# r3 neg v. georgetown em

## 1nc

### 1nc ptx

#### Obama is using political capital to hammer the GOP on immigration – it will pass, but getting it to the floor is key

**Epstein, 10/17/13** (Reid, Politico, “Obama’s latest push features a familiar strategy” <http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512.html>)

President Barack Obama made his plans for his newly won political capital official — he’s going to hammer House Republicans on immigration. And it’s evident from his public and private statements that Obama’s latest immigration push is, in at least one respect, similar to his fiscal showdown strategy: yet again, the goal is to boost public pressure on House Republican leadership to call a vote on a Senate-passed measure. “The majority of Americans think this is the right thing to do,” Obama said Thursday at the White House. “And it’s sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let’s hear them. Let’s start the negotiations. But let’s not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year.” And yet Obama spent the bulk of his 20-minute address taking whack after whack at the same House Republicans he’ll need to pass that agenda, culminating in a jab at the GOP over the results of the 2012 election — and a dare to do better next time. “You don’t like a particular policy or a particular president? Then argue for your position,” Obama said. “Go out there and win an election. Push to change it. But don’t break it. Don’t break what our predecessors spent over two centuries building. That’s not being faithful to what this country’s about.” Before the shutdown, the White House had planned a major immigration push for the first week in October. But with the shutdown and looming debt default dominating the discussion during the last month, immigration reform received little attention on the Hill. Immigration reform allies, including Obama’s political arm, Organizing for Action, conducted a series of events for the weekend of Oct. 5, most of which received little attention in Washington due to the the shutdown drama. But activists remained engaged, with Dream Act supporters staging a march up Constitution Avenue, past the Capitol to the Supreme Court Tuesday, to little notice of the Congress inside. Obama first personally signaled his intention to re-emerge in the immigration debate during an interview Tuesday with the Los Angeles Univision affiliate, conducted four hours before his meeting that day with House Democrats. Speaking of the week’s fiscal landmines, Obama said: “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform.” When he met that afternoon in the Oval Office with the House Democratic leadership, Obama said that he planned to be personally engaged in selling the reform package he first introduced in a Las Vegas speech in January. Still, during that meeting, Obama knew so little about immigration reform’s status in the House that he had to ask Rep. Xavier Becerra (D-Calif.) how many members of his own party would back a comprehensive reform bill, according to a senior Democrat who attended. The White House doesn’t have plans yet for Obama to participate in any new immigration reform events or rallies — that sort of advance work has been hamstrung by the 16-day government shutdown. But the president emerged on Thursday to tout a “broad coalition across America” that supports immigration reform. He also invited House Republicans to add their input specifically to the Senate bill — an approach diametrically different than the House GOP’s announced strategy of breaking the reform into several smaller bills. White House press secretary Jay Carney echoed Obama’s remarks Thursday, again using for the same language on immigration the White House used to press Republicans on the budget during the shutdown standoff: the claim that there are enough votes in the House to pass the Senate’s bill now, if only it could come to a vote. “When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”

#### Consistent pressure and Dem unity are key to make Boehner allow a vote

**Sullivan, 10/24/13** (Sean, “John Boehner's next big test: Immigration” Washington Post Blogs, The Fix, lexis)

President Obama delivered remarks Thursday morning to renew his call for Congress to pass sweeping immigration reform. The prevailing sentiment in Washington is that it’s not going to happen this year, and may not even happen next year.

But because of the last few weeks, it just might get done by early next year. It’s all up to House Speaker John A. Boehner (R-Ohio), who by political necessity, must now at least consider leaning in more on immigration.

“Let’s see if we can get this done. And let’s see if we can get it done this year,” Obama said at the White House.

Fresh off a decisive defeat in the budget and debt ceiling showdown that cost the GOP big and won the party no major policy concessions from Democrats, Boehner was asked Wednesday about whether he plans to bring up immigration legislation during the limited time left on the 2013 legislative calendar. He didn’t rule it out.

“I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful,” said Boehner.

The big question is whether the speaker’s hopefulness spurs him to press the matter legislatively or whether the cast-iron conservative members who oppose even limited reforms will dissuade him and extinguish his cautiously optimistic if noncommittal outlook.

Months ago, as House Republicans were slow-walking immigration after the Senate passed a broad bill, the latter possibility appeared the likelier bet. But times have changed. The position House Republicans adopted in the fiscal standoff badly damaged the party's brand. The GOP is reeling, searching desperately for a way to turn things around. That means Boehner, too, must look for ways to repair the damage.

And that's where immigration comes in. Even before the government shutdown showdown, a vocal part of the GOP (think Sen. John McCain) had been talking up the urgent need to do immigration reform or risk further alienating Hispanic voters. Now, amid hard times for the party driven by deeper skepticism from Democrats, independents and even some Republicans following the fiscal standoff, the political imperative is arguably even stronger.

The policy imperative already exists for some House Republicans -- perhaps enough of them that if Boehner allowed a vote, reform of some type could pass with a majority of House Democrats and a minority of House Republicans, as did last week's deal to end the government shutdown and raise the debt ceiling. (What specifically could pass and whether Obama could accept it is another question.)

What's not clear is whether Boehner would be willing to chart a path with less than majority GOP support again so soon after the last time and without his back against the wall as it was in the fiscal standoff.

This much we know: The White House and Senate Democrats will keep applying pressure on Boehner to act on immigration. Obama's planned remarks are the latest example of his plan. The speaker will be feeling external and internal pressure to move ahead on immigration.

But he will also feel pressure from conservatives to oppose it. Here's the thing, though: Boehner listened to the right flank of his conference in the fiscal fight, and that path was politically destructive for his party. That's enough to believe he will at least entertain the possibility of tuning the hard-liners out a bit more this time around.

#### **The plan’s a perceived loss – it saps capital and causes defections**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### That wrecks Obama’s strategy

**Milbank, 10/18/13** – Washington Post Opinion Writer (Dana, “Now, lead from the front” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-now-lead-from-the-front/2013/10/18/56c1fd42-37fe-11e3-8a0e-4e2cf80831fc_story.html>)

Obama got out in front of the shutdown and debt-ceiling standoff. He took a firm position — no negotiating — and he made his case to the country vigorously and repeatedly. Republicans miscalculated, assuming he would again give in. The result was the sort of decisive victory rarely seen in Washington skirmishes. On Wednesday, Republicans surrendered. They opened the government and extended the debt limit with virtually no conditions. On Thursday, Obama rubbed their noses in it. “You don’t like a particular policy or a particular president? Then argue for your position. Go out there and win an election,” Obama taunted from the State Dining Room. “Push to change it, but don’t break it. Don’t break what our predecessors spent over two centuries building.” Obama said “there are no winners” after the two-week standoff, but his opponents, particularly his tea party foes, clearly lost the most; seven in 10 Americans thought Republicans put party ahead of country. These “extremes” who “don’t like the word ‘compromise’ ” were the obvious target of Obama’s demand that we all “stop focusing on the lobbyists and the bloggers and the talking heads on radio and the professional activists who profit from conflict.” (He did not mention newspaper columnists, so you are free to continue reading.) The gloating was a bit unseemly, but the president is entitled to savor a victory lap. The more important thing is that Obama now maintain the forceful leadership that won him the budget and debt fights. In that sense, the rest of Obama’s speech had some worrisome indications that he was returning to his familiar position in the rear. The agreement ending the shutdown requires Congress to come up with a budget by Dec. 13 . It’s a chance — perhaps Obama’s last chance — to tackle big issues such as tax reform and restructuring Medicare. The relative strength he gained over congressional Republicans during the shutdown left him in a dominant negotiating position. If he doesn’t use his power now to push through more of his agenda, he’ll lose his advantage. George W. Bush adviser Karl Rove called it the “perishability” of political capital. But instead of being forceful, Obama was vague. He spoke abstractly about “the long-term obligations that we have around things like Medicare and Social Security.” He was similarly elliptical in saying he wants “a budget that cuts out the things that we don’t need, closes corporate tax loopholes that don’t help create jobs, and frees up resources for the things that do help us grow, like education and infrastructure and research.” Laudable ideas all — but timidity and ambiguity in the past have not worked for Obama. The way to break down a wall of Republican opposition is to do what he did the past two weeks: stake out a clear position and stick to it. A plan for a tax-code overhaul? A Democratic solution to Medicare’s woes? As in the budget and debt fights, the policy is less important than the president’s ability to frame a simple message and repeat it with mind-numbing regularity. If there’s going to be a big budget deal, the president eventually will have to compromise, perhaps even allowing some changes to his beloved Obamacare, which he didn’t mention while on his victory lap Thursday. Even then, forceful leadership may not be enough to prevail. But he has a much better chance if he remains out in front. Otherwise, he’ll soon be knocked back on his behind.

#### It’s key to the economy and US leadership

Javier Palomarez, Forbes, 3/6/13, The Pent Up Entrepreneurship That Immigration Reform Would Unleash, www.forbes.com/sites/realspin/2013/03/06/the-pent-up-entrepreneurship-that-immigration-reform-would-unleash/print/

The main difference between now and 2007 is that today the role of immigrants and their many contributions to the American economy have been central in the country’s national conversation on the issue. Never before have Latinos been so central to the election of a U.S. President as in 2012. New evidence about the economic importance of immigration reform, coupled with the new political realities presented by the election, have given reform a higher likelihood of passing. As the President & CEO of the country’s largest Hispanic business association, the U.S. Hispanic Chamber of Commerce (USHCC), which advocates for the interests of over 3 million Hispanic owned businesses, I have noticed that nearly every meeting I hold with corporate leaders now involves a discussion of how and when immigration reform will pass. The USHCC has long seen comprehensive immigration reform as an economic imperative, and now the wider business community seems to be sharing our approach. It is no longer a question of whether it will pass. Out of countless conversations with business leaders in virtually every sector and every state, a consensus has emerged: our broken and outdated immigration system hinders our economy’s growth and puts America’s global leadership in jeopardy. Innovation drives the American economy, and without good ideas and skilled workers, our country won’t be able to transform industries or to lead world markets as effectively as it has done for decades. Consider some figures: Immigrant-owned firms generate an estimated $775 billion in annual revenue, $125 billion in payroll and about $100 billion in income. A study conducted by the New American Economy found that over 40 percent of Fortune 500 companies were started by immigrants or children of immigrants. Leading brands, like Google, Kohls, eBay, Pfizer, and AT&T, were founded by immigrants. Researchers at the Kauffman Foundation released a study late last year showing that from 2006 to 2012, one in four engineering and technology companies started in the U.S. had at least one foreign-born founder — in Silicon Valley it was almost half of new companies. There are an estimated 11 million undocumented workers currently in the U.S. Imagine what small business growth in the U.S. would look like if they were provided legal status, if they had an opportunity for citizenship. Without fear of deportation or prosecution, imagine the pent up entrepreneurship that could be unleashed. After all, these are people who are clearly entrepreneurial in spirit to have come here and risk all in the first place. Immigrants are twice as likely to start businesses as native-born Americans, and statistics show that most job growth comes from small businesses. While immigrants are both critically-important consumers and producers, they boost the economic well-being of native-born Americans as well. Scholars at the Brookings Institution recently described the relationship of these two groups of workers as complementary. This is because lower-skilled immigrants largely take farming and other manual, low-paid jobs that native-born workers don’t usually want. For example, when Alabama passed HB 56, an immigration law in 2012 aimed at forcing self-deportation, the state lost roughly $11 billion in economic productivity as crops were left to wither and jobs were lost. Immigration reform would also address another important angle in the debate – the need to entice high-skilled immigrants. Higher-skilled immigrants provide talent that high-tech companies often cannot locate domestically. High-tech leaders recently organized a nationwide “virtual march for immigration reform” to pressure policymakers to remove barriers that prevent them from recruiting the workers they need. Finally, and perhaps most importantly, fixing immigration makes sound fiscal sense. Economist Raul Hinojosa-Ojeda calculated in 2010 that comprehensive immigration reform would add $1.5 trillion to the country’s GDP over 10 years and add $66 billion in tax revenue – enough to fully fund the Small Business Administration and the Departments of the Treasury and Commerce for over two years. As Congress continues to wring its hands and debate the issue, lawmakers must understand what both businesses and workers already know: The American economy needs comprehensive immigration reform.

**Extinction**

**Auslin 9**

(Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos** followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would **dramatically raise tensions** inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in **all regions of the globe** and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce **into a big bang**.

### 1nc t

#### Interpretation:

#### War powers authority is derived from congressional statute - restrictions are increased via statutory or judicial prohibitions on the source

**Bradley, 10** - \* Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship>)

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1

For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3

The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### Authority refers to permission granted – means restrictions must be on the permissive statute

**Taylor, 96** – professor of law at Georgia State (Ellen, “New and Unjustified Restrictions on Delaware Directors' Authority” 21 Del. J. Corp. L. 870 (1996), Hein Online)

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Violation:

#### The plan is an implicit delegation of “authority” – it must stamp the originating statute to “increase restrictions on”

**Cronogue, 12** - Duke University School of Law, J.D. expected 2013 (Graham, “A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil>)

The AUMF’s broad “all necessary and appropriate force” language confers on the President complete Congressional authorization to wage war against the specified groups. First, the AUMF’s “all necessary and appropriate force” language mirrors that found in a declaration of war and, far from imposing any constraints, bolsters the President’s powers significantly.37 In Bas v. Tingy, the Court found that Congress could make narrow authorizations that are “limited in place, in objects, and in time.”38 Yet, the AUMF authorization is much broader than that typically found in a limited or quasi-war context where the President can only use certain armed forces against a specific type of target in a specified way.39 In the Quasi-War with France, for example, the President’s actions were limited to a specific place and type of enemy force.40 Indeed, the use of force was restricted to the high seas and armed French vessels.41 In these examples, the President was not authorized to use force in enemy ports or against many other members of the enemy’s military.42 In contrast, the AUMF does not explicitly limit where or what kind of force the President may use.43 Rather, it leaves this determination open to the President and merely names the class of targets.44

Second, the AUMF’s language illustrates congressional acquiescence or approval of broad presidential authority to use force. “[T]he enactment of legislation closely related to the question of the President’s authority in a particular case which evinces legislative intent to accord the President broad discretion may be considered to ‘invite’ ‘measures on independent presidential responsibility.’”45 The language in the AUMF is very similar to declarations of war and authorizations, in which presidents have exercised plenary power in determining the means and type of force.46 In these “perfect” wars, “all the members act[ed] under a general authority, and all the rights and consequences of war attach to their condition.”47 For instance, the Gulf of Tonkin Resolution allowed the President to “take all necessary measures” and was used as broad authority to wage combat and detain enemies.48 Similarly, the AUMF allows for the use of “all necessary and appropriate force.” Presidents have commonly exercised broad authority under similar grants of power, and Congress’s failure to act in limiting these powers here suggests acquiescence to this interpretation.49 More convincingly than in Dames & Moore, where Congress failed to object to executive action, there are numerous comments from the legislature that the President should have broad authority under the AUMF.50 Given these statements and Congress’s ample opportunity to limit the scope or type of force, Congress must have acquiesced to past executive practice and interpretation.

Furthermore, the plurality in Hamdi also treated the AUMF as a broad authorization to use force.51 In upholding the President’s power to detain enemy combatants, the Court leaned heavily on the similarities between the current authorization and that of broad authorizations characteristic of full wars.52 The Court found that the President had many of the same powers usually granted to the President by war declarations.53 Then, it looked to past exercises of presidential power to find what actions Congress would have implicitly authorized.54 Specifically, the Court found that detention was as “fundamental and accepted an incident to war as to be an exercise of the ‘necessary and appropriate force’ Congress has authorized the President to use.”55

Given that the AUMF does not contain any specific limitation on the type of force and that the language describing this force is hashed in the extremely broad terms, the AUMF must grant the President significant authority to act. This authority is certainly still constrained by the laws of war and other independent constitutional checks on the Executive, but it appears that Congress delegated the President extremely broad powers. Finally, based on the plurality’s opinion in Hamdi, the exact scope of these powers will be interpreted in light of past actions by the Executive but still remains far from clear.56

D. Where?

Another significant issue not addressed by the AUMF is where this “force” may be applied. Again, the text of the statute offers little guidance, as it does not mention any geographic limitation. The statute does confirm the existence of a threat to American citizens at home and abroad.57 Of course, one plausible reading is that there is no limitation whatsoever. Under this reading, if an organization that satisfies the 9/11 requirement is in the United States or in a foreign country, the President is always authorized to use force against that target.

Given the President’s duty to protect Americans and the context in which the AUMF was passed, the AUMF seemingly authorizes force at home. The AUMF passed after an attack on American soil, and the United States seemed in a very real sense part of the theater of war. Furthermore, force under the AUMF is designed to “prevent any future acts of international terrorism against the United States” and its citizens at home.58 Since al-Qaeda could have small cells in the United States, a territorial limitation precluding force at home might hamstring this objective. Despite these factors, the plurality in Hamdi limited its holding to apply the AUMF to an American citizen captured in the traditional battlefield.59 However, it seems that the need to detain enemy combatants picked up on the foreign battlefield and prevent them from engaging in conflict is at least as strong as when the enemy is in the United States.60 Later, the Court in Padilla upheld the application of the AUMF to an American citizen captured on American soil, suggesting the AUMF should apply at home.61 The true difficulty with the AUMF’s geographical limitation comes when the organization or person is in another country. The AUMF does authorize actions against “nations,” so it clearly is not limited to domestic threats. However, what happens if the target is in a state that is not an eligible target? This issue implicates fundamental questions of sovereignty that have become especially important in the case of targeted killings in Pakistan and Yemen. Despite the importance of this issue, the AUMF remains silent on this point.

