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#### Statutory restrictions require legislation

Black’s Law

(“statutory restriction”, 2nd Edition http://thelawdictionary.org/statutory-restriction/)

Limits or controls that have been place on activities by its ruling legislation.

#### Judicial means the judicial branch

Your Dictionary 13

(“Examples of Judicial Powers,” http://examples.yourdictionary.com/examples/examples-of-judicial-powers.html)

The term judicial powers refers to the power of the Judicial Branch of the United States government to hear cases and interpret, enforce or nullify laws and statutes in order to render verdicts.

#### The president’s war powers authority is control over the military

Cravens 7 –

(RG, “The War Within: Presidential Versus Congressional Supremacy in War Powers,” http://www.thepresidency.org/storage/documents/Fellows2008/Cravens.pdf)

The specific power concerning war granted to the President by the Constitution is that of "commander-in-chief" of the armed forces. Article II, Section 2 explicitly states ¶ "The President shall be Commander in Chief of the Army and Navy of the United States, ¶ and of the Militia of the several states, when called into the actual Service of the United ¶ States."6¶ Though Article II of the Constitution is considered by many to be quite vague ¶ and abstract in its delegation of powers to the executive, the power of commander in ¶ chief is relatively definite. Hamilton, arguing for ratification of the Constitution in ¶ Federalist 74 argued, "The propriety of this provision is so evident in itself, and it is, at ¶ the same time, so consonant to the precedents of the State constitutions in general, that ¶ little need be said to explain or enforce it."7¶ In other words, Hamilton believed that the ¶ true nature of this provision granting the title of commander in chief to the President of ¶ the United States was so evident and so harmonious with the precedents set by the ¶ existing state constitutions that there was little more that he could add to its definition. No ¶ clarification was necessary as far as he was concerned. He further argues that even ¶ countries who have an executive council or multiple executives have vested in those ¶ executives alone primary "military authority." It can be said, therefore, that the war ¶ powers, as granted by the Constitution to the Executive, is the control of the armed forces ¶ of the United States. Building on that enumerated power, Hamilton added the "common ¶ strength" definition which has since expanded to include all of the strengths and abilities ¶ of the nation when put to use toward a common goal of engaging in conflict. This¶ definition, more than any other, is consonant with the "condition-setter" status of the ¶ president today. ¶ It should be noted that this definition does not take into account the initiation of ¶ conflict, only the power of control over the armed forces once engaged in conflict. Who ¶ holds the power to initiate conflict is a topic of much debate in modern presidential ¶ scholarship. There are those scholars, such as Louis Fisher and John Hart Ely, who argue ¶ that the framers granted Congress the monopoly on the initiation of conflict by including ¶ in Article I, Section 8 the provision stating, "The Congress shall have the power...to ¶ declare war..."8¶ This declaration of war is equal to an authorization for the ¶ commencement of hostilities and engagement of U.S. military forces, and only after the ¶ Congress has issued such a declaration is war legally initiated. "The decision to commit ¶ U.S. troops to hostilities should be a matter for 'collective judgment' entered into by both ¶ branches," Fisher argues, "Only after Congress authorized military action, reaching that ¶ decision through parliamentary deliberations, may the President as Commander in Chief ¶ order troops into combat."9¶ Other scholars, such as John Yoo, argue that the initiation of ¶ war by the president is lawful under our Constitution and that the declaration of war ¶ referred to in Article I, Section 8 can be construed to mean merely a written approval of ¶ an action previously taken by the president. Arguing many points, Yoo holds that "the ¶ structure of different constitutional provisions supports the notion that declaring war did ¶ not mean the same thing as beginning, conducting, or waging war."10 Essentially arguing¶ against Fisher, Ely, and Alexander Hamilton, Yoo states that if the framers had wanted ¶ the Congress to hold the monopoly on initiating conflict, they would have written such ¶ language into the Constitution but instead, "the Constitution gives Congress the Declare ¶ War power and the President the Commander-in-Chief power without any description of ¶ the process." This ambiguity, which Hamilton argued did not exist, is the basis of Yoo's ¶ argument that if the framers had originally intended the initiation of war to come from the ¶ Congress they would have said so in the plain text of the Constitution, however, because ¶ they did not, the debate over Congressional versus Presidential preeminence in the ¶ initiation of conflict has raged on. Furthermore, Yoo emphasizes the fact that the ¶ President and Vice-President are the only members of the national government to be ¶ elected by the nation as a whole, and are therefore the only rightful representatives of the ¶ whole nation when making decisions relative to war and peace. Also, because Congress ¶ was not elected by the entire nation, Yoo argues that a collective action problem exists. ¶ He states: ¶ “We can expect, at best, that Senators and Representatives will hold ¶ expectations of future costs and benefits that more closely align with those ¶ of their constituents...Collective action problems within the legislature ¶ may well prevent members of Congress from aggregating their individual ¶ preferences into one that represents the overall view of their nation as a ¶ whole.” 11¶ In other words, Yoo holds that because the Congress is constructed to be a body of ¶ representatives and senators from more than 435 different constituencies nation-wide, ¶ there exists a great difficulty in bringing such varied interests together for the benefit of ¶ the nation as a whole, especially in regards to war, but, “because of its election by the ¶ nation as a whole...the Presidency does not suffer from such collective action problems in¶ representing the preferences of the American people as a whole.”12 Because Yoo has ¶ been an integral part of the administration of President George W. Bush, his ¶ interpretation of presidential war powers has been used as a guide post in determining ¶ how far the president's war powers extend and when or if there needs to be any ¶ Congressional approval. These recent developments have resulted in a reinvigorated ¶ debate over the topic of war powers and presidential versus congressional preeminence

#### 3. Education – It’s more beneficial to debate about restrictions on war powers authority – It provides the civic education necessary to challenge unfettered executives

Buchanan 13 - Government professor, UT Austin

(Bruce, Presidential Power and Accountability: Toward a Presidential Accountability System, Routledge, pg. 21-23)

When it is authoritatively marshaled (i.e., mobilized, unified, clear, stable, and focused) and brought to bear with surgical precision on specific choices, public opinion will prevail. It does not often achieve this pinpoint state because there are so few authoritative mechanisms for educating, coordinating, and targeting public influence in decisive ways outside elections and spontaneous crystallizations of the popular will (e.g., in response to an economic crisis). Nevertheless, the people's electoral monopoly over access to power, the unparalleled significance of their poll-tested political opinions, and their sovereign constitutional status (Amar, 2005: 5) make their will and their expectations for presidential performance, always at least potentially, by far the most important sources of guidance for presidents among accountability agents and, as noted, the default linchpin of the [presidential accountability system] PAS itself. By "linchpin" I mean a potentially unifying source of influence on other PAS members as well as an authoritative source of guidance for presidents. The people are the default linchpin because no other accountability agent can match their constitutional legitimacy.¶ But this linchpin PAS status exists by default, and the people do not always deliver. They are not always ready when needed. As just implied, their readiness ebbs and flows with the (often unpredictable) extent to which they are actively engaged in particular questions, or presidential oversight more generally, and the extent to which their will is (to repeat) clear, unified, and stable on any consequential matter. When public opinion has these attributes on a matter touching executive activities, presidents know there will be rewards for compliance and risks of punishment for defiance. When public opinion is not coherently mobilized (a not uncommon occurrence) the popular impact on the situational incentives confronting presidents and other elites can vary from uncertain to negligible. Elites may then compete to shape public opinion and establish the leading interpretation of it, and claim popular support; either as a consequence of official signals like general and midterm elections, or the unofficial and often ephemeral drift of poll-tested opinion (see Chapter 2).¶ As the people became an extra-constitutional source of power for presidents, and as presidents themselves became representatives and tribunes of the people, the potential for the kind of strict oversight of presidents envisioned by Alexander Hamilton in Federalist 70 began to wane. It was further diminished as the number of forceful presidents later deemed "great" increased. The people's energizing of the presidency and that institution's emergence as what Clinton Rossiter called a "breeding ground of indestructible myth," a place where strong leaden go to do great things, helped crystallize a different public view of the presidency than had existed at the time of the founding (presumed to be wary and skeptical by the authors of The Federalist).¶ This perspective shift was made easier by the earlier failure of leading founders to establish a national citizen development program (please revisit endnote 2). It meant that there would be no sustained critical citizen vigilance or wariness of the sort envisioned by Thomas Jefferson and other early national leaders (again, see endnote 2 and Buchanan, 2008c). After democratization, when public unhappiness with particular presidents emerged it was as or more likely to stem from failure to meet great expectations than from exceeding constitutional bounds.¶ The lack of a citizen development program did not rule out the emergence of popular displeasure with presidential handling of 20th-century episodes like Vietnam and Watergate, both examples of spontaneous citizen agreement. Nor has it slowed the emergence, after the Great Depression of the 1930s and 40s, of a public tendency to blame presidents, and vote them out of office, for unsatisfactory economic conditions. The 2008 economic crisis that inspired both fear and blame for the president (the latter adroitly intensified by opposition politicians) is just the most recent example. It is also the case that spotty political socialization has not prevented the near-spontaneous emergence of popular support for other major shifts in national policy direction. Ackerman (2010: 4), for example, has argued that citizens achieved enough clarity and unity on their own to "give their government marching orders" at four key "constitutional moments" (the Founding, Reconstruction, the New Deal, and the Civil Rights revolution) without need for any special civics training. In 1991 Ackerman described such moments as times when "deep changes¶ in popular opinion gained authoritative constitutional recognition" (Ackerman, 1991: 41).

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

## 1nc Terror

#### Hardline TK policies are necessary to solve terrorism – the aff’s a concession that emboldens attacks

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Al-Qaeda's core group is disciplined, relentless, and fanatical and probably cannot be deterred to any significant degree. They undoubtedly will continue to launch their attacks until they are killed, captured, and decisively defeated. Bin Laden's top lieutenants are cold and rational plotters who will persevere in their efforts despite long periods of adverse conditions because of their strong belief in their eventual triumph. The lust for "martyrdom" that permeates the middle and lower levels of al-Qaeda make those terrorists difficult to deter. Individual suicide bombers, once clasped tightly in al-Qaeda's embrace and brainwashed by a tight circle of zealous associates, are unlikely to be deterred from carrying out their lethal plots. It is easier to discourage potential recruits from joining al-Qaeda than to stop them from attacking once they have been indoctrinated and prepared for what they are persuaded is religious martyrdom. To deter someone from joining, it would be helpful to convince them beforehand that al-Qaeda is fighting a losing battle, that it hurts the Muslim community by its ruthless tactics, and that its long-term goals are unrealistic and even run counter to the interests of most Muslims. The United States can influence perceptions of al-Qaeda's prospects for success by relentlessly hunting down its members and bringing them to justice. But it must rely on Muslim political and religious leaders to drive home the other points. Close cooperation with the intelligence and law enforcement agencies of Muslim governments also can help discourage potential recruits from joining by underscoring that they will face counteraction not just from the United States, but from many other governments. Visible progress in defeating al-Qaeda's forces in Iraq, especially if Sunni nationalist insurgent groups can be turned against al-Qaeda, would go far to deterring young Muslim militants from joining al-Qaeda. Fewer people would want to die in a losing jihad than in one that appears to be on track to victory. As bin Laden himself noted in a candid videotape captured in Afghanistan in late 2001, "When people see a strong horse and a weak horse, by nature they will like the strong horse." The sooner the war in Iraq is turned over to the Iraqi government, the better for the broader war on terrorism. The stream of non-Iraqi recruits attracted to Iraq would diminish over time if potential recruits realized that their primary opponent there is not an army of infidels, but a democratic Iraqi government supported by the majority of Iraq's Sunni Arabs. Another important goal is to deter states from assisting al-Qaeda. The Bush Doctrine, enunciated in the President's September 20, 2001, speech before Congress, warned that "any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." This tough stance led Pakistan to break with al-Qaeda and Afghanistan's Taliban regime, which it previously had cooperated with against India. The United States also accrued considerable deterrent credibility by subsequent military campaigns that successfully overthrew regimes that harbored terrorists in Afghanistan and Iraq. The demonstration effect of these military campaigns influenced Libya to surrender its WMD and disavow terrorism. And Iran suddenly became very cooperative in freezing its uranium enrichment program in 2003. But the strength of deterrence against Iran apparently has been undermined by the growing Iranian perception that the United States is bogged down in Iraq and Afghanistan. Finally, the U.S. and its allies can deter al-Qaeda terrorists by refusing to give in to their demands. Making concessions under the threat of terrorist attacks only rewards and emboldens terrorists and encourages future attacks. In the long run, suicide bombers will claim fewer victims if the targeted countries stand firm and refuse to appease them.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities.** Large cities are especially vulnerable **to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

