# 1NC

### 1NC

#### Debt ceiling will be raised now but it’s not certain --- Obama’s ironclad political capital is forcing the GOP to give in

Brian Beutler 10/3/13, “Republicans finally confronting reality: They’re trapped!,” Salon <http://www.salon.com/2013/10/03/republicans_finally_confronting_reality_theyre_trapped/>

After struggling for weeks and weeks in stages one through four, Republicans are finally entering the final stage of grief over the death of their belief that President Obama would begin offering concessions in exchange for an increase in the debt limit.¶ The catalyzing event appears to have been an hour-plus-long meeting between Obama and congressional leaders at the White House on Wednesday. Senior administration officials say that if the meeting accomplished only one thing it was to convey to Republican leaders the extent of Obama’s determination not to negotiate with them over the budget until after they fund the government and increase the debt limit. These officials say his will here is stronger than at any time since he decided to press ahead with healthcare reform after Scott Brown ended the Democrats’ Senate supermajority in 2010.¶ There’s evidence that it sunk in.¶ First, there’s this hot mic moment in which Senate Minority Leader Mitch McConnell tells Sen. Rand Paul, R-Ky., that the president’s position is ironclad.¶ Then we learn that House Speaker John Boehner has told at least one House Republican privately what he and McConnell have hinted at publicly for months, which is that they won’t execute their debt limit hostage. Boehner specifically said, according to a New York Times report, and obliquely confirmed by a House GOP aide, that he would increase the debt limit before defaulting even if he lost more than half his conference on a vote.¶ None of this is to say that Republicans have “folded” exactly, but they’ve pulled the curtain back before the stage has been fully set for the final act, and revealed who’s being fitted with the red dye packet.

#### Reducing war powers will end Obama’s credibility with Congress --- cause stronger GOP pushback on the debt ceiling

Seeking Alpha 9/10/13 (“Syria Could Upend Debt Ceiling Fight”, <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>)

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.¶ I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.¶ While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling.¶ Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.¶ Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.¶ I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.¶ As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.¶ Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.¶ Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.¶ I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.¶ The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.¶ Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### Obama pushes the plan --- requires tons of political capital

Matthew Waxman 7/30/13, law professor at Columbia Law School, where he co-chairs the Roger Hertog Program on Law and National Security. He is also Adjunct Senior Fellow for Law and Foreign Policy at the Council on Foreign Relations and a member of the Hoover Institution Task Force on National Security and Law. He previously served in senior policy positions at the State Department, Defense Department, and National Security Council, “Closing Guantanamo Would Still Leave Some Toughest Decisions for the Next President,” http://www.lawfareblog.com/2013/07/closing-guantanamo-would-still-leave-some-toughest-decisions-for-the-next-president/

Although pulling this off will require that President Obama spend tremendous political capital, it would actually push some very difficult decisions onto his successor’s shoulders, too. ¶ Even if it closes Guantanamo along the lines laid out above, it’s very unlikely that the Obama administration will have prosecuted or found alternative security solutions abroad for some number of the most dangerous detainees (by most credible estimates, at least a few dozen). It’s also very unlikely that they’ll simply release them – especially because whatever political deal Obama strikes to close Guantanamo will probably include assurances that he won’t do that.¶ To deal with these toughest cases, one possibility is that the Obama administration closes Guantanamo but does not declare the armed conflict with al Qaida to have ended during this presidential term. The most dangerous detainees who are not prosecuted could then continue simply to be held under existing law-of-war detention authorities. This will anger many Guantanamo-closure advocates who see that facility as merely a manifestation of the much larger problem of detention without trial, but some of those advocates are willing to give a little ground on this issue, at least for what they sometimes refer to as Bush-era “legacy” detainees. Alternatively, President Obama might declare an end to the war with al Qaida (that would allow him to claim he ended three wars) but assert a continuing “wind-up” legal authority to deal with some remaining cases. Either way, the ultimate decisions whether to release some of the hardest detainee cases will very likely be deferred to the next presidential term.¶ Besides the obvious point that we don’t know what that next president’s detention policy or campaign promises will be, several factors will shape that next administration’s decision-making in ways that differ from Obama’s.¶ First, in closing Guantanamo, President will have declared those remaining detainees — in his own judgment and in the judgment of his national security cabinet — too dangerous to release. That is, the very security arguments that President Obama makes in the course of closing Guantanamo will constrain the next president.¶ At the same time, the arguments that it’s in our national security interest to close Guantanamo (such as propaganda and terrorist-recruiting value) will be significantly diluted. Presumably Obama will have justified his decision to move detainees into the United States on the grounds that it’s dangerous to national security to keep Guantanamo open but not dangerous to national security to continue keeping some detainees without trial in the United States.¶ Additionally, assuming that President Obama closes Guantanamo but doesn’t declare a cessation of hostilities with al Qaida, the remainder of these non-prosecutable-but-dangerous detainees will put pressure — from both sides — on the President’s (and perhaps Congress’s, as well as courts’) decision about whether the armed conflict persists. It will be harder to characterize continuing detention versus release/transfer as a policy judgment about individual detainees; instead it will be framed as a legal one about the conflict as a whole. If President Obama does declare an end to the war but claims a continuing “wind-up” detention authority, the same will be true, but the legal debate will be about the extent and duration of that authority.¶ Finally, as just alluded to, it’s not clear what the other branches will do once detainees are moved into the United States, and how that might either box in or relieve pressure on the next president. Even if President Obama wouldn’t want it, maybe Congress will enact aggressive new detention legislation that applies to these remaining detainees — especially if the next president asks for it. Perhaps political support for new detention powers might be greater with releasable detainees inside the United States than if they were outside it, or perhaps continuing detainee transfers and movement of some detainees into the United States will demonstrate that the risks of further releases or transfers are quite manageable. Maybe courts will take a tougher line against the government with respect to law-of-war detention (or post-conflict detention) than they have so far. It’s hard to predict, but I doubt we’ll know the final answers to these questions during the Obama presidency, even if he succeeds in closing Guantanamo on his own watch.¶ In other words, any plan to close Guantanamo will be very difficult politically for Obama to pull off during the remainder of his term, but it will also still probably involve kicking to the next president and his or her counterparts in the other branches of government some equally difficult decisions.¶ Advocates inside and outside the government of closing Guantanamo will be emphasizing in coming months that the second-term Obama is willing to take upon himself political accountability for transfer or release decisions, and that Obama does not want to leave this issue for the next president. Especially with so much to do in so little time, that’s probably impossible.