II. THE IMPORTANCE OF CONGRESSIONAL AUTHORIZATION

In order to evaluate the significance of the AUMF, we must first determine whether the President actually needs authorization to defend the United States against these terrorist threats or if he can use his inherent constitutional authority to accomplish the same goal. The President’s inherent powers as Commander in Chief are at their height during times of war and emergency. Therefore, I will first examine the question of “were we at war.” In light of this answer and the President’s inherent authority, I will look at whether the AUMF provides any benefits in the prosecution of this conflict.

A. Were We at War?

The text of the AUMF confers on the President strong authorization to combat a category of enemies for an undefined period of time and in an unspecified location. His powers are much broader than that typically authorized in limited or quasi-wars. Moreover, the President has ordered transnational air strikes, electronic surveillance, detentions, and military invasions pursuant to his powers under the AUMF.62 Yet, the AUMF is not a formal declaration of war and its targets are not all states or state actors. This absence of a formal declaration might suggest that we are not in a state of war. However, if the United States was not in a state of war with al Qaeda, the President’s inherent authority to act might be severely limited, making the AUMF an essential component to the use of force.

The Court held in the Prize cases that a “state of actual war may exist without any formal declaration of it by either party; and this is true of both a civil and a foreign war.”63 Rather, a state of war can exist de facto.64 In the Prize cases, the Court considered President Lincoln’s order of a blockade against the South “official and conclusive evidence . . . that a state of war existed which demanded and authorized a recourse to such a Here, President Bush proclaimed that al-Qaeda’s attacks on American soil were “acts of war.”69 Even prior to September 11, al-Qaeda had attacked American embassies, ships, and military bases on several occasions, leading President Clinton to declare a state of armed conflict against al-Qaeda.70 But on September 11, 2001, the conflict escalated dramatically. Al-Qaeda inflicted massive casualties against American civilians, caused catastrophic economic damage, and fundamentally altered measure.”65 In addition to the President’s declaration, the Court found that the Queen of England’s proclamation of neutrality after the firing on Fort Sumter was also adequate evidence of war.66 The Court acknowledged its deference to the President’s characterization of the conflict and classification of the enemy as “belligerents.”67 Thus, the President’s characterization of the conflict and the actions of the enemy can create a state of war even absent congressional action.68

Here, President Bush proclaimed that al-Qaeda’s attacks on American soil were “acts of war.”69 Even prior to September 11, al-Qaeda had attacked American embassies, ships, and military bases on several occasions, leading President Clinton to declare a state of armed conflict against al-Qaeda.70 But on September 11, 2001, the conflict escalated dramatically. Al-Qaeda inflicted massive casualties against American civilians, caused catastrophic economic damage, and fundamentally altered America’s security and foreign policy goals. The President has framed the conflict as a war and the subsequent invasions, detentions, and killings confirm this view. These actions as well as the ongoing threat from alQaeda elevate the conflict to a de facto state of war.

It is important to note, however, that the Prize cases dealt with a defensive war during a national crisis; the confederate rebels severely threatened the territorial integrity of the United States.71 In the immediate aftermath of 9/11 and given the ease with which foreign militants can inflict damage across state borders, the United States could probably claim that actions at home and overseas were part of a defensive war. Though the Prize cases should authorize the executive actions immediately following the attack, it is not clear whether they would authorize executive action today.72 With the death of the 9/11 mastermind and increased security measures, actions against al-Qaeda are looking less defensive and more offensive. Furthermore, the passage of time has made the scenario seem less like the emergency that required rapid executive action. For these reasons, it is unclear whether the United States today is actually in a defensive war with al-Qaeda under the Prize cases framework.73

B. Importance of Congressional Authorization

Though the President’s inherent authority to act in times of emergency and war can arguably make congressional authorization of force unnecessary, it is extremely important for the conflict against al-Qaeda and its allies. First, as seen above, the existence of a state of war or national emergency is not entirely clear and might not authorize offensive war anyway. Next, assuming that a state of war did exist, specific congressional authorization would further legitimate and guide the executive branch in the prosecution of this conflict by setting out exactly what Congress authorizes and what it does not. Finally, Congress should specifically set out what the President can and cannot do to limit his discretionary authority and prevent adding to the gloss on executive power.

Even during a state of war, a congressional authorization for conflict that clearly sets out the acceptable targets and means would further legitimate the President’s actions and help guide his decision making during this new form of warfare. Under Justice Jackson’s framework from Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization.74 In this zone, the President can act quickly and decisively because he knows the full extent of his power.75 In contrast, the constitutionality of presidential action merely supported by a president’s inherent authority exists in the “zone of twilight.”76 Without a congressional grant of power, the President’s war actions are often of questionable constitutionality because Congress has not specifically delegated any of its own war powers to the executive.77

This problem forces the President to make complex judgments regarding the extent and scope of his inherent authority. The resulting uncertainty creates unwelcome issues of constitutionality that might hinder the President’s ability to prosecute this conflict effectively. In time-sensitive and dangerous situations, where the President needs to make split-second decisions that could fundamentally impact American lives and safety, he should not have to guess at the scope of his authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. Allowing the President to understand the extent of his authority will enable him to act quickly, decisively but also constitutionally.

Finally, a grant or denial of congressional authorization will allow Congress to control the “gloss” on the executive power. There is considerable tension between the President’s constitutional powers as Commander in Chief and Congress’s war making powers.78 This tension is not readily resolved simply by looking at the Constitution.79 Instead courts look to past presidential actions and congressional responses when evaluating the constitutionality of executive actions.80 Indeed Justice Frankfurter noted in Youngstown that “a systematic, unbroken, executive practice, long pursued to the knowledge of the Congress and never before questioned . . . may be treated as a gloss on ‘executive Power’ vested in the President by § 1 of Art. II.”81 Thus, congressional inaction can be deemed as implicit delegation of war making power to the executive.82

Whether the United States is in a state of war or not, an authorization of force provides legitimacy and clarity to the war effort. If the President acts pursuant to such an authorization his authority is at its height; consequently, he can operate with greater certainty that his actions are constitutional.83 Absent such a declaration, the President’s power is much less clear. While the President has the authority to frame the conflict and he might still be able to act pursuant to his inherent powers, he is operating in the zone of twilight.84 Congressional authorizations remove this uncertainty by stamping specific acts with congressional approval or disapproval. This process also allows Congress to exert control over what the President can do in the future and prevents the “gloss” that comes from congressional acquiescence.85

#### Pleas for reasonability just warrant precision – only check on bi-directionality and Commander-in-Chief affs

Colby P. Horowitz 2013 “CREATING A MORE MEANINGFUL DETENTION STATUTE: LESSONS LEARNED FROM HEDGES V. OBAMA,” FORDHAM L.R. Vol. 81, http://fordhamlawreview.org/assets/pdfs/Vol\_81/Horowitz\_April.pdf

Thus, there at least two ways to interpret section 1021 under Justice Jackson’s framework. The government believes that section 1021 places the executive firmly in Zone 1. It has argued on appeal in Hedges that section 1021 is “an essentially verbatim affirmation by Congress of the Executive Branch’s interpretation of the AUMF.”335 This is supported by the government’s 2009 brief to the D.C. District Court, which is almost identical to the description of detention authority in section 1021.336 If section 1021 places the President in Zone 1, he has clear statutory authorization and does not need to rely on his general Commander-in-Chief powers (which courts view more narrowly).337 Additionally, in Zone 1, any ambiguities or vague terms in the statute might actually expand the President’s authority.338 338. See Chesney, supra note 33, at 792–93 (explaining that some observers view ambiguities in detention statutes as constituting “an implied delegation of authority to the executive to provide whatever further criteria may be required”).

### 1nc legalism k

#### The 1AC’s approach to drone legality de-politicizes conflict and oversells the value of restrictions

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

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

#### Vote neg to interrupt the legal discourse of the 1ac

**Krasman 2012** - professor, Dr, Institute for Criminological Research, University of Hamburg (Susanne Krasmann, “Targeted Killing and Its Law: On a Mutually Constitutive Relationship,” Leiden Journal of International Law (2012), 25, pg. 67)

The legal debate on targeted killing, particularly that referring to the US practice, has increased immensely during the last decade and even more so very recently, obviously due to a ‘compulsion of legality’.87 Once this state practice of resorting to the use of lethal force has been recognized as systematically taking place, it needs to be dealt with in legal terms. Whether this is done in supportive or critical terms, the assertion of targeted killing as a legal practice commences at this point. This is due to the fact that the law, once invoked, launches its own claims. To insist on disclosing ‘the full legal basis for targeted killings’; on criteria, legal procedures, and ‘access to reliable information’ in order to render governmental action controllable; or on legal principles to be applied in order to estimate the necessity and proportionality of a concrete intervention at stake,88 not only involves **accepting targeted killing as a legitimate subject of debate in the first place**. It requires distinctions to be made between, for example, a legitimate and an illegitimate target. It invokes the production of knowledge and the establishment of pertinent rules. Indeterminate categories are to be determined and thus established as a new reading of positive law. The introduction of international human rights standards into the debate, for example, clearly allows limits to be set in employing the pre-emptive tactic. As Wouter Werner has shown with regard to the Israeli High Court of Justice’s decision on the legality of targeted killing operations,89 this may well lead, for example, to recognizing the enemy as being not ‘outlaws’ but, instead, combatants who are to be granted basic human rights. Subsequently, procedural rules may be established that restrict the practice and provide criteria for assessing the legality of concrete operations.90 At the same time, however, targeted killing is recognized as a legitimate tactic in the fight against terrorism and is being determined and implemented legally.91 When framed within the ‘theatre of war’, targeted killing categorically seems to be justifiable under the legal principles of necessity, proportionality, discrimination, and the avoidance of unnecessary suffering. This is true as long as one presupposes in general terms, as the juridical discourse usually does, both a well-considered proceeding along those principles92 and, accordingly, that targeted killing, by its very nature, is a ‘calculated, precise use of lethal force’.93 Procedural rules, like the ‘proportionality test’, that are essentially concerned with determination, namely with specifying criteria of intervention for the concrete case or constellation, certainly provide reliability by systematically inciting and provoking justifications. Their application therefore, we may say, contributes to clarifying a controversial norm- ative interpretation, but it will **never predict or determine** how deliberation and justification translate into operational action. The application of procedural rules does not only notoriously remain ‘indeterminate’,94 but also produces its own truth effects. The question of proportionality, for example, is intrinsically a relational one. The damage that targeting causes is to be related to the anticipated military advantage and to the expected casualties of non-targeted operations. Even if there are ‘substantial grounds to believe’ that such an operation will ‘encounter significant armed resistance’,95 this is a presumption that, above all, entails a virtual dimension: the alternate option will never be realized. According to a Foucauldian perspective, decisions always articulate within an epistemic regime and thus ‘eventualize’ on the political stage.96 There is, in this sense, no mere decision and no mere meaning; and, conversely, there is no content of a norm, and no norm, independent of its enforcement.97 To relate this observation to our problem at hand means that, rather than the legal principles’ guiding a decision, it is the decision on how to proceed that constitutes the meaning of the legal principle in question. The **legal reasoning, in turn, produces a normative reality of its own**, as we are now able to imagine, comprehend, and assess a procedure and couch it in legal terms. This is also noticeable in the case of the Osama bin Laden killing. As regards the initial strategy of justification, the question of resistance typically is difficult to establish ex post in legal terms. Such situations are fraught with so many possible instances of ambiguous behaviour and risk, and the identification of actual behav- iour as probably dangerous and suspicious may change the whole outcome of the event.98 But, once the public found itself with little alternative but to assume that the prospect of capturing the subject formed part of the initial order, it also had to assume that the intention was to use lethal force as a last resort. And, once the public accepts the general presumption that the United States is at war with the terrorist organization, legal reasoning about the operation itself follows and constitutes a rationale shaping the perception of similar future actions and the exercise of governmental force in general.99 Part of this rationale is the assumption, as the president immediately pointed out in his speech, that the threat of al Qaeda has not been extinguished with bin Laden. The identification of a threat that emanates from a network may give rise to the question of whether the killing of one particular target, forming part of a Hydra, makes any sense at all.100 Yet, it equally nourishes the idea that the fight against terrorism, precisely because of its elusiveness, is an enduring one, which is exactly the position the United States takes while considering itself in an armed conflict with the terrorist organization. Targeting and destroying parts of a network, then, do not destroy the entire network, but rather verify that it exists and is at work. The target, in this sense, is constituted by being targeted.101 Within the rationale of the security dispositif, there continue to be threats and new targets. Hence, at work is a transformation of laws through practice, rather than their amendment. Giorgio Agamben maintains that a legal norm, because abstract, does not stipulate its application.102 ‘Just as between language and world . . . there is no internal nexus’ between them. The norm, in this sense, exists independent of ‘reality’. This, according to Agamben, allows for the norm in the ‘state of exception’ both to be applied with the effect of ‘ceasing to apply’103 – ‘the rule, suspending itself, gives rise to the exception’104 – and to be suspended without being abolished. Although forming part of and, in fact, being the effect of applying the law, the state of exception, in Agamben’s view, disconnects from the norm. Within a perspective on law as practice, by contrast, there is no such difference between norm and reality. Even to ignore a pertinent norm constitutes an act that has a meaning, namely that the norm is not being enforced. It affects the norm. Targeted killing operations, in this sense, can never be extra-legal.105 On the contrary, provided that illegal practices come up systematically, they eventually will effectuate the transformation of the law. Equally, the exception from the norm not only suspends the norm, transforming it, momentarily or permanently, into a mere symbol without meaning and force, but at the same time also impinges upon the validity of that norm. Moreover, focus on the exception within the present context falls short of capturing a rather gradual transitional process that both resists a binary deciphering of either legal or illegal and is not a matter of suspending a norm. As practices deploying particular forms of knowledge, targeted killing and its law mutually constitute each other, thus re-enforcing a new security dispositif. **The appropriate research question** therefore is how positive law changes its framework of reference. Targeted killing, once perceived as illegal, now appears to be a legal practice on the grounds of a new understanding of international law’s own elementary concepts. The crux of the ‘compulsion of legality’ is that legality itself is a shifting reference. Seen this way, the United States does not establish targeted killing as a legal practice on the grounds of its internationally ‘possessing’ exceptional power. Rather the reverse; it is able to employ targeted killing as a military tactic, precisely because this is accepted by the legal discourse. As a practice, targeted killing, in turn, reshapes our understanding of basic concepts of international law. Any dissenting voice will now be heard with more difficulty, since targeted killing is a no longer an isolated practice but, within the now establishing security dispositif, appears to be appropriate and rational. **To counter the legal discourse**, then, would require to **interrupt it, rather than to respond to it**, and to move on to its political implications that are rather tacitly involved in the talk about threats and security, and in the dispute about targeted killing operations’ legality.

#### The impact is militarism

Smith 2 – prof of phil @ U of South Florida

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

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroy- ing the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declara- tions of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its mem- bers have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed.

### 1nc executive cp

#### COUNTERPLAN: The President of the United States should issue an Executive Order committing the executive branch to Solicitor General Representation and advance consultation with the Office of Legal Counsel over decisions regarding targeted killing outside zones of active hostilities.

#### The Department of Justice officials involved should counsel against targeted killing outside zones of active hostilities without the requirement of a clean and convincing standard for targeted killing and should call for a clear and convincing standard for targeted killing outside zones of active hostilities.

#### The Executive Order should also require written publication of the opinion.

#### Solves any signal warrants without legislation

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America. To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America. This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

#### It has the effect of the aff but doesn’t jeopardize flexibility

**Morrison 2011** – Professor of Law, Columbia University (Trevor W., Harvard Law Review, ““Hostilities,” the Office of Legal Counsel, and the Process of Executive Branch Legal Interpretation”, 124 HARV. L. REV.F. 62, http://web.law.columbia.edu/sites/default/files/microsites/constitutional-governance/files/Libya-Hostilities-Office-of-Legal-Counsel.pdf)

Once OLC arrived at its conclusion, it should have been clearly conveyed to the relevant parties, ideally in writing. Reducing an opinion to writing is not always possible when time is short, but where it is feasible it helps clarify the precise terms and bounds of OLC’s position. The recipients of OLC’s opinion (whether written or oral) should have regarded it as the presumptively final word on the “hostilities” question. The President certainly retains the authority to overrule OLC, but the traditions of executive branch legal interpretation do not contemplate routine relitigation before the President. Still, on matters of grave consequence where affected agencies strongly disagree with OLC’s analysis, there is nothing categorically inappropriate in their seeking presidential review. Importantly, any such presidential review should proceed on the understanding that OLC’s analysis should be adhered to in all but the most extreme circumstances. Presidential overruling should be rare because it can carry serious costs. To start, it can undermine OLC’s ability to produce legal opinions consistent with its best view of the law. Agency general counsels and the White House Counsel’s Office may approach legal questions not with the goal of seeking the best view of the law, but with the aim of finding the best, professionally responsible legal defense of their client’s preferred policy position. There is nothing wrong with that. But if the President routinely favors legal views of that sort over OLC’s conclusions, the traditional rationale for having an OLC at all will be undermined. OLC’s work product is significant today in large part because of the time-honored understanding that its conclusions are presumptively binding within the executive branch. Routine presidential overruling would weaken the presumption, which in turn would diminish the significance of OLC’s work and reduce its clients’ incentive to seek its views. To remain relevant, OLC would likely start intentionally tilting its analysis in favor of its clients’ (here, the President’s) preferred policies. Put another way, the strong presumption in favor of the authoritativeness of OLC’s analysis provides OLC with the institutional space and cover to provide answers based on its best view of the law. If the former is weakened, the latter is jeopardized.