#### New tech breakthroughs make bioterror highly likely – Leads to extinction

Myhrvold 13

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¶ As horrible as this would be, such a pandemic is by ¶ no means the worst attack one can imagine, for several ¶ reasons. First, most of the classic bioweapons are based ¶ on 1960s and 1970s technology because the 1972 treaty ¶ halted bioweapons development efforts in the United ¶ states and most other Western countries. Second, the Russians, although solidly committed to biological weapons ¶ long after the treaty deadline, were never on the cutting ¶ edge of biological research. Third and most important, the ¶ science and technology of molecular biology have made ¶ enormous advances, utterly transforming the field in the ¶ last few decades. High school biology students routinely ¶ perform molecular-biology manipulations that would have ¶ been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. ¶ The biowarfare methods of the 1960s and 1970s are now ¶ as antiquated as the lumbering mainframe computers of ¶ that era. tomorrow’s terrorists will have vastly more deadly bugs to choose from.¶ Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal ¶ virus that infects mice (as chickenpox does in humans), ¶ accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild ¶ symptoms, the new virus killed 60% of even those mice ¶ already immune to the naturally occurring strains of ¶ mousepox. The new virus, moreover, was unaffected ¶ by any existing vaccine or antiviral drug. A team of ¶ researchers at Saint Louis University led by mark Buller ¶ picked up on that work and, by late 2003, found a way to ¶ improve on it: Buller’s variation on mousepox was 100% ¶ lethal, although his team of investigators also devised ¶ combination vaccine and antiviral therapies that were ¶ partially effective in protecting animals from the ¶ engineered strain.12, 13 Another saving grace is that ¶ the genetically altered virus is no longer contagious. ¶ of course, it is quite possible that future tinkering ¶ with the virus will change that property, too.¶ Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other ¶ poxviruses and possibly for other classes of viruses as well. ¶ Might the same techniques allow chickenpox or another ¶ poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known ¶ antiviral therapy? I’ve asked this question of experts many ¶ times, and no one has yet replied that such a manipulation ¶ couldn’t be done.¶ This case is just one example. Many more are pouring out of scientific journals and conferences every year. ¶ Just last year, the journal Nature published a controversial ¶ study done at the University of Wisconsin–madison in ¶ which virologists enumerated the changes one would need ¶ to make to a highly lethal strain of bird flu to make it easily ¶ transmitted from one mammal to another.14¶ Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear ¶ that anyone is even trying. In addition to lethality and drug ¶ resistance, many other parameters can be played with, ¶ given that the infectious power of an epidemic depends on ¶ many properties, including the length of the latency period ¶ during which a person is contagious but asymptomatic. ¶ Delaying the onset of serious symptoms allows each new ¶ case to spread to more people and thus makes the virus ¶ harder to stop.¶ This dynamic is perhaps best illustrated by HIV, which ¶ is very difficult to transmit compared with smallpox and ¶ many other viruses. Intimate contact is needed, and even¶ then, the infection rate is low. The balancing factor is that ¶ hiv can take years to progress to aids, which can then ¶ take many more years to kill the victim. What makes hiv¶ so dangerous is that infected people have lots of opportunities to infect others. This property has allowed hiv to ¶ claim more than 30 million lives so far, and approximately ¶ 34 million people are now living with this virus and facing ¶ a highly uncertain future.15¶ A virus genetically engineered to infect its host quickly, ¶ to generate symptoms slowly—say, only after weeks or ¶ months—and to spread easily through the air or by casual ¶ contact would be vastly more devastating than hiv. It ¶ could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost ¶ impossible to combat because most of the infections would ¶ occur before the epidemic became obvious.¶ A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with ¶ it. Indeed, terrorists may not have to develop it themselves: ¶ some scientist may do so first and publish the details.¶ given the rate at which biologists are making discoveries about viruses and the immune system, at some point in ¶ the near future, someone may create artificial pathogens ¶ that could drive the human race to extinction. Indeed, a ¶ detailed species-elimination plan of this nature was openly ¶ proposed in a scientific journal.¶ The ostensible purpose of that particular research was ¶ to suggest a way to extirpate the malaria mosquito, but ¶ similar techniques could be directed toward humans.16 ¶ When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily ¶ detectable and could be fought with biotech remedies. If ¶ you challenge them to come up with improvements to the ¶ suggested attack plan, however, they have plenty of ideas.¶ Modern biotechnology will soon be capable, if it is not ¶ already, of bringing about the demise of the human race—¶ or at least of killing a sufficient number of people to end ¶ high-tech civilization and set humanity back 1,000 years or ¶ more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in ¶ mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency ¶ been accessible to so few, so easily. Even more dramatically ¶ than nuclear proliferation, modern biological science has ¶ frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing ¶ mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology terrorists included.¶ The 9/11 attacks involved at least four pilots, each of whom had sufficient education to enroll in flight schools and complete several years of training. Bin laden had a degree in civil engineering. Mohammed Atta attended a german university, where he earned a master’s degree in urban ¶ planning—not a field he likely chose for its relevance to ¶ terrorism. A future set of terrorists could just as easily be students of molecular biology who enter their studies innocently enough but later put their skills to homicidal use. ¶ Hundreds of universities in Europe and Asia have curricula sufficient to train people in the skills necessary to make a sophisticated biological weapon, and hundreds more in the ¶ United states accept students from all over the world. ¶ Thus it seems likely that sometime in the near future a ¶ small band of terrorists, or even a single misanthropic individual, will overcome our best defenses and do something ¶ truly terrible, such as fashion a bioweapon that could kill ¶ millions or even billions of people. Indeed, the creation of ¶ such weapons within the next 20 years seems to be a virtual ¶ certainty. The repercussions of their use are hard to estimate. One approach is to look at how the scale of destruction they may cause compares with that of other calamities ¶ that the human race has faced.

#### Cold war deterrence and containment logic is key to preventing terrorist attacks

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Christoph, 2008, “Terror and War” in Justifying War?: From Humanitarian Intervention to Counterterrorism p. 135-7 \*modified for gendered language

Yet the difficulty of localizing the enemy is inherent in the war on terror. It is still a war, a war of our day and age. Those who dispute the definition should recognize that there are real advantages in recognizing it as such. After all, past war experience has produced a large body of concepts that may now help to manage the new types of war in which states no longer fight other states but hostile and powerful private organizations. ¶ . Thus the in concepts burnished the cold war turn out to be astonishingly useful for dealing with the war against terrorists. Instead of destroying the enemy's forces in combat, the best cold war strategy proved to be that of influencing the opponent's willingness not to use force, through deterrence and containment, and to encourage his[/her] inclination for cooperation through detente. Alliances, the solidarity of a large number of countries standing together against a common danger, played a central role in this strategy. ¶ Each one of these concepts can be applied in one way or the other to the war against terrorists-although the currently dominant school of thought, as articulated by the Bush Administration and not openly challenged by America's allies, holds otherwise. Deterrence is dismissed as ineffective against terrorists with the argument that it is Ineffective against suicide-bombers, the last link of the chain of command. But deterrence in the cold war, too, would probably have been ineffective against the captain of a Soviet missile submarine preordered to attack when reaching a specific position off the U.S. Atlantic coast. It did, however, work remarkably well against those giving that order in the ¶ first place, the political and military leadership. That leadership-on both sides-bent over backward to avoid a nuclear showdown, even, as the records show, when false alarms had suggested an imminent attack from the other side! ¶ Why then should deterrence not work against those giving the orders to the suicide-bombers? There is little doubt that threat of military reprisal works against states supporting terrorist activities from their soil; none want to find themselves in the position of the Taliban. (Another reason why the claim by no less an authority than the U.S. Vice President Cheney, that the Iraqi leader Saddam Hussein had promoted terrorist plans against the United States, lacks credibility). Israel, through the selective killing of radical leaders, may have contravened basic rules of law, but has nevertheless been able to reduce the number of suicide-operations. It may be true that terrorist leaders are imbued with a total disregard for human life-"we are willing to die and you want to live," the slogan runs in many of their communiques. But that disregard applies to their victims and the bombwired youngsters they send out against them, it does not extend to them. They want to live, if only in order to remain in control of their operation, they can therefore be deterred. Deterrence in the war against terrorists is, after all, much more credible than in the cold war; the threat to take action against a state supporting terrorists or a terrorist operation does not suffer from the credibility-deficit of nuclear deterrence: The "deterrer" does not have to fear that the "deteree" will respond by blowing up the world. ¶ But then the spurious dismissal of deterrence stems Jess from the nature of terrorism than from the eagerness to justify preventive action, called "preemption" in President Bush's National Security Strategy. The United States, overconfident in its power, was determined to remove all restrictions on its use. To examine alternatives to military intervention seemed a waste of time then. By now, with the experience of Iraq in the American public conscience, it should no longer be so. ¶ Not only the concept of deterrence-the French term "dissuasion" is probably more appropriate for the new wars-but also that of containment, its cold war sister, applies against terrorists. The concept is both ancient and simple: the enemy is deprived of success not through physical annihilation but through effective Countermeasures. ¶ That it can work in the War against terrorists is demonstrated by the fact that since 9/11 no Al Qaeda attack against United States territory has occurred and only two-the train killings in Madrid on March 11, 2004 and the July 2005 attacks in London-on the soil of a European U.S. ally. This has not been for lack of trying on the part of Al Qaeda or similar groups, but due to effective action by state authorities, which have made those kinds of attacks much more difficult to plan and to implement. Thus, containment can work and has worked. Another example, this time visible not just in results but also in physical preparations, is provided by Israel's metal fence stopping physical access to Israeli territory for Palestinians. While the legality of this measure under international and humanitarian law may be in doubt, the results in terms of effective containment speak for themselves.

## 1nc Drone Shift

#### Drone restrictions cause a shift to detention

NYT 12 (New York Times, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”, 5/29/12, <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all&_r=0>)

It was not a theoretical question: Mr. Obama has placed himself at the helm of a top secret “nominations” process to designate terrorists for kill or capture, of which the capture part has become largely theoretical. He had vowed to align the fight against Al Qaeda with American values; the chart, introducing people whose deaths he might soon be asked to order, underscored just what a moral and legal conundrum this could be. Mr. Obama is the liberal law professor who campaigned against the Iraq war and torture, and then insisted on approving every new name on an expanding “kill list,” poring over terrorist suspects’ biographies on what one official calls the macabre “baseball cards” of an unconventional war. When a rare opportunity for a drone strike at a top terrorist arises — but his family is with him — it is the president who has reserved to himself the final moral calculation. “He is determined that he will make these decisions about how far and wide these operations will go,” said Thomas E. Donilon, his national security adviser. “His view is that he’s responsible for the position of the United States in the world.” He added, “He’s determined to keep the tether pretty short.” Nothing else in Mr. Obama’s first term has baffled liberal supporters and confounded conservative critics alike as his aggressive counterterrorism record. His actions have often remained inscrutable, obscured by awkward secrecy rules, polarized political commentary and the president’s own deep reserve. In interviews with The New York Times, three dozen of his current and former advisers described Mr. Obama’s evolution since taking on the role, without precedent in presidential history, of personally overseeing the shadow war with Al Qaeda. They describe a paradoxical leader who shunned the legislative deal-making required to close the detention facility at Guantánamo Bay in Cuba, but approves lethal action without hand-wringing. While he was adamant about narrowing the fight and improving relations with the Muslim world, he has followed the metastasizing enemy into new and dangerous lands. When he applies his lawyering skills to counterterrorism, it is usually to enable, not constrain, his ferocious campaign against Al Qaeda — even when it comes to killing an American cleric in Yemen, a decision that Mr. Obama told colleagues was “an easy one.” His first term has seen private warnings from top officials about a “Whac-A-Mole” approach to counterterrorism; the invention of a new category of aerial attack following complaints of careless targeting; and presidential acquiescence in a formula for counting civilian deaths that some officials think is skewed to produce low numbers. The administration’s failure to forge a clear detention policy has created the impression among some members of Congress of a take-no-prisoners policy. And Mr. Obama’s ambassador to Pakistan, Cameron P. Munter, has complained to colleagues that the C.I.A.’s strikes drive American policy there, saying “he didn’t realize his main job was to kill people,” a colleague said. Beside the president at every step is his counterterrorism adviser, John O. Brennan, who is variously compared by colleagues to a dogged police detective, tracking terrorists from his cavelike office in the White House basement, or a priest whose blessing has become indispensable to Mr. Obama, echoing the president’s attempt to apply the “just war” theories of Christian philosophers to a brutal modern conflict. But the strikes that have eviscerated Al Qaeda — just since April, there have been 14 in Yemen, and 6 in Pakistan — have also tested both men’s commitment to the principles they have repeatedly said are necessary to defeat the enemy in the long term. Drones have replaced Guantánamo as the recruiting tool of choice for militants; in his 2010 guilty plea, Faisal Shahzad, who had tried to set off a car bomb in Times Square, justified targeting civilians by telling the judge, “When the drones hit, they don’t see children.” Dennis C. Blair, director of national intelligence until he was fired in May 2010, said that discussions inside the White House of long-term strategy against Al Qaeda were sidelined by the intense focus on strikes. “The steady refrain in the White House was, ‘This is the only game in town’ — reminded me of body counts in Vietnam,” said Mr. Blair, a retired admiral who began his Navy service during that war.

#### Detention undermines US-EU relations

IBA 9 (International Bar Association, “Detention and trial at Guantánamo Bay and other US detention centres”, January 2009, <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDQQFjAB&url=http%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUid%3D172b3a55-2daf-4af7-a2dc-358871e71aca&ei=2KwsUsSsIJKBqQG1wYGYBA&usg=AFQjCNFUVChnvCkmmRZ3T-wNH09G_WEVQw&sig2=smrqbSILoQ5TLxX1xVgC0A&bvm=bv.51773540,d.aWM&cad=rja>)

The US Administration’s actions at Guantánamo Bay have garnered widespread international criticism. As early as April 2002, Amnesty International expressed concerns about the conditions and treatment of detainees, particularly ‘the small size of the cells and the fact that the cells leave the detainees exposed to the elements… that the prisoners are made to wear shackles whenever they are out of their cells… [and] during medical treatment’.48 In February 2004 Amnesty labelled Guantánamo as ‘an affront to the rule of law’.49 A 2005 report by the organisation cautioned that ‘the totality of the detention conditions themselves – hard, indefinite, and isolating – may amount to cruel, inhuman or degrading treatment in violation of international law. These conditions may themselves be coercive’.50 In 2006 five United Nations experts released a report on the conditions of detention at Guantánamo Bay, and called for Guantánamo Bay’s immediate closure.51 The report found that that the excessive violence associated with the ERF Team and the forced feeding sessions constitute torture as defined by Article 1 of the UN Convention Against Torture (CAT).52 It determined that the general conditions of detention (in particular the uncertainty about the length of detention and prolonged solitary confinement) amount to inhuman treatment, a violation of the right to health and a violation of the right of detainees to be treated with respect for the inherent dignity of the human person. It concluded by saying: ‘The treatment and conditions include the capture and transfer of detainees to an undisclosed overseas location; sensory deprivation and other abusive treatment during transfer; detention in cages without proper sanitation and exposure to extreme temperatures; minimal exercise and hygiene; systematic use of coercive interrogation techniques; long periods of solitary confinement; cultural and religious harassment; denial of or severely delayed communication with family; and the uncertainty generated by indeterminate nature of confinement and denial of access to independent tribunals. These conditions have lead in some instances to serious mental illness, over 3 50 acts of self-harm in 2003 alone, individual and mass suicide attempts and widespread, prolonged hunger strikes. The severe mental health consequences are likely to be long term in many cases, creating health burdens on detainees and their families for years to come’. 53 1.13 Members of the European community have individually and collectively expressed their concern at the conditions and treatment of Guantánamo Bay. Finnish Member of the European Parliament (MEP) Matti Wuori called the Guantánamo situation ‘a despotic return to absolute sovereignty underpinned by a logic of permanent martial law’.54 Courts in France and Spain condemned the facility and refused to admit evidence obtained in Guantánamo-based interrogations.55 In April 2005, the Parliamentary Assembly of the Council of Europe adopted Resolution 1433 , which stated that through its actions in Guantánamo Bay, ‘the United States Government has betrayed its own highest principles’ by subjecting ‘many if not all detainees… to cruel, inhuman or degrading treatment… as a direct result of official policy, authorised at the very highest levels of government’.56 In May 2006 the European Union Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner indicated the concern of a number of EU Member States in respect of the situation at Guantánamo Bay, and called for various United Nations Special Rapporteurs to visit Guantánamo Bay and to interview detainees in private.57

#### Key to check Russian expansionism

Brzezinski 3 (Zbigniew, CSIS counselor and trustee and cochair of the CSIS Advisory Board, Senior research professor of international relations at the School of Advanced International Studies, Johns Hopkins University, “Hegemonic Quicksand”, <http://www.kas.de/upload/dokumente/brzezinski.pdf>)

Finally, there is the question of the degree to which Russia can become America’s major strategic partner in coping with Eurasian regional turmoil. Russia clearly has the means and experience to be of help in such an effort. Although Russia, unlike the other contenders, is no longer truly part of the region—Russian colonial domination of Central Asia being a thing of the past—Moscow nevertheless exercises considerable influence on all of the countries to its immediate south, has close ties to India and Iran and contains some 15–20 million Muslims within its own territory. At the same time, Russia has come to see its Muslim neighbors as the source of a potentially explosive political and demographic threat, and the Russian political elite are increasingly susceptible to anti-Islamic religious and racist appeals. In these circumstances, the Kremlin eagerly seized upon the events of September 11 as an opportunity to engage America against Islam in the name of the “war on terrorism.” Yet, as a potential partner, Russia is also handicapped by its past, even its very recent past. Afghanistan was devastated by a decade-long war waged by Russia, Chechnya is on the brink of genocidal extinction, and the newly independent Central Asian states increasingly define their modern history as a struggle for emancipation from Russian colonialism. With such historical resentments still vibrant in the region, and with increasingly frequent signals that Russia’s current priority is to link itself with the West, Russia is being perceived in the region more and more as a former European colonial power and less and less as a Eurasian kin. Russia’s present inability to offer much in the way of a social example also limits its role in any American-led international partnership for the purpose of stabilizing, developing and eventually democratizing the region. Ultimately, America can look to only one genuine partner in coping with the Global Balkans: Europe. Although it will need the help of leading East Asian states like Japan and China—and Japan will provide some, though limited, material assistance and some peacekeeping forces— neither is likely at this stage to become heavily engaged. Only Europe, increasingly organized as the European Union and militarily integrated through NATO , has the potential capability in the political, military and economic realms to pursue jointly with America the task of engaging the various Eurasian peoples— on a differentiated and flexible basis—in the promotion of regional stability and of progressively widening trans-Eurasian cooperation. And a supranational European Union linked to America would be less suspect in the region as a returning colonialist bent on consolidating or regaining its special economic interests. America and Europe together represent an array of physical and experiential assets with the capability to make the decisive difference in shaping the political future of the Global Balkans. The question is whether Europe—largely preoccupied with the shaping of its own unity—will have the will and the generosity to become truly engaged with America in a joint effort that will dwarf in complexity and scale the earlier, successful joint AmericanEuropean effort to preserve peace in Europe and then end Europe’s division.