#### The plan takes Obama off-message --- it undermines his constant pressure on the GOP --- that’s key to resolving the debt ceiling

Milbank 9/27/13 – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

#### Debt ceiling collapses the global economy --- fast timeframe and no resiliency

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Economic collapse causes global nuclear war

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism**.**

#### Global economic crisis causes war---strong statistical support

* Causes power redistributions that are prone to miscalculation
* Decreases trade’s dampening effect on conflict
* Causes conflict self-reinforcement
* Diversionary theory

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow.¶ First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown.¶ Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4¶ Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write:¶ The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89)¶ Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions.¶ Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.¶ In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.¶ This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

**Nuke war threat is real and o/w structural and invisible violence---their expansion of structural violence to an all-pervasive omnipresence makes preventing war impossible**

Ken **Boulding 78** is professor of economics and director, Center for Research on Conflict Resolution, University of Michigan, “Future Directions in Conflict and Peace Studies,” The Journal of Conflict Resolution, Vol. 22, No. 2 (Jun., 1978), pp. 342-354

Galtung is very legitimately interested in problems of world poverty and the failure of development of the really poor. He tried to amalga- mate this interest with the peace research interest in the more narrow sense. Unfortunately, he did this by downgrading the study of inter- national peace, labeling it "negative peace" (it should really have been labeled "negative war") and then developing the concept of "structural violence," which initially meant all those social structures and histories which produced an expectation of life less than that of the richest and longest-lived societies. He argued by analogy that if people died before the age, say, of 70 from avoidable causes, that this was a death in "war"' which could only be remedied by something called "positive peace." Unfortunately, the concept of structural violence was broadened, in the word of one slightly unfriendly critic, to include anything that Galtung did not like. Another factor in this situation was the feeling, certainly in the 1960s and early 1970s, that nuclear deterrence was actually succeeding as deterrence and that the problem of nuclear war had receded into the background. This it seems to me is a most danger- ous illusion and diverted conflict and peace research for ten years or more away from problems of disarmament and stable peace toward a grand, vague study of world developments, for which most of the peace researchers are not particularly well qualified. To my mind, at least, the quality of the research has suffered severely as a result.' The complex nature of the split within the peace research community is reflected in two international peace research organizations. The official one, the International Peace Research Association (IPRA), tends to be dominated by Europeans somewhat to the political left, is rather, hostile to the United States and to the multinational cor- porations, sympathetic to the New International Economic Order and thinks of itself as being interested in justice rather than in peace. The Peace Science Society (International), which used to be called the Peace Research Society (International), is mainly the creation of Walter Isard of the University of Pennsylvania. It conducts meetings all around the world and represents a more peace-oriented, quantitative, science- based enterprise, without much interest in ideology. COPRED, while officially the North American representative of IPRA, has very little active connection with it and contains within itself the same ideological split which, divides the peace research community in general. It has, however, been able to hold together and at least promote a certain amount of interaction between the two points of view. Again representing the "scientific" rather than the "ideological" point of view, we have SIPRI, the Stockholm International Peace Research Institute, very generously (by the usual peace research stand- ards) financed by the Swedish government, which has performed an enormously useful service in the collection and publishing of data on such things as the war industry, technological developments, arma- ments, and the arms trade. The Institute is very largely the creation of Alva Myrdal. In spite of the remarkable work which it has done, how- ever, her last book on disarmament (1976) is almost a cry of despair over the folly and hypocrisy of international policies, the overwhelming power of the military, and the inability of mere information, however good, go change the course of events as we head toward ultimate ca- tastrophe. I do not wholly share her pessimism, but it is hard not to be a little disappointed with the results of this first generation of the peace research movement. Myrdal called attention very dramatically to the appalling danger in which Europe stands, as the major battleground between Europe, the United States, and the Soviet Union if war ever should break out. It may perhaps be a subconscious recognition-and psychological denial-of the sword of Damocles hanging over Europe that has made the European peace research movement retreat from the realities of the international system into what I must unkindly describe as fantasies of justice. But the American peace research community, likewise, has retreated into a somewhat niggling scientism, with sophisticated meth- odologies and not very many new ideas. I must confess that when I first became involved with the peace research enterprise 25 years ago I had hopes that it might produce some- thing like the Keynesian revolution in economics, which was the result of some rather simple ideas that had never really been thought out clearly before (though they had been anticipated by Malthus and others), coupled with a substantial improvement in the information system with the development of national income statistics which rein- forced this new theoretical framework. As a result, we have had in a single generation a very massive change in what might be called the "conventional wisdom" of economic policy, and even though this conventional wisdom is not wholly wise, there is a world of difference between Herbert Hoover and his total failure to deal with the Great Depression, simply because of everybody's ignorance, and the moder- ately skillful handling of the depression which followed the change in oil prices in 1-974, which, compared with the period 1929 to 1932, was little more than a bad cold compared with a galloping pneumonia. In the international system, however, there has been only glacial change in the conventional wisdom. There has been some improvement. Kissinger was an improvement on John Foster Dulles. We have had the beginnings of detente, and at least the possibility on the horizon of stable peace between the United States and the Soviet Union, indeed in the whole temperate zone-even though the tropics still remain uneasy and beset with arms races, wars, and revolutions which we cannot really afford. Nor can we pretend that peace around the temper- ate zone is stable enough so that we do not have to worry about it. The qualitative arms race goes on and could easily take us over the cliff. The record of peace research in the last generation, therefore, is one of very partial success. It has created a discipline and that is something of long-run consequence, most certainly for the good. It has made very little dent on the conventional wisdom of the policy makers anywhere in the world. It has not been able to prevent an arms race, any more, I suppose we might say, than the Keynesian economics has been able to prevent inflation. But whereas inflation is an inconvenience, the arms race may well be another catastrophe. Where, then, do we go from here? Can we see new horizons for peace and conflict research to get it out of the doldrums in which it has been now for almost ten years? The challenge is surely great enough. It still remains true that war, the breakdown of Galtung's "negative peace," remains the greatest clear and present danger to the human race, a danger to human survival far greater than poverty, or injustice, or oppression, desirable and necessary as it is to eliminate these things. Up to the present generation, war has been a cost and an inconven- ience to the human race, but it has rarely been fatal to the process of evolutionary development as a whole. It has probably not absorbed more than 5% of human time, effort, and resources. Even in the twenti- eth century, with its two world wars and innumerable smaller ones, it has probably not acounted for more than 5% of deaths, though of course a larger proportion of premature deaths. Now, however, ad- vancing technology is creating a situation where in the first place we are developing a single world system that does not have the redundancy of the many isolated systems of the past and in which therefore if any- thing goes wrong everything goes wrong. The Mayan civilization could collapse in 900 A.D., and collapse almost irretrievably without Europe or China even being aware of the fact. When we had a number of iso- lated systems, the catastrophe in one was ultimately recoverable by migration from the surviving systems. The one-world system, therefore, which science, transportation, and communication are rapidly giving us, is inherently more precarious than the many-world system of the past. It is all the more important, therefore, to make it internally robust and capable only of recoverable catastrophes. The necessity for stable peace, therefore, increases with every improvement in technology, either of war or of peacex