#### But the plan does

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 170)

A requirement of ex post statutory authorization thus seems more plausible than the ex ante statutory framework approach, but it does not seem better than the judicial deference approach. As we discussed in chapter 1, the involvement of Congress produces costs as well as benefits. On the cost side, congressional deliberation is slow and unsuited for emergencies. Congress has trouble keeping secrets and is always vulnerable to obstruction at the behest of members of Congress who place the interests of their constituents ahead of those of the nation as a whole. It is implicitly for these reasons that Ackerman gives the president the freedom to act unilaterally at the start of the emergency. But there is no reason to think that the problem of congressional obstruction and inefficiency will decline over time.

What are the benefits of congressional involvement? One possible benefit is that Congress has technical information about the advantages and disadvantages of various security measures and, relying on this information, will be able to block poorly considered security measures. But it is doubtful that Congress’s information is better than the executive branch’s, and in any event Congress can share this information with the executive branch if necessary. The modern national security system deprives Congress of useful information about threats to national security, and Congress by necessity must play a passive role.

The main possible benefit from congressional involvement is that Congress can prevent the executive from using the emergency as an opportunity to engage in self-aggrandizement, to obtain new powers, and to entrench them so that the executive will be more powerful even after the emergency ends. As we argued in chapter 1, however, it is not at all clear that executive aggrandizement during emergencies is a problem, and even if it is, congressional involvement might make things worse, not better. The value of congressional authorization is ambiguous as a theoretical matter. It slows down executive action, which is costly during emergencies, but may (or may not) block efforts by the executive to aggrandize its power. We also argued in chapter 1 that the historical evidence suggests that Congress is too weak an institution, during emergencies, to provide the asserted benefits. Congress defers to the executive during emergencies because it agrees that the executive alone has the information and the means necessary to respond to imminent threats. The added risk of executive abuse is a cost that Congress and voters have been willing to bear.

#### The impact is leadership and every global crisis

**Berkowitz, 8** - research fellow at the Hoover Institution at Stanford University and a senior analyst at RAND. He is currently a consultant to the Defense Department and the intelligence community (Bruce, STRATEGIC ADVANTAGE: CHALLENGERS, COMPETITORS, AND THREATS TO AMERICA’S FUTURE, p. 1-4)

THIS BOOK is intended to help readers better understand the national security issues facing the United States today and offer the general outline of a strategy for dealing with them. National security policy—both making it and debating it — is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice. Yesterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers. Threats are also more likely to be intertwined—proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers. Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat — the Soviet Union — was brittle, most of the potential adversaries and challengers America now faces are resilient. In at least one dimension where the Soviets were weak (economic efficiency, public morale, or leadership), the new threats are strong. They are going to be with us for a long time. As a result, we need to reconsider how we think about national security. The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events.1 When you hold the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not. As national goals go, “keeping the strategic advantage” may not have the idealistic ring of “making the world safe for democracy” and does not sound as decisively macho as “maintaining American hegemony.” But keeping the strategic advantage is critical, because it is essential for just about everything else America hopes to achieve — promoting freedom, protecting the homeland, defending its values, preserving peace, and so on. The Changing Threat If one needs proof of this new, dynamic environment, consider the recent record. A search of the media during the past fifteen years suggests that there were at least a dozen or so events that were considered at one time or another the most pressing national security problem facing the United States — and thus the organizing concept for U.S. national security. What is most interesting is how varied and different the issues were, and how many different sets of players they involved — and how each was replaced in turn by a different issue and a cast of characters that seemed, at least for the moment, even more pressing. They included, roughly in chronological order, • regional conflicts — like Desert Storm — involving the threat of war between conventional armies; • stabilizing “failed states” like Somalia, where government broke down in toto; • staying economically competitive with Japan; • integrating Russia into the international community after the fall of communism and controlling the nuclear weapons it inherited from the Soviet Union; • dealing with “rogue states,” unruly nations like North Korea that engage in trafficking and proliferation as a matter of national policy; • combating international crime, like the scandal involving the Bank of Credit and Commerce International, or imports of illegal drugs; • strengthening international institutions for trade as countries in Asia, Eastern Europe, and Latin America adopted market economies; • responding to ethnic conflicts and civil wars triggered by the reemergence of culture as a political force in the “clash of civilizations”; • providing relief to millions of people affected by natural catastrophes like earthquakes, tsunamis, typhoons, droughts, and the spread of HIV/AIDS and malaria; • combating terrorism driven by sectarian or religious extremism; • grassroots activism on a global scale, ranging from the campaign to ban land mines to antiglobalization hoodlums and environmentalist crazies; • border security and illegal immigration; • the worldwide ripple effects of currency fluctuations and the collapse of confidence in complex financial securities; and • for at least one fleeting moment, the safety of toys imported from China. There is some overlap in this list, and one might want to group some of the events differently or add others. The important point, however, is that when you look at these problems and how they evolved during the past fifteen years, you do not see a single lesson or organizing principle on which to base U.S. strategy. Another way to see the dynamic nature of today's national security challenges is to consider the annual threat briefing the U.S. intelligence community has given Congress during the past decade. These briefings are essentially a snapshot of what U.S. officials worry most about. If one briefing is a snapshot, then several put together back to back provide a movie, showing how views have evolved.2 Figure 1 summarizes these assessments for every other year between 1996 and 2006. It shows when a particular threat first appeared, its rise and fall in the rankings, and in some cases how it fell off the chart completely. So, in 1995, when the public briefing first became a regular affair, the threat at the very top of the list was North Korea. This likely reflected the crisis that had occurred the preceding year, when Pyongyang seemed determined to develop nuclear weapons, Bill Clinton's administration seemed ready to use military action to prevent this, and the affair was defused by an agreement brokered by Jimmy Carter. Russia and China ranked high as threats in the early years, but by the end of the decade they sometimes did not even make the list. Proliferation has always been high in the listings, although the particular countries of greatest concern have varied. Terrorism made its first appearance in 1998, rose to first place after the September 11, 2001, terrorist attacks, and remains there today. The Balkans appeared and disappeared in the middle to late 1990s. A few of the entries today seem quaint and overstated. Catastrophic threats to information systems like an “electronic Pearl Harbor” and the “Y2K problem” entered the list in 1998 but disappeared after 2001. (Apparently, after people saw an airliner crash into a Manhattan skyscraper, the possible loss of their Quicken files seemed a lot less urgent.) Iraq first appeared in the briefing as a regional threat in 1997 and was still high on the list a decade later—though, of course, the Iraqi problem in the early years (suspected weapons of mass destruction) was very different from the later one (an insurgency and internationalized civil war). All this is why the United States needs agility. It not only must be able to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources.

#### Extinction

Barnett 11 (Thomas, Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” The World Politics Review, March 7, 2011, <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>)

Events in Libya are a further reminder for Americans that we stand at a crossroads in our continuing evolution as the world's sole full-service superpower. Unfortunately, we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: As the guardian of globalization, the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down that path of perpetual war. Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace. We introduced the international liberal trade order known as globalization and played loyal Leviathan over its spread. What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights, the liberation of women, the doubling of life expectancy, and a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts. That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding. As a result, the vector of structure-building connectivity shifted from trans-Atlantic to trans-Pacific. But if the connectivity push of the past several decades has been from West to East, with little connectivity extended to the South outside of the narrow trade of energy and raw materials, the current connectivity dynamic is dramatically different. Now, the dominant trends are: first, the East cross-connecting back to the West via financial and investment flows as well as Asian companies "going global"; and second, the East creating vast new connectivity networks with the South through South-South trade and investment. The challenge here is how to adjust great-power politics to these profound forces of structural change. Because of the West's connectivity to the East, we are by extension becoming more deeply connected to the unstable South, with China as the primary conduit. Meanwhile, America's self-exhausting post-Sept. 11 unilateralist bender triggered the illusion -- all the rage these days -- of a G-Zero, post-American world. The result, predictably enough for manic-depressive America, is that we've sworn off any overall responsibility for the South, even as we retain the right to go anywhere and kill any individuals -- preferably with flying robots -- that we deem immediately threatening to our narrowly defined national security interests. The problem with this approach is that China has neither the intention nor the ability to step up and play anything resembling a responsible Leviathan over the restive South, where globalization's advance -- again, with a Chinese face -- produces a lot of near-term instability even as it builds the basis for longer-term stability. Libya is a perfect example of where the world is now stuck: America is very reticent to get involved militarily, while China, for the first time in its history, engages in long-range military operations to evacuate its workforce there. Meanwhile, the expanding civil war rages on, to everyone's moral and economic distress. The point is not that America must invade Libya pronto to keep the world as we know it from coming to an end. But if the United States and the West sit by while the Rest, risers that they are, manage nothing more than pious warnings about needlessly butting in, then we all run the risk of collectively making the post-American, G-Zero, do-nothing storyline a self-fulfilling prophecy. While that alone won't stop the world from spinning, if it persists as a pattern, globalization will slide down another path: one of regionalism, spheres of influence and neocolonial burdens that are intuitively hoarded by great powers grown increasingly suspicious of one another. And if you know your history, that should make you nervous.

### 1nc pakistan

#### Allied terror coop is high now, despite frictions

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Despite some frictions, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on Counterterrorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

#### Zero impact to backlash

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

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

#### Afghanistan makes it inevitable since the plan doesn’t limit drones there

**Z News, 13** (9/20, Pakistan's stability depends on Afghanistan, <http://zeenews.india.com/news/world/pakistan-s-stability-depends-on-afghanistan_877928.html>)

Pakistan's own stability and prosperity is dependant on peace and security in neighbouring Afghanistan, Islamabad's ambassador to UN Masood Khan has said.

"This shared destiny drives our relationship with Kabul. We are endeavouring to strengthen bilateral cooperation in all spheres, including the economic, political, military and intelligence fields," Khan told the UN Security Council on Thursday.

The Associated Press of Pakistan (APP) quoted Khan as saying that Pakistan was facilitating the Afghan reconciliation process but progress was possible only if all stakeholders share the goals of the peace process.

"We need to pursue this goal together, with unity of purpose," the Pakistani envoy said.

Khan also regretted that the initiative of dialogue through the Taliban office in Doha had sputtered.

"But we must not lose hope. Dialogue is indispensable. The Afghan government, Taliban and other Afghan political forces must continue to explore ways to find a formula for Afghan reconciliation," he said.

#### Drones irrelevant to Pakistan stability- multiple alternatives cause.

Javaid 11 [Umbreen, Director Center of Asian Studies & Chairperson Department of political science University of Punjab, “Thriving Fundamentalism and Militancy in Pakistan An Analytical Overview of their Impact on the Society,” South Asian Studies, Vol. 26 No. 1. Pg. 16-17]

‘The recent increase of violence by jihadi groups, including suicide bombing of innocent bystanders as well attacks on the police and military, has perhaps brought more Pakistanis to consider how to strike a new balance between Islam and politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their attitude, especially their outlook on religion. Suffered with anti-Americanism and religious fervor, Pakistanis are filtering their worldview through the prism of religion and the tensions between Islam and the West, making them to the radical propaganda and paralyzing their will to act against forces of extremism’ (Hussain, 2009: 11). mbreen Javaid Thriving Fundamentalism and 17 It is not only the task of the government to control this growing fundamentalism but the whole society needs to completely shun off these extremists. The political parties, intellectuals, sectarian and religious parties and the masses all have to openly condemn the extremists, so that they do not find any space to flourish. ‘Much still needs to be done on the home front curb religious zealotry and sectarianism, policies towards minorities, revision of school curricula, reconstructing ‘official’ history, promotion of universal education, and overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look deeply into its causes. The whole society and especially the government needs to put in serious efforts in controlling on checking the causes if not diminishing them. It should also be understand that the issue of fundamentalism is very complex which entails number of factors which are playing their part. These include economic disparity, lack of education, religious ignorance, unemployment, extremism, judicial system, poor governance, ethnicity and sectarianism, corruption and alignment with United States, each of these have played their role separately and also a combined mix of all in flourishing militant fundamentalism in Pakistan. To control fundamentalism is not an easy task especially when it is now combined with militancy. Another major challenge for the government is that earlier the various militant extremist groups were operating separately and had divergent aims and objectives from each other but lately various local groups, AlQaeda and Taliban have all joined hands and helping each other irrespective of their particular objectives. These alignments have made these militant groups more lethal, thus making things more difficult for the government. Militant fundamentalism not only has the ability to destabilize Pakistan but it can, if not controlled, bring about serious security concerns for the region and also towards the global security and peace.

#### No Pakistan takeover

**ASG 10 – The Afghanistan Study Group**—an ad hoc group of public policy practitioners, former U.S. government officials, academics, business representatives, policy-concerned activists and association leaders concerned with the Obama administration’s policy course in Afghanistan, 2010 (“America’s Interests,” *A New Way Forward: Rethinking U.S. Strategy in Afghanistan*, August 16th, Available Online at http://www.afghanistanstudygroup.org/NewWayForward\_report.pdf, Accessed 08-29-2010)

Fortunately, the danger of a radical takeover of the Pakistani government is small. Islamist extremism in Pakistan is concentrated within the tribal areas in its northwest frontier, and largely confined to its Pashtun minority (which comprises about 15 percent of the population). The Pakistani army is primarily Punjabi (roughly 44 percent of the population) and remains loyal. At present, therefore, this second strategic interest is not seriously threatened.

#### Alt cause—structural poverty

**Goldberg 9** – writer-in-residence with the United Nations Foundation (Mark Leon, How Rural Poverty Fuels Instability in Pakistan, February 17, http://www.undispatch.com/node/7710 LH)

Discussions on the precarious situation in Pakistan today tend to be focused mostly on the threat from fundamentalist or "jihadi" militants. The focus on that threat is absolutely critical, however, there are underlying structural factors that also play **a key role** in Pakistan's instability. Rural poverty is a major factor. Approximately two-thirds [1] of Pakistani people live in rural areas. Studies by leading Pakistani economists [2] have established that higher rural poverty in Pakistan is positively correlated with higher landlessness - a long-standing problem due to minimal land reform in post-independence Pakistan. Approximately 67% of Pakistani households don't own any land [2]. However, landlessness is not the only major determinant of poverty in Pakistan's rural areas [2-4]. Unlike India's declining rural poverty in the 1987-2000 time period [5], rural poverty in Pakistan increased dramatically since the late 1980s [2, 4] in part due to misguided economic/monetary policy, some of which was driven by the IMF/World Bank. The increase in rural poverty was also accompanied by a further skewing of Pakistan's income distribution in favor of the wealthy [6] - in contrast increased income inequality in India was largely an urban phenomenon in the comparable time period, with rural income inequality either declining or stagnant [5]. Owing to a confluence of such conditions, Pakistan was not able to adequately protect the real income of its rural citizens during a period of modest GDP growth. Pakistan has also faced balance of payments challenges and given its largely self-inflicted, unstable, and risky profile, has not had the luxury of being able to run large fiscal deficits during times of economic distress - as a result, countercyclical policy actions compounded already flawed policy, thereby worsening the rural poverty situation. Any solutions aimed at stabilizing Pakistan should focus not just on the internal security threat from "jihadi" or fundamentalist militants, but address long-standing socio-economic issues (especially the factors leading to high rural poverty) and governance issues (these are not really discussed much in this post but pertain mostly to demands of better and more autonomous local/provincial governance that have been a major reason for internal ethnic conflicts in Pakistan, as well as in other South Asian countries like India [7] and Sri Lanka [8]). It is highly unlikely that focusing on any of these facets in isolation would substantially address Pakistan's deep-seated problems. It is hard to overstate this fact because much of the U.S. foreign policy establishment discourse around Pakistan tends to revolve around security issues and terrorism. For example, the recent writings and interviews of Bruce Riedel [9], who has been tapped by the Obama administration to lead an interagency review of U.S. policy towards Pakistan and Afghanistan, reveal content that is heavy on security issues and very light or negligible on socio-economic and governance issues that often create fertile conditions for the proliferation of militancy or terrorism. It is also instructive that even U.S. establishment foreign policy think-tank coverage of Pakistan [10] often tends to be heavy on military/security issues and very light on socio-economic and governance issues, despite the fact that **militants and terrorists often thrive by exploiting the vacuum created by poverty and poor governance**.

### 1nc norms

#### No Asian drone wars

Zhou 12 (Dillon Zhou, graduate of the International Relations Program at the University of Massachusetts Boston, “China Drones Prompts Fears of a Drone Race With the US,” Policymic, December 2012, http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us)

There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program. First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present. Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years. Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation.

#### No impact

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

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones. As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings. Indeed, critics seem overly-focused on the domestic implications of drone use. In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.” Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey. Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory. States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement. This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active. What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy. In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region. Non-state actors, on the other hand, have even more reasons to steer clear of drones: – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue. – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose. – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face. – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts. In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology. Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team. Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones. What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use. Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best. Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations. Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### US norms mean nothing

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

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

#### China won’t use drones for territorial disputes

**Erickson and Strange 13** [Andrew Erickson, associate professor at the Naval War College and Associate in Research at Harvard University's Fairbank Centre, and Austin Strange, researcher at the Naval War College's China Maritime Studies Institute and graduate student at Zhejiang University, 5-29-13 China has drones. Now how will it use them? Foreign Affairs, McClatchy-Tribune, 29 May 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html, da 8-3-13]

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force. Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?" Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics. China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity. This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border. Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

#### Wont go nuclear

**Moore 6** (Scott; Research Assistant – East Asia Nonproliferation Program – James Martin Center for Nonproliferation Studies – Monterey Institute of International Studies, “Nuclear Conflict in the 21st Century: Reviewing the Chinese Nuclear Threat,” 10/18, http://www.nti.org/e\_research/e3\_80.html)

Despite the tumult, there is broad consensus among experts that the concerns generated in this discussion are exaggerated. The size of the Chinese nuclear arsenal is small, estimated at around 200 warheads;[3] Jeffrey Lewis, a prominent arms control expert, claims that 80 is a realistic number of deployed warheads.[4] In contrast, the United States has upwards of 10,000 warheads, some 5,700 of which are operationally deployed.[5]

Even with projected improvements and the introduction of a new long-range Intercontinental Ballistic Missile, the DF-31A China's nuclear posture is likely to remain one of "minimum deterrence."[6] Similarly, despite concern to the contrary, there is every indication that China is extremely unlikely to abandon its No First Use (NFU) pledge.[7] The Chinese government has continued to deny any change to the NFU policy, a claim substantiated by many Chinese academic observers.[8] In sum, then, fears over China's current nuclear posture seem somewhat exaggerated.