#### Nuclear war

Blank 9 (Stephen, Strategic Studies Institute's expert on the Soviet bloc and the post-Soviet world since 1989, former Associate Professor of Soviet Studies at the Center for Aerospace Doctrine, Research, and Education, Maxwell Air Force Base, B.A. in History from the University of Pennsylvania, and a M.A. and Ph.D. in History from the University of Chicago, “Russia And Arms Control: Are There Opportunities For The Obama Administration?” March 2009, http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=908)

Proliferators or nuclear states like China and Russia can then deter regional or intercontinental attacks either by denial or by threat of retaliation.168 Given a multipolar world structure with little ideological rivalry among major powers, it is unlikely that they will go to war with each other. Rather, like Russia, they will strive for exclusive hegemony in their own “sphere of influence” and use nuclear instruments towards that end. However, wars may well break out between major powers and weaker “peripheral” states or between peripheral and semiperipheral states given their lack of domestic legitimacy, the absence of the means of crisis prevention, the visible absence of crisis management mechanisms, and their strategic calculation that asymmetric wars might give them the victory or respite they need.169 Simultaneously, The states of periphery and semiperiphery have far more opportunities for political maneuvering. Since war remains a political option, these states may find it convenient to exercise their military power as a means for achieving political objectives. Thus international crises may increase in number. This has two important implications for the use of WMD. First, they may be used deliberately to offer a decisive victory (or in Russia’s case, to achieve “intra-war escalation control”—author170) to the striker, or for defensive purposes when imbalances 67 in military capabilities are significant; and second, crises increase the possibilities of inadvertent or accidental wars involving WMD.171 Obviously nuclear proliferators or states that are expanding their nuclear arsenals like Russia can exercise a great influence upon world politics if they chose to defy the prevailing consensus and use their weapons not as defensive weapons, as has been commonly thought, but as offensive weapons to threaten other states and deter nuclear powers. Their decision to go either for cooperative security and strengthened international military-political norms of action, or for individual national “egotism” will critically affect world politics. For, as Roberts observes, But if they drift away from those efforts [to bring about more cooperative security], the consequences could be profound. At the very least, the effective functioning of inherited mechanisms of world order, such as the special responsibility of the “great powers” in the management of the interstate system, especially problems of armed aggression, under the aegis of collective security, could be significantly impaired. Armed with the ability to defeat an intervention, or impose substantial costs in blood or money on an intervening force or the populaces of the nations marshaling that force, the newly empowered tier could bring an end to collective security operations, undermine the credibility of alliance commitments by the great powers, [undermine guarantees of extended deterrence by them to threatened nations and states] extend alliances of their own, and perhaps make wars of aggression on their neighbors or their own people.172

## Case

### 9/11

#### The belief that 9/11 ushered in a “new era” carries with it a host of dangerous assumptions—it legitimates the war on terror and the very civil liberties abuses that the aff indicts

CAROLINE KENNEDY-PIPE AND NICHOLAS RENGGER, 2006 (“Apocalypse now? Continuities or

disjunctions in world politics after 9/11” International Affairs, vol. 82, 3, accessed via EBSCO)

It is now a commonplace of political reflection that the attacks on New York and Washington in September 2001 (to which we will henceforth refer, following common usage, as 9/11), as well as the events that have fl owed from them—the invasions of Afghanistan and Iraq, the US-declared ‘war on terror’, the adoption of an offi cial policy of preventive war by the Bush administration and so on— have reshaped the world politics of the early twenty-fi rst century. Of course, the relative optimism of the early to mid-1990s had already decayed a good deal before 9/11; but since that watershed, it is now often claimed, world politics has taken on a much darker, more apocalyptic hue than at any time in recent history, and this has had profound implications as much for areas such as the global economy and environmental sustainability as for security. Of course, this claim has been expressed in diff erent ways. Ken Booth and Tim Dunne, in the preface to their discussion of the 9/11 attacks, have suggested that ‘For years to come, if not decades, the “war on terrorism” will be the defi ning paradigm in the struggle for global order.’1 The contemporary historian John Lewis Gaddis invokes an even more powerful image to emphasize the ‘newness’ and radically transformative character of 9/11, in his meditation on the US experience in its wake: through the days, weeks and months that followed … most of us managed to return to an approximation of normality. And yet our understanding of what is ‘normal’ is not what it once was. Just as New Yorkers go about their familiar activities in the shadow of an unfamiliar skyline, so something within each of us has also changed. It’s as if we were all irradiated, on that morning of September 11 2001, in such a way as to shift our psychological makeup—the DNA in our minds—with consequences that will not become clear for years to come.2 This article seeks to investigate these claims across a range of theoretically disputed areas, and asks whether, how and to what extent the events of the early twentyfi rst century really presage a fundamental, as opposed to merely epiphenomenal, shift in world politics. While some of the topics that we will look at are not staples of theorizing in IR in general or, at least, in the most dominant forms of IR theory, all of them have important implications for IR theory. Moreover, we would argue that ‘theory’ in IR scholarship—indeed in political studies more generally—is best seen as refl ection upon practice, refl ection of various sorts to be sure—philosophical, historical and of other kinds—but nontheless an activity that takes practice in important ways as prior and thus sees theory as parasitic on practice. Briefly put, our argument is—without denying the obvious importance of 9/11 or suggesting simply that ‘the future will be like the past’—that world politics displays far more continuity than change; that 9/11, rather than heralding a new era in world politics, was merely symptomatic of certain key aspects of world politics that should be familiar to all serious students of the field but which, for a variety of reasons, some of which we will briefl y discuss, seem to have been forgotten in the aftermath of the attacks. The one thing that is new, however—and to this we certainly do wish to draw attention—is the belief that there has been a great change in the architecture of world politics. We argue here that this belief is largely a delusion. Nonetheless, it is shared by important elements both in the West and elsewhere, and has created, and is continuing to create, a very dangerous and unstable set of assumptions that, far from delivering security, is generating far greater insecurity than many of the more familiar and traditional assumptions about world politics. In the context of western policy, this belief is manifested chiefl y in the assumptions that have gone to make up the so-called ‘war on terror’—now redefi ned by the Bush administration as ‘the long war’3—and the associated changes in US and wider security and military doctrine. One example of this is the development of what amounts to a preventive war strategy in the US National Security Strategy of 2002.4 However, a more radical and disturbing example can perhaps be found in the changes that seemed to have occurred with regard to traditional western assumptions about the relationship between law and national security under conditions of threat, with the at least partial defence of ‘robust’ interrogation techniques—seen by some as eff ectively legitimating torture—and special facilities where such interrogations take place (for example, the practice of ‘extraordinary rendition’ and the facilities at Abu Ghraib prison and Guantanamo Bay), and the introduction of new legislation which might limit many traditional civil liberties.

#### Hailings of 9/11 are co-opted by conservatives to justify war and imperialism: We should reject appeals to the rhetorical tool of 9/11:

Kalie Gold, 2007 (http://www.watsonblogs.org/matrix/2007/09/from\_kalie\_gold\_should\_we\_forg.html)

Should we forget 9/11? My name is Kalie, I am a senior at Brown University, concentrating in International Relations; I am originally from Washington, DC. I was in DC on 9/11, and still live there. I am taking this class to explore a different way of looking at history—through theoretical frameworks rather than just facts. My first thought is, what is the role of memory? In this case, we should be careful to call it “historical memory.” The complex context surrounding 9/11 pushes us to not just see it as a day of tragedy, but to place it in perspective. Analyzing “tragedy” and truth in the same moment, however, is not an easy task. What an idealistic view. Historical memory is always caught up in complex forces that do not serve a greater good. Historical memory is most often a tool: to define group identity for political purposes, to incite people to action, and to justify means and ends. We have seen 9/11 become this sort of tool. 9/11 left the US with a national feeling of unjust victimization. The idea and feeling of victimization has justified retaliation, and the US took our own violence abroad to Afganistan and Iraq. To forget how the process worked, where it began, and the results, would be wrong. Twenty years from now, the world needs to be able to both learn from our (and others’) mistakes, and appreciate why and from where they came. Does remembering September 11th do us harm? Arguably it already has—regrets about Afganistan, Iraq, and other issues are caught up in the memory of 9/11. Forgetting what happened, and what has happened since, would be a disservice to history.

#### The so called post 9/11 era is merely a fiction—belief in it leads to the manipulation of rhetoric and a time period infected with fear:

University of Leicester, 9/14/2009 (“9/11 has led to a rhetoric - 'Infected with fear'”

<http://www.alphagalileo.org/ViewItem.aspx?ItemId=60969&CultureCode=en>

Eight years on from the 9/11 terrorist attacks, new research from the University of Leicester's Centre for American Studies has examined the impact of the atrocity on language, sense of realism, and how it has led to America's 'current state of fear'. The research, undertaken by Dr Catherine Morley, a lecturer in the School of English at the University of Leicester, reveals that 9/11 not only influenced society's sense of realism and its ability to express this realism, but also let to the manipulation of language, and a rhetoric - 'infected with fear'. She examined different literary responses to the culture of fear and the so-called 'war on terror' looking at how they explore government surveillance, infringement of civil liberties and the role of the media in the new global environment of distrust. As Dr Morley puts it: "In light of this attack on American soil, the first foreign attack since the Second World War, it is not surprising that American writers became more subjective and less dispassionate in their immediate responses, presenting raw personal grief and their perceived sense of the futility of their literary endeavours. There was a general feeling among writers that words would inevitably fail in the face of the extremely visual nature of the attacks. "The events of September 11 engendered a new reality, so close and so familiar it was 'unreal'. When reality becomes a nightmare, realism itself falls apart. And in this context the textual combination of the literary and the visual might come closest to capturing the terrible trauma of 11 September 2001." As writers were called upon to make sense of what the world had witnessed, many commented on the surreal nature of the attacks. Dr Morley explains: "What was immediately striking about a great number of these writers' responses was the emphasis on the visual or on the actual spectacle of the attacks. Many writers described themselves as impotent, as though they were frozen in front of the television screen or, in the case of the New York writers, watching from some city vantage point. "Indeed, for many writers in the weeks and months after the attacks, the heightened visibility of the attacks seemed to render them 'too real'. So the problem for the writer was how to write about events which seemed to defy the logic of traditional narrative realism, and which presented a story that the whole world was already familiar with through an unending televisual loop." Dr Morley's analysis of US government documents finds an 'extraordinarily pervasive rhetoric of fear.' Her research reveals how US military rhetoric and government-fuelled paranoia are conflated within the fiction of the post-9/11 era. The effect, says Morley, is to make a rather deliberate, if subtle, point, which acknowledges the complicity of the West in the propagation of the current state of fear. "It has done so to such an extent that the raised terror alerts which are regularly announced by the global media seem to have engendered a heightened sense of reality, bordering on the surreal in its capacity for inspiring terror." 9/11 fiction continues to be integrated into Dr Morley's courses as she says, "It still feels very relevant and of course all the students remember the atrocity well. They are very interested in it and the effect it has had on society." Literary artists continue to add to the body of comment on what was a terrible historical event. And their reactions, embodied in the fictions produced after 9/11, continue to challenge perceptions and provoke new discussion, eight years on.

### 2ac Consequences

#### Evaluate consequences – key to ethics

Isaac 2 (Jeffrey Isaac, Professor of political science at Indiana University, Ph.D Yale, Director of Center for Study of Democracy and Public Life, Spring 2002, “End, Means, and Politics,” Dissent Magazinze, vol. 49, no. 2)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness

### 2ac Feminism

#### Turn – essentialism – their re-thinking inscribes essentialist conceptions of “woman” that make inequality and anti-feminism more likely

Witworth ‘94

Witworth, Prof of political science and female studies @ York U. Feminism and International Relations, pg 20, 1994

Even when not concerned with mothering as such, much of the politics that emerge from radical feminism within IR depend on a ‘re-thinking’ from the perspective of women. What is left unexplained is how simply thinking differently will alter the material realities of relations of domination between men and women. Structural (patriarchal) relations are acknowledged, but not analysed in radical feminism’s reliance on the experiences, behaviours and perceptions of ‘women’. As Sandra Harding notes, the essential and universal ‘man’, long the focus of feminist critiques, has merely been replaced here with the essential and universal ‘woman’. And indeed, that notion of ‘woman’ not only ignores important differences amongst women, but it also reproduces exactly the stereotypical vision of women and men, masculine and feminine, that has been produced under patriarchy. Those women who do not fit the mould – who, for example, take up arms in military struggle – are quickly dismissed as expressing ‘negative’ or ‘inauthentic’ feminine values (the same accusation is more rarely made against men). In this way, it comes as no surprise when mainstream IR theorists such as Robert Reohane happily embrace the tenets of radical feminism. It requires little in the way of re-thinking or movement from accepted and comfortable assumptions about stereotypes. Radical feminists find themselves defending the same account of women as nurturing, pacifist, submissive mothers as men do under patriarchy, anti-feminists and the New Right. As some writers suggest, this in itself

#### Fem doesn’t open up space for divergent perspectives in IR – they just create a new closed system – exclusion is inevitable.