### 1NC

#### The plan results in catastrophic terrorism---releases vital leaders and kills intelligence gathering

Jack Goldsmith 09, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

#### Detention without trial is crucial to incapacitate high value terrorists

Jack Goldsmith 10, Henry L. Shattuck Professor at Harvard Law School, 10/8/10, “Don’t Try Terrorists, Lock Them Up,” http://www.nytimes.com/2010/10/09/opinion/09goldsmith.html

The real lesson of the ruling, however, is that prosecution in either criminal court or a tribunal is the wrong approach. The administration should instead embrace what has been the main mechanism for terrorist incapacitation since 9/11: military detention without charge or trial.¶ Military detention was once legally controversial but now is not. District and appellate judges have repeatedly ruled — most recently on Thursday — that Congress, in its September 2001 authorization of force, empowered the president to detain members of Al Qaeda, the Taliban and associated forces until the end of the military conflict.¶ Because the enemy in this indefinite war wears no uniform, courts have rightly insisted on high legal and evidentiary standards — much higher than what the Geneva Conventions require — to justify detention. And many detainees in cases that did not meet these standards have been released.¶ Still, while it is more difficult than ever to keep someone like Mr. Ghailani in military detention, it is far easier to detain him than to convict him in a civilian trial or a military commission. Military detention proceedings have relatively forgiving evidence rules and aren’t constrained by constitutional trial rules like the right to a jury and to confront witnesses. There is little doubt that Mr. Ghailani could be held in military detention until the conflict with Al Qaeda ends.¶ Why, then, does the Obama administration seek to prosecute him in federal court? One answer might be that trials permit punishment, including the death penalty. But the Justice Department is not seeking the death penalty against Mr. Ghailani. Another answer is that trials “give vent to the outrage” over attacks on civilians, as Judge Kaplan has put it. This justification for the trial is diminished, however, by the passage of 12 years since the crimes were committed.¶ The final answer, and the one that largely motivates the Obama administration, is that trials are perceived to be more legitimate than detention, especially among civil libertarians and foreign allies.¶ Military commissions have secured frustratingly few convictions. The only high-profile commission trial now underway — that of Omar Khadr, a Canadian who was 15 at the time he was detained — has been delayed for months. Commissions do not work because they raise scores of unresolved legal issues like the proper rules of evidence and whether material support and conspiracy, usually the main charges, can be brought in a tribunal since they may not be law-of-war violations.¶ Civilian trials in federal court, by contrast, often do work. Hundreds of terrorism-related cases in federal court have resulted in convictions since 9/11; this week, the would-be Times Square bomber, Faisal Shahzad, was sentenced to life in prison after a guilty plea.¶ But Mr. Ghailani and his fellow detainees at Guantánamo Bay are a different matter. The Ghailani case shows why the administration has been so hesitant to pursue criminal trials for them: the demanding standards of civilian justice make it very hard to convict when the defendant contests the charges and the government must rely on classified information and evidence produced by aggressive interrogations.¶ A further problem with high-stakes terrorism trials is that the government cannot afford to let the defendant go. Attorney General Eric Holder has made clear that Khalid Shaikh Mohammed, the 9/11 plotter, would be held indefinitely in military detention even if acquitted at trial. Judge Kaplan said more or less the same about Mr. Ghailani this week. A conviction in a trial publicly guaranteed not to result in the defendant’s release will not be seen as a beacon of legitimacy.¶ The government’s reliance on detention as a backstop to trials shows that it is the foundation for incapacitating high-level terrorists in this war. The administration would save money and time, avoid political headaches and better preserve intelligence sources and methods if it simply dropped its attempts to prosecute high-level terrorists and relied exclusively on military detention instead.

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

Vladimir Z. Dvorkin ‘12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

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

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

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

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

#### Nuke terror causes extinction---equivalent to full-scale nuclear war

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

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

**Terrorism causes extinction---hard-line responses are key**

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

Several powerful trends have aligned to profoundly change the way that the world works. Technology ¶ now allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented fashion. That, coupled ¶ with the extreme difficulty of finding and punishing a stateless group, means that stateless groups are positioned to be ¶ lead players on the world stage. They may act on their own, ¶ or they may act as proxies for nation-states that wish to ¶ duck responsibility. Either way, stateless groups are forces ¶ to be reckoned with.¶ At the same time, a different set of technology trends ¶ means that small numbers of people can obtain incredibly ¶ lethal power. Now, for the first time in human history, a ¶ small group can be as lethal as the largest superpower. Such ¶ a group could execute an attack that could kill millions of ¶ people. It is technically feasible for such a group to kill billions of people, to end modern civilization—perhaps even ¶ to drive the human race to extinction. Our defense establishment was shaped over decades to ¶ address what was, for a long time, the only strategic threat ¶ our nation faced: Soviet or Chinese missiles. More recently, ¶ it has started retooling to address tactical terror attacks like ¶ those launched on the morning of 9/11, but the reform ¶ process is incomplete and inconsistent. A real defense will ¶ require rebuilding our **military and intelligence capabilities** from the ground up. Yet, so far, strategic terrorism has ¶ received relatively little attention in defense agencies, and ¶ the efforts that have been launched to combat this existential threat seem fragmented.¶ History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by **repeatedly attacking** us or hectoring **us for decades**.