This document, therefore, does not attempt to discuss whether China's nuclear posture poses a probable, general threat to the United States; most signs indicate that even in the longer term, it does not. Rather, it seeks to analyze the most likely scenarios for nuclear conflict. Two such possible scenarios are identified in particular: a declaration of independence by Taiwan that is supported by the United States, and the acquisition by Japan of a nuclear weapons capability.

Use of nuclear weapons by China would require a dramatic policy reversal within the policymaking apparatus, and it is with an analysis of this potential that this brief begins. Such a reversal would also likely require crises as catalysts, and it is to such scenarios, involving Taiwan and Japan, that this brief progresses. It closes with a

discussion of the future of Sino-American nuclear relations.

#### Aff not key to solve Iran

**Abdo, 9/24/13** - fellow in the Middle East program at the Stimson Center and a nonresident fellow at the Brookings Institution (Geneive, “Can the US and Iran strike a nuke deal?” Aljazeera America, <http://america.aljazeera.com/articles/2013/9/24/can-the-us-and-iranreachanucleardeal.html>)

Many stars have aligned to make this moment an opportune time to resolve two conflicts in the Middle East -- the Syrian civil war and Iran's march toward a nuclear weapon. A new, more moderate faction is in power in Iran, led by President Hassan Rouhani, who has vowed to break the deadlock with the West over Iran,s nuclear program. Not only does Rouhani have the support of key figures within the regime, but more important, he has the backing of Supreme Leader Ali Khamenei. At the same time, a diplomatic settlement could materialize to end the war in Syria. Such a settlement would have to include Iran, and the outcome is likely to dispense with President Bashar al-Assad while preserving remnants of his Alawite-led regime. Key officials in the Obama administration have signaled they are willing to give Iran a role in the negotiations -- something Tehran has demanded for many months. Iran views this scenario as advantageous: Even with Assad gone, Tehran would retain its footprint in Syria and its supply routes to Hezbollah, its key ally in Lebanon. Iran could use Assad as a bargaining chip in nuclear negotiations and appear to be giving up a key weapon. Therefore, from Iran's perspective, there are many benefits to negotiating now on the nuclear issue to try to get some of the U.S., U.N. and European Union sanctions lifted. Sanction relief is Rouhani's top priority. Given that, Iran might agree to cap its uranium enrichment at lower levels than the current 20 percent and allow more transparency regarding its nuclear facilities and capability. Another incentive for Iran's leaders to make a deal is that they understand and have acknowledged their own society's demands for sanction relief in order to improve the economy and end Iran's isolation from the rest of the world. Khamenei, in particular, appears to have reached the realization that his survival and that of the regime depend on substantive political and economic reform.

#### Turkey model fails

**Cagaptay 11** (Soner, Senior Fellow and Director of the Turkish Reseaerch Program – Washington Institute for Near East Policy, “Turkey's Future Role in the 'Arab Spring',” inFocus Quarterly, 5(4), Winter, http://www.jewishpolicycenter.org/2814/turkey-arab-spring)

Turkey ruled the Arab Middle East until World War I, and it must now be careful about how its messages are perceived there. Arabs might be drawn to fellow Muslims; the Turks are also former imperial masters. Arabs are pressing for democracy, and if Turkey behaves like a new imperial power, this approach will backfire. Arab liberals and Islamists alike regularly suggest that Turkey is welcome in the Middle East but should not dominate it. Then, there is the problem of transferring the "Turkish model" to Arab countries. In September 2011, when Turkish Prime Minister Recep Tayyip Erdogan landed at Cairo's new airport terminal (built by Turkish companies), he was warmly met by joyous millions, mobilized by the Muslim Brotherhood. However, he soon upset his pious hosts by preaching about the importance of a secular government that provides freedom of religion, using the Turkish word "laiklik"—derived from the French word for secularism. In Arabic, this term translates as "irreligious." Mr. Erdogan's message may have been partly lost in translation, yet the incident illustrates the limits of Turkey's influence in countries that are far more socially conservative than it is. What is more, Ankara also faces domestic challenges that could hamper its influence in the "Arab Spring." At the moment, Turkey is debating chartering its first civilian-made constitution. If Turkey wants to become a true beacon of democracy in the Middle East, its new constitution must provide broader individual rights for the country's citizens, as well as lifting limits on freedoms, such as curbs on the media. Turkey will also need to fulfill Foreign Minister Ahmet Davutoglu's vision of a "no problems" foreign policy. This means moving past the 2010 flotilla episode to rebuild strong ties with Israel and getting along with the Greek Cypriots who live on the southern part of the divided island of Cyprus (Turkish Cypriots control the north).

#### No risk of Iran prolif (this was marked somewhere in the 1nc, but Pappas is in the bathroom right now and it wasn’t relevant to the debate)

**Pinker, 11** [Steven, professor of psychology at Harvard University, *The Better Angels of our Nature Why Violence Has Declined*, ISBN: 067002295, for online access email alexanderdpappas@gmail.com and I will forward you the full book]

If current pundits are to be believed, then as you are reading these words the New Peace will already have been shattered by a major war, perhaps a nuclear war, with Iran. At the time of this writing, tensions have been rising over the country’s nuclear energy program. Iran is currently enriching enough uranium to fashion a nuclear arsenal, and it has defied international demands that it allow inspections and comply with other provisions of the Nuclear Nonproliferation Treaty. The president of Iran, Mahmoud Ahmadinejad, has taunted Western leaders, supported terrorist groups, accused the United States of orchestrating the 9/11 attacks, denied the Holocaust, called for Israel to be “wiped off the map,” and prayed for the reappearance of the Twelfth Imam, the Muslim savior who would usher in an age of peace and justice. In some interpretations of Shi’a Islam, this messiah will show up after a worldwide eruption of war and chaos. All this is, to say the least, disconcerting, and many writers have concluded that Ahmadinejad is another Hitler who will soon develop nuclear weapons and use them on Israel or furnish them to Hezbollah to do so. Even in less dire scenarios, he could blackmail the Middle East into acceding to Iranian hegemony. The prospect might leave Israel or the United States no choice but to bomb its nuclear facilities preemptively, even if it invited years of war and terrorism in response. A 2009 editorial in the *Washington Times* spelled it out: “War with Iran is now inevitable. The only question is: Will it happen sooner or later?”279 This chilling scenario of a nuclear attack by Iranian fanatics is certainly possible. But is it *inevitable*, or even highly likely? One can be just as contemptuous of Ahmadinejad, and just as cynical about his motives, while imagining less dire alternatives for the world ahead. John Mueller, Thomas Schelling, and many other foreign affairs analysts have imagined them for us and have concluded that **the Iranian nuclear program is not the end of the world**.280 Iran is a signatory to the Nuclear Nonproliferation Treaty, and Ahmadinejad has repeatedly declared that Iran’s nuclear program is intended only for energy and medical research. In 2005 Supreme Leader Khameini (**who wields more power than Ahmadinejad**) issued a fatwa declaring that **nuclear weapons are forbidden under Islam**.281 If the government went ahead and developed the weapons anyway, it would not be the first time in history that national leaders have lied through their teeth. But having painted themselves into this corner, the prospect of forfeiting all credibility in the eyes of the world (including major powers on whom they depend, like Russia, China, Turkey, and Brazil) might at least give them pause. Ahmadinejad’s musings about the return of the Twelfth Imam do not necessarily mean that he plans to hasten it along with a nuclear holocaust. Two of the deadlines by which writers confidently predicted that he would set off the apocalypse (2007 and 2009) have already come and gone.282 And for what it’s worth, here is how he explained his beliefs in a 2009 television interview with NBC correspondent Ann Curry: *Curry:* You’ve said that you believe that his arrival, the apocalypse, would happen in your own lifetime. What do you believe that you should do to hasten his arrival? *Ahmadinejad:* I have never said such a thing.... I was talking about peace.... What is being said about an apocalyptic war and—global war, things of that nature. This is what the Zionists are claiming. Imam . . . will come with logic, with culture, with science. He will come so that there is no more war. No more enmity, hatred. No more conflict. He will call on everyone to enter a brotherly love. Of course, he will return with Jesus Christ. The two will come back together. And working together, they would fill this world with love. The stories that have been disseminated around the world about extensive war, apocalyptic wars, so on and so forth, these are false. 283 As a Jewish atheist, I can’t say I find these remarks completely reassuring. But with one obvious change they are not appreciably different from those held by devout Christians; indeed, they are milder, as many Christians do believe in an apocalyptic war and have fantasized about it in bestselling novels. As for the speech containing the phrase that was translated as “wiping Israel off the map,” the *New York Times* writer Ethan Bronner consulted Persian translators and analysts of Iranian government rhetoric on the meaning of the phrase in context, and they were unanimous that Ahmadinejad was daydreaming about regime change in the long run, not genocide in the days ahead.284 The perils of translating foreign bombast bring to mind Khrushchev’s boast “We will bury you,” which turned out to mean “outlive” rather than “entomb.” There is a parsimonious alternative explanation of Iran’s behavior. In 2002 George W. Bush identified Iraq, North Korea, and Iran as the “axis of evil” and proceeded to invade Iraq and depose its leadership. North Korea’s leaders saw the writing on the wall and promptly developed a nuclear capability, which (as they no doubt anticipated) has put an end to any musings about the United States invading them too. Shortly afterward Iran put its nuclear program into high gear, aiming to create enough ambiguity as to whether it possesses nuclear weapons, or could assemble them quickly, to squelch any thought of an invasion in the mind of the Great Satan. If Iran does become a confirmed or suspected nuclear power, the history of the nuclear age suggests that the most likely outcome would be nothing. As we have seen, nuclear weapons have turned out to be useless for anything but deterrence against annihilation, which is why the nuclear powers have repeatedly been defied by their nonnuclear adversaries. The most recent episode of proliferation bears this out. In 2004 it was commonly predicted that if North Korea acquired a nuclear capability, then by the end of the decade it would share it with terrorists and set off a nuclear arms race with South Korea, Japan, and Taiwan.285 In fact, North Korea did acquire a nuclear capability, the end of the decade has come and gone, and nothing has happened. It’s also unlikely that any nation would furnish nuclear ammunition to the loose cannons of a terrorist band, thereby giving up control over how they would be used while being on the hook for the consequences.286 In the case of Iran, before it decided to bomb Israel (or license Hezbollah to do so in an incriminating coincidence), with no conceivable benefit to itself, its leaders would have to anticipate a nuclear reprisal by Israeli commanders, who could match them hothead for hothead, together with an invasion by a coalition of powers enraged by the violation of the nuclear taboo. Though the regime is detestable and in many ways irrational, one wonders whether its principals are so indifferent to continuing their hold on power as to choose to annihilate themselves in pursuit of perfect justice in a radioactive Palestine or the arrival of the Twelfth Imam, with or without Jesus at his side. As Thomas Schelling asked in his 2005 Nobel Prize lecture, “What else can Iran accomplish, except possibly the destruction of its own system, with a few nuclear warheads? Nuclear weapons should be too precious to give away or to sell, too precious to waste killing people when they could, held in reserve, make the United States, or Russia, or any other nation, hesitant to consider military action.”287 Though it may seem dangerous to consider alternatives to the worst-case scenario, the dangers go both ways. In the fall of 2002 George W. Bush warned the nation, “America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof —the smoking gun—that could come in the form of a mushroom cloud.” The “clear evidence” led to a war that has cost more than a hundred thousand lives and almost a trillion dollars and has left the world no safer. A cocksure certainty that Iran will use nuclear weapons, in defiance of sixty-five years of history in which authoritative predictions of inevitable catastrophes were repeatedly proven wrong, could lead to adventures with even greater costs.

## 2nc

### solvency

#### 1ac Brooks

Rosa Brooks, Professor of Law, Georgetown University Law Center, Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, The Constitutional and Counterterrorism Implications of Targeted Killing, http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf

Mr. Chairman, I would like to turn now to the legal framework applicable to US drone strikes. Both the United States and the international community have long had rules governing armed conflicts and the use of force in national self-defense. These rules apply whether the lethal force at issue involves knives, handguns, grenades or weaponized drones. When drone technologies are used in traditional armed conflicts—on “hot battlefields” such as those in Afghanistan, Iraq or Libya, for instance – they pose no new legal issues. As Administration officials have stated, their use is subject to the same requirements as the use of other lawful means and methods of warfare.28 But if drones used in traditional armed conflicts or traditional self-defense situations present no “new” legal issues, some of the activities and policies enabled and facilitated by drone technologies pose significant challenges to existing legal frameworks. As I have discussed above, the availability of perceived low cost of drone technologies makes it far easier for the US to “expand the battlefield,” striking targets in places where it would be too dangerous or too politically controversial to send troops. Specifically, drone technologies enable the United States to strike targets deep inside foreign states, and do so quickly, efficiently and deniably. As a result, drones have become the tool of choice for so-called “targeted killing” – the deliberate targeting of an individual or group of individuals, whether known by name or targeted based on patterns of activity, inside the borders of a foreign country. **It is when drones are used in targeted killings outside of traditional or “hot” battlefields that their use challenges existing legal frameworks**. Law is almost always out of date: we make legal rules based on existing conditions and technologies, perhaps with a small nod in the direction of predicted future changes. As societies and technologies change, law increasingly becomes an exercise in jamming square pegs into round holes. Eventually, that process begins to do damage to existing law: it gets stretched out of shape, or broken. Right now, I would argue, US drone policy is on the verge of doing significant damage to the rule of law. A. The Rule of Law At root, the idea of “rule of law” is fairly simple, and well understood by Americans familiar with the foundational documents that established our nation, such as the Declaration of Independence, the Constitution and the Bill of Rights. The rule of law requires that governments follow transparent, clearly defined and universally applicable laws and procedures. The goal of the rule of law is to ensure predictability and stability, and to prevent the arbitrary exercise of power. In a society committed to the rule of law, the government cannot fine you, lock you up, or kill you on a whim -- it can restrict your liberty or take your property or life only in accordance with pre-established processes and rules that reflect basic notions of justice, humanity and fairness. Precisely what constitutes a fair process is debatable, but most would agree that at a minimum, fairness requires that individuals have reasonable notice of what constitutes the applicable law, reasonable notice that they are suspected of violating the law, a reasonable opportunity to rebut any allegations against them, and a reasonable opportunity to have the outcome of any procedures or actions against them reviewed by some objective person or body. These core values are enshrined both in the US Constitution and in international human rights law instruments such as the International Covenant on Civil and Political Rights, to which the United States is a party. In ordinary circumstances, this bundle of universally acknowledged rights (together with international law principles of sovereignty) means it is clearly unlawful for one state to target and kill an individual inside the borders of another state. Recall, for instance, the 1976 killing of Chilean dissident Orlando Letelier in Washington DC. When Chilean government intelligence operatives planted a car bomb in the car used by Letelier, killing him and a US citizen accompanying him, the United States government called this an act of murder—an unlawful political assassination. B. Targeted Killing and the Law of Armed Conflict Of course, sometimes the “ordinary” legal rules do not apply. In war, the willful killing of human beings is permitted, whether the means of killing is a gun, a bomb, or a long-distance drone strike. The law of armed conflict permits a wide range of behaviors that would be unlawful in the absence of an armed conflict. Generally speaking, the intentional destruction of private property and severe restrictions on individual liberties are impermissible in peacetime, but acceptable in wartime, for instance. Even actions that a combatant knows will cause civilian deaths are lawful when consistent with the principles of necessity, humanity, proportionality,29 and distinction.30 It is worth briefly explaining these principles. The principle of necessity requires parties to a conflict to limit their actions to those that are indispensible for securing the complete submission of the enemy as soon as possible (and that are otherwise permitted by international law). The principle of humanity forbids parties to a conflict to inflict gratuitous violence or employ methods calculated to cause unnecessary suffering. The principle of proportionality requires parties to ensure that the anticipated loss of life or property incidental to an attack is not excessive in relation to the concrete and direct military advantage expected to be gained. Finally, the principle of discrimination or distinction requires that parties to a conflict direct their actions only against combatants and military objectives, and take appropriate steps to distinguish between combatants and non-combatants.31 This is a radical oversimplification of a very complex body of law.32 But as with the rule of law, the basic idea is pretty simple. When there is no war -- when ordinary, peacetime law applies -- agents of the state aren't supposed to lock people up, take their property or kill them, unless they have jumped through a whole lot of legal hoops first. When there is an armed conflict, however, everything changes. War is not a legal free-for-all33 -- torture, rape are always crimes under the law of war, as is killing that is willful, wanton and not justified by military necessity34 -- but there are far fewer constraints on state behavior. Technically, the law of war is referred to using the Latin term “lex specialis” – special law. It is applicable in—and only in -- special circumstances (in this case, armed conflict), and in those special circumstances, it supersedes “ordinary law,” or “lex generalis,” the “general law” that prevails in peacetime. We have one set of laws for “normal” situations, and another, more flexible set of laws for “extraordinary” situations, such as armed conflicts. None of this poses any inherent problem for the rule of law. Having one body of rules that tightly restricts the use of force and another body of rules that is far more permissive does not fundamentally undermine the rule of law, as long as we have a reasonable degree of consensus on what circumstances trigger the “special” law, and as long as the “special law” doesn’t end up undermining the general law. To put it a little differently, war, with its very different rules, does not challenge ordinary law as long as war is the exception, not the norm -- as long as we can all agree on what constitutes a war -- as long as we can tell when the war begins and ends -- and as long as we all know how to tell the difference between a combatant and a civilian, and between places where there's war and places where there's no war. Let me return now to the question of drones and targeted killings. When all these distinctions I just mentioned are clear, the use of drones in targeted killings does not necessarily present any great or novel problem. In Libya, for instance, a state of armed conflict clearly existed inside the borders of Libya between Libyan government forces and NATO states. In that context, the use of drones to strike Libyan military targets is no more controversial than the use of manned aircraft. That is because our core rule of law concerns have mostly been satisfied: we know there is an armed conflict, in part because all parties to it agree that there is an armed conflict, in part because observers (such as international journalists) can easily verify the presence of uniformed military personnel engaged in using force, and in part because the violence is, from an objective perspective, widespread and sustained: it is not a mere skirmish or riot or criminal law enforcement situation that got out of control. We know who the “enemy” is: Libyan government forces. We know where the conflict is and is not: the conflict was in Libya, but not in neighboring Algeria or Egypt. We know when the conflict began, we know who authorized the use of force (the UN Security Council) and, just as crucially, we know whom to hold accountable in the event of error or abuse (the various governments involved).35 Once you take targeted killings outside hot battlefields, it’s a different story. The Obama Administration is currently using drones to strike terror suspects in Pakistan, Somalia, Yemen, and –perhaps—Mali and the Philippines as well. Defenders of the administration's increasing reliance on drone strikes in such places assert that the US is in an armed conflict with “al Qaeda and its associates,” and on that basis, they assert that the law of war is applicable -- in any place and at any time -- with regard to any person the administration deems a combatant. The trouble is, no one outside a very small group within the US executive branch has any ability to evaluate who is and who isn’t a combatant. The war against al Qaeda and its associates is not like World War II, or Libya, or even Afghanistan: it is an open-ended conflict with an inchoate, undefined adversary (who exactly are al Qaeda’s “associates”?). What is more, targeting decisions in this nebulous “war” are based largely on classified intelligence reporting. **As a result, Administration assertions** about who is a combatant and what constitutes a threat **are entirely non-falsifiable, because they're based wholly on undisclosed evidence**. Add to this still another problem: most of these strikes are considered covert action, so although the US sometimes takes public credit for the deaths of alleged terrorist leaders, most of the time, the US will not even officially acknowledge targeted killings. This leaves all the key rule-of-law questions related to the ongoing war against al Qaeda and its "associates" unanswered.36 Based on what criteria might someone be considered a combatant or directly participating in hostilities? What constitutes “hostilities” in the context of an armed conflict against a non-state actor, and what does it mean to participate in them? And just where is the war? Does the war (and thus the law of war) somehow "travel" with combatants? Does the US have a “right” to target enemy combatants anywhere on earth, or does it depend on the consent of the state at issue? Who in the United States government is authorized to make such determinations, and what is the precise chain of command for such decisions? I think the rule of law problem here is obvious: when “armed conflict” becomes a term flexible enough to be applied both to World War II and to the relations between the United States and “associates” of al Qaeda such as Somalia’s al Shabaab, the concept of armed conflict is not very useful anymore. And **when we lack clarity and consensus on how to recognize “armed conflict,” we no longer have a clear or principled basis for deciding how to categorize US** t**argeted** k**illing**s. Are they, as the US government argues, legal under the laws of war? Or are they, as some human rights groups have argued, unlawful murder? C. Targeted Killing and the International Law of Self-Defense When faced with criticisms of the law of war framework as a justification for targeted killing, Obama Administration representatives often shift tack, arguing that international law rules on national self-defense provide an alternative or additional legal justification for US targeted killings. Here, the argument is that if a person located in a foreign state poses an "imminent threat of violent attack" against the United States, the US can lawfully use force in self-defense, provided that the defensive force used is otherwise consistent with law of war principles. Like law of war-based arguments, this general principle is superficially uncontroversial: if someone overseas is about to launch a nuclear weapon at New York City, no one can doubt that the United States has a perfect right (and the president has a constitutional duty) to use force if needed to prevent that attack, regardless of the attacker's nationality. But once again, the devil is in the details. To start with, what constitutes an "imminent" threat? Traditionally, both international law and domestic criminal law understand that term narrowly: 37 to be "imminent," a threat cannot be distant or speculative.38 But much like the Bush Administration before it, the Obama Administration has put forward an interpretation of the word “imminent” that bears little relation to traditional legal concepts. According to a leaked 2011 Justice Department white paper39—the most detailed legal justification that has yet become public-- the requirement of imminence "does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." This seems, in itself, like a substantial departure from accepted international law definitions of imminence. But the White Paper goes even further, stating that "certain members of al Qaeda are continually plotting attacks...and would engage in such attacks regularly [if] they were able to do so, [and] the US government may not be aware of all... plots as they are developing and thus cannot be confident that none is about to occur." For this reason, it concludes, anyone deemed to be an operational leader of al Qaeda or its "associated forces" presents, by definition, an imminent threat even in the absence of any evidence whatsoever relating to immediate or future attack plans. In effect, the concept of "imminent threat" (part of the international law relating to self-defense) becomes conflated with identity or status (a familiar part of the law of armed conflict). That concept of imminence has been called Orwellian, and although that is an overused epithet, in this context it seems fairly appropriate. According to the Obama Administration, “imminent” no longer means “immediate,” and in fact the very absence of clear evidence indicating specific present or future attack plans becomes, paradoxically, the basis for assuming that attack may perpetually be “imminent.” The 2011 Justice Department White Paper notes that the use of force in self-defense must comply with general law of war principles of necessity, proportionality, humanity, and distinction. The White Paper offers no guidance on the specific criteria for determining when an individual is a combatant (or a civilian participating directly in hostilities), however. It also offers no guidance on how to determine if a use of force is necessary or proportionate. From a traditional international law perspective, this necessity and proportionality inquiry relates both to imminence and to the gravity of the threat itself, but so far there has been no public Administration statement as to how the administration interprets these requirements. Is any threat of "violent attack" sufficient to justify killing someone in a foreign country, including a U.S. citizen? Is every potential suicide bomber targetable, or does it depend on the gravity of the threat? Are we justified in drone strikes against targets who might, if they get a chance at some unspecified future point, place an IED that might, if successful, kill one person? Ten people? Twenty? 2,000? How grave a threat must there be to justify the use of lethal force against an American citizen abroad -- or against non-citizens, for that matter? As I have noted, it is impossible for outsiders to fully evaluate US drone strikes, since so much vital information remains classified. In most cases, we know little about the identities; activities or future plans of those targeted. Nevertheless, given the increased frequency of US targeted killings in recent years, it seems reasonable to wonder whether the Administration conducts a rigorous necessity or proportionality analysis in all cases. So far, the leaked 2011 Justice Department White Paper represents the most detailed legal analysis of targeted killings available to the public. It is worth noting, incidentally, that this White Paper addresses only the question of whether and when it is lawful for the US government to target US citizens abroad. We do not know what legal standards the Administration believes apply to the targeting of non-citizens. It seems reasonable to assume, however, that the standards applicable to non-citizens are less exacting than those the Administration views as applicable to citizens. Defenders of administration targeted killing policy acknowledge that the criteria for determining how to answer these many questions have not been made public, but insist that this should not be cause for concern. The Administration has reportedly developed a detailed “playbook” outlining the targeting criteria and procedures,40, and insiders insist that executive branch officials go through an elaborate process in which they carefully consider every possible issue before determining that a drone strike is lawful.41 No doubt they do, but this is somewhat cold comfort. Formal processes tend to further normalize once-exceptional activities -- and "trust us" is a rather shaky foundation for the rule of law. Indeed, the whole point of the rule of law is that individual lives and freedom should not depend solely on the good faith and benevolence of government officials. As with law of war arguments, stating that US targeted killings are clearly legal under traditional self-defense principles requires some significant cognitive dissonance. Law exists to restrain untrammeled power. It is no doubt possible to make a plausible legal argument justifying each and every U.S. drone strike -- but this merely suggests that we are working with a legal framework that has begun to outlive its usefulness. The real question isn't whether U.S. drone strikes are "legal." The real question is this: Do we really want to live in a world in which the U.S. government's justification for killing is so malleable? 5. Setting Troubling International Precedents **Here is an a**dditional **reason to worry** about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. **We should use this window to advance a robust legal** and normative **framework that will help protect against abuses by those states whose leaders can rarely be trusted**. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill- defined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### 1ac Anderson

Kenneth Anderson, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law, 5/11/2009, Targeted Killing in U.S. Counterterrorism Strategy and Law, http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf

What Should Congress Do?

Does this analysis offer any practical policy prescriptions for Congress and the administration? The problem is not so much a need for new legislation to create new structures or new policies. The legislative category in which many instances of targeted killing might take place in the future already exists. The task for Congress and the administration, rather, is instead to preserve a category that is likely to be put under pressure in the future and, indeed, is already seen by many as a legal non-starter under international law. Before addressing what Congress should do in this regard, we might ask from a strictly strategic political standpoint whether, given that the Obama Administration is committed to this policy anyway, whether it is politically prudent to draw public attention to the issue at all. Israeli officials might be threatened with legal action in Spain; but so far no important actor has shown an appetite for taking on the Obama Administration. Perhaps it is better to let sleeping political dogs lie. These questions require difficult political calculations. However, the sources cited above suggest that even if no one is quite prepared at this moment to take on the Obama Administration on targeted killing, the intellectual and legal pieces of the challenge are already set up and on the table. Having asserted certain positions concerning human rights law and its application and the United States having unthinkingly abandoned its self-defense rationale for its policy, the play can be made at any time—at some later time in the Obama Administration or in the next Republican administration, prying apart the “American” position to create a de facto alliance among Democrats and Europeans and thereby undermining the ability of the United States to craft a unified American security strategy.101 The United States would be best served if the Obama Administration did that exceedingly rare thing in international law and diplomacy: Getting the United States out in front of the issue by making plain the American position, rather than merely reacting in surprise when its sovereign prerogatives are challenged by the international soft-law community. The deeper issue here is not merely a strategic and political one about targeted killing and drones but goes to the very grave policy question of whether it is time to move beyond the careful ambiguity of the CIA’s authorizing statute in referring to covert uses of force under the doctrines of vital national interest and self-defense. Is it time to abandon strategic ambiguity with regards to the Fifth Function and assert the right to use force in self-defense and yet in “peacetime”—that is, outside of the specific context of an armed conflict within the meaning of international humanitarian law? Quite possibly, the strategic ambiguity, in a world in which secrecy is more and more difficult, and in the general fragmentation of voice and ownership of international law, has lost its raison d’etre. This is a larger question than the one undertaken here, but on a range of issues including covert action, interrogation techniques, detention policy, and others, a general approach of overt legislation that removes ambiguity is to be preferred. The single most important role for Congress to play in addressing targeted killings, therefore, is the open, unapologetic, plain insistence that the American understanding of international law on this issue of self-defense is legitimate. The assertion, that is, that the United States sees its conduct as permissible for itself and for others. And it is the putting of congressional strength behind the official statements of the executive branch as the opinio juris of the United States, its authoritative view of what international law is on this subject. If this statement seems peculiar, that is because the task—as fundamental as it is—remains unfortunately poorly understood. Yet if it is really a matter of political consensus between Left and Right that targeted killing is a tool of choice for the United States in confronting its non-state enemies, then this is an essential task for Congress to play in support of the Obama Administration as it seeks to speak with a single voice for the United States to the rest of the world. The Congress needs to backstop the administration in asserting to the rest of the world— including to its own judiciary—how the United States understands international law regarding targeted killing. And it needs to make an unapologetic assertion that its views, while not dispositive or binding on others, carry international authority to an extent that relatively few others do—even in our emerging multi-polar world. International law traditionally, after all, accepts that states with particular interests, power, and impact in the world, carry more weight in particular matters than other states. The American view of maritime law matters more than does landlocked Bolivia’s. American views on international security law, as the core global provider of security, matter more than do those of Argentina, Germany or, for that matter, NGOs or academic commentators. But it has to speak—and speak loudly—if it wishes to be heard. It is an enormously important instance of the need for the United States to re-take “ownership” of international law— not as its arbiter, nor as the superpower alone, but as a very powerful, very important, and very legitimate sovereign state. Intellectually, continuing to squeeze all forms and instances of targeted killing by standoff platform under the law of IHL armed conflict is probably not the most analytically compelling way to proceed. It is certainly not a practical long-term approach. Not everyone who is an intuitively legitimate target from the standpoint of self-defense or vital national security, after all, will be already part of an armed conflict or combatant in the strict IHL sense. Requiring that we use such IHL concepts for a quite different category is likely to have the deleterious effect of deforming the laws of war, over the long term—starting, for example, with the idea of a “global war,” which is itself a certain deformation of the IHL concept of hostilities and armed conflict.

#### Voting aff treats the law as a *deus ex machina*—legal delineation of the battlefield is ethically and methodologically suspect

Gregory 13. Derek Gregory, Peter Wall Distinguished Professor of geography at the University of British Columbia, “The individuation of warfare?” August 26, 2013, <http://geographicalimaginations.com/2013/08/26/the-individuation-of-warfare/>, accessed September 7, 2013

These new modalities increase the asymmetry of war – to the point where it no longer looks like or perhaps even qualifies as war – because they preclude what Joseph Pugliese describes as ‘“a general system of exchange” [the reference is to Achille Mbembe’s necropolitics] between the hunter-killer apparatus ‘and its anonymous and unsuspecting victims, who have neither a right of reply nor recourse to judicial procedure.’ Pugliese insists that drones materialise what he calls **a ‘prosthetics of law’,** and the work of jurists and other legal scholars provides a revealing window into the constitution of later modern war and what, following Michael Smith, I want to call its geo-legal armature. To date, much of this discussion has concerned the reach of international law – the jurisdiction of international law within(Afghanistan) and beyond (Pakistan, Yemen and Somalia) formal zones of conflict – and the legal manoeuvres deployed by the United States to sanction its use of deadly force in ‘self-defence’ that violates the sovereignty of other states (which includes both international law and domestic protocols like the Authorization for the Use of Military Force and various executive orders issued after 9/11) . These matters are immensely consequential, and bear directly on what Frédéric Mégret [calls](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1986548) ‘[the deconstruction of the battlefield](http://geographicalimaginations.com/2012/11/21/gaza-stripped-the-deconstruction-of-the-battlefield/)’ It’s important to understand that the ‘battlefield’ is more than a physical space; it’s also **a normative space** – the site of ‘exceptional norms’ within whose boundaries it is permissible to kill other human beings (subject to particular codes, rules and laws). Its deconstruction is not a new process. Modern military violence has rarely been confined to a champ de mars insulated from the supposedly safe spaces of civilian life. Long-range strategic bombing radically re-wrote the geography of war. This was already clear by the end of the First World War, and in 1921 Giulio Douhetcould already confidently declare that ‘By virtue of this new weapon, the repercussions of war are no longer limited by the farthest artillery range of guns, but can be felt directly for hundreds and hundreds of miles… The battlefield will be limited only by the boundaries of the nations at war, and all of their citizens will become combatants, since all of them will be exposed to the aerial offensives of the enemy. There will be no distinction any longer between soldiers and civilians.’ The laboratory for these experimental geographies before the Second World War was Europe’s colonial (dis)possessions – so-called ‘air control’ in North Africa, the Middle East and along the North-West Frontier – but colonial wars had long involved ground campaigns fought with little or no distinction between combatants and civilians. **What does seem to be novel** about more recent deconstructions, so Mégret argues, **is ‘a deliberate attempt to manipulate what constitutes the** battlefield and to transcend **it in ways that liberate rather than constrain violence.’** This should not surprise us. **Law is not a deus ex machina** that presides over war as impartial tribune. Law, Michel Foucault reminds us, ‘is born of real battles, victories, massacres and conquests’; law ‘is born in burning towns and ravaged fields.’ Today so-called ‘operational law’ has incorporated military lawyers into the kill-chain, moving them closer to the tip of the spear, but law also moves in the rear of military violence: in Eyal Weizman’s [phrase](http://www.e-flux.com/journal/the-least-of-all-possible-evils/), ‘violence legislates.’ In the case that most concerns him, that of the Israel Defense Force, military lawyers work in the grey zone between ‘the black’ (forbidden) and ‘the white’ (permitted) and actively seek to turn the grey into the white: to use military violence to extend the permissive envelope of the law. The liber(alis)ation of violence that Mégret identifies transforms the very meaning of war. In conventional wars combatants are authorised to kill on the basis of what Paul Kahn [calls](http://www.iilj.org/courses/documents/2011Colloquium.Kahn.pdf) their corporate identity: ‘…the combatant has about him something of the quality of the sacred. His acts are not entirely his own…. ‘The combatant is not individually responsible for his actions because those acts are no more his than ours…. [W]arfare is a conflict between corporate subjects, inaccessible to ordinary ideas of individual responsibility, whether of soldier or commander. The moral accounting for war [is] the suffering of the nation itself – not a subsequent legal response to individual actors.’ The exception, Kahn continues, which also marks the boundary of corporate agency, is a war crime, which is ‘not attributable to the sovereign body, but only to the individual.’ Within that boundary, however, the enemy can be killed no matter what s/he is doing (apart from surrendering). There is no legal difference between killing a general and killing his driver, between firing a missile at a battery that is locking on to your aircraft and dropping a bomb on a barracks at night. ‘The enemy is always faceless,’ Kahn explains, ‘because we do not care about his personal history any more than we care about his hopes for the future.’ Combatants are vulnerable to violence not only because they are its vectors but also because they are enrolled in the apparatus that authorizes it: they are killed not as individuals but as the corporate bearers of a contingent (because temporary) enmity.