Caprioli 4

“Feminist IR Theory and Quantitative Methodology: A Critical Analysis” Mary Caprioli, Dept. of Political Science, University of Tennessee. International Studies Review. Volume 42 Issue 1 Page 193-197, March 2004. http://www.blackwell-synergy.com/links/doi/10.1111/0020-8833.00076

Conventional feminist IR scholars misrepresent the field of international relations in arguing that IR scholarship as popularly accepted excludes alternative explanations of state behavior, including feminist inquiry, that go beyond structural, state-focused models. Feminist IR theorists, among others, critique the IR field for its state-centric approach and argue that "a world of states situated in an anarchical international system leaves little room for analyses of social relations, including gender relations" (Tickner 2001:146). As a result, they appear to set up a straw man by refusing to recognize the variety within "conventional" IR research. Indeed, as Jack Levy (2000) has observed, a significant shift to societal-level variables has occurred, partly in response to the decline in the systemic imperatives of the bipolar era. Certainly the democratic peace literature, particularly its normative explanation (Maoz and Russett 1993; Dixon 1994), among other lines of inquiry, recognizes the role of social relations in explaining state behavior. The normative explanation for the democratic peace thesis emphasizes the societal level values of human rights, support for the rule of law, and peaceful conflict resolution in explaining the likelihood of interstate conflict. Furthermore, dyadic tests of the democratic peace thesis rely "on an emerging theoretical framework that may prove capable of incorporating the strengths of the currently predominant realist or neorealist research program, and moving beyond it" (Ray 2000:311). In addition, theorizing and research in the field of ethnonationalism has highlighted connections that domestic ethnic discrimination and violence have with state behavior at the international level (Gurr and Harff 1994; Van Evera 1997; Caprioli and Trumbore 2003a, 2003b). Contrary to the argument that conventional IR theory excludes feminist inquiry, space exists within the field of international relations for feminist inquiry even allowing for a state-centric focus, just as room exists for scholars interested in exploring the democratic peace and ethnonationalism. International relations feminists make the same mistake that they accuse IR scholars of making: narrowing the space for various worldviews, thereby creating competition and a sense of exclusion among the so-called others. If the role of "feminist theory is to explain women's subordination, or the unjustified asymmetry between women's and men's social and economic positions, and to seek prescriptions for ending it" (Tickner 2001:11), then feminist IR scholarship ought to allow for an explanation of how women's subordination or inequality has an impact on state behavior, assuming a state- centric focus, while at the same time challenging the predetermination of a structural analysis. If domestic inequality does affect state behavior, or even perpetuates the existence of states, then policy prescriptions should be sought.

### 2AC War T/ Structural Violence

#### War turns structural violence

Bulloch 8 Millennium - Journal of International Studies *May 2008 vol. 36 no. 3 575-595* Douglas Bulloch, IR Department, London School of Economics and Political Science. He is currently completing his PhD in International Relations at the London School of Economics, during which time he spent a year editing Millennium: Journal of International Studies

But the idea that poverty and peace are directly related presupposes that wealth inequalities are – in and of themselves – unjust, and that the solution to the problem of war is to alleviate the injustice that inspires conflict, namely poverty. However, it also suggests that poverty is a legitimate inspiration for violence, otherwise there would be no reason to alleviate it in the interests of peace. It has become such a commonplace to suggest that poverty and conflict are linked that it rarely suffers any examination. To suggest that war causes poverty is to utter an obvious truth, but to suggest the opposite is – on reflection – quite hard to believe. War is an expensive business in the twenty-first century, even asymmetrically. And just to examine Bangladesh for a moment is enough at least to raise the question concerning the actual connection between peace and poverty. The government of Bangladesh is a threat only to itself, and despite 30 years of the Grameen Bank, Bangladesh remains in a state of incipient civil strife. So although Muhammad Yunus should be applauded for his work in demonstrating the efficacy of micro-credit strategies in a context of development, it is not at all clear that this has anything to do with resolving the social and political crisis in Bangladesh, nor is it clear that this has anything to do with resolving the problem of peace and war in our times. It does speak to the Western liberal mindset – as Geir Lundestad acknowledges – but then perhaps this exposes the extent to which the Peace Prize itself has simply become an award that reflects a degree of Western liberal wish-fulfilment. It is perhaps comforting to believe that poverty causes violence, as it serves to endorse a particular kind of concern for the developing world that in turn regards all problems as fundamentally economic rather than deeply – and potentially radically – political.

### 2AC Can’t Solve

#### Their conception of violence is reductive and can’t be solved

Boulding 77 Twelve Friendly Quarrels with Johan Galtung Author(s): Kenneth E. BouldingReviewed work(s):Source: Journal of Peace Research, Vol. 14, No. 1 (1977), pp. 75-86Published Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science. He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

# 2nc

## Shift

### Link

#### Detention low now because of drones

NYT 12 (New York Times, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”, 5/29/12, <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all&_r=0>)

Yet the administration’s very success at killing terrorism suspects has been shadowed by a suspicion: that Mr. Obama has avoided the complications of detention by deciding, in effect, to take no prisoners alive. While scores of suspects have been killed under Mr. Obama, only one has been taken into American custody, and the president has balked at adding new prisoners to Guantánamo. “Their policy is to take out high-value targets, versus capturing high-value targets,” said Senator Saxby Chambliss of Georgia, the top Republican on the intelligence committee. “They are not going to advertise that, but that’s what they are doing.”

#### Drones have allowed Obama to shift away from detention

The Guardian 13 (Cites John Bellinger, Former Legal Adviser for the U.S. Department of State and the National Security Council, “BUSH LAWYER: Drone Strikes Are Worse Than Indefinite Detention”, 5/2/13, <http://www.businessinsider.com/bush-administration-lawyer-drone-strikes-being-used-as-alternative-to-guantnamo-2013-5>)

The lawyer who first drew up White House policy on lethal drone strikes has accused the Obama administration of overusing them because of its reluctance to capture prisoners that would otherwise have to be sent to Guantánamo Bay. John Bellinger, who was responsible for drafting the legal framework for targeted drone killings while working for George W Bush after 9/11, said he believed their use had increased since because President Obama was unwilling to deal with the consequences of jailing suspected al-Qaida members. "This government has decided that instead of detaining members of al-Qaida [at Guantánamo] they are going to kill them," he told a conference at the Bipartisan Policy Center. Obama this week pledged to renew efforts to shut down the jail but has previously struggled to overcome congressional opposition, in part due to US disagreements over how to handle suspected terrorists and insurgents captured abroad.

#### The detention-drones tradeoff is empirically true

Goldsmith 12 – Professor of Law @ Harvard

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

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

## Terror

### Nuke Terror Likely

#### Nuclear terror attack by Al Qaeda is highly probably – They can’t in the squo because of drones

Montgomery 10 (Evan, Senior Fellow at the Center for Strategic and Budgetary Assessments, “Understanding the Threat of Nuclear Terrorism”, 4/2/10, <http://www.csbaonline.org/publications/2010/04/understanding-the-threat-of-nuclear-terrorism/>)

There are two major dimensions of the nuclear terrorist threat: the “supply” side of nuclear proliferation and the “demand” side of violent Islamist extremism. Over the past decade, longstanding concerns over proliferation have become increasingly acute in light of a number of worrisome developments, including the status of India and Pakistan as overt nuclear weapon states, North Korea’s two nuclear weapons tests, the international community’s failure to restrain Iran’s nuclear ambitions, and the fear that an Iranian nuclear weapons program could spark further proliferation throughout the Middle East. Ultimately, while existing nuclear arsenals and stockpiles of fissile material represent the most immediate concern, the spread of nuclear weapons and material has increased the probability that terrorists might be able to acquire or construct a nuclear device. At the same time that nuclear proliferation has become a growing concern, terrorism has also been elevated from a secondary to a primary threat to US security because of the emergence of groups that have few inhibitions on inflicting mass casualties by means of chemical, biological, and even nuclear weapons. Today, for example, the threat of nuclear terrorism is primarily associated with Osama bin Laden and his followers, who have not only pursued these weapons for some time, but have expressed their willingness to use them against their enemies. Since the US invasion of Afghanistan in 2001, however, al Qaeda has lost a key sanctuary and much of its original senior leadership. Does it still hope to acquire and use weapons of mass destruction? is it capable of obtaining or building a nuclear weapon? The answer to the first question appears to be “yes.” Publicly available information leaves little doubt that the group’s intentions remain unchanged. Nevertheless, al Qaeda appears to be much less capable of conducting a major attack against the United States, and especially a catastrophic attack using a nuclear weapon, than it was when it had a base of operations in Afghanistan. After the downfall of the Taliban regime, al Qaeda evolved into an increasingly decentralized organization. Moreover, as the influence and capabilities of its central leadership have waned, the source of the terrorist threat has shifted toward regional groups affiliated with al Qaeda and homegrown extremists inspired by it, neither of which are likely to possess the knowledge, skills, resources, or discipline necessary to plan and successfully carry out a nuclear attack. Until fairly recently, however, numerous accounts suggested that al Qaeda’s core leadership was in the process of reestablishing its ability to organize and execute major attacks, due in large part to its sanctuary in the remote areas of Pakistan. Yet according the United States intelligence Community this concern has diminished over the past year due to ongoing counterterrorism efforts, including repeated strikes against terrorist operatives using unmanned aerial vehicles operating in Pakistan. These efforts “have put the organization into one of its most difficult positions since the early days of Operation Enduring Freedom in late 2001,” and have also “dealt a significant blow to al-Qa’ida’s near-term efforts to develop a sophisticated CBRN [chemical, biological, radiological, or nuclear] attack capability.” An analysis of the supply and demand sides of the nuclear terrorist threat suggests two major conclusions. First, limiting and preferably stopping any further proliferation of nuclear weapons and the technology to produce nuclear material is and will remain an important goal. At present, this goal hinges largely on Iran — if Tehran does pursue and develop nuclear weapons, this could be the catalyst for a wave of proliferation in the Middle East. As one analyst notes, “The real danger is that Iran’s nuclearization would help create a region in which four or five nations are nuclear-armed, instead of just one (Israel).” Yet stopping Iran from becoming a nuclear weapon state, while certainly desirable, may not be feasible through diplomacy, economic sanctions, or even military action. The United States must, therefore, work to develop a comprehensive strategy to prevent further proliferation in the region if and when Iran does become a full-fledged nuclear power. Second, because there is a very strong probability that any credible plot to conduct a nuclear terrorist attack will originate with al Qaeda’s central leadership, a critical component of a broader strategy to prevent such an attack will involve continued efforts to weaken al Qaeda’s leaders and eliminate — or at the very least restrict — their sanctuary in Pakistan.

#### Nuke terror is likely – Consensus of 120 countries – Dismantling Al Qaeda capabilities is key

Dahl 7/1 (Fredrik, Reuters nuclear correspondent, “Governments warn about nuclear terrorism threat”, 7/1/13, <http://www.reuters.com/article/2013/07/01/us-nuclear-security-idUSBRE96010E20130701>)

A declaration adopted by more than 120 states at the meeting said "substantial progress" had been made in recent years to improve nuclear security globally, but it was not enough. Analysts say radical groups could theoretically build a crude but deadly nuclear bomb if they had the money, technical knowledge and materials needed. Ministers remained "concerned about the threat of nuclear and radiological terrorism ... More needs to be done to further strengthen nuclear security worldwide", the statement said. The document "encouraged" states to take various measures such as minimizing the use of highly-enriched uranium, but some diplomats said they would have preferred firmer commitments. Many countries regard nuclear security as a sensitive political issue that should be handled primarily by national authorities. This was reflected in the statement's language. Still, Yukiya Amano, director general of the International Atomic Energy Agency (IAEA), which hosted the conference, said the agreement was "very robust" and represented a major step forward. RADICAL GROUPS' "NUCLEAR AMBITIONS" Amano earlier warned the IAEA-hosted conference against a "false sense of security" over the danger of nuclear terrorism. Holding up a small lead container that was used to try to traffic highly enriched uranium in Moldova two years ago, the U.N. nuclear chief said it showed a "worrying level of knowledge on the part of the smugglers". "This case ended well," he said, referring to the fact that the material was seized and arrests were made. But he added: "We cannot be sure if such cases are just the tip of the iceberg." Obtaining weapons-grade fissile material - highly enriched uranium or plutonium - poses the biggest challenge for militant groups, so it must be kept secure both at civilian and military facilities, experts say. An apple-sized amount of plutonium in a nuclear device and detonated in a highly populated area could instantly kill or wound hundreds of thousands of people, according to the Nuclear Security Governance Experts Group (NSGEG) lobby group. But experts say a so-called "dirty bomb" is a more likely threat than a nuclear bomb. In a dirty bomb, conventional explosives are used to disperse radiation from a radioactive source, which can be found in hospitals or other places that are generally not very well protected. More than a hundred incidents of thefts and other unauthorized activities involving nuclear and radioactive material are reported to the IAEA every year, Amano said. "Some material goes missing and is never found," he said. U.S. Energy Secretary Ernest Moniz said al Qaeda was still likely to be trying to obtain nuclear material for a weapon. "Despite the strides we have made in dismantling core al Qaeda we should expect its adherents ... to continue trying to achieve their nuclear ambitions," he said.

#### Materials theft is easy – Broad international consensus that the threat is real

Brill and Luongo 12 (Kenneth C. Brill is a former U.S. ambassador to the I.A.E.A.Kenneth N. Luongo is president of the Partnership for Global Security. Both are members of the Fissile Material Working Group, a nonpartisan nongovernmental organization, “Nuclear Terrorism: A Clear Danger”, 3/15/12, <http://www.nytimes.com/2012/03/16/opinion/nuclear-terrorism-a-clear-danger.html>)

There is a consensus among international leaders that the threat of nuclear terrorism is real, not a Hollywood confection. President Obama, the leaders of 46 other nations, the heads of the International Atomic Energy Agency and the United Nations, and numerous experts have called nuclear terrorism one of the most serious threats to global security and stability. It is also preventable with more aggressive action. At least four terrorist groups, including Al Qaeda, have demonstrated interest in using a nuclear device. These groups operate in or near states with histories of questionable nuclear security practices. Terrorists do not need to steal a nuclear weapon. It is quite possible to make an improvised nuclear device from highly enriched uranium or plutonium being used for civilian purposes. And there is a black market in such material. There have been 18 confirmed thefts or loss of weapons-usable nuclear material. In 2011, the Moldovan police broke up part of a smuggling ring attempting to sell highly enriched uranium; one member is thought to remain at large with a kilogram of this material. A terrorist nuclear explosion could kill hundreds of thousands, create billions of dollars in damages and undermine the global economy. Former Secretary General Kofi Annan of the United Nations said that an act of nuclear terrorism “would thrust tens of millions of people into dire poverty” and create “a second death toll throughout the developing world.” Surely after such an event, global leaders would produce a strong global system to ensure nuclear security. There is no reason to wait for a catastrophe to build such a system. The conventional wisdom is that domestic regulations, U.N. Security Council resolutions, G-8 initiatives, I.A.E.A. activities and other voluntary efforts will prevent nuclear terrorism. But existing global arrangements for nuclear security lack uniformity and coherence. There are no globally agreed standards for effectively securing nuclear material. There is no obligation to follow the voluntary standards that do exist and no institution, not even the I.A.E.A., with a mandate to evaluate nuclear security performance. This patchwork approach provides the appearance of dealing with nuclear security; the reality is there are gaps through which a determined terrorist group could drive one or more nuclear devices. Obama’s initiative in launching the nuclear security summit process in Washington in 2010 helped focus high-level attention on nuclear security issues. Unfortunately, the actions produced by the 2010 Washington Summit and that are planned for the upcoming Seoul Summit are voluntary actions that are useful, but not sufficient to create an effective global nuclear security regime. The world cannot afford to wait for the patchwork of nuclear security arrangements to fail before they are strengthened. Instead, we need a system based on a global framework convention on nuclear security that would fill the gaps in existing voluntary arrangements. This framework convention would commit states to an effective standard of nuclear security practices, incorporate relevant existing international agreements, and give the I.A.E.A. the mandate to support nuclear security by evaluating whether states are meeting their nuclear security obligations and providing assistance to those states that need help in doing so.