**Solving the root causes of terrorism is impossible because of expansive jihadist demands---the aff’s attempt at reconciliation collapses causes global violence**

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 100-2

While different U.S. policies may be more or less important at differ- ent times, most experts agree that it is American actions (“what we do”), not American values (“who were are”) that have made the United States the target of salafist jihad. While in his ideal world Bin Laden would cer- tainly like to see the United States ditch its barbaric culture and convert to Islam, that is low on his list of concerns. As he himself has pointed out, if Al Qaeda were offended primarily by the licentiousness Western societies practice at home, it would have attacked Sweden. ¶ The problem is that while salafists might theoretically leave the United States alone if we left them alone, their concerns are vast and their hostility to liberal values is profound. Salafism is not a universalist ideology in the way that Communism was. (That is not to say its devotees do not dream of a world completely under God’s rule—they do—only that the cultural barriers preventing, say, an Argentinean from adopting the religion of Qutb are far greater than the barriers preventing him from adopting the religion of Marx.) But neither is salafism easy to avoid. Bin Laden has said the United States can escape “this ordeal” of terrorism if “it leaves the Arabian Peninsula, and stops its involvement in Palestine, and in all the Islamic world.” Unfortunately, Zawahiri, his second in command, has defined the Islamic world as stretching from “Eastern Turkestan [ Xinjiang, in western China] to Andalusia [Spain and Portugal].” Azzam has gone further, including among the territory that must be “returned to us so that Islam will reign again” sub- Saharan African countries like Chad, Eritrea, and Somalia and Asian nations like Burma and the Philippines. Salafists want to restore the caliphate that once ruled much of the Islamic world. But even at its eighth- century peak, the caliphate only stretched from In- dia to Spain. Under Al Qaeda’s more expansive definition, it seems to include every country or region once under Muslim rule. To comply with those terms, the United States would have to **retreat** virtually **to the Western Hemisphere.** ¶ Needless to say, for the United States to withdraw from a swath of territory stretching from West Africa to Southeast Asia would constitute a geostrategic revolution. American power is the guarantor of last resort for the government of Pakistan, which has nuclear weapons, a volatile border with nuclear- armed India, and salafist elements in its security services. It plays the same role in Jordan and Egypt, the lynchpins of peace between Israel and the Arab world. And, of course, America protects the Saudi monarchy, whose kingdom sits atop one quarter of the world’s proven oil reserves. As the Bush administration has rightly recognized, these relation- ships are unsustainable in their current form, and America’s long-t erm safety requires that its clients evolve in a democratic direction, even if it means they prove less compliant. But were the jihadist movement to force the United States to withdraw its military, political, or economic influence ¶ from these crucial areas—producing governments with dramatically dif- ferent orientations—**the consequences for American security, the world economy, and regional peace could be grave**. ¶ And a withdrawal from the Muslim world would not only imperil American interests, it would also imperil American values. Al Qaeda may not hate us for “who we are”—unless “who we are” obligates us to oppose what might be called “religious cleansing,” the violent purification of large swaths of the globe. After all, **if the U**nited **S**tates **withdrew from its war against salafism, salafism would still be at war**. Al Qaeda’s ultimate goal is not to expel the United States from Islamic lands; it is to establish a new caliphate that ushers in God’s rule on earth. And the many enemies of that effort—non- Muslims, apostate Muslims, liberated female Muslims, gay and lesbian Muslims—would still blemish the Islamic world, representing jahiliyyah in its myriad sinful forms. ¶ Where those enemies have no army to defend them, the result has been terror. Where they do, the result has been endless war. It is a virtual axiom of international politics that salafists will try to seize control of any local conflict—from the Philippines to Chechnya to Kashmir to Iraq—that pits Sunni Muslims against their neighbors. And the more they succeed, the less likely it is that such a conflict will end. Many Muslims, including many non-s alafist Islamists, also support Muslim insurgencies around the world. In Iraq, they may support attacks on American troops. But since they see jihad as a means to some concrete goal, political compromise is possible. Salafists, however, who see jihad as a means to usher in a messianic age, will accept no outcome that leaves Muslims under non- Muslim rule, because such a compromise threatens the path to paradise.

### 1NC

#### The Justice Department’s Office of Legal Counsel should issue a formal opinion that the President of the United States must give those who are detained indefinitely either civilian trials or release.

#### The President of the United States should comply with the opinion.

#### OLC opinions are presumptively binding and solve the case --- avoids politics

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

### 1NC

#### The United States Congress should substantially increase statutory restrictions on the war powers authority of the President of the United States by limiting his/her indefinite detention authority by only allowing preventative detention of individuals suspected of supporting, training with, awaiting instructions to undertake attacks from, or undertaking attacks on behalf of terrorist organizations plotting attacks found likely to cause mass casualties, defined as casualties numbering in the thousands or more.

#### The United States Congress should mandate the release of those indefinitely detained who do not meet the above criteria.

#### The United States Congress should ban torture.

#### The counterplan allows humane treatment to prisoners while preserving preventative detention

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

In considering the mega-terrorism suspect for preventive detention, it does seem that he is not quite so innocent as the person put in quarantine because of an infectious disease or a person whose criminal behavior is caused by severe mental disorder. Of what past wrongful actions would mega-terrorism suspects be guilty? Obviously, there must be some reasons for suspecting an individual and taking him into custody in the first place. When captured, a terrorism suspect might be guilty of any of the following: (i) supporting terrorist activities, (ii) joining and training with a terrorist organization, (iii) planning terrorist attacks, (iv) awaiting instructions for undertaking an attack (as a person in a ‘‘sleeper cell’’), (v) attempting to launch or attempting to take part in a terrorist attack, and (vi) actually launching or taking part in a terrorist attack.53¶ Any of these sorts of activities might support normal criminal prosecutions if the evidence is strong enough. When the evidence is weak, however, such activities would still support initial capture. Since these activities constitute wrongdoing, the preventive detention of mega-terrorist suspects in these circumstances would have a punitive dimension. Thus, there can be two different and distinct moral rationales for the confinement: (a) as a punishment for past wrongful actions, and (b) as a means of incapacitation to prevent future harms. Of course, these alternative rationales are not mutually exclusive. Both can support the detention of mega-terrorists. Yet, at the same time, the two rationales are somewhat in tension.¶ (1) Determination of Dangerousness or Criminal Guilt. Whether the rationale for confinement is prevention or punishment, there must be some kind of hearing or trial to determine the individual’s dangerousness or criminal guilt. Nevertheless, the standard of proof and the kinds of evidence that are appropriate may differ significantly under these two different rationales, as already suggested.¶ (2) Accommodations. In so far as confinement is preventive, accommodations for the detainee should be as comfortable as possible\*assuming that methods of incapacitation less onerous than incarceration are not possible. In so far as the confinement is punitive, the accommodations may be somewhat onerous\*without, of course, going below an acceptable minimum level of humane treatment.¶ (3) Duration. In so far as the confinement is preventive, the length of incarceration should be determined by the detainee’s continuing dangerousness. In so far as the detention is punishment, the length of incarceration should be determined by the individual’s past crimes.¶ (4) Rehabilitation. In so far as the confinement is preventive, the detainee should receive access to methods of rehabilitation, if possible. In so far as the confinement is punitive, the detainee need have only basic medical, recreational, and religious services or materials provided.¶ What the best blend of these two confinement rationales for mega-terrorist prisoners should be is difficult to say, although the preventive rationale should predominate, because the punitive aspect is presumably based on weaker evidence than would normally sustain a criminal conviction.

#### Investigative teams would prevent mistaken detention

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

One way of reducing erroneous detentions would be for the government to make available the services of independent investigative teams. As things now stand, lawyers who represent terrorism suspects receive no more help from the state than does a normal criminal-defense lawyer in the domestic criminal-justice setting. But just as the state provides counsel for indigent defendants, the state should also provide independent investigative teams for mega-terrorist detainees.50 Such teams might be made up of individuals trained in legal and forensic matters, as well as foreignlanguage translators. These teams would be tasked with doing everything necessary to gather all relevant evidence, at home and abroad. This would normally include, at the very least, traveling to the relevant countries; obtaining testimony from military personnel and civilian witnesses; interviewing friends, acquaintances, and family members of detainees; collecting affidavits and other important documents; and so forth. Of course, the evidence collected could not include secret evidence gathered by government agents from secret sources. The investigative teams would simply collect the kinds of evidence normally available in routine investigations. All the evidence so gathered would be made available to both parties in any hearing or proceeding concerning a prisoner’s indefinite detention.¶ The United States should spare no expense in fielding the necessary investigative teams. The more effort and expense the United States undertakes to ensure that the prisoners it holds truly are mega-terrorists, the more solid will be its moral position concerning their preventive detention. As a country with the ability to place military forces around the world, the United States certainly has the wherewithal, if it chooses, to dispatch investigative teams anywhere in the world.¶ The thorough development of evidence is perfectly realistic. Once the terrorist suspect is in custody, the emergency created by the threat the suspect represents is contained. Although release should be as expeditious as possible, if that is the proper disposition, the investigative teams, as well as the prosecution and defense, have time to develop the evidence fully and carefully.

#### Preventative detention is justified—it prevents the deaths of thousands

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

Mistakenly punishing an innocent person is obviously a very great harm to that individual (and, indirectly, to family, friends, and associates).33 It is often thought to clearly outweigh the harm of a guilty person getting off without punishment. The thought is that while the innocent person suffers the harm of punishment, no one suffers any harm when the system fails to punish a guilty person, although retributive justice is not served. Surely, it is argued, it is far worse for John to be falsely convicted and hanged for a murder he did not commit, than for Bill to be mistakenly set free when he really did commit a murder.¶ But should the moral priorities always be this way? Undoubtedly, there can be situations in which the priorities should be the other way around. Michael Corrado offers the following hypothetical example. Imagine a group of 10 people, six of whom will commit murder if allowed to go free; but we do not know which of the 10 they are. If we let them all go free, six innocent people will be murdered. The risk of false positives cannot be our only concern. Surely, the prospect that four innocent persons will lose their freedom must be weighed against the prospect that six other innocent persons will lose their lives.34¶ In the case of mega-terrorism, all the calculations about preventive detention shift radically. This is simply because the dangers threatened are so much greater. One mega-terrorist might easily represent the deaths of hundreds or even thousands of people. In these circumstances, mistakenly releasing a mega-terrorist would be far more serious than mistakenly detaining an innocent non-terrorist. Under the threat of mega-terrorism, it would seem that the maxim should go the other way: better that 10 innocents be detained than that one mega-terrorist go free.¶ If deterrence (both general and specific) and incapacitation are accepted as legitimate justifying elements in a theory of punishment, as I do, then the system of domestic punishment may be seen as one mechanism for society’s defense\*defense against ‘‘the enemy within.’’ 35 It is important to have some such defense mechanism; and we accept its necessity even with all its imperfections. When it comes to defense of the country in war, many other costly imperfections and mistakes are also accepted as unfortunate necessities. Besides the obvious death and wounding of soldiers, there are the casualties from‘‘friendly fire’’ and the ‘‘collateral damage’’ of innocent people being killed. Similarly, if even an imperfect and inaccurate practice of preventive detention of mega-terrorists increases the general welfare more than any alternative, then we ought to do it. In other words, if detaining mega-terrorists, including the cost of false positives, increases the general welfare more than any alternative, then that is what should be done.¶ The ‘‘use’’ of innocent individuals (intentional killing of noncombatants) is prohibited in the Just War tradition, just as the ‘‘use’’ of innocent persons in punishment (that is, intentionally punishing an innocent person when it is useful) is prohibited in the domestic context. So a similar kind of constraint on simple consequentialist calculations applies in both contexts.36 However, the risks to the state are far, far greater in the case of war than in the case of domestic crime. Where the risks are greater, we are willing to accept higher rates of mistake. A similar calculation should apply in the case of mega-terrorism. It would be one thing to mistakenly release from custody a person who will murder someone; it is quite another thing to mistakenly release a mega-terrorist who will detonate a bomb that will kill hundreds or thousands of people. However many false positives we think acceptable in the first case, the acceptable number of false positives must be much greater in the second case.37¶ The conclusion, I think, must be that problems about predicting a person’s future behavior and the inevitability of keeping some false positives in detention cannot be a conclusive objection to the preventive detention of mega-terrorists. To the contrary, if preventive detention is ever justified, the preventive detention of mega-terrorists surely is.

## Chapter 1

#### The prisoners are not bare life—there are rules that prevent true reduction

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Thus in some respects, prisoners of the "war on terror" might be understood as homo sacer. However, there are also particularities in the way the prisoners are handled that call for a critical re-evaluation of the (non) space of Guántanamo. If in the classical Foucauldian teminology sovereign power is about "taking or granting life," and biopower is about "letting live and making life," then what can be said about the power operating in Guántanamo that "forces to live" when prisoners are carefully controlled to prevent them from committing suicide. Indeed, the prisoners of Guántanamo are force fed and even given mandatory health checks so as to insure they are kept, barely, alive. Unlike the homo sacer who may be killed but not sacrificed, the prisoners in Guantánamo may not be killed or sacrificed. In fact, extensive efforts are spent to keep the prisoners at Guantánamo alive, such as the creation of operating rooms for major health emergencies as well as facilities for dentistry. The prisoners are given health treatment similar to that provided to the troops at the base.60 No doubt the display of such "health benefits" could be read as window dressing conducted by the camp administrators. However, it is important to note that there are indeed serious efforts to keep the prisoners (often barely, but nevertheless) alive. Furthermore, punishment and interro- gation are orchestrated so that the use of violence does not result in death. Extensive efforts are made to prevent the prisoners from com- mitting suicide. In other cases, hunger-striking inmates have met with brutal forced feeding.61 Thus, in a striking unclassified army document that outlines procedures in Guántanamo Bay, guards are ordered to "defend detainees as you would yourself against a hostile act or intent, death, or serious bodily harm."62 Therefore it is correct to say that what goes in Guantánamo Bay is neither "letting live" nor "taking life," but instead "making live," or even "forcing to live."¶ Agamben argues that camps are places where sovereign "power confronts nothing but pure life."63 Guantánamo Bay, declared as being beyond the reach of law, is, in fact, regulated by many petty regulations that are characteristic of disciplinary power. Reading the re- ports of the Joint Task Force and prisoner testimonies, one comes to the conclusion that there is a plethora of rules and procedures that govern the treatment of Guántanamo prisoners.64 Whereas Agamben's statement on "zones of indistinction" would lead us to think that any- thing goes in the camp, this is far from the reality of Guántanamo. Every minuscule element of the lives of Guántanamo prisoners been planned and is, for the most part, regulated by a written a code of conduct. Many foreseeable and probable occurrences that would be expected in a prison population have been forethought and written into a manual. Titled Standard Operating Procedures this 250-page manual outlines the rules, regulations, and procedures for treatment of prisoners in many probable circumstances.65 The manual outlines, for example, what to do if there is a petty riot, when and how to spray pepper spray on rioters, religious burials rituals for prisoners, and so on.66 This clearly hints that it is not just an exceptional sovereign power at work in Guántanamo, as exemplified in Rumsfeldian rhetorical salvos on "exceptional times requiring exceptional measures." In- stead, there are multiple technologies of power that are at work in the day-to-day administration of this space.67

\

#### Numerous cultural and historical factors have gone into Guantanamo—that means the aff can’t solve broader violence and there is no broader impact

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Sovereign decisions are always already informed by historical and cultural understandings as to who counts as a member of the "good species." The "good species," "the inside," and the body politic have been constructed by colonial discourse. As Roxanne Doty has pointed out, colonial discourse has had a vital role in the construction of Western nations. She further points out that race, religion, and other marks of difference have played an important role in national classification.94 The treatment of faraway people as inferior and exotic has played an important role in nation building in its classic sense. Therefore, who counts as a citizen, a "legitimate" member of a "legitimate" nation, is the product and effect of centuries of interaction of the West with its others. Understood in this sense, sovereign decisions (whether made at the top or bottom level) are informed and shaped by a cultural and colonial history. This is neglected in Agamben's grand analysis of Western politics. Therefore, sovereign power needs the classification, hierarchization, and othering provided by a regime of truth in order to conduct its violent power. Only certain types of people could be rendered as bare life and thrown into a zone of indistinction. Understood this way, it is easier to comprehend the "smooth" production of homines sacri out of Middle Eastern subjects.¶ In the early stages of the war in Afghanistan, as Michael Ratner and Ellen Ray point out, tens of thousands of people were collected by the Northern Alliance.95 Among the collected were ordinary foreign aid workers, refugees, and probable fighters of the Taliban regime. They were sold from $50 to $5,000 per head to Coalition Forces.96 Even though there was no real investigation based on tangible and concrete evidence, some these captives were flown to Guantánamo. As Fox points out, if the prisoners were wearing a Casio brand watch, this meant an higher prize in the eyes of the interrogators, as it signaled that the prisoner was a probable AI Qaeda bombmaker.97 The small difference between wearing a Casio watch in some parts of the world, as opposed to others, is at the ground level what makes it possible for a body to be become a homo sacer. They can then be flown off to an unknown place to face an unknown future that get read and interpreted by petty sovereigns. Such differences in- form the decisions that render bodies as homo sacer, which are thrown into a zone of indistinction. In the modern age, no doubt, Agamben would argue that even the body of a soccer mom - an obedient national flag-waving subject - has entered into political and strategic calculations. However, the soccer mom is not exposed to the violence of homo sacer. Regimes of truth and disciplines produce hierarchically ordered subject positions, and this is an aspect of biopower. The theoretical priority that Agamben gives to sovereign power is reversed when it is shown that biopower makes it possible for the petty agents of the state to conduct sovereign violence. Sovereign power is informed and shaped by biopower.

#### Value to life is subjective --- life is a prerequisite

Lisa Schwartz 2, Chair at the Centre for Health Economics and Policy Analysis,

“Medical Ethic: A Case Based Approach” Chapter 6, www.fleshandbones.com/readingroom/pdf/399.pdf

The second assertion made by supporters of the quality of life as a criterion for decisionmaking is closely related to the first, but with an added dimension. This assertion suggests that the determination of the value of the quality of a given life is a subjective determination to be made by the person experiencing that life. The important addition here is that the decision is a personal one that, ideally, ought not to be made externally by another person but internally by the individual involved. Katherine Lewis made this decision for herself based on a comparison between two stages of her life. So did James Brady. Without this element, decisions based on quality of life criteria lack salient information and the patients concerned cannot give informed consent. Patients must be given the opportunity to decide for themselves whether they think their lives are worth living or not. To ignore or overlook patients’ judgement in this matter is to violate their autonomy and their freedom to decide for themselves on the basis of relevant information about their future, and comparative consideration of their past. As the deontological position puts it so well, to do so is to violate the imperative that we must treat persons as rational and as ends in themselves.

#### Aff is insufficient to break down overall patriarchial militarism

Fukuyama, prof of IR, 98**—**Professor of International Political Economy and Director of the International Development Program at Johns Hopkins. BA in classics from Cornell. PhD in government from Harvard (Francis, “Women and the Evolution of World Politics,” September 1998, http://www.evoyage.com/Evolutionary%20Feminism/ForAffairWomen&Evolution.htm)

It is clear that this violence was largely perpetrated by men. While small minorities of human societies have been matrilineal, evidence of a primordial matriarchy in which women dominated men, or were even relatively equal to men, has been hard to find. There was no age of innocence. The line from chimp to modern man is continuous.

It would seem, then, that there is something to the contention of many feminists that phenomena like aggression, violence, war, and intense competition for dominance in a status hierarchy are more closely associated with men than women. Theories of international relations like realism that see international politics as a remorseless struggle for power are in fact what feminist call a gendered perspective, describing the behavior of states controlled by men rather than states per se. A world run by women would follow different rules, it would appear, and it is toward that sort of world that all postindustrial or Western societies are moving. As women gain power in these countries, the latter should become less aggressive, adventurous, competitive and violent.

The problem with the feminist view is that is sees these attitudes toward violence, power, status as wholly the products of a patriarchal culture, whereas in fact it appears they are rooted in biology. This makes these attitudes harder to change in men and consequently in societies. Despite the rise of women, men will continue to play a major, if not dominant, part in the governance of postindustrial countries, not to mention less-developed ones. The realms of war and international politics in particular will remain controlled by men for longer than many feminists would like. Most important, the task of resocializing men to be more like women - that is, less violent - will run into limits. What is bred in the bone cannot be altered easily by changes in culture and ideology.

#### Gender isn’t the root cause of militarism

Goldstein, IR prof, 1—Professor of International Relations at American University, 2001 (Joshua S., War and Gender: How Gender Shapes the War System and Vice Versa, pp.411-412)

I began this book hoping to contribute in some way to a deeper understanding of war – an understanding that would improve the chances of someday achieving real peace, by deleting war from our human repertoire. In following the thread of gender running through war, I found the deeper understanding I had hoped for – a multidisciplinary and multilevel engagement with the subject. Yet I became somewhat more pessimistic about how quickly or easily war may end. The war system emerges, from the evidence in this book, as relatively ubiquitous and robust. Efforts to change this system must overcome several dilemmas mentioned in this book. First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

**Global war does not result from a Western desire for control---it results from lack of clearly defined strategic imperatives---the aff is necessary to reclaim the political**

David **Chandler 9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

Western governments appear to portray some of the distinctive characteristics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today. ¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). For its radical critics, the abstract, global discourse merely reveals the global intent of the hegemonizing designs of biopower or neoliberal empire, as critiques of liberal projections of power are ‘scaled up’ from the international to the global.¶ Radical critics working within a broadly Foucauldian problematic have no problem grounding global war in the needs of neoliberal or biopolitical governance or US hegemonic designs. These critics have produced numerous frameworks, which seek to assert that global war is somehow inevitable, based on their view of the needs of late capitalism, late modernity, neoliberalism or biopolitical frameworks of rule or domination. From the declarations of global war and practices of military intervention, rationality, instrumentality and strategic interests are read in a variety of ways (Chandler, 2007). Global war is taken very much on its own terms, with the declarations of Western governments explaining and giving power to radical abstract theories of the global power and regulatory might of the new global order of domination, hegemony or empire¶ The alternative reading of ‘global war’ rendered here seeks to clarify that the declarations of global war are a sign of the lack of political stakes and strategic structuring of the international sphere rather than frameworks for asserting global domination. We increasingly see Western diplomatic and military interventions presented as justified on the basis of value-based declarations, rather than in traditional terms of interest-based outcomes. This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq. ¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the security threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own meaning through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. The mainstream critical approaches to global wars, with their heavy reliance on recycling the work of Foucault, Schmitt and Agamben, appear to invert this reality, portraying the use of military firepower and the implosion of international law as a product of the high stakes involved in global struggle, rather than the lack of clear contestation involving the strategic accommodation of diverse powers and interests.

## Chapter 2

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

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

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

**Ethical policymaking requires calculation of consequences**

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse,)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

#### Their Scheper-Hughes impact ev is wrong---everyday violence doesn’t cause war and genocide because of significant differences in the degree of intentionality---and expansively defining every form of structural violence as contributing to genocide makes effective responses impossible

Bradby & Hundt 10 – Hannah Bradby, Co-Director of the Institute of Health at the University of Warwick, Lecturer in Sociology at Warwick Medical School, and Gillian Lewando Hundt, Professor of Social Sciences in Health at the University of Warwick, 2010, “Introduction,” in Global perspectives on war, gender and health: the sociology and anthropology of suffering, p. 5-6

Far from being a uniquely horrific activity Scheper-Hughes (2002) views genocide as an extension of the dehumanising processes identifiable in many daily interactions. Drawing on analysis of the holocaust as the outcome of the general features of modernity, Scheper-Hughes posits a ‘genocidal continuum’ that connects daily, routine suffering and concomitant insults to a person’s humanity with genocide (Scheper-Hughes 2002: 371). The institutional ‘destruction of personhood’, as seen in the withdrawal of humane empathy from the poor or the elderly, creates the conditions which eventually make genocide possible.

The argument that conditions of modernity including western rational legal metaphysics facilitate genocide has been criticised as too unifying and as conferring ‘super-eminence’ on the holocaust (Rose 1996: 11). The holocaust has become a crucial emblem through which we have sought to understand subsequent violence, wars and genocides. But the centrality of the holocaust in developing European thinking around conflict and suffering has made the resultant theoretical perspectives difficult to apply in non-European settings and in instances where conflict is less focussed around a clash of ideology. While the scale of the death toll of the holocaust should continue to shock, as should the organised nature of the attempted destruction of Jews, Roma, Gays and the disabled, there is very little to be gained in comparing scales or forms of suffering. It should be possible to use the study of the holocaust to inform understanding of other genocides in the context of other wars, to interrogate the link between war and suffering and to think through gendered perspectives without essentialising gender or making it the only explanatory variable.

This collection does not primarily seek to add to the discussion of the role of the holocaust in theories of human suffering. Our chapters are, however, an unfortunate witness to the fact that despite contemporary hopes and the scale of combatant and non-combatants deaths, the two World Wars were not the wars to end all wars. Rather wars, and their associated suffering, have been ongoing ever since, both in Europe and beyond.

War and Medicine

While structural approaches can problematise a division between intentional and unintentional suffering, intentionality is nonetheless crucial to the contradictory relationship that war and medicine have with suffering. War is an organised conflict between two military groups and armed conflict is bound to be accompanied by suffering. Although ‘rules of engagement’ and the rhetoric of ‘targeted interventions’ deploying ‘surgical strikes’ suggest that ‘unnecessary’ blood shed can be avoided, war entails suffering, even if this is restricted to combatants. A limited, or targeted war is an oxymoron since war tends to be found in company with the other horsemen of the apocalypse, that is, pestilence, famine and death. Moreover, while the effect of war on soldiers is closely monitored by both sides, the disproportionate way in which the apocalyptic horsemen affect non-combatants and particularly those who are already disempowered such as women, the old and the young, has been less subject to scrutiny.

# 2NC

## War on Terror DA

### Overview

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

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

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

**AT: “Too Dangerous to Be Tried”**

#### Plan prevents the broad powers needed to combat terrorism

Eric Posner 09, professor at the University of Chicago Law School, “Destructive technologies require us to re-assess civil liberties,” http://www.bostonreview.net/eric-posner-keeping-us-safe-destructive-technologies-require-us-to-reassess-civil-liberties

As highly destructive weapons become cheaper, smaller, and more transportable, they pose a greater risk to the lives of innocent people. Not only terrorist organizations like al Qaeda, but also states and ordinary criminal gangs can exploit these advances in weapons technology. Meanwhile, governments and private firms strive to develop defensive technologies that adequately counter the new weapons. These technological developments have produced improved surveillance techniques, screening machines, encryption and decryption devices, drones and other robot craft, vaccines, data mining algorithms, hazardous substance detectors, and much else. Unfortunately, technology still favors offense over defense, putting civilians at greater risk from small groups than at any time in recent memory.¶ The difference between the general problem posed by the offensive capabilities of modern technology and the particular problem posed by al Qaeda was not lost on the U.S. government after 9/11. The executive branch sought broad powers to address any terrorist threat, not just al Qaeda, and it has exploited the search and surveillance powers obtained in the Patriot Act and later legislation against many actors.¶ Inherent in the functioning of these powers is a degree of restriction of civil liberties. Critics see the restrictions as excessive, but the rationale for Bush administration’s approach is straightforward. The standard package of civil liberties in the United States—including the right to a trial and other elements of criminal procedure and protections against surveillance and searches—makes sense in a society in which the police can provide adequate protection from criminal threats. But, to an extent that is rarely appreciated, this legal regime is contingent on a balance of offensive and defensive technologies. 9/11 made clear that the balance has shifted.¶ Once we understand that the civil liberties a society enjoys reflect a tradeoff between security (including protection from criminality as well as external military threats) and the benefits of freedom, and, further, that security at any point will reflect technological changes that are largely outside of that society’s control, we ought to appreciate the Bush administration’s impulse to restrict civil liberties after 9/11. The problem to which the Bush administration and Congress responded with laws like the Patriot Act was not so much the threat of al Qaeda itself, but the vulnerability of the United States to destructive weapons in the hands of anyone with hostile intent.¶ Cole’s proposal to expand powers of preventive detention against members of al Qaeda, while reasonable within the narrow scope of his agenda, fails to come to terms with the overall problem that 9/11 demands we recognize. What is to be done when the executive branch learns of an organization or even individual who it suspects has obtained, or is likely to obtain, weapons of mass destruction, but can’t convict of a crime? The executive can’t very well ask Congress to declare war against every new shadowy, but potentially harmless, institution or individual who briefly emerges into the light. And yet the implication of Cole’s approach is exactly that: no preventive detention regime to address a new threat until congressional authorization has been obtained.¶ I suspect that in the next years, even under a more liberal administration, Bush-era restrictions on civil liberties will be retained, at least to some extent. And they will be extended if new attacks occur. It is only a matter of time before a general preventive detention system, not limited to members of al Qaeda and associated groups, will be added to the criminal justice repertoire.¶ Cole’s preference for a preventive detention scheme that lurches into operation only after Congress declares war on a particular group rests on worries about executive overreaching. This approach, though well-grounded in history, is in tension with rule-of-law ideals, which promote generally applicable laws rather than laws retroactively aimed at particular individuals or groups. Under Cole’s approach, Congress will have to respond to new threats by declaring war against more and more groups and associations until Cole’s limited preventive detention scheme has general applicability. Indeed, it seems likely that, even in the absence of further declarations of war, courts would be willing to apply Cole’s scheme to any dangerous organization with a connection to radical Muslims, with al Qaeda playing just a symbolic role. Secular terrorists, and terrorists associated with other religions, would get a pass for the time being.¶ A general preventive detention law puts everyone on notice that certain activities will raise suspicions of criminal or military dangerousness, and would thus be more consistent with the rule-of-law values that Cole seeks to uphold.

#### Forcing trials means the US loses the cases---emboldens terrorists

Jack Goldsmith 06, a law professor at Harvard, and Eric A. Posner, a law professor at the University of Chicago, 8/4/06, “A Better Way on Detainees,” http://www.washingtonpost.com/wp-dyn/content/article/2006/08/03/AR2006080301257.html

Everyone involved in the contentious negotiations between the White House and Congress over the proper form for military commissions seems to agree on at least one thing: that al-Qaeda and Taliban terrorists ought to be prosecuted. We think this assumption is wrong: Terrorist trials are both unnecessary and unwise.¶ The United States holds more than 400 terrorism suspects at Guantanamo Bay, and 500 or so more at Bagram air base in Afghanistan. Five years after the Sept. 11 attacks, it has announced plans for military trials for only 10 of these detainees. The 10 do not include the al-Qaeda leaders in U.S. custody or the numerous small fry who served as foot soldiers for al-Qaeda or the Taliban. They are, at best, medium-fry terrorists.¶ Why only 10? Because it is difficult to try terrorists in this war. For most detainees, the government lacks evidence of overt crimes such as murder. It can prosecute these detainees only for the vague and problematic crime of conspiracