play in reproducing the contemporary world order may be persuasive, their account of the relationship between their own work and emancipatory political practice is unconvincing. Given the centrality of practice to the claims of critical theory, this is a very significant weakness. Without some plausible account of the mechanisms by which they hope to aid in the achievement of their emancipatory goals, proponents of critical international theory are hardly in a position to justify the assertion that “it represents the next stage in the development of International Relations theory” (M. Hoffman 1987: 244). Indeed, without a more convincing conceptualization of the theory–practice nexus, one can argue that critical international theory, by its own terms, has no way of redeeming some of its central epistemological and methodological claims and thus that it is a fatally flawed enterprise.

### a/t: norms

Threat assessment

Thayer 2004 – Thayer has been a Fellow at the Belfer Center for Science and International Affairs at the Kennedy School of Government at Harvard University and has taught at Dartmouth College and the University of Minnesota [*Darwin and International Relations: On the Evolutionary Origins of War and Ethnic Conflict*, University of Kentucky Press, 2004, pg. 78 //adi]

Second, living and evolving in dangerous environments, humans, like other animals, need the ability to assess threats rapidly and react quickly. The in-group/out-group distinction may be thought of as the human minds immediate threat assessment. It is a mechanism for determining whether or not nonrelated conspecifics presented a threat. In sum, our mind rapidly debates: no threat/threat. Is the outsider a threat to oneself or to ones family? As a result, over the course of human evolution, strangers were first likely to fear one another, at least until they became familiar.

### Util

### a/t: circumvention

#### Obama will follow through- aligns himself with Congress

**Bellinger ’13** (John B. Bellinger III, Adjunct Senior Fellow for International and National Security Law, “Seeking Daylight on U.S. Drone Policy”, <http://www.cfr.org/drones/seeking-daylight-us-drone-policy/p30348>, March 29, 2013)

The president also has additional constitutional authority anytime to use force to protect the Unites States, either in self-defense or because he believes that it's in our national security interest. So if President Obama concludes that it's necessary to carry out a drone strike against a terror suspect, but that individual does not fall into the categories covered by the AUMF, he would have additional constitutional authority. But this administration has taken great pains to emphasize that it has been relying on congressional grant of authority rather than the president's own constitutional authority to conduct most of its counterterrorism operations. It has wanted to do that to contrast itself with the Bush administration, which had, at least early in its tenure, relied heavily on the president's constitutional authority. It's not clear though, at this point, given how old and somewhat limited the AUMF is, if the Obama administration has now been forced to rely on constitutional powers for certain drone strikes. It appears to many observers that the administration may be stretching the limits of the AUMF by targeting people who were not responsible for 9/11 or who were not affiliated or associated co-belligerents with those who carried out 9/11. In theory, could the president always claim constitutional authority with regard to these strikes? Although, as you pointed out, the administration is obviously loath to do that. This administration is already finding that 95 percent of its counterterrorism policies, and the legal basis therefore, are the same as the Bush administration's. Absolutely. I think the issue is, in this administration, political. This administration is already finding that 95 percent of its counterterrorism policies, and the legal basis therefore, are the same as the Bush administration's. It came into office with both domestic and international supporters expecting that it would change all of those policies. So one area where it really has been loath to act like the Bush administration is to rely heavily on the president's constitutional authority. We simply don't know whether they are doing it, but politically I'm sure that administration officials would be very reluctant to have to acknowledge that they are acting outside of the grant given to them by Congress.

### a/t: security link

#### they can’t change structures of security – those are inevitable and good in sometimes instances

Ole **Weaver**, International relations theory and the politics of European integration, **2k** p. 284-285

The other main possibility is to stress' responsibility. Particularly in a field like security one has to make choices and deal with the challenges and risks that one confronts – and not shy away into long-range or principled transformations. The meta political line risks (despite the theoretical commit­ment to the concrete other) implying that politics can be contained within large 'systemic questions. In line with he classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical trans­formation), there will be no more problems whereas in our situation (until the change) we should not deal with the 'small questions' of politics, only with the large one (cf. Rorty 1996). However, the ethical demand in post-structuralism (e.g. Derrida's 'justice') is of a kind that can never be instan­tiated in any concrete political order – It is an experience of the undecidable that exceeds any concrete solution and reinserts politics. Therefore, politics can never be reduced to meta-questions there is no way to erase the small, particular, banal conflicts and controversies. In contrast to the quasi-institutionalist formula of radical democracy which one finds in the 'opening' oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and 'produce events' (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place 'in the singular event of engage­ment' (Derrida 1996: 83). Derrida's politics is focused on the calls that demand response/responsi­bility contained in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. 'Security' is not a way to open (or keep open) an ethical horizon. Security is a much more situational concept oriented to the handling of specifics. It belongs to the sphere of how to handle challenges – and avoid 'the worst' (Derrida 1991). Here enters again the possible pessimism which for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some 'good deed', 'I have assumed my responsibilities ' (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would he no ethical problems or decisions. (ibid.; and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks - and the question of how to handle them. Should developments be securitized (and if so, in *what* terms)? Often, our reply will be to aim for de-securitization and then politics meet meta-politics; but occasionally the underlying pessimism regarding the prospects for orderliness and compatibility among human aspirations will point to scenarios sufficiently worrisome that responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence - even if this occasionally means invoking/producing `structures' or even using the dubious instrument of securitization. In the case of the current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of pre­empting and avoiding numerous instances of local securitization that could lead to security dilemmas and escalations, violence and mutual vilification.

#### No link to threat con – doesn’t cause war

**Kaufman 9** (Kaufman, Prof Poli Sci and IR – U Delaware, ‘9

(Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” Security Studies 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs **only if these factors are harnessed.** Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. **A virtue of** this **symbolist theory is that symbolist logic explains why** ethnic **peace is more common than ethnonationalist war.** Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

**Threat construction is good – it allows us to anticipate and prevent danger**

**Berke 98 - Joseph Berke, Found. And Dir. Arbours Crisis Centre, 1998, Even Paranoids Have Enemies, p. 5-6**

Internal and external persecution come together in the theoretical model of ‘the paranoid process’ – a set of developmental and defensive mechanisms which serve to delineate the individual’s inner psychic world and his experience of his emerging self, while, at the same time, contributing to the shaping of his sense of significant objects in his experiential world (Meissner 1986). One of this model’s core components, ‘the paranoid construction’ refers to a cognitive reorganization taking place in an attempt to sustain a comfortable sense of self which, however, may be at the expense of reality testing. This process, in its extreme form, leads to the formation of a persecutory bond, where a link is established between, on the one hand, the paranoid individual and, on the other, his persecutors and the terrifying forces that threaten to engulf him. This can become a rigid construction that reinforces the spiral of paranoia-persecution-paranoia. Meissner understands this mechanism as offering a sense of cohesion and durability to a fragile self, though it often involves a high degree of pathology and victimization. Instances of this process abound in individuals, institutions, and groups (including whole nations) where views of internal and external situations are (ab)used to service a brittle sense of identity. Fully recognizing this predicament, and the dangers involved, requires thinking about and tolerating our own conflictual parts. Paradoxically, a certain degree of paranoia is desirable as it is a basis for discrimination (Segal 1994); when we let a new experience touch us, we acknowledge that it may be bad or good, which enables us to anticipate danger. In leaders of an organization, for instance, a certain degree of paranoid potential can be a useful resource, as opposed to a dangerous naivety that would prevent the leader from becoming aware of the situations of activation of aggression in the group, or regression to primitive levels of functioning. Where the leader can be aware of, and apprehend risk and danger, there is the possibility of preparation for the group to face them and cope with them.

### a/t: no root cause

#### No root cause– prefer proximate causes

**Moore, 04** [John Norton, Professor of Law at the University of Virginia He formerly served as the first Chairman of the Board of the United States Institute of Peace and as the Counselor on International Law to the Department of State, Winter, “Beyond the Democratic Peace: Solving the War Puzzle”, 44 Va. J. Int'l L. 341, Lexis Law]

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty and social injustice, competition for resources, incidents and accidents, greed, fear, perceptions of "honor," and many other factors. Such factors may well play a role in motivating aggression or generating fear and manipulating public opinion. The reality, however, is that while some of these factors may have more potential to contribute to war than others, there may well be an **infinite set of motivating factors**, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high-risk decisions leading to war that is the key to more effectively controlling armed conflict. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents. [n158](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1329520437445&returnToKey=20_T13973620735&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.647208.6119287203#n158) Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war that is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may **doom us to war for generations** to come.