#### It’s highly probable

Chibarirwe 7/7 (Anthony, Contributing Editor at The Trumpet, “IAEA Chief Warns of Threat of Nuclear Terrorism”, 7/7/13, <http://www.thetrumpet.com/article/10787.19.0.0/world/terrorism/iaea-chief-warns-of-threat-of-nuclear-terrorism>)

At a conference on enhancing global nuclear security efforts, the director general of the United Nations International Atomic Energy Agency (iaea), Yukiya Amano, warned of the possibility of terrorist attacks involving radioactive material. The conference, held at the organization’s headquarters in Vienna last Monday, was attended by over 1,300 delegates from 120 countries and 20 international and regional organizations. Amano’s chief concern was the potential use of a crude nuclear device—a “dirty bomb,” as it’s often called. Such a bomb may not necessarily be a weapon of “mass destruction” but rather of “mass disruption.” Experts believe dirty bombs are much more likely to be detonated than actual nuclear bombs because of the relative ease in obtaining radioactive materials. How serious is the threat of crude radioactive bombs? To answer that question, Amano referred to a foiled smuggling and trafficking incident in Moldova two years ago. The smugglers had tried to avoid detection by using special radiation shields, showing “a worrying level of knowledge.” The case ended well, but “unfortunately,” said Amano, “we cannot be sure if such cases are just the tip of the iceberg.” Every year, the iaea receives hundreds of reports of thefts and unauthorized activities involving radioactive materials. While there hasn’t yet been a terrorist attack involving nuclear bombs or dirty bombs, Amano cautioned: “[T]his must not lull us into a false sense of security. If a ‘dirty bomb’ is detonated in a major city, or sabotage occurs at a nuclear facility, the consequences could be devastating. The threat of nuclear terrorism is real, and the global nuclear security system needs to be strengthened in order to counter that threat.” George Moore, a senior iaea analyst from 2007 to 2012, noted that “many experts believe it’s only a matter of time before a dirty bomb or another type of radioactive dispersal device is used, with some expressing surprise that it hasn’t happened already.” The destruction and disruption that could be caused by dirty bombs can be seen in the fairly simple pressure cooker bombs that paralyzed Boston in April. As our article “Death by a Thousand Cuts” noted, the Boston bombing cost three lives as well as hundreds of millions of dollars. Makeshift radioactive bombs could be similarly costly. Cleaning up nuclear contamination could take months, and for some buildings, decontamination could be a greater challenge than to destroy and rebuild. As unpleasant as this reality is, the fact of the matter is that the world remains vulnerable to nuclear terrorism, and the United States, Britain and Israel face the greatest risk. These nations have enemies determined to destroy them, or at least cripple them structurally or economically. Some of these foes are undeterred by religion, morals or death. For some, what they perceive happening after death actually motivates them.

### Terror Real/Coming

#### Threat growing now

Marc Lynch 8/8, professor of political science and international affairs at George Washington University and an editor of Foreign Policy's Middle East Channel, 8/8/13, "The Gift", Foreign Policy, www.foreignpolicy.com/articles/2013/08/08/the\_gift\_al\_qaeda\_arab\_spring

The failure of most of the Arab uprisings has therefore been an extraordinary gift to al Qaeda. It has restored the potency of the terror organization's arguments, while the distraction or disintegration of state security agencies has given it more space to operate. The shift to armed insurgency in Syria galvanized its moribund global jihad. The spectacular collapse of the Muslim Brotherhood badly weakened its most powerful Islamist rival. It has found unprecedented new opportunities to reposition itself within the turbulent, hyperactive new Arab politics.

**Terror is a real threat driven by forces the aff can’t resolve---we should reform the war on terror, not surrender---any terror attack turns the entire case**

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, vii-viii

APPLYING THAT TRADITION today is not easy. Cold war liberals devel- oped their narrative of national greatness in the shadow of a totalitarian ¶ superpower. Today, the United States faces no such unified threat. Rather, it faces a web of dangers—from disease to environmental degradation to weapons of mass destruction—all fueled by globalization, which leaves America increasingly vulnerable to pathologies bred in distant corners of the world. And at the center of this nexis sits jihadist terrorism, a new totalitarian movement that lacks state power but harnesses the power of globalization instead. ¶ Recognizing that the United States again faces a totalitarian foe does not provide simple policy prescriptions, because today’s totalitarianism takes such radically different form. But it reminds us of something more basic, **that liberalism does not find its enemies only on the right**—a lesson sometimes forgotten in the age of George W. Bush. ¶ Indeed, it is because liberals so despise this president that they increasingly reject his trademark phrase, the “war on terror.” Were this just a semantic dispute, it would hardly matter; better alternatives to war on terror abound. But the rejection signifies something deeper: a turn away from the very idea that anti-totalitarianism should sit at the heart of the liberal project. For too many liberals today, George W. Bush’s war on terror is the only one they can imagine. This alienation may be understand- able, but that does not make it any less disastrous, for it is liberalism’s principles—even more than George W. Bush’s—that jihadism threatens. If today’s liberals cannot rouse as much passion for fighting a movement that flings acid at unveiled women as they do for taking back the Senate in 2006, they have strayed far from liberalism’s best traditions. And if they believe it is only George W. Bush who threatens America’s freedoms, they should ponder what will happen if the United States is hit with a nuclear or contagious biological attack. **No matter who is president**, Republican or Democrat, **the reaction will make John Ashcroft look like the head of the ACLU**.

#### Statements prove

Jones 8—religion, psychology and terrorism, Rutgers. Snr Research Fellow, Center on Terrorism, John Jay College. ThD, Uppasala U. Psy.D, dept of clinical psychology, Rutgers. PhD in religious studies, Brown. (James, Blood That Cries Out From the Earth, 42-3, AMiles)

One of the most widespread beliefs of violent religious movements is their apocalyptic vision of a cosmic struggle of the forces of the all-good against the forces of the all-evil ( Juergensmeyer, 2000; Kimball, 2002; Wessinger, 2000). Osama bin Laden says it clearly: there are “two adversaries; the Islamic nation, on the one hand, and the United States and its allies on the other. It is either victory and glory or defeat and humiliation” (quoted in Moghadam, 2006: 717). Virtually all religious terrorists agree that they are locked in an apocalyptic battle with demonic forces, that is, usually with the forces of secularism. We have seen how Sayyid Qutb denoted secularism and the concomitant values of individual rights and the separation of religion and law as demonic and the source of most of the misery of the modern world and demanded a jihad against it (Berman, 2003). Continuing Qutb’s diatribe, the founder of Hamas told a reporter, “There’s a war going on” **not just against Israeli occupation but against all secular governments** including the Palestinian authority because there “is no such thing as a secular state in Islam” ( Juergensmeyer, 2000: 76). Hamas’s arch enemy, Rabbi Meir Kahane, whose Jewish Defense League was responsible for numerous attacks on Muslims in the United States and Israel, said bluntly “secular government is the enemy” ( Juergensmeyer, 2000: 55). Asahara, the founder of the Aum Shinrikyo, is reported to have shouted again and again at his followers, “Don’t you realize that this is war” (Lifton, 2000: 56) and to have insisted that his group existed “on a war footing” (Lifton, 2000: 60). The Reverend Paul Hill, who shot and killed a physician in front of a family planning clinic in the United States, wrote “The battle over abortion is primarily spiritual. The confl ict is between God’s will and kingdom and Satan’s opposing will and kingdom” (Hill, 2003: 8). Hill’s actions were justifi ed to an interviewer by his brother-in-arms, the Reverend Michael Bray, who wrote the bible of the violent anti-choice movement, entitled tellingly A Time to Kill, as the product of a Christian subculture in America that considers itself at war with the larger society, and to some extent victimized by it. . . . This subculture sees itself justifi ed in its violent responses to a vast and violent repression waged by secular . . . agents of a satanic force . . . a great defensive Christian struggle against the secular state, a contest between the forces of spiritual truth and heathen darkness, in which the moral character of America as a righteous nation hangs in the balance.( Juergensmeyer, 2000: 36) Juergensmeyer concludes in his investigation of religiously sponsored terrorism around the globe, Terror in the Mind of God, that “what is strikingly similar about the cultures of which they [religious terrorists] are a part is their view of the contemporary world at war” ( Juergensmeyer, 2000: 151). Qutb and the jihadists are not alone in declaring war on the secular state.

#### The threat is real

Clarke 11 (Richard, Former National Coordinator for Security, Infrastructure Protection, and Counter-terrorism for the United States, “Bin Laden’s Dead. Al Qaeda’s Not.”, 5/2/11, <http://www.nytimes.com/2011/05/03/opinion/03clarke.html?_r=1&>)

THE United States needed to eliminate Osama bin Laden to fulfill our sense of justice and, to a lesser extent, to end the myth of his invincibility. But dropping Bin Laden’s corpse in the sea does not end the terrorist threat, nor does it remove the ideological motivation of Al Qaeda’s supporters. Often forgotten amid the ugly violence of Al Qaeda’s attacks was that the terrorists’ declared goal was to replace existing governments in the Muslim world with religiously pure Islamist states and eventually restore an Islamic caliphate. High on Al Qaeda’s list of targets was Egypt’s president, Hosni Mubarak. The protesters of Tahrir Square succeeded in removing him without terrorism and without Al Qaeda. Thus, even before Bin Laden’s death, analysts had begun to argue that Al Qaeda was rapidly becoming irrelevant. With Bin Laden’s death, it is even more tempting to think that the era of Al Qaeda is over. But such rejoicing would be premature. To many Islamist ideologues, the Arab Spring simply represents the removal of obstacles that stood in the way of establishing the caliphate. Their goal has not changed, nor has their willingness to use terrorism. In the months ahead, Bin Laden’s death may encourage Al Qaeda to stage an attack to counter the impression that it is out of business. The more significant threat, however, will come from Al Qaeda’s local affiliates. Bin Laden and his deputies designed Al Qaeda as a network of affiliated groups that could operate largely independently to attack America, Europe and secular governments in the Middle East in order to establish fundamentalist regimes. Once in place, the network no longer needed Bin Laden and, in fact, has been proceeding with minimal direction from him for several years. The affiliates that Bin Laden helped to create, including Al Qaeda in the Arabian Peninsula and Al Shabab in Somalia, are still recruiting and financing terrorists and training them for attacks. Neither the events of Tahrir Square nor the raid on Bin Laden’s hideout is likely to significantly diminish the appeal of Islamist extremism to those who have been receptive to it. In many Muslim societies, there remains a radical stratum born of a sense of victimization by the West, fueled by inefficient and corrupt governments, and carried forward by an enormous youth population. Al Qaeda was and is simply a pressure valve, an early form of connective social media that allowed young, militant jihadists fed up with the West and their own governments to organize and vent their anger. Believing that their religion requires them to act violently against nonbelievers in the West and impure, apostate Muslim elites, the Islamist extremists will not be stopped by the elimination of Al Qaeda’s leader or even by the eradication of Al Qaeda itself. They will continue their struggle, refusing to renounce violence or accept more democratic, less corrupt regimes as a substitute for the caliphate.

### AT – Blowback

#### Drones strikes destroy operational capacity – Makes planning and coordinating attacks impossible – Outweighs blowback

Anderson 13 (Kenneth, Professor of Law, Visiting Fellow, The Hoover Institution on War, Revolution and Peace, Stanford University, “The Case for Drones”, 5/24/13, <http://www.realclearpolitics.com/articles/2013/05/24/the_case_for_drones_118548.html>)

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. This is all subject to objections, of course, and the objections generally fall into three categories: unnecessary, ineffective, or counterproductive. There are some who argue that drone warfare is unnecessary because the right approach is simply to defend the homeland from within the homeland; among liberals this is often a way of saying, fight terrorists with law enforcement and criminal law, while among some conservatives it corresponds closely with the resurgence of right-wing isolationism. Other critics argue that drone warfare is ineffective because killing one operational commander merely means that another rises to take his place. This is the source of the oft-heard remark that drone warfare is a “whack-a-mole” strategy: Kill one here and another pops up there. Drone warfare is nothing more than a tactic masquerading as a strategy, it is said. Worse, it indulges one of the oldest and most seductive quests of modern military technology, the one that says you can win a war from the air alone. The whack-a-mole criticism is wildly overstated and, as a matter of terrorist leadership, simply not true. Captured terrorist communications show that qualified and experienced operational commanders are not so easy to come by. One can argue that the failure to carry off large-scale attacks in the West is the result of the defensive hardening of targets and better homeland security, which is certainly true; but culling the ranks of terrorist leaders and the resulting inability to plan another 9/11 is also critical. 4. Blowback The most prominent critique today, however, is that drone warfare is counterproductive because it produces “blowback.” What is blowback? Blowback comprises the supposed bad consequences of drones that swamp the benefits, if any, of drone warfare itself—the anger of villagers whose civilian relatives have been killed, for instance, or the resentment among larger populations in Pakistan or Yemen over drone strikes. The anger, we are told, is fanned by Islamist preachers, local media, and global Web communities, and then goes global in the ummah about the perceived targeting of Muslims and Islam. This leads to radicalization and membership recruitment where the strikes take place. Or maybe it leads to independently organized violence—perhaps the case of the Boston bombers, though it is too early to say. All this bad public perception outweighs whatever tactical value, if any, drone strikes might have. Blowback can never be dismissed, because it might be true in some cases. But even when true, it would exist as a matter of degree, to be set against the benefits of the drone strikes themselves. By definition, blowback is a second-order effect, and its diffuse nature makes its existence more a matter of subjective judgment than any other evaluation of drone warfare. As a hypothesis, the possibility of blowback arises in two distinct settings: “narrow” counterinsurgency and “broad” global counterterrorism. The narrow blowback hypothesis concerns those in communities directly affected by global counterterrorism drone strikes while the United States is trying to carry out a ground-level counterinsurgency campaign. The question is whether civilians, women and children especially, are being killed by drones in such numbers—because collateral damage is a fact, including from drone strikes—that they make these local communities even more fertile ground for anti-American operations. Do the drone strikes make things unacceptably more difficult for ground forces attempting to carry out a hearts-and-minds campaign to win over the local population? Direct and immediate concerns about villagers’ perceptions during the counterinsurgencies in Iraq and Afghanistan led, at some points, to extraordinary (from the standpoint of lawful targeting and acceptable collateral damage) measures against using air power and even infantry to fire back at insurgents. But local counterinsurgency is not the long-term concern today; global counterterrorism is. Village-level resentments fueling recruitment might be a concern, but this type of blowback matters far less in terms of war fighting when the United States no longer has infantry in those places (and is no longer making its counterterrorism policy rest upon the chimera of a stable, democratic Afghanistan). It is sharply contested, to say the least, whether and to what extent drone strikes are creating blowback among villagers, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the American drones are undertaking strikes that the Pakistani government might otherwise undertake. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the tribal areas fear the Pakistani army far more than they fear U.S. drones, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that as the counterinsurgency era ends for U.S. forces, narrow blowback concerns about whether villages might be sufficiently provoked against American infantry are subsiding. That leaves the broader claim of global blowback—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up. From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario.

#### Anti-Americanism isn’t caused by drone blowback

Etzioni 13 (Amitai, Professor of international relations at The George Washington University, “Everything Libertarians and Liberals Get Wrong About Drones”, 4/30/13, <http://www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/>)

Some critics worry that relying upon drones will engender significant resentment and potentially aid terrorist recruitment efforts. However, those who are inclined towards terrorism already loathe the United States for a thousand other reasons. Pew surveys show that anti-Americanism thrives in regions where there have been no drone strikes (for example, in Egypt) and, where drones have been active, high levels of anti-Americanism predated their arrival (for instance in Pakistan).

#### Drone blowback doesn’t lead to recruitment

Swift 12 (Christopher, Fellow at the University of Virginia's Center for National Security Law, “The Drone Blowback Fallacy”, 7/1/12, <http://www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy>)

Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics and other sources. These subjects came from 14 of Yemen's 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects' names to protect their safety -- a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats. These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and Al-Qaeda recruiting. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping Al-Qaeda more than they were hurting it. Al-Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained and, ultimately, not sufficient. As much as Al-Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic. From Al-Hodeida in the west to Hadramaut in the east, AQAP is building complex webs of dependency within Yemen's rural population. It gives idle teenagers cars, qat, and rifles -- the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen and punishing local criminals. As the leader of one Yemeni tribal confederation told me, “Al-Qaeda attracts those who can't afford to turn away.” Religious figures echoed these words. Although critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain Al-Qaeda's burgeoning numbers. “The driving issue is development,” an Islamist parliamentarian from Hadramout province said. “Some districts are so poor that joining Al-Qaeda represents the best of several bad options.” (Other options include criminality, migration and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. “Those who fight do so because of the injustice in this country,” he explained. “A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption.” Despite Yemenis' antipathy toward drones, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior Al-Qaeda figures. “Things were very bad in 2009,” a tribal militia commander from Abyan province told me, “but now the drones are seen as helping us.” He explained that Yemenis could “accept [drones] as long as there are no more civilian casualties.” An Islamist member of the separatist al-Harak movement offered a similar assessment. “Ordinary people have become very practical about drones,” he said. “If the United States focuses on the leaders and civilians aren't killed, then drone strikes will hurt Al-Qaeda more than they help them.” Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen's recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. “Saleh created this crisis in order to steal from America and stay in power,” a former official from the now-defunct People's Democratic Republic of Yemen told me. “Now it is our crisis, and we need every tool to solve it.” Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: “I opposed the drone campaign until I saw what Al-Qaeda was doing in Jaar and Zinjibar,” an independent reporter in Aden said. “Al-Qaeda hates the drones, they're absolutely terrified of the drones ... and that is why we need them.” My interviewees also offered deeper insight into the sentiments described by Western journalists and Yemeni activists. In their view, public opposition to drones had little to do with a desire for revenge or increasing sympathy for Al- Qaeda. Instead, they argued, ordinary Yemenis see the drones as an affront to their national pride. “Drones remind us that we don't have the ability to solve our problems by ourselves,” one member of the Yemeni Socialist Party said. “If these were Yemeni drones, rather than American drones, there would be no issue at all.”

### AT – Imperialism

#### CT isn’t intrinsically imperialist – We can engage in counterterrorism without supporting racial violence

ENAR 7 (European Network Against Racism, “Counter-terrorism and combating racism”, http://cms.horus.be/files/99935/MediaArchive/pdf/gpp\_4\_en.pdf)

The challenge facing the European Union is to secure the effectiveness of its counter-terrorism strategy by ensuring that it is carried out within the context of the international human rights framework and in a non-discriminatory manner. To date insufficient attention has been given to the interaction between counter-terrorism strategies and the fight against racism. Counter-terrorism is both dependent on effective implementation of the rights to equality and non-discrimination, as well as a potential barrier to their full realisation. The dialogue on counter-terrorism too often falls into the trap of placing the protection of the majority in opposition to the rights of the minority. This analysis is a false start. Undermining the rights of the minority undermines society as a whole and, rather than contributing to security, reduces the community cohesion that is necessary for the effectiveness of counter-terrorism measures. The fight against racism and the fight against terrorism are intrinsically linked. Both racism and terrorism are the product of intolerance and present serious threats to fundamental rights. While there is no inherent contradiction between these two imperatives, it is clear that the fight against terrorism is having a detrimental impact on broader efforts to overcome intolerance. Legal, policy and practice developments in the fight against terrorism have contributed to an environment whereby direct and indirect forms of discrimination are increasingly tolerated and even mandated. Official actions, such as the use of racial profiling, present direct manifestations of racial discrimination, while the overall tone of public debate and political action has contributed to increasing prejudice and subsequent discrimination across the whole range of social spheres. Recent developments and trends in the fight against terrorism are undermining integration and social inclusion contributing to a context whereby a small minority justify terrorism. Anti-racism is not a right to be sacrificed in the context of a broader security agenda, but rather should represent a key element of any strategy aimed at enhancing security in Europe. Recommendations In order to ensure that efforts to combat racism and terrorism are mutually reinforcing, ENAR proposes five key principles which should underpin all actions: 1. Terrorism is an extreme form of intolerance which represents a serious threat to fundamental rights. 2. Counter-terrorism must be conducted in the framework of human rights and anti-discrimination. 3. Counter-terrorism measures must not have a disproportionate impact on ethnic and religious minorities. 4. Anti-racism is a key element in preventing terrorism. 5. Effective counter-terrorism is the result of engagement and participation with all communities. 1. Terrorism is an extreme form of intolerance which represents a serious threat to fundamental rights Terrorism is a genuine, serious, and persistent threat to human rights and human security in the European Union. ENAR firmly condemns terrorism, which is an extreme form of intolerance. As stated in the Council of Europe’s Guidelines on Human Rights and the Fight against Terrorism: “States are under the obligation to take measures needed to protect the fundamental rights of everyone within their jurisdiction against terrorist acts, especially the right to life. This positive obligation fully justifies States’ fight against terrorism in accordance with the present guidelines”. However as the EUMC, now the European Fundamental Rights Agency, has pointed out, “Security measures are needed, but they must be weighed against their impact on all communities and their human rights implications”. 11 ENAR calls on the European Union and its Member States to: • Take all appropriate action to effectively protect everyone in Europe from terrorism. • Design, implement and evaluate counter-terrorism measures in an open and transparent manner which takes into account the perspectives of everyone living in the European Union. • Undertake specific activities to communicate the European Union action plan to everyone in Europe, and in particular to ethnic and religious minorities. 2. Counter-terrorism must be conducted in the framework of human rights and antidiscrimination Violence, brutality and terrorism as means of settling political disputes have existed throughout human history. The promulgation of humanitarian and human rights law over the last half of the twentieth century represents an attempt by the international community to limit such violence. 12 Terrorism is a violation of international law and must be combated within the framework of the international rule of law, in particular international human rights law, refugee law, and humanitarian law. 13 The legal sanctioning of human rights violations undermines the rule of law and creates enabling environments for vicious and militant networks that prosper in oppressive systems of governance. 14 To suggest that the security imperative requires ‘a compromise’ is to misinterpret the nature of fundamental rights in the European Union and fails to recognise the essential contribution of respect for fundamental rights to increasing security for the whole of society. A whole range of human rights are potentially impacted by counter-terrorism measures including the prohibition against torture, right to fair trial, prohibition of arbitrary detention, the right to leave one’s own country and to seek asylum, freedom of religion, expression and association, and the right to privacy. Ethnic and religious minorities are particularly vulnerable to these human rights abuses, as well as direct experiences of discrimination, such as the use of racial profiling. Such impact is not inevitable and it is possible to take counter-terrorism measures that do not impact on fundamental rights.

### Terror Studies Good

#### Their argument essentializes terror scholarship – it’s not a monolithic entity – defer to specific research

Michael J. Boyle '8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Some CTS advocates have positioned the CTS project against something usually called ‘terrorism studies’, ‘Orthodox terrorism studies’ or, alternatively, ‘terrorology’. Whatever these bodies of literature are (or at least are imagined by those who have created them as such), they are recent intellectual constructions, the product of an over-generalization that has emerged from the identification of (1) the limitations associated with terrorism research to date, coupled with (2) a less than complete understanding of the nature of research on terrorism. **A cursory review of the terrorism literature reveals that attempts to generalize about something called Orthodox Terrorism Studies are deeply problematic. Among terrorism scholars, there are wide disagreements about, among others, the definition of terrorism, the causes of terrorism, the role and value of the concept of ‘radicalization’ and ‘extremism’, the role of state terror, the role that foreign policy plays in motivating or facilitating terrorism, the ethics of terrorism, and the proper way to conduct ‘counter-terrorism’**. A cursory examination of the contents of the two most well-known terrorism journals Terrorism and Political Violence and Studies in Conflict and Terrorism quickly reveals this. **These differences, and the concomitant disagreements that result in the literature, cut across disciplines** – principally political science and psychology, but also others, such as anthropology, sociology, theology, and philosophy – **and even within disciplines wide disagreements about methods** (for example, discourse analysis, rational choice, among others) **persist. To suggest that they can be lumped together as something called ‘terrorology’ or ‘Orthodox Terrorism Studies’ belies a narrow reading of the literature. This is, in short, a ‘straw man’ which helps position CTS in the field but is not based on a well-grounded critique of the current research on terrorism.**

#### Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. Boyle '8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological** **problems**. In fact**, terrorism scholars are not only well aware of these problems, but also have provided their own** searching **critiques** of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). **Some of those scholars most associated with the critique of empiricism** implied in ‘Orthodox Terrorism Studies’ **have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism**. For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke’s** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

#### Claims of bias are overstated generalizations – evaluate arguments on their merits

Michael J. Boyle '8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

One of the tensions within CTS concerns the issue of ‘policy relevance’. At the most basic level, **there are some sweeping generalizations made by CTS scholars, often with little evidence**. For example, Jackson (2007c) describes ‘the core terrorism scholars’ (without explicitly saying who he is referring to) as ‘intimately connected – institutionally, financially, politically, and ideologically – with a state hegemonic project’ (p. 245). **Without giving any details of who these ‘core’ scholars are, where they are, what they do, and exactly who funds them, his arguments are tantamount to conjecture at best. We do not deny that governments fund terrorism research and terrorism researchers, and that this can influence the direction** (and even the findings) of the research. But **we are suspicious of over-generalizations of this count on two grounds: (1) accepting government funding or information does not necessarily obviate one’s independent scholarly judgment in a particular project; and (2) having policy relevance is not always a sin**. On the first point, we are in agreement with some CTS scholars. Gunning provides a sensitive analysis of this problem, and calls on CTS advocates to come to terms with how they can engage policy-makers without losing their critical distance. He recognizes that CTS can (and should) aim to be policy-relevant, but perhaps to a different audience, including non-governmental organizations (NGOs), civil society than just governments and security services. In other words, CTS aims to whisper into the ear of the prince, but it is just a different prince. Gunning (2007a) also argues that **research should be assessed on its own merits, for ‘just because a piece of research comes from RAND does not invalidate it; conversely, a “critical” study is not inherently good’** (p. 240). We agree entirely with this. Not all sponsored or contract research is made to ‘toe a party line’, and **much of the work coming out of** official **government agencies** or affiliated government agencies **has little agenda and can be** analytically **useful. The task of the scholar is to retain one’s sense of critical judgment and integrity, and we believe that there is no prima facie reason to assume that this cannot be done in sponsored research projects**. What matters here are the details of the research – what is the purpose of the work, how will it be done, how might the work be used in policy – and for these questions the scholar must be self-critical and insistent on their intellectual autonomy. The scholar must also be mindful of the responsibility they bear for shaping a government’s response to the problem of terrorism. **Nothing – not the source of the funding, purpose of the research or prior empirical or theoretical commitment – obviates the need of the scholar to consider his or her own conscience carefully when engaging in work with any external actor. But simply engaging with governments on discrete projects does not make one an ‘embedded expert’ nor does it imply sanction to their actions**. But we also believe that the **study of political violence lends itself to policy relevance and** that **those who seek to produce research that might help policy-makers reduce the rates of terrorist attack are committing no sin**, provided that they retain their independent judgment and report their findings candidly and honestly. In the case of terrorism, we would go further to argue that being policy relevant is in some instances an entirely justifiable moral choice. For example, neither of us has any problem producing research with a morally defensible but policy relevant goal (for example, helping the British government to prevent suicide bombers from attacking the London Underground) and we do not believe that engaging in such work tarnishes one’s stature as an independent scholar. **Implicit in the CTS literature is a deep suspicion about the state** and those who engage with it. **Such a suspicion may blind some CTS scholars to good work** done by those associated with the state. But to assume that being ‘embedded’ in an institution linked to the ‘establishment’ consists of being captured by a state hegemonic project is too simple. We do not believe that scholars studying terrorism must all be policy-relevant, but equally we do not believe that being policy relevant should always be interpreted as writing a blank cheque for governments or as necessarily implicating the scholar in the behaviour of that government on issues unrelated to one’s work. Working for the US government, for instance, does not imply that the scholar sanctions or approves of the abuses at Abu Ghraib prison. **The assumption that those who do not practice CTS are all ‘embedded’ with the ‘establishment’ and that this somehow gives the green light for states to engage in illegal activity is in our view unwarranted, to say the very least.**

### A2 US = Terrorists

#### Distinctions between terrorists and combatant or civilian are vital to understanding violence—abandoning them justifies more terror and collapses into relativist nihilism

Elshtain 3 **–** professor of social and political ethics, Chicago (Jean, Thinking About September 11, http://www.aft.org/pubs-reports/american\_educator/summer2003/sept11.html,)

In a situation in which noncombatants are deliberately targeted and the murder of the maximum number of noncombatants is the explicit aim, using terms like "fighter" or "soldier" or "noble warrior" is not only beside the point but pernicious. Such language collapses the distance between those who plant bombs in cafés or fly civilian aircraft into office buildings and those who fight other combatants, taking the risks attendant upon military forms of fighting. There is a nihilistic edge to terrorism: It aims to destroy, most often in the service of wild and utopian goals that make no sense at all in the usual political ways. The distinction between terrorism, domestic criminality, and what we might call "normal" or "legitimate" war is vital to observe. It helps us to assess what is happening when force is used. This distinction, marked in historic, moral, and political discourses about war and in the norms of international law, seems lost on those who call the attacks of September 11 acts of "mass murder" rather than terrorism and an act of war under international law. It is thus both strange and disheartening to read the words of those distinction-obliterators for whom, crudely, a dead body is a dead body and never mind how it got that way. Many of these same individuals would, of course, protest vehemently, and correctly, were commentators, critics, and political actors to fail to distinguish between the great world religion that is Islam and the terrorists who perpetrated the events of September 11. One cannot have it both ways, however, by insisting on the distinctions one likes and heaping scorn on those who put pressure on one’s own ideological and political commitments. If we could not distinguish between a death resulting from a car accident and an intentional murder, our criminal justice system would fall apart. And if we cannot distinguish the killing of combatants from the intended targeting of peaceable civilians and the deliberate and indiscriminate sowing of terror among civilians, we live in a world of moral nihilism. In such a world, everything reduces to the same shade of gray and we cannot make distinctions that help us take our political and moral bearings. The victims of September 11 deserve more from us.

# 1nr

## Case

### 2nc AT: Violence/Militarism

#### Finish Falk

to solve problems and resolve conflicts. Analysis along these lines must address recourse to war, the means by which it is conducted and the ends pursued. Each dimension deserves brief discussion in the context of the evolving response to the September 11 attacks.¶ On recourse to war in Afghanistan, the just-war grounds seem persuasively related to the threat, at least at this stage of military operations. The attacks on the World Trade Center and Pentagon were of magnitude that engaged the right of self-defense, although not in an international-law sense, atacker was not a state. Only the just-war approach has the flexibility to expand the scope of self-defense to encompass the sort of global terrorist entity embodied in Al Qaeda. The just-war test of recourse to war is thus related to whether the action taken by the US-led coalition was proportionate to the harm inflicted and the threat posed. Although the assessment seemed in doubt during the early weeks of bombing, the collapse of the Taliban regime and the apparent disabling of Al Qaeda operations from Afghanistan now permits, even mandates, a provisional endorsement of recourse to war.¶ This endorsement is made in the face of an unfortunate reliance by the United States on legally dubious weaponry and tactics, but is offset to a degree by the rapidity of battlefield success and the beneficial side effect of liberating the people of Afghanistan from the oppressive brutality of the Taliban regime. Although I earlier overestimated the combat capabilities of the Taliban, it would be a further error to now overstate their collapse. The hard-core Taliban are quite capable of regrouping and shifting tactics to mount a guerrilla war. The future holds many additional uncertainties as to whether governmental normalcy can be achieved in Afghanistan and whether the war-makers in Washington will now devote sufficient energy and resources to the political and economic reconstruction of the country. Such reconstruction can best be handled by the UN, but only if it is provided with a clear mandate and sufficient capabilities; the UN must be careful, as the organization cannot afford a repetition of the Bosnian experience, where its $ldquo;safe havens&rdquo were turned into slaughterhouses.¶ What gives the just-war approach its current significance is less its appraisal of the past and present response thanrelevance to the future of the response, and specifically its appraisal of any attempt to rely on war in the aftermath of aAfghanistan. Such a prospect has been debated in the media with respect to Iraq. Pudential reason can be mounted on either side of the argument, although there are persuasive reasons not to go to war againts Iraq: Israel/Palestine peace efforts, destabilizing several governments in the Middle East, undertaking a difficult and costly military compaign. The normative argument reinforces this prudential assessment: Just-war thinking requires that the side initiating war maintain a burden of persuasion. While Afghanistan was integral to the September 11 operations, Iraqi connections are at most marginal, and quite possible nonexistent. While Al Qaeda with its suicidal enactment of jihad is underrrable, Baghdad behaves in a horrible manner but acts to sutain its survival, bargins for advantages and can be contained and deterred by threats and capabilities. There is thus neither justification in relation to the Al Qaeda threat nor necessity with regard to addressing the deformed character of the Iraqi regime. Whether a case exists for humanitarian intervention of a nonmilitary character is another matter, but not one that validates the call to wage war against Iraq.¶ Just-war thinking makes two important contributions to our understanding of the military side of the September 11 response:¶ § it provides a provisional and limited endorsement of the Afghanistan war:¶ § it reinforces the prudential arguments against military extension of the war on global terror to other settings, most relevantly Iraq.¶ Such clarity allows us to think more clearly about what should be done post-Afghanistan. From the perspective of coercive diplomacy, what needs to be done is to move forward as efficiently as possible with the nonmilitary aspects of the campaign against global terror, relying on law enforcement techniques and intergovernmental cooperation. The legitimate role of large-scale military operations is thus confined to Afghanistan.

#### Finish Gray

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.

### 2nc Structural Violence

#### War turns any root cause

Goldstein 1, professor of IR – American University, ‘1

(Joshua S, War and Gender: How Gender Shapes the War System and Vice Versa, pg. 412)

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.10

#### And, external factors prove the status quo is structurally improving

Dash 13

Co-Founder and Managing Director at Activate, a new kind of strategy consultancy that advises companies about the opportunities at the intersection of technology and media co-founder and CEO of ThinkUp, which shows you how to be better at using your social networks, publisher, editor and owner of Dashes.com, my personal blog where I've been publishing continuously since 1999, entrepreneur, writer and geek living in New York City (Anil Dash, 4 February 2013, “THE WORLD IS GETTING BETTER. QUICKLY.,” http://dashes.com/anil/2013/02/the-world-is-getting-better-quickly.html

The world is getting better, faster, than we could ever have imagined. For those of us who are fortunate enough to live in wealthy communities or countries, we have a common set of reference points we use to describe the world's most intractable, upsetting, unimaginable injustices. Often, we only mention these horrible realities in minimizing our own woes: "Well, that's annoying, but it's hardly as bad as children starving in Africa." Or "Yeah, this is important, but it's not like it's the cure for AIDS." Or the omnipresent description of any issue as a "First World Problem". But let's, for once, look at **the** actual **data** around developing world problems. Not our condescending, world-away displays of **emotion**, or our slacktivist tendencies to see a retweet as meaningful action, but the actual numbers and metrics about how progress is happening for the world's poorest people. Though metrics and measurements are always fraught and flawed, Gates' single biggest emphasis was the idea that measurable progress and metrics are necessary for any meaningful improvements to happen in the lives of the world's poor. So how are we doing? THE WORLD HAS CHANGED The results are astounding. Even if we caveat that every measurement is imprecise, that billionaire philanthropists are going to favor data that strengthens their points, and that some of the most significant problems are difficult to attach metrics to, it's inarguable that the past two decades have seen the greatest leap forward in the lives of the global poor in the history of humanity. Some highlights: Children are 1/3 less likely to die before age five than they were in 1990. The global childhood mortality rate for kids under 5 has dropped from 88 in 1000 in 1990 to 57 in 1000 in 2010. The global infant mortality rate for kids dying before age one has plunged from 61 in 1000 to 40 in 1000. Now, any child dying is of course one child too many, but this is astounding progress to have made in just twenty years. In the past 30 years, the percentage of children who receive key immunizations such as the DTP vaccine has quadrupled. The percentage of people in the world living on less than $1.25 per day has been cut in half since 1990, ahead of the schedule of the Millennium Development Goals which hoped to reach this target by 2015. The number of deaths to tuberculosis has been cut 40% in the past twenty years. The consumption of ozone-depleting substances has been cut 85% globally in the last thirty years. The percentage of urban dwellers living in slums globally has been cut from 46.2% to 32.7% in the last twenty years. And there's more progress in hunger and contraception, in sustainability and education, against AIDS and illiteracy. After reading the Gates annual letter and following up by reviewing the UN's ugly-but-data-rich Millennium Development Goals statistics site, I was surprised by how much progress has been made in the years since I've been an adult, and just how little I've heard about the big picture despite the fact that I'd like to keep informed about such things. I'm not a pollyanna — there's a lot of work to be done. But I can personally attest to the profound effect that basic improvements like clean drinking water can have in people's lives. Today, we often use the world's biggest problems as metaphors for impossibility. But the evidence shows that, actually, we're really good at solving even the most intimidating challenges in the world. What we're lacking is the ability to communicate effectively about how we make progress, so that we can galvanize even more investment of resources, time and effort to tackling the problems we have left.

#### Gender inequality is decreasing now – globally representative data set proves

Beneria and Permanyer 10

Lourdes, Professor of Gender, Feminist and Sexuality Studies, Inaki, PhD in Geography, Development and Change, The Measurement of Socio-economic Gender Inequality Revisited, vol 41 Issue 3, Blackwell

We will now explore the evolution of the WD and its components from 1995 (the first year in which the *Human Development Reports* published gender-disaggregated indices) to 2005. This kind of information can be very useful to track the time evolution of gender related policies. [Figure 5](#f5) shows the world average values of the WD using the same data as in the previous examples (the three components of the GDI included in the *Human Development Reports*). Overall, there has been an increase in the average values of the WD, which was especially steep during the 1995–97 period. This implies that the gender gaps favouring men became smaller during that period. In 1995, the women's average achievement level represented 62.5 per cent of men's. One decade later, the women's average achievement level represented 74.3 per cent of men's, a remarkable evolution in a relatively short period of time. Since the countries included in the dataset include 95 per cent of the world population, this result can be roughly seen as a world average.

#### Squo is structurally improving—war, health, environment and equality

Lomborg 10-16 – Adjunct Professor at the Copenhagen Business School

Bjorn, 10-16-13, "A Better World Is Here" www.project-syndicate.org/commentary/on-the-declining-costs-of-global-problems-by-bj-rn-lomborg

COPENHAGEN – For centuries, optimists and pessimists have argued over the state of the world. Pessimists see a world where more people means less food, where rising demand for resources means depletion and war, and, in recent decades, where boosting production capacity means more pollution and global warming. One of the current generation of pessimists’ sacred texts, The Limits to Growth, influences the environmental movement to this day.¶ The optimists, by contrast, cheerfully claim that everything – human health, living standards, environmental quality, and so on – is getting better. Their opponents think of them as “cornucopian” economists, placing their faith in the market to fix any and all problems.¶ But, rather than picking facts and stories to fit some grand narrative of decline or progress, we should try to compare across all areas of human existence to see if the world really is doing better or worse. Together with 21 of the world’s top economists, I have tried to do just that, developing a scorecard spanning 150 years. Across ten areas – including health, education, war, gender, air pollution, climate change, and biodiversity – the economists all answered the same question: What was the relative cost of this problem in every year since 1900, all the way to 2013, with predictions to 2050.¶ Using classic economic valuations of everything from lost lives, bad health, and illiteracy to wetlands destruction and increased hurricane damage from global warming, the economists show how much each problem costs. To estimate the magnitude of the problem, it is compared to the total resources available to fix it. This gives us the problem’s size as a share of GDP. And the trends since 1900 are sometimes surprising.¶ Consider gender inequality. Essentially, we were excluding almost half the world’s population from production. In 1900, only 15% of the global workforce was female. What is the loss from lower female workforce participation? Even taking into account that someone has to do unpaid housework and the increased costs of female education, the loss was at least 17% of global GDP in 1900. Today, with higher female participation and lower wage differentials, the loss is 7% – and projected to fall to 4% by 2050.¶ It will probably come as a big surprise that climate change from 1900 to 2025 has mostly been a net benefit, increasing welfare by about 1.5% of GDP per year. This is because global warming has mixed effects; for moderate warming, the benefits prevail.¶ On one hand, because CO2 works as a fertilizer, higher levels have been a boon for agriculture, which comprises the biggest positive impact, at 0.8% of GDP. Likewise, moderate warming prevents more cold deaths than the number of extra heat deaths that it causes. It also reduces demand for heating more than it increases the costs of cooling, implying a gain of about 0.4% of GDP. On the other hand, warming increases water stress, costing about 0.2% of GDP, and negatively affects ecosystems like wetlands, at a cost of about 0.1%.¶ As temperatures rise, however, the costs will rise and the benefits will decline, leading to a dramatic reduction in net benefits. After the year 2070, global warming will become a net cost to the world, justifying cost-effective climate action now and in the decades to come.¶ Yet, to put matters in perspective, the scorecard also shows us that the world’s biggest environmental problem by far is indoor air pollution. Today, indoor pollution from cooking and heating with bad fuels kills more than three million people annually, or the equivalent of a loss of 3% of global GDP. But in 1900, the cost was 19% of GDP, and it is expected to drop to 1% of GDP by 2050.¶ Health indicators worldwide have shown some of the largest improvements. Human life expectancy barely changed before the late eighteenth century. Yet it is difficult to overstate the magnitude of the gain since 1900: in that year, life expectancy worldwide was 32 years, compared to 69 now (and a projection of 76 years in 2050).¶ The biggest factor was the fall in infant mortality. For example, even as late as 1970, only around 5% of infants were vaccinated against measles, tetanus, whooping cough, diphtheria, and polio. By 2000, it was 85%, saving about three million lives annually – more, each year, than world peace would have saved in the twentieth century.¶ This success has many parents. The Gates Foundation and the GAVI Alliance have spent more than $2.5 billion and promised another $10 billion for vaccines. Efforts by the Rotary Club, the World Health Organization, and many others have reduced polio by 99% worldwide since 1979.¶ In economic terms, the cost of poor health at the outset of the twentieth century was an astounding 32% of global GDP. Today, it is down to about 11%, and by 2050 it will be half that.¶ While the optimists are not entirely right (loss of biodiversity in the twentieth century probably cost about 1% of GDP per year, with some places losing much more), the overall picture is clear. Most of the topics in the scorecard show improvements of 5-20% of GDP. And the overall trend is even clearer. Global problems have declined dramatically relative to the resources available to tackle them.¶ Of course, this does not mean that there are no more problems. Although much smaller, problems in health, education, malnutrition, air pollution, gender inequality, and trade remain large.¶ But realists should now embrace the view that the world is doing much better. Moreover, the scorecard shows us where the substantial challenges remain for a better 2050. We should guide our future attention not on the basis of the scariest stories or loudest pressure groups, but on objective assessments of where we can do the most good.

#### No impact uniqueness – world getting better now their miltarism is peaceful

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Josh, 1-3-12, “Get Real! Chicago IR guys out in force” 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.

### 2nc Consequentialism

#### Every study of credible social theories concludes consequentialism is good---Scientific studies of biology, evolution, and psychology prove that deontological proclivities are only illogical layovers from evolution

Greene 10 – Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University (The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings, accessed: www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf)

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood what Kant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get characteristically deontological answers. Some will be tautological: "Because it's murder!" Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about them because they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

#### Evaluate consequences

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(Thomas G, “Principles, Politics, and Humanitarian Action,” Ethics and International Affairs 13.1)

Scholars and practitioners frequently employ the term “dilemma” to describe painful decision making but “quandary” would be more apt.27A dilemma involves two or more alternative courses of action with unintended but unavoidable and equally undesirable consequences. If consequences are equally unpalatable, then remaining inactive on the sidelines is an option rather than entering the serum on the field. A quandary, on the other hand, entails tough choices among unattractive options with better or worse possible outcomes. While humanitarians are perplexed, they are not and should not be immobilized. The solution is not indifference or withdrawal but rather appropriate engagement. The key lies in making a good faith effort to analyze the advantages and disadvantages of different alloys of politics and humanitarianism, and then to choose what often amounts to the lesser of evils. Thoughtful humanitarianism is more appropriate than rigid ideological responses, for four reasons: goals of humanitarian action often conflict, good intentions can have catastrophic consequences; there are alternative ways to achieve ends; and even if none of the choices is ideal, victims still require decisions about outside help. What Myron Wiener has called “instrumental humanitarianism” would resemble just war doctrine because contextual analyses and not formulas are required. Rather than resorting to knee-jerk reactions to help, it is necessary to weigh options and make decisions about choices that are far from optimal. Many humanitarian decisions in northern Iraq, Somalia, Bosnia, and Rwanda—and especially those involving economic or military sanctions— required selecting least-bad options. Thomas Nagle advises that “given the limitations on human action, it is naive to suppose that there is a solution to every moral problem. “29 Action-oriented institutions and staff are required in order to contextualized their work rather than apply preconceived notions of what is right or wrong. Nonetheless, classicists continue to insist on Pictet’s “indivisible whole” because humanitarian principles “are interlocking, overlapping and mutually supportive. . . . It is hard to accept the logic of one without also accepting the others. “30 The process of making decisions in war zones could be compared to that pursued by “clinical ethical review teams” whose members are on call to make painful decisions about life-and-death matters in hospitals.sl The sanctity of life is complicated by new technologies, but urgent decisions cannot be finessed. It is impermissible to long for another era or to pretend that the bases for decisions are unchanged. However emotionally wrenching, finding solutions is an operational imperative that is challenging but intellectually doable. Humanitarians who cannot stand the heat generated by situational ethics should stay out of the post-Cold War humanitarian kitchen. Principles in an Unprincipled World Why are humanitarians in such a state of moral and operational disrepair? In many ways Western liberal values over the last few centuries have been moving toward interpreting moral obligations as going beyond a family and intimate networks, beyond a tribe, and beyond a nation. The impalpable moral ideal is concern about the fate of other people, no matter how far away.szThe evaporation of distance with advances in technology and media coverage, along with a willingness to intervene in a variety of post–Cold War crises, however, has produced situations in which humanitarians are damned if they do and if they don’t. Engagement by outsiders does not necessarily make things better, and it may even create a “moral hazard by altering the payoffs to combatants in such a way as to encourage more intensive fighting.“33 This new terrain requires analysts and practitioners to admit ignorance and question orthodoxies. There is no comfortable theoretical framework or world vision to function as a compass to steer between integration and fragmentation, globalization and insularity. Michael Ignatieff observes, “The world is not becoming more chaotic or violent, although our failure to understand and act makes it seem so. “34Gwyn Prins has pointed to the “scary humility of admitting one’s ignorance” because “the new vogue for ‘complex emergencies’ is too often a means of concealing from oneself that one does not know what is going on. “3sTo make matters more frustrating, never before has there been such a bombardment of data and instant analysis; the challenge of distilling such jumbled and seemingly contradictory information adds to the frustration of trying to do something appropriate fast. International discourse is not condemned to follow North American fashions and adapt sound bites and slogans. It is essential to struggle with and even embrace the ambiguities that permeate international responses to wars, but without the illusion of a one-size-fits-all solution. The trick is to grapple with complexities, to tease out the general without ignoring the particular, and still to be inspired enough to engage actively in trying to make a difference. Because more and more staff of aid agencies, their governing boards, and their financial backers have come to value reflection, an earlier policy prescription by Larry Minear and me no longer appears bizarre: “Don’t just do something, stand there! “3sThis advice represented our conviction about the payoffs from thoughtful analyses and our growing distaste for the stereotypical, yet often accurate, image of a bevy of humanitarian actors flitting from one emergency to the next.

## 9/11

#### Governments’ obey institutional logics that exist independently of individuals and constrain decisionmaking – that’s true regardless of this debate

Wight – Professor of IR @ University of Sydney – 6

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

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

**The naming of 9/11 is a dangerous act – it presupposes a supposedly universal calendar – the affirmative’s repetition is an attempt at neutralizing and distancing ourselves from the text of that day – turns case by making us powerless to get beyond the significance of the date.**

**Derrida 2003** interviewed in Philosophy in a time of terror by Giovanna Borradori – Online excerpt http://www.press.uchicago.edu/Misc/Chicago/066649.html

**Derrida:** Le 11 septembre, as you say, or, since we have agreed to speak two languages, "September 11." We will have to return later to this question of language. As well as to this act of naming: a date and nothing more. When you say "September 11" you are already citing, are you not? You are inviting me to speak here by recalling, as if in quotation marks, a date or a dating that has taken over our public space and our private lives for five weeks now. Something *fait date,* I would say in a French idiom, something marks a date, a date in history; that is always what's most striking, the very impact of what is at least felt*,* in an apparently immediate way, to be an event that truly marks, that truly makes its mark, a singular and, as they say here, "unprecedented" event. I say "apparently immediate" because this "feeling" is actually less spontaneous than it appears: it is to a large extent conditioned, constituted, if not actually constructed, circulated at any rate through the media by means of a prodigious techno-socio-political machine. "To mark a date in history" presupposes, in any case, that "something" comes or happens for the first and last time, "something" that we do not yet really know how to identify, determine, recognize, or analyze but that should remain from here on in unforgettable: an ineffaceable event in the shared archive of a universal calendar, that is, a supposedly universal calendar, for these are—and I want to insist on this at the outset—only suppositions and presuppositions. Unrefined and dogmatic, or else carefully considered, organized, calculated, strategic—or all of these at once. For the index pointing toward this date, the bare act, the minimal deictic, the minimalist aim of this dating, also marks something else. Namely, the fact that we perhaps have no concept and no meaning available to us to name in any other way this "thing" that has just happened, this supposed "event." An act of "international terrorism," for example, and we will return to this, is anything but a rigorous concept that would help us grasp the singularity of what we will be trying to discuss. "Something" took place, we have the feeling of not having seen it coming, and certain consequences undeniably follow upon the "thing." But this very thing, the place and meaning of this "event," remains ineffable, like an intuition without concept, like a unicity with no generality on the horizon or with no horizon at all, out of range for a language that admits its powerlessness and so is reduced to pronouncing mechanically a date, repeating it endlessly, as a kind of ritual incantation, a conjuring poem, a journalistic litany or rhetorical refrain that admits to not knowing what it's talking about. We do not in fact know what we are saying or naming in this way: September 11, *le 11 septembre,* September 11. The brevity of the appellation (September 11, 9/11) stems not only from an economic or rhetorical necessity. The telegram of this metonymy—a name, a number—points out the unqualifiable by recognizing that we do not recognize or even cognize that we do not yet know how to qualify, that we do not know what we are talking about.

This is the first, indisputable effect of what occurred (whether it was calculated, well calculated, or not), precisely on September 11, not far from here: we repeat this, *we must* repeat it, and it is all the more necessary to repeat it insofar as we do not really know what is being named in this way, as if to exorcise two times at one go: on the one hand, to conjure away, as if by magic, the "thing" itself, the fear or the terror it inspires (for repetition always protects by neutralizing, deadening, distancing a traumatism, and this is true for the repetition of the televised images we will speak of later), and, on the other hand, to deny, as close as possible to this act of language and this enunciation, our powerlessness to name in an appropriate fashion, to characterize, to think the thing in question, to get beyond the mere deictic of the date: something terrible took place on September 11, and in the end we don't know what. For however outraged we might be at the violence, however much we might genuinely deplore—as I do, along with everyone else—the number of dead, no one will really be convinced that this is, in the end, what it's all about. I will come back to this later; for the moment we are simply preparing ourselves to say something about it.

#### Memories of 9/11 perpetuate further violence—we shouldn’t use this as a benchmark reference point--

Marta da Silva, September 18, 2007(http://www.watsonblogs.org/matrix/2007/09/how\_do\_we\_get\_past\_911\_should.html)

How do we get past 911? Should we forget 911?

Upon receiving this assignment and processing this question, I reasoned that the dilemma in dealing with the tragic events of 911 is an issue of the perception and obligation of commemoration. People need to (yet often do not) separate living in the past and learning from the past. Instead of moving forward in aims of peace, memories of violence and the perception of the events on 911 perpetuate further violence; in a primitive sense, the reaction is comparable to schoolyard, or playground revenge. Violence becomes synonymous with action and justified as such, upholding a sense of duty to remember and fight for the victims of the terrorist attacks. An article from the New York Times on September 11th illustrated the prevailing question of “whether the war in Iraq has made the United States safer or more vulnerable to terrorists.” I would even argue that another question prevails: whether the war in Iraq has made the United States more similar to the terrorists. There is a disturbing video online (http://www.current.tv/pods/controversy/PD04399) that demonstrates a torture technique called “water-boarding,” which is one of the methods used against terrorist suspects. The video at one point states that the aim is for torture to prevent terrorism. Which is worse? Does putting a government label on these methods of violence make them logical or acceptable? Does not this method of resolution simply perpetuate the problem? Likewise, are we better off constantly using 911 as our benchmark reference point, or should we move on? Illustrated by the reading from Theories of International Relations, analyses such as that of Maja Zehfuss contend that the “White House has exploited the memory of ‘September 11’ to justify the curtailment of civil liberties at home, and an aggressive military response abroad,” (167). The politics of memory, as argued by postmodernists, has become a powerful tool in policy decision-making. People must be aware of policy actions and their affiliated interpretations; we must differentiate between honoring the victims and creating some semblance of peace in their memory. A time must come when we can remember and honor the tragedies of 911 without relying on that memory to justify current policies of vengeance and violence. We must commemorate the victims without becoming blinded by the remorse.

#### **Their AFF justifies continued over-reactions to 9-11—9/11 has justified a vast military and intelligence build-up that crushes individual freedoms while expanding the state**

Fareed Zakaria, 2010 (http://www.newsweek.com/2010/09/04/zakaria-why-america-overreacted-to-9-11.html What America Has Lost)

**The error this time is more damaging.** September 11 was a shock to the American psyche and the American system. As a result, we overreacted. **In a crucially important Washington Post reporting project, “Top Secret America,” Dana Priest and William Arkin spent two years gathering information on how 9/11 has really changed America. Here are some of the highlights.** Since September 11**, 2001,** the U.S. government has created or reconfigured at least 263 organizations to tackle some aspect of the war on terror.The amount of money spent on intelligence has risen by 250 percent**, to $75 billion (and that’s the public number, which is a gross underestimate).** That’s more than the rest of the world spends put together**. Thirty-three new building complexes have been built for intelligence bureaucracies alone, occupying 17 million square feet—the equivalent of 22 U.S. Capitols or three Pentagons. Five miles southeast of the White House, the largest government site in 50 years is being built—at a cost of $3.4 billion—to house the largest bureaucracy after the Pentagon and the Department of Veterans Affairs: the Department of Homeland Security, which has a workforce of 230,000 people. This new system produces 50,000 reports a year—136 a day!—which of course means few ever get read. Those senior officials who have read them describe most as banal; one tells me, “Many could be produced in an hour using Google.” Fifty-one separate bureaucracies operating in 15 states track the flow of money to and from terrorist organizations, with little information-sharing.** Some 30,000 people are now employed exclusively to listen in on phone conversations and other communications in the United States**. And yet no one in Army intelligence noticed that Maj. Nidal Malik Hasan had been making a series of strange threats at the Walter Reed Army Medical Center, where he trained. The father of the Nigerian “Christmas bomber” reported his son’s radicalism to the U.S. Embassy. But that message never made its way to the right people in this vast security apparatus. The plot was foiled only by the bomber’s own incompetence and some alert passengers.**

#### The belief that 9/11 created a new world is most evident in changes toward civil liberties—it justifies harsh crackdowns on civil society—vote negative to reject that belief system:

CAROLINE KENNEDY-PIPE AND NICHOLAS RENGGER, 2006 (“Apocalypse now? Continuities or

disjunctions in world politics after 9/11” International Affairs, vol. 82, 3, accessed via EBSCO)

Law, war and the civil condition In perhaps no sphere of western policy have the implications of the perception of the ‘new threats’ created by 9/11 and its aftermath been so controversial—and so radical—as in what we might term the relation between traditional assumptions about civil liberties and the allegedly changed character of the threat, and therefore of the security measures necessary to meet the threat. In both the United States and the United Kingdom (but also in Russia) especially, wholly new legislative and executive powers have been deemed warranted—for example, the creation of a whole apparatus of homeland security in the US,32 and in the UK the new antiterror laws and the government’s new draft legislation against ‘hate crime’ in the UK. Along with these measures have come the decisions by western and other governments to use—let us say—‘quasi-judicial’ techniques that in western politics have long been regarded with suspicion or indeed completely forsworn, at least in theory. Perhaps most notorious is the perceived relaxation of the attitude to torture by the US government.33 This phenomenon, it is argued, is attested to by the creation of the internment camps at Abu Ghraib prison and at Guantanamo Bay,34 a deliberately ‘extra-legal’ area outwith formal US jurisdiction, yet wholly controlled by the US government, and by the now well-documented practice of ‘extraordinary rendition’.35 This latter describes the transfer of suspected or captured terrorists to countries without the usual ‘liberal’ legal restrictions on interrogation, as well but the whole process includes as the less formal but perhaps equally revealing behaviour of some in the detention camps like Abu Ghraib.36 The alleged new situation has even led some in the US—most notoriously the Harvard law scholar Alan Dershowitz—to argue for the incorporation of torture into US law under specifi c circumstances through the creation of what he called ‘torture warrants’.37 Some liberal commentators have suggested that these developments, taken together, amount to some of the greatest threats to the traditional understanding of the relationship between civil liberties and security for well over a hundred years. But on closer inspection, we suggest, what is revealed here are not radically new ideas or practices but really rather old ones. The point is that what is new is the belief that the situation since 9/11 has created a very radical new set of threats and therefore the balance between security and liberty needs to be shifted decisively in favour of the former. As we have already said, it is our belief that this view is incorrect. In no way does the situation in which we now fi nd ourselves represent any kind of radical departure from the normal patterns of world politics that have obtained for a very considerable period of time. Indeed, the kinds of jurisprudential arguments to which we have just alluded featured in the debates that characterized the gradual establishment of the liberal polity at least since the middle of the eighteenth century; and, of course, the modern character of law, and especially of international law, has developed through those arguments. As the Finnish legal scholar Marti Koskiniemmi has argued, modern international law, ‘the gentle civiliser of nations’,38 to use his term, is itself a political project and a broadly liberal one. The relationship of this tradition to other jurisprudential traditions has always been contestable and contested. In the United States, for example, a very strong body of legal opinion has always been—to put it mildly—lukewarm about the idea of the ‘binding’ character of international law, regarding domestic law, rooted in the constitution, as binding, but international law (as, obviously, not being so rooted) as being at best advisory.39 Such jurisprudential arguments, together with the necessarily interpretative character of legal argument in general, account in part for the variety of legal views on whether torture or the invasion of Iraq (or any other possible instance of the use of force) is, or is not, legal. The point, of course, is to suggest that such arguments, far from determining with clarity the rights and wrongs of this or that intervention, are simply part of such debates and cannot therefore be appealed to in order to settle them. The most signifi cant point to make here, however, is that the claims that are made on behalf of the arguments in favour of tipping the balance towards security and away from liberty are dependent upon the truth of the grounding claim that the situation after 9/11 represents something radically different and quite new. As we have suggested already, this claim cannot be sustained. The defence of torture and other shifts in the balance between previously dominant understandings of the relationship between liberty and security must thus depend for their cogency on much older arguments about the balance between liberty and security in a liberal polity. It is our view that nothing in these arguments would support a weakening of the prohibition on torture and associated practices that in general terms has been the default position of liberal states for well over a hundred years.40