### drone prolif

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

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

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

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

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

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

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

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

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

#### Other countries will just cheat…come on now

Lerner ‘13

[BEN LERNER](http://spectator.org/people/ben-lerner), 3.25.13, American Spectator, “[Judging ‘Drones’ From Afar](http://spectator.org/archives/2013/03/25/judging-drones-from-afar),” http://spectator.org/archives/2013/03/25/judging-drones-from-afar

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s [manipulation](http://thediplomat.com/flashpoints-blog/2012/02/17/why-to-forget-unclos/) of the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out.

### turkey model

#### Situating Turkey as an essential diplomatic actor creates the conditions for the militarization of Turkish diplomacy, turns the aff

**Bilgin** prof IR @ Bilkent U **2k7** (Pinar, Political Geography issue 26 No 7 ‘‘Only Strong States Can Survive in Turkey’s Geography’’ 1 : The uses of ‘‘geopolitical truths’’ in Turkey” Wiley Interscience

‘‘The texts of geopolitical discourse’’, writes Leslie Hepple, are not free-ﬂoating, innocent contributions to an ‘‘objective’’ knowledge, but are rooted in what [Michael Foucault] calls ‘‘power/knowledge’’, serving the interests of particular groups in society and helping to sustain and legitimate certain perspectives and interpretations (Hepple, 1992: 139) The case of Turkey provides ample support to that effect. Constructed through texts authored by military geopoliticians, and disseminated through a variety of institutions including compulsory military service (with access to all males 18þ years of age), the National Security Academy (providing in-service training to high level civil servants and journalists), and the compulsory high-school course ‘‘National Security’’, Turkey’s geopolitical discourse has allowed the military to not only play a central role in shaping domestic political processes but also make this role seem ‘‘normal’’. Turkey’s case also provides a contribution to the literature on the dynamics of geopolitical discourse in ‘‘non-Western’’ settings. Through pointing to the ways in which notions adopted from Classical Geopoliticians’ texts were re-worked to provide justify particular policy positions the analysis here has shown that geopoliticians in non-Western contexts are no ‘‘geopolitical dupes’’. While beneﬁting from the authority created by writing footnotes to ‘‘Western’’ geopoliticians’ texts, Turkey’s authors have turned their arguments around and warned against ‘‘Western conspiracies’’. Finally, Turkey’s case also helps to illustrate the Critical Geopolitics argument that geopolitical discourse shapes and, in turn, is shaped by domestic and foreign policymaking. Turkey’s geopolitical discourse, initially emerging as an inward-focused and status-quo oriented instrument used by military actors was later utilized by civilians as a foreign policy tool. By the end of the 1990s, Turkey’s geopolitical discourse had come full circle as a domestic politics tool with civilian and military actors deploying geopolitical notions to argue that ‘‘Turkey’s geography does not allow for more democracy’’. The adverse implications of such representations for the reform process cannot be underestimated. The difﬁcult position in which those who want to push ahead with the EU-led reform process have found themselves reinforces the observations made elsewhere that geopolitics serves better the purposes of the conservatively oriented (by virtue of the ‘‘stasis’’ that is thought to inhere in geography; see Murphy et al., 2004: 626; Taylor, 2003: 47). Turkey’s case also reinforces a related observation that the consequences of the works by such conservative actors are ‘‘often disturbing to the established ‘international order’’’ (Sidaway et al., 2004: 7). The argument here qualiﬁes these two observations by pointing to the relationship between them: what seems to allow the conservatively oriented to make a case for preserving the status quo ‘‘inside’’ is calling for ‘‘radical’’ foreign policy projects (‘‘outside’’). The call for Turkey turning towards ‘‘Eurasia’’ ( \_ Ilhan, 2000, 2002, 2005; O¨ zda˘g, 2003), as radical as it may be for Turkish foreign policy, is also conservative in terms of its domestic implications in that, if successful, it would stall the EU-led reform process. Through representing such a radical turn in foreign policy as the geo-politically correct alternative, Turkey’s geopoliticians’ texts serve to foreclose domestic reforms. Through framing the need for Turkey to be a ‘‘strong unitary nation state’’ as a fait accompli of Turkey’s geography, these texts endorse a common sense about Turkey’s foreign policy that renders joining the EU a threat to Turkey’s security. Those who seek Turkey’s accession to European integration have so far found it difﬁcult to resist this challenge for previously they had deployed similar assumptions of geographical determinism to make the opposite casedin favour of Turkey’s EU membership. Having committed themselves to assumptions of the determinacy of geography over policy-making, the way out for those who want to see Turkey in the European Union is to begin renegotiate the terms of the geopolitical discourse to be able to appeal to ‘‘domestic’’ audiences on this (geopolitical) ground.

**Turkish diplomacy fails - it claims credit for the successes of other actors and risks alienating all parties**

**Abramowitz and Barkey, 9** - \*a Senior Fellow at the Century Foundation, was U.S. Ambassador to Turkey in 1989-91. AND \*\*nonresident Senior Associate at the Carnegie Endowment for International Peace and Professor of International Relations at Lehigh University (Morton and Henri, Foreign Affairs, “Turkey’s Transformers”, Nov/Dec, proquest)

Supporters of the akp s new foreign policy argue that Turkey is finally finding its voice in international politics, but this may be weakening its ties with the United States and the eu. These traditional partners are now just one pillar in Turkey's new so-called multidimensional foreign policy. On the other hand, Turkey's diplomatic efforts in its immediate neighborhood often appear to be influence-seeking for its own sake. Aside from its successful brokering in Iraq and its ability to secure a seat in the un Security Council this year, Ankaras diplomatic efforts have yielded little, especially in the Middle East. Turkey has become adept at transmitting messages, but such symbolic achievements have far exceeded concrete ones.

Some of the akp's foreign policy initiatives have also been clumsy and irksome. At the Davos meeting early this year, Erdogan reprimanded Israeli President Shimon Peres, who has spent much effort advocating Turkeys cause with Europe, for Israel's recent military campaign in Gaza. Yet Erdogan apparently has had no problem welcoming Sudan's president, who faces an indictment for war crimes, to Ankara several times since early 2008. When asked whether the extensive killings in Darfur constitute genocide, the Turkish government invokes a cliché about the value of closed-door diplomatic undertakings on sensitive matters. Erdogan was one of only a few leaders, along with Venezuelan President Hugo Chavez and representatives of Hamas and Hezbollah, to congratulate Mahmoud Ahmadinejad on winning Iran's contested presidential election in the spring.

And yet, somewhat incredibly, Erdogan has criticized the Chinese government for committing "almost a genocide" in China's western province of Xinjiang. However reprehensible the Chinese authorities' treatment of the Uighur minority in Xinjiang, the fact is that Turkey, which has been fighting off charges that it committed genocide of its own, against the Armenians, should be careful when it uses such a loaded word. In one of its biggest blunders, the akp government opposed the appointment of former Danish Prime Minister Anders Fogh Rasmussen as chief of NATO because he had defended, on free-speech grounds, a Danish newspaper's decision to publish cartoons that offended Muslims. Turkey thereby alienated many Europeans by seeming to favor Muslim sensibilities over liberal democratic values. The Turkish government eventually settled the matter by accepting the appointment of a Turk to the new post of deputy secretary-general for nato, but the incident so irked French Foreign Minister Bernard Kouchner that he publicly renounced his support for Turkey's accession to the EU.

None of this is to indict Erdogan or the AKP; it is simply to explain why Turkey’s strongest allies view its considerable progress with increasing unease. Turkey used to punch below its weight; now, it seems to be punching above it. This would be an unmitigated advantage for Turkey if the akp were not so quick to call every one of its foreign policy initiatives a resounding success. Turkish foreign policy officials have even said that by suggesting China had committed genocide against the Uighurs, Erdogan actually increased Ankara's influence with Beijing. The Turkish government has also claimed credit for getting the Syrians out of Lebanon (angering the Americans and the French, who parented a un Security Council resolution arguing for their exit) and for getting Hamas to accept a cease-fire with Israel (upsetting the Egyptians, who were the primary brokers). The Turkish government now runs the risk of believing its own grandiose rhetoric and of dangerously overreaching. Some also fear that Turkey's leaders might stop being able to divorce the country's foreign policy aims from their own cultural (and perhaps religious) sensibilities. Erdogan and Davutoglu sometimes appear to be conflicted: Do they hope to participate in global politics as practitioners of realpolitik or as representatives of an Islamic culture?

### pakistan

#### Disregard Pitt—no quals, rabid partisan

**PW, 3** (Publishers Weekly, http://www.amazon.com/Greatest-Sedition-Silence-Years-America/dp/0745320104)

Pitt, coauthor of War on Iraq: What Team Bush Doesn't Want You to Know, is an angry leftist. He is angry with the president and his administration for dismantling the Bill of Rights, distorting our national purpose and placing environmental policy, tax policy and our military power in the hands of corporate oil interests. He is angry with the media for ineptly reporting on important policy issues while endlessly chasing Gary Condit. He is angry at the Supreme Court for giving Bush the presidency. And he is angry with the American public because they "have not been minding the store." It is unfortunate that many of Pitt's speculations about the Bush administration are too far off-center and inflammatory for the majority of even those who oppose the president. His report of the death of democracy in America ("The American Experiment may well be finished") will strike many as premature; his statement that "[p]atriotic Americans fear to speak out against the government" is patently untrue, given the size of recent antiwar demonstrations. Repeatedly, such flights undercut Pitt's more salient complaints. And his impassioned suggestions to the left (e.g., "end tax giveaways to corporations and the rich") break no new ground.

#### No impact—regional adaptation

**Bandow 9** – Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, the **least likely outcome** is a takeover by widely unpopular Pakistani militants. The Pakistan military is the nation's strongest institution; while the army might not be able to rule alone, it can prevent any other force from ruling.

Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the **neighborhood can adapt and resist**." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

#### No loose nukes

**Koring 2009** [PAUL, Globe and Mail, Pakistan's nuclear arsenal safe, security experts say,

http://www.theglobeandmail.com/news/world/pakistans-nuclear-arsenal-safe-security-experts-say/article1325820/]

Pakistan's nuclear-weapons security is modeled on long-standing safeguards developed by the major powers and includes **separately storing** the physical components needed for a nuclear warhead and keeping them **apart and heavily guarded**. "Even if insurgents managed to get a fully assembled weapon, they would lack the 'secret decoder ring' [the special security codes] needed to arm it," Mr. Pike said. Thought to possess a relatively modest nuclear arsenal of between 70 and 100 warheads, Pakistan is even more secretive about its security measures than most nuclear-weapons states. But even if those measures were somehow breached, Mr. Pike said, even a complete nuclear weapon would be a limited threat in the hands of terrorists. "If they did try to hot-wire it to explode in the absence of knowing the approved firing sequences, it would probably only trigger the high-explosives, making a jim-dandy of a dirty bomb," he said, referring to an explosion that spreads radioactive material over a small area, but is **not a nuclear blast.**

### afghanistan

#### Drawdown means drones fail in Afghanistan

**Thiessen, 13** – Marc, (“Zero troops in Afghanistan = zero drone strikes in Pakistan,” AEI, 1/9/13, <http://www.aei-ideas.org/2013/01/zero-troops-in-afghanistan-zero-drone-strikes-in-pakistan/> //Red)

As Fred and Kimberly Kagan have eloquently pointed out, unless we retain roughly 68,000 troops in Afghanistan into 2014 (and about 30,000 thereafter) that “core goal” will be difficult to achieve. With zero troops, it will go from difficult to impossible. Here is why: Complete **withdrawal would end the U.S. drone campaign** against al Qaeda in the tribal regions of Pakistan and make special operations raids like the one that killed Osama bin Laden almost impossible to carry out. Such operations are dependent not just on bases in Afghanistan, but **forward bases in dangerous territory** near the Afghanistan-Pakistan border. As the Kagans explained: North Waziristan is more than 600 miles from the nearest coastline; the other [U.S.] sanctuaries are farther. The U.S. Air Force reports that armed Predator drones have a range of about 1,150 miles — not enough to get to Waziristan and back again from the coast, much less to orbit and observe a target. Special mission units would have to parachute from transport aircraft because no helicopter in the U.S. inventory can fly that far. But they could not return because aircraft cannot land in the mountains of Eastern Afghanistan or in Pakistan. With our forward bases in Khost, Kandahar and Jalalabad (which is 150 miles from Abbotabad where bin Laden was killed), we can strike targets with drones and send SEAL Team Six to kill or capture al Qaeda leaders. But too deep a drawdown would make it hard to maintain these forward bases – requiring us to draw back from perilous border areas. And Bagram airbase near Kabul, or U.S. ships in the Indian Ocean, are too far away for anything other than operations by manned aircraft (which cannot loiter to observe their targets, pick the right moment to strike, or confirm a kill). If we drawdown too deeply in Afghanistan, it would be very hard to continue the drone campaign or insert special operations forces into Pakistan. If we go down to zero troops, Obama’s goal to “disrupt, dismantle and defeat Al Qaeda” **will be unachievable.**

#### Reject their lazy attempt to make Central Asia impacts sexy

**De Waal and Matveeva 7 -** \*Caucasus Editor at the Institute for War and Peace Reporting AND \*\*Fellow at the Crisis States Research Centre at the London School of Economics (Thomas and Anna, “Central Asia and the Caucasus: A Vulnerable Crescent,” February, www.ciaonet.org/wps/ipa9889/ipa9889.pdf)

International thinking about the region has been often marred by **misguided preconceptions** about the dangers it contains. Central Asia has fallen victim to many ‘danger discourses’: that it is subject to an AIDS epidemic, is awash with small arms, is a critical environmental hazard, and that remnants of the Soviet defense industry present a risk of nuclear weapons falling into hands of terrorists. Undeniably, there are grounds to pay attention to these issues, but their significance should not be exaggerated, as to date there is scarce hard evidence. Equally significant– but not so ‘sexy’ – problems of health, education, and employment receive less attention from external observers, but require more external support.

#### No war—lesson learning and tension management

Irina **Zviagel'skaia**, leading research fellow at the Institute of Oriental Studies, the Russian Academy of Sciences, Moscow, June **2005**. “Russia and Central Asia: Problems of Security,” Central Asia at the End of the Transition, ed. Boris Rumer, <http://books.google.com/books?id=cnXVyW1QIIYC&pg=PA86&lpg=PA86&dq=%22central+asia%22+numerous+challenges+stability&source=web&ots=-3Uve6KFdU&sig=62TKLdSLAgBp6rszCPvbUBtjjVY&hl=en#PPR5,M1>.

Notwithstanding these numerous challenges, in general the countries of Central Asia have demonstrated stability in the course of their existence as independent states. This region, in contrast to the Caucasus, has not witnessed armed conflicts between states, or wars driven by separatist or irredentist movements. To be sure, such movements do in fact exist, and interethnic tensions are constantly felt. The exception, as already noted, is Tajikistan, where a civil war unfolded in the early 1990s. However, it was precisely the **lessons** of Tajikistan that **have been learned** by the regimes in other states. Nowhere else has a single leader permitted the creation of organized opposition. Although differing in the degree of harshness used to repress political opponents, these former leaders of the Communist Party of the Soviet Union are well versed in political-bureaucratic games and have demonstrated a high level of survivability.

#### Alt causes prove disprove escalation and/or solvency

**Stratfor, 12** [“Annual Forecast 2012”, global intelligence company, http://www.stratfor.com/forecast/annual-forecast-2012]

**Numerous factors** will undermine Central Asia's stability in 2012, but they **will not lead to a major breaking point** in the region this year. Protests over deteriorating economic conditions will occur throughout the region, particularly in Kazakhstan, though these will be contained to the region and will not result in overly disruptive violence. Serious issues in Kazakhstan's banking sector could lead to a financial crisis, though the government will be able to manage the difficulties and contain it during 2012 by using the oil revenues it has saved up.

### impact calc

Scheper-Hughes and Bourgois ‘4

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

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

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

Jenkins 73 – Professor of Philosophy @ University of Alabama

[Iredell Jenkins, “The Conditions of Peace”, The Monist, Vol. 57, No. 4, Philosophy of War (OCTOBER, 1973), pp. 507-526, http://www.jstor.org/stable/27902329] Gender Edited

I shall argue in this paper that our thinking about the question of war and peace is vitiated at its source by a series of mistaken assumptions and intentions. These misconceptions pass as sound coin because they have the air of truisms: they appear to direct our inquiries along lines that are sure to be successful and are anyway the only ones available. At the same time, these errors are so basic that they distort both theory and practice from the start: they are red herrings, putting us on a false scent from which we never free ourselves because we cannot get close enough to the quarry to recognize our mistake. It is my purpose to expose these errors and point the way to their correction. Three basic mistakes have misled our thinking about war and peace. We have employed the wrong categories. We have studied the wrong data. And we have pursued the wrong goal. These errors are intimately related, with each in turn entailing the next. The categories we think in focus our attention too narrowly. The data we pore over yield distorted conclusions. The goals we are thus led to pursue are mirages that grow fainter the closer we approach them. It will be necessary to discuss these errors serially, but it must be remembered that they are in reality tightly forged links in a closed chain. 1. The controlling factor in all human undertakings is the conceptual apparatus that men [people] employ-the terms in which they think. These modes of thought largely determine the data we examine, the phenomena we are interested in, the questions we ask, and the purposes we pursue. In more homely language, this apparatus defines where we look, what we look for, and what we hope to do. And it is here, at their very first step, that our dealings with the problem of war and peace go astray. Our mistake is simple but critical: we think in terms that focus our attention on only one side of the issue, and that the more superficial and derivative side. What we do, in brief, is to treat war as an independent variable, which is to be understood in isolation from any larger context and dealt with strictly on its own terms. We appear to act on the assumption that wars are ultimate and ineradicable features of reality, so there are only two things we can do about them: delay their occurrence and make sure we win them when they occur. Seen in the light of reason, this procedure is paradoxical. The real and final object of our concern is peace. We want to establish amicable relations among people, and create a community of feeling and interests. Yet the overwhelming proportion of our thinking, talking, and acting is concerned with war. It is war, in fact and in threat, that constantly preoccupies us. So the universe of discourse in which we treat the problem of war and peace has a vocabulary that is derived entirely from only one of these elements: war. The concepts that dominate our thinking are 'nation states', 'sovereignty', 'foreign powers', 'treaties', 'alliances', 'the balance of power', 'nuclear deterrents', and other such. War so fascinates us that we are incapable of viewing it in perspective and putting it in context. So we fail to see that war is only one element in a complex set of human relationships

, which can be neutralized by other and very different elements. Instead, we persist in thinking that the threat of war can be averted, and war itself 'won', only in the terms that it itself poses: namely, the appeal to force. Peace may be the object of our prayers, but war is the object of our efforts. I remarked above that there is something extremely paradoxical about this situation. But there is nothing unusual about it: this is not an isolated case, but an instance of a general type of behavior. In one context after another, we find men neglecting to pursue the good they seek and thinking only of averting the evil they fear. Many dichotomies of this sort come easily to mind: peace-war, health-illness, justice-injustice, equality-discrimination, rehabilitation-punishment. In every instance, it is the second item on which we lavish our efforts. It simply seems to be the case that in all of the contexts of life men [people] tend to take sound and satisfactory situations for granted, and to be concerned only with those that are unpleasant, threatening, or harmful. So instead of trying to preserve peace, we think only of preventing wars-or winning them. In short, we are in the odd position of not seeking the ends that we desire, but merely trying to avert or cure the outcomes we fear. Indeed, we do not even think much about these goods, and we usually define them as the absence of their opposites. So though our approach to the problem of war and peace is paradoxical, it is not anomolous. 2. Our initial mistake in dealing with the issues of war and peace is to employ the wrong categories: our thinking is done exclusively in terms of 'war' and concepts associated with it. The immediate result of this mistake is to focus our attention on a narrow and inadequate range of data. The common meaning of 'war' is a conflict between nation states, waged by armies using every weapon of force available, in which each party seeks to defeat the other (the "enemy") and reduce it to a condition of total subservience. As Clausewitz put it in his classic treatise, "War therefore is an act of violence intended to compel our opponent to fulfill our will".1 Since we think in terms of war, and this is what war means, these are the data we turn to when we seek enlightenment on the issues of war and peace: we look only at the relations between sovereign states, and then only when these states are in a condition of actual or threatened violent conflict. We thus find ourselves in the absurd position of trying to understand peace by studying war. This is like trying to understand motion by studying rest, as the ancients did, or trying to derive the character of man from the nature of God, as the mediaevalists did. We deride these latter efforts as exercises in futility. But we employ an exactly analogous procedure in our approach to peace, and we are perpetually surprised and frustrated when it does not succeed. What we are doing, in sum, is using the pathological case as a paradigm for studying the sound case. So we become expert only in the pathology of international relations. Our fascination with the phenomena of war leads us to certain conclusions that become as unshakeable as they are deceptive. We regard the sovereign state as at once a brute fact and an impenetrable mystery. We assume that there must be irreconcilable conflicts of interest among such states. Since these conflicts can be neither resolved nor arbitrated, they must eventually lead to trial by force. Given the facts that we study, these conclusions follow naturally.

## 1nr

### terrorism

#### No terrorism – reject alarmism

**Mueller and Stewart 12** (John, Senior Research Scientist at the Mershon Center for International Security Studies, Adjunct Professor in the Department of Political Science, Ohio State University, Senior Fellow at Cato Institute, and Mark G., Australian Research Council Professorial Fellow, Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, “The Terrorism Delusion,” International Security, Volume 37, Issue 1, Summer 2012, pg. 81-110, Project Muse)

People such as Giuliani and a whole raft of “**security experts**” have **massively exaggerate**d the capacities and the **dangers presented by** what they have often called “**the universal adversary**” both in its domestic and in its international form. The Domestic Adversary To assess the danger presented by terrorists seeking to attack the United States, we examined the fifty cases of Islamist extremist terrorism that have come to light since the September 11 attacks, whether based in the United States or abroad, in which the United States was, or apparently was, targeted. These cases make up (or generate) the chief terrorism fear for Americans. Table 1 presents a capsule summary of each case, and the case numbers given throughout this article refer to this table and to the free web book from which it derives.7 In 2009, the U.S. Department of Homeland Security (DHS) issued a lengthy report on protecting the homeland. Key to achieving such an objective should be a careful assessment of the character, capacities, and desires of potential terrorists targeting that homeland. Although the report contains a section dealing with what its authors call “the nature of the terrorist adversary,” the section devotes only two sentences to assessing that nature: “The number and high profile of international and domestic terrorist attacks and disrupted plots during the last two decades underscore the determination and persistence of terrorist organizations. Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.”8 This description may apply to some terrorists somewhere, including at least a few of those involved in the September 11 attacks. Yet, it scarcely describes the vast majority of those individuals picked up on terrorism charges in the United States since those attacks. The inability of the DHS to consider this fact even parenthetically in its fleeting discussion is not only amazing but perhaps delusional in its single-minded preoccupation with the extreme. In sharp contrast, the authors of the case studies, with remarkably few exceptions, describe their subjects with such words as incompetent, ineffective, unintelligent, idiotic, ignorant, inadequate, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational, and foolish.9 And in nearly all of the cases where an operative from the police or from the Federal Bureau of Investigation was at work (almost half of the total), the most appropriate descriptor would be “gullible.” In all, as Shikha Dalmia has put it, would-be terrorists need to be “radicalized enough to die for their cause; Westernized enough to move around without raising red flags; ingenious enough to exploit loopholes in the security apparatus; meticulous enough to attend to the myriad logistical details that could torpedo the operation; self-sufficient enough to make all the preparations without enlisting outsiders who might give them away; disciplined enough to maintain complete secrecy; and—above all—psychologically tough enough to keep functioning at a high level without cracking in the face of their own impending death.”10 The case studies examined in this article certainly do not abound with people with such characteristics. In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12 The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14 In addition, although some of the plotters in the cases targeting the United States harbored **visions** of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all **were nothing more than wild fantasies**, **far beyond** the plotters’ **capacities** however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15 Although the efforts of would-be terrorists have often seemed pathetic, even comical or absurd, the comedy remains a dark one. Left to their own devices, at least a **few of these** often **inept and** almost always **self-deluded individuals could** eventually have **commit**ted some **serious**, if small-scale, **damage**.

#### Hellman is wrong – no relation

**Mueller 5** (John, Professor of Political Science – Ohio State University, Reactions and Overreactions to Terrorism, <http://polisci.osu.edu/faculty/jmueller/NB.PDF>)

However, history clearly demonstrates that overreaction is not necessarily inevitable. Sometimes, in fact, leaders have been able to restrain their instinct to overreact. Even more important, **restrained reaction--or even capitulation to terrorist acts--has often proved to be entirely acceptable politically**. That is, there are many instances where leaders did nothing after a terrorist attack (or at least refrained from overreacting) and did not suffer politically or otherwise. Similarly, after an unacceptable loss of American lives in Somalia in 1993, Bill Clinton responded by withdrawing the troops without noticeable negative impact on his 1996 re-election bid. Although Clinton responded with (apparently counterproductive) military retaliations after the two U.S. embassies were bombed in Africa in 1998 as discussed earlier, his administration did not have a notable response to terrorist attacks on American targets in Saudi Arabia (Khobar Towers) in 1996 or to the bombing of the U.S.S. Cole in 2000, and these non-responses never caused it political pain. George W. Bush's response to the anthrax attacks of 2001 did include, as noted above, a costly and wasteful stocking-up of anthrax vaccine and enormous extra spending by the U.S. Post Office. However, beyond that, it was the same as Clinton's had been to the terrorist attacks against the World Trade Center in 1993 and in Oklahoma City in 1995 and the same as the one applied in Spain when terrorist bombed trains there in 2004 or in Britain after attacks in 2005: the dedicated application of police work to try to apprehend the perpetrators. This approach was politically acceptable even though the culprit in the anthrax case (unlike the other ones) has yet to be found. The demands for retaliation may be somewhat more problematic in the case of suicide terrorists since the direct perpetrators of the terrorist act are already dead, thus sometimes impelling a vengeful need to seek out other targets. Nonetheless, the attacks in Lebanon, Saudi Arabia, Great Britain, and against the Cole were all suicidal, yet no direct retaliatory action was taken. **Thus, despite short-term demands that some sort of action must be taken**, experience suggests politicians can often successfully ride out this demand after the obligatory (and inexpensive) expressions of outrage are prominently issued.

#### Drones cause terrorism – try or die for the alt because it link turns intel gathering

Gabriella Blum 10, Assistant Professor of Law, Harvard Law School, and Philip Heymann, the James Barr Professor of Law, Harvard Law School, June 27, 2010, “Law and Policy of Targeted Killing,” Harvard National Security Journal, http://harvardnsj.org/wp-content/uploads/2010/06/Vol-1\_Blum-Heymann\_Final.pdf

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.¶ Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.¶ The political message flowing from the use of targeted killings may be harmful to the attacking country’s interest, as it emphasizes the disparity in power between the parties and reinforces popular support for the terrorists, who are seen as a David fighting Goliath. Moreover, by resorting to military force rather than to law enforcement, targeted killings might strengthen the sense of legitimacy of terrorist operations, which are sometimes viewed as the only viable option for the weak to fight against a powerful empire. If collateral damage to civilians accompanies targeted killings, this, too, may bolster support for what seems like the just cause of the terrorists, at the same time as it weakens domestic support for fighting the terrorists.¶ When targeted killing operations are conducted on foreign territory, they run the risk of heightening international tensions between the targeting government and the government in whose territory the operation is conducted. Israel’s relations with Jordan became dangerously strained following the failed attempt in September 1997 in Jordan to assassinate Khaled Mashaal, the leader of Hamas. Indeed, international relations may suffer even where the local government acquiesces in the operation, but the operation fails or harms innocent civilians, bringing the local government under political attack from domestic constituencies (recall the failed attack in Pakistan on Al-Zawahiri that left eighteen civilians dead).¶ Even if there is no collateral damage, targeted killings in another country’s territory threatens to draw criticism from local domestic constituencies against the government, which either acquiesced or was too weak to stop the operation in its territory. Such is the case now in both Pakistan and Yemen, where opposition forces criticize the governments for permitting American armed intervention in their countries.¶ The aggression of targeted killings also runs the risk of spiraling hatred and violence, numbing both sides to the effects of killing and thus continuing the cycle of violence. Each attack invites revenge, each revenge invites further retaliation. Innocent civilians suffer whether they are the intended target of attack or its unintentional collateral consequences.¶ Last but not least, exceptional measures tend to exceed their logic. As in the case of extraordinary detention or interrogation methods, there is a danger of over-using targeted killings, both within and outside of the war on terrorism. A particular danger in this context arises as the killing of a terrorist often proves a simpler operation than protracted legal battles over detention, trial, extradition, and release.

#### Here is one of Bolman’s super sweet terrorism K cards – he must have cried when he cut this one because its surprisingly coherent and not only full of K jargon – invoking the Jihadi threat is counterproductive

Jackson 9 (Richard Jackson is Reader in the Department of International Politics, Aberystwyth University, and a Senior Researcher at the Centre for the Study of Radicalisation and Contemporary Political Violence (CSRV). He is the founding editor of the journal, Critical Studies on Terrorism, and the author of Writing the War on Terrorism: Language, Politics and Counterterrorism (2005). “Knowledge, power and politics in the study of politsical terrorism” in *Critical Terrorism Studies: A New Research Agenda*, ed. Richard Jackson, Marie Breen Smyth and Jeroen Gunning, Routledge)

As explained earlier, a ﬁrst order or immanent critique employs the same modes of analysis and categories to criticise the discourse on its own terms and expose the events and perspectives that the discourse fails to acknowledge or address. From this perspective, and employing the same social scientiﬁc modes of analysis, terminology, and empirical and analytical categories employed within terrorism studies, as well as many of its own texts and authors, it can be argued that virtually all the narratives and assumptions described in the previous section are contestable and subject to doubt. There is not the space here to provide counterevidence or arguments to all the assumptions and narratives of the wider discourse; I have provided more detailed counter-evidence to many of them elsewhere (see Jackson, 2008a, 2008b, 2007a, 2007b, 2007c). It must instead sufﬁce to discuss a few points which illustrate how unstable and contested this widely accepted ‘knowledge’ is. The following discussion therefore focuses on a limited number of core narratives, such as the terrorism threat, ‘new terrorism’, and counterterrorism narratives. In the ﬁrst instance, the conceptual practices which construct terrorism exclusively as a form of non-state violence are highly contestable. Given that terrorism is a violent tactic in the same way that ambushes are a tactic, it makes little sense to argue that some actors (such as states) are precluded from employing the tactic of terrorism (or ambushes). A bomb planted in a public place where civilians are likely to be randomly killed and that is aimed at causing widespread terror in an audience is an act of terrorism regardless of whether it is enacted by non-state actors or by agents acting on behalf of the state (see Jackson, 2008a). It can therefore be argued that if terrorism refers to violence directed towards or threatened against civilians which is designed to instill terror or intimidate a population for political reasons – a relatively uncontroversial deﬁnition within the ﬁeld and wider society – then states can also commit acts of terrorism. Furthermore, as I and many others have documented elsewhere (for a summary, see Jackson, 2008b), states have killed, tortured, and terrorised on a truly vast scale over the past few decades, and a great many continue to do so today in places like Colombia, Zimbabwe, Darfur, Myanmar, Palestine, Chechnya, Iraq and elsewhere. Moreover, the deliberate and systematic use of political terror by Western democratic states during the colonial period, in the ‘terror bombing’ of World War II and other air campaigns, during cold war counter-insurgency and proinsurgency campaigns, through the sponsorship of right-wing terrorist groups and during certain counterterrorism campaigns, among others, is extremely well documented (see, among many others, Gareau, 2004; Grey, 2006; Grosscup, 2006; Sluka, 2000a; Blakeley, 2006, forthcoming; Blum, 1995; Chomsky, 1985; Gabelnick et al., 1999; Herman, 1982; Human Rights Watch, 2001, 2002; Klare, 1989; Minter, 1994; Stokes, 2005, 2006; McSherry, 2002). The assumption that terrorism can be objectively deﬁned and studied is also highly questionable and far more complex than this. It can be argued that terrorism is **not** a causally coherent, free-standing phenomenon which can be identiﬁed in terms of characteristics inherent to the violence itself (see Jackson, 2008a). In the ﬁrst instance, ‘the nature of terrorism is not inherent in the violent act itself. One and the same act . . . can be terrorist or not, depending on intention and circumstance’ (Schmid and Jongman, 1988: 101) – and depending on who is describing the act. The killing of civilians, for example, is not always or inherently a terrorist act; it could perhaps be the unintentional consequence of a military operation during war. **Terrorism is therefore a social fact rather than a brute fact, and like ‘security’, it is constructed through speech-acts by socially authorised speakers**. That is, ‘terrorism’ is constituted by and through an identiﬁable set of discursive practices – such as the categorisation and collection of data by academics and security ofﬁcials, and the codiﬁcation of certain actions in law – which thus make it a contingent ‘reality’ for politicians, law enforcement ofﬁcials, the media, the public, academics, and so on. In fact, the current discourse of terrorism used by scholars, politicians and the media is a very recent invention. Before the late 1960s, there was virtually no ‘terrorism’ spoken of by politicians, the media, or academics; instead, acts of political violence were described simply as ‘bombings’, ‘kidnappings’, ‘assassinations’, ‘hijackings’, and the like (see Zulaika and Douglass, 1996). In an important sense then, terrorism does not exist outside of the deﬁnitions and practices which seek to enclose it, including those of the terrorism studies ﬁeld. Second, an increasing number of studies suggest that **the threat of terrorism to Western or international security is vastly over-exaggerated** (see Jackson, 2007c; Mueller, 2006). Related to this, a number of scholars have convincingly argued that the likelihood of terrorists deploying weapons of mass destruction is in fact, miniscule (B. Jenkins, 1998), as is the likelihood that so-called rogue states would provide WMD to terrorists. A number of recent studies have also seriously questioned the notion of ‘new terrorism’, demonstrating empirically and through reasoned argument that the continuities between ‘new’ and ‘old’ terrorism are much greater than any differences. In particular, they show how the assertion that the ‘new terrorism’ is primarily motivated by religious concerns is largely unsupported by the evidence (Copeland, 2001; Duyvesteyn, 2004), as is the assertion that ‘new terrorists’ are less constrained in their targeting of civilians. Third, considering the key narratives about the origins and causes of terrorism, studies by psychologists reveal that there is little if any evidence of a ‘terrorist personality’ or any discernable psychopathology among individuals involved in terrorism (Horgan, 2005; Silke, 1998). Nor is there any real evidence that suicide bombers are primarily driven by sexual frustration or that they are ‘brainwashed’ or ‘radicalised’ in mosques or on the internet (see Sageman, 2004). More importantly, a number of **major empirical studies have thrown doubt on the** broader assertion of a direct **causal link between religion and terrorism** and, speciﬁcally, the link between Islam and terrorism. The Chicago Project on Suicide Terrorism for example, which compiled a database on **every case of suicide terrorism from 1980 to 2003,** some 315 attacks in all, concluded that ‘there is little connection between suicide terrorism and Islamic fundamentalism, or any one of the world’s religions’ (Pape, 2005: 4). Some of the key ﬁndings of the study include: only about half of the suicide attacks from this period can be associated by group or individual characteristics with Islamic fundamentalism; the leading practitioners of suicide terrorism are the secular, Marxist-Leninist Tamil Tigers, who committed seventy-six attacks; of the 384 individual attackers on which data could be found, only 166, or 43 per cent, were religious; and 95 per cent of suicide attacks can be shown to be part of a broader political and military campaign which has a secular and strategic goal, namely, to end what is perceived as foreign occupation (Pape, 2005: 4, 17, 139, 210). Robert Pape’s ﬁndings are supported by other studies which throw doubt on the purported religion-terrorism link (see Bloom, 2005; Sageman, 2004; Holmes, 2005). Lastly, there are a number of important studies which suggest that force-based approaches to counterterrorism are not only ineffective and counterproductive, but can also be damaging to individuals, communities, and human rights (see Hillyard, 1993; Cole, 2003). Certainly, there are powerful arguments to be made against the use of torture in counterterrorism (Brecher, 2007; Scarry, 2004; Jackson, 2007d), and a growing number of studies which are **highly critical of the efﬁcacy and wider consequences of the war on terrorism** (see, among many others, Rogers, 2007; Cole, 2007; Lustick, 2006). In sum, much of what is accepted as unproblematic ‘knowledge’ in terrorism studies is actually of dubious provenance. In a major review of the ﬁeld, Andrew Silke has described it as ‘**a cabal of virulent myths and half-truths whose reach extends even to the most learned and experienced’** (Silke, 2004b: 20). However, the purpose of the ﬁrst order critique I have undertaken here is not necessarily to establish the real and ﬁnal ‘truth’ about terrorism. Rather, ﬁrst order critique aims simply to destabilise dominant understandings and accepted knowledge, expose the biases and imbalances in the ﬁeld, and suggest that other ways of understanding, conceptualising, and studying the subject – other ways of ‘knowing’ – are possible. This kind of critical destabilisation is useful for opening up the space needed to ask new kinds of analytical and normative questions and to pursue alternative intellectual and political projects.

### framework

#### Rejection is more than shallow negativity—refusing their terms of discussion by interrupting that legal discourse is key to un-cede the political

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

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

#### Their framework militarizes the public sphere—criminalizing non-statist thought to make deliberation controllable. You should refuse that type of fascism as an act of “everyday deviance”

**Karatzogianni and Robinson 13**—University of Hull AND independent researcher

(Athina and Andrew, “Schizorevolutions vs. Microfascisms: A DeleuzoNietzschean Perspective on State, Security, and Active/Reactive Networks”, http://works.bepress.com/cgi/viewcontent.cgi?article=1037&context=athina\_karatzogianni, dml)

The return of state violence from the kernel of state exceptionalism is a growing problem. It is grounded on a reaction of the terrified state by conceiving the entire situation as it is formerly conceived specific sites of exception and emergency (c.f. Agamben, 1998, 2005). New forms of social control directed against minor deviance or uncontrolled flows are expanding into a war against difference and a systematic denial of the ‘right to have rights’ (Robinson, 2007). The project is not simply an extension of liberal-democratic models of social control, but breaks with such models in directly criminalizing nonconformity from a prescribed way of life and attempting to extensively regulate everyday life through repression. This new repressive model, expressing a kind of neo-totalitarianism, should be taken to include such measures and structures as the rise of gated communities, CCTV, RFID, ID cards, ASBOs, dispersal zones, paramilitary policing methods, the ‘social cleansing’ of groups such as homeless people and street drinkers from public spaces, increasing restrictions on protests and attacks on ‘extremist’ groups, the use of extreme sentencing against minor deviance, and of course the swathe of “anti-terrorism” laws which provide a pretext for expanded repression. This increasingly vicious state response leads to extremely intrusive state measures. The magazine Datacide analyses the wave of repression as ‘the real subsumption of every singularity in the domain of the State. From now on if your attributes don't quite extend to crime, a judge's word suffices to ensure that crime will reach out and embrace your attributes’ (Hyland n.d.). To decompose networks, the state seeks to shadow them ever more closely. The closure of space is an inherent aspect of this project of control. While open space is a necessary enabling good from the standpoint of active desire, it is perceived as a threat by the terrified state, because it is **space in which demonised Others can gather** and recompose networks outside state control. Hence, for the threatened state, open space is space for the enemy, space of risk. Given that open space is in contrast necessary for difference to function (since otherwise it is excluded as unrepresentable or excessive), the attempts to **render all space closed and governable** involve a constant war on difference which expands ever more deeply into everyday life. As Guattari aptly argues, neoliberal capitalism tends to construe difference as unwanted ‘noise’ (1996: 137). Society thus becomes a hothouse of constant crackdowns and surveillance, which at best simulates, and at worst creates, a situation where horizontal connections either cannot emerge or are constantly persecuted. Theories such as those of Agamben and Kropotkin show the predisposition of the state to pursue total control. But why is the state pursuing this project now? To understand this, one must recognise the multiple ways in which capitalism can handle difference. Hence, there are two poles the state can pursue, social-democratic (adding axioms) or totalitarian (subtracting axioms), which have the same function in relation to capitalism, but are quite different in other regards. State terror involves the replacement of addition of axioms (inclusion through representation) with subtraction of axioms (repression of difference). This parallels the distinction between ‘hard’ and ‘soft’ power in international relations. Crucially, ‘hard’ power is deflationary (Mann 2005: 83-4). While ideological integration can be increased by intensified command, ‘soft’ power over anyone who remains outside the dominant frame is dissipated. **Everyday deviance** becomes resistance because of the project of control which attacks it. It also becomes necessarily more insurrectionary, in direct response to the cumulative attempts to stamp it out through micro-regulation. What the state gains in coercive power, it loses in its ability to influence or engage with its other. But the state, operating under intense uncertainty and fear, is giving up trying to seem legitimate across a field of difference. A recent example of this concerns the treatment of whistleblowers: Bradley Manning and by extent the publisher Julian Assange in the WikiLeaks case (for a discussion of affect see Karatzogianni, 2012) and Edward Snowden in relation to the recent revelations about NSA surveillance program PRISM (Poitras and Greenwald’s video Interview with Edward Snowden, 9 June 2013). This is not to say that it dispenses with articulation. It simply restricts it tautologically to its own ideological space (Negri 2003: 27). **Legitimation is replaced by information**, technocracy and a simulation of participation (Negri 2003: 90, 111.). There is a peculiarly close relationship between the state logic of command and the field of what is variously termed ‘ideology’ (in Althusser), ‘mythology’ (in Barthes) and ‘fantasy’ (in Lacan): second-order significations embedded in everyday representations, through which **a simulated lifeworld is created**, in which people live in passivity, creating their real performative connection to their conditions of existence and bringing them into psychological complicity

in their own repression. Such phenomena are crucial to the construction of demonised Others which provides the discursive basis for projects of state control. ‘[Conflict is] deflected… through the automatic micro-functioning of ideology through information systems. This is the normal, ‘everyday’ fascism, whose most noticeable feature is how unnoticeable it is’ (Negri 1998a: 190). In denial of generalisable rights, the in-group defines social space for itself and itself alone. The result is a denial of basic dignity and rights to those who fall outside "society", who, in line with their metaphysical status, are to be cast out, locked away, or put beyond a society defined as being for "us and us only" (the mythical division between social and anti-social). The neo-totalitarian state resurrects the tendency to build a state ideology, but this ideology is now disguised as a shared referent of polyarchic parties and nominally free media. **Failing to think in statist terms** is no longer any different from criminal intent. Romantically crossing an airport barrier for a goodbye kiss is taken as a major crime, for the state, being terrified, responds disproportionately; the romantic is blamed for producing this response (Baker and Robins, 2010). He should have thought like the state to begin with, and not corrupted its functioning with trivialities such as love. Such is the core of the terror-state: constant exertion of energy to ward off constant anxiety, at the cost of a war on difference.

## 2nr

### at: structural violence down

#### Their stats are bogus—this crushes their numerical whitewashing—

**Gregory 10** (Derek Gregory , Prof. of Geography @ U. of British Columbia, “War and peace,” Transactions of the Institute of British Geographers, Vol. 35.2)

Ferguson is not alone in his silence. Many of those who regarded those continuing conflicts as ‘remote’– which excludes the millions to whom those ‘theatres’ were their homes – elected to repress or to re-script the role of the global North in provoking violence in the global South. Hence Mueller’s (2009) claim that, asymptotically, ‘war has almost ceased to exist’, at least between ‘advanced states’ or ‘civilised nations’. Within those states, amnesia has now become so common that Judt (2008) describes the 20th century as the forgotten century. ‘We have become stridently insistent that the past has little of interest to teach us’, he writes: ‘Ours, we assert, is a new world; its risks and opportunities are without precedent.’ He suggests that ‘in our haste to put the twentieth century behind us’, to lock horror and misery in the attic-rooms of our memories and museums, we – particularly the ‘we’ that is US, so to speak –‘have forgotten the meaning of war’. The parenthetical qualification is necessary because in Europe the remains of two world wars are etched deep into the cultural landscape. There, some have seen salvation in Europe’s construction of ‘civilian states’ out of the wreckage –‘the obsolescence of war is not a global phenomenon’, Sheehan (2007, xvii) argues, ‘but a European one, the product of Europe’s distinctive history in the twentieth century’– while others have sought redemption in the constitutively (‘core’) European pursuit of Kant’s perpetual peace (Habermas 2006). But the meaning of modern war is not confined to those terrible global conflicts, and their exorbitation of war as ‘total war’ was not a bolt from the blue. Its arc can be traced back to the Napoleonic wars. Bell locates the origins of a recognisably modern culture of war in those ferocious campaigns and their ‘extraordinary transformation in the scope and intensity of warfare’ (2007, 7). It was then, too, that the ill-fated French occupation of Egypt in 1798 and the savage expeditions through the Levant inaugurated what Said (1978, 87) saw as a modern, profoundly martial Orientalism that was to be reactivated time and time again throughout the 20th and on in to our own century. We should remember, too, that Napoleon also had to contend with insurgencies in Egypt and in Europe; 19th-century war cannot be reduced to a succession of battles between the armies of contending states, any more than it can in subsequent centuries when, as Judt (2008, 6) reminds, war has ‘frequently meant civil war, often under the cover of occupation or “liberation”‘. If these observations qualify the usual European genealogy of modern war, then its supersession cannot be a European conceit either. Across the Atlantic a number of critics worry that, in the wake of 9/11, the United States continues to prepare its ‘serial warriors’ for perpetual war (Young 2005; Bromwich 2009). The Pentagon has divided the globe into six Areas of Responsibility assigned to unified combatant commands – like US Central Command, or CENTCOM (Morrissey 2009) – and relies on a veritable ‘empire of bases’ to project its global military power (Figure 1).2 And yet Englehardt reckons that it’s hard for Americans to grasp that Washington is a war capital, that the United States is a war state, that it garrisons much of the planet, and that the norm for us is to be at war somewhere at any moment. (2009) Writing barely a year after the presidential election, he ruefully observed that the Bush administration, ‘the most militarily obsessed administration in our history, which year after year submitted ever more bloated Pentagon budgets to Congress’, was succeeded by the Obama administration that had already submitted an even larger one. There are of course differences in foreign and military policy between the two, but re-scripting the war in Afghanistan as ‘the good war’, a war of necessity, even a Just War – the comparison is with Bush’s Iraq war – continues to license the re-scripting of a succession of other wars from Korea or even the Philippines to Afghanistan (and beyond) as the imaginative scene for a heroic interventionism by the United States and its allies – Kipling’s ‘savage wars of peace’ now waged by a stern but kindly Uncle Sam (Boot 2003a) – that endorses a hyper-masculinised military humanism (Barkawi 2004; Douzinas 2003). The shifting fortunes of inter-state wars and ‘small wars’ since the Second World War have been charted by two major projects: the Correlates of War project (COW) at the University of Michigan, devoted to ‘the systematic accumulation of scientific knowledge about war’, and the joint attempt to establish an Armed Conflict Dataset by the Uppsala Conflict Data Program in Sweden (UCDP), the International Peace Research Institute in Norway (PRIO) and the Human Security Report Project in Canada (HSRP). Any quantitative assessment is a battlefield of its own, involving disputes over definitions and data and, for that matter, over the reduction of military violence to abstract metrics and body counts. This holds for individual wars – think, for example, of the debates that have raged over estimates of casualties in Iraq – but it applies a fortiori to any global audit. The sources for such studies are inevitably uneven and, as Østerud (2008a 2008b) reminds us, ‘deaths from decentralized and fragmented violence are probably underreported relative to deaths from more centralized and concentrated violence’ (2008a, 226). The screening and sorting devices that have to be used in these approaches only compound the difficulty. Most quantitative studies count as a ‘war’ only armed conflicts that produce at least 1000 deaths each year, which is a necessarily arbitrary threshold, and the common restriction to ‘battle-field’ or ‘battle-related deaths’ excludes many other deaths attributable to military or paramilitary violence. Although these tallies include civilians caught in the crossfire, they exclude deaths from war-induced disease or starvation and, crucially, ‘the deliberate killing of unarmed civilians’. These are serious limitations. **To erase the deliberate killing of civilians makes a mockery** not only **of the ‘new wars’** I describe below, **which are widely supposed to focus on civilians** as targets, but also of old ones. What are we then to make of the bombing offensives of the Second World War? For these reasons, I also rely on a third, more recent project, the Consolidated List of Wars developed by the Event Data Project on Conflict and Security (EDACS) at the Free University of Berlin. This provides a database that reworks the thresholds used in other projects and, in distinguishing inter-state wars from other kinds of war, operates with a threshold of 1000 military or civilian deaths (Chojnacki and Reisch 2008). These body counts (and the temporal limits their exclusions assign to war) are defective in another sense, however, because casualties do not end with the end of war. Nixon (2007, 163) writes about the ‘slow violence’ of landmines, cluster bombs and other unexploded ordnance. It costs roughly 100 more to remove a landmine than to lay it, and in consequence: One hundred million unexploded mines lie inches beneath our planet’s skin. Each year they kill 24,000 civilians and maim many times that number. They kill and maim on behalf of wars that ended long ago… In neither space nor time can mine-terrorized communities draw a clear line separating war from peace. (Nixon 2007, 163) But, as Nixon emphasises, other lines can be drawn. Unexploded ordnance is heavily concentrated in some of the most impoverished places on the planet, often on the front lines of the Cold War in the South, including Afghanistan (the most intensively mined state in the world), Cambodia, Laos, Vietnam, Somalia, Angola, Mozambique, Nicaragua and El Salvador. Landmines not only kill directly; they also have a dramatic effect on local political ecologies, since they are typically used to interdict land-based resources and hence food supplies. In Mozambique, for example, large areas of prime agricultural land were sown with mines and have remained unworkable for years, which has forced farmers to bring marginal lands into cultivation with serious consequences for land degradation and food security (Unruh et al. 2003). Other slow killers that disproportionately ravage populations in the South also reach back to attack those in the North. Thus Blackmore (2005, 164–99) writes of ‘war after war’– the long-term effects of exposure to agents like dioxins or depleted uranium3– and there are countless killings ‘out of place’ by veterans returning to the North from war-zones in the South suffering from post-traumatic stress disorder. These remarks are not intended to disparage the importance of quantitative studies. While I despair of those who reduce war to a mortuary balance-sheet – what Arundhati Roy (2002, 111) called the algebra of infinite justice: ‘How many dead Afghans for every dead American?’– the raw numbers do mean something. But there is a world of meaning hidden behind the tallies and tabulations, which can never summon up the terror, grief and suffering that constitute the common currency of war (cf. Hyndman 2007). With these qualifications in place, the most relevant findings from these projects for my purposes are these. First, casting a long shadow over everything that follows, **more than two million battle deaths have occurred** worldwide in nearly **every decade since the** end of the **Second World Wa**r. It bears repeating that **this figure underestimates** the carnage because the toll is limited to ‘battle deaths’.4 Second, the number of inter-state wars has remained low since the end of the Second World War; they declined and even briefly disappeared in the last decade of the 20th century, but reappeared at the start of the present century. Third, while intra-state wars were more frequent than inter-state wars throughout the 19th and 20th centuries (with the exception of the 1930s), by the end of the 20th century their numbers were increasing dramatically, with a corresponding increase in intra-state wars that drew in other states. The considerable rise in the number of armed conflicts between the end of the Second World War and the end of the Cold War was almost entirely accounted for by the increase in conflicts within states in the global South (Sarkees et al. 2003, 61–4). The number of intra-state wars declined steeply after 1992, though they continued to account for the vast majority of armed conflicts around the world; some have seen this trend continuing into the 21st century – in 2005 the Human Security Report trumpeted ‘a less violent world’– but others have detected a marked increase since the last fin de siècle (Chojnacki and Reisch 2008; Harbom and Wallensteen 2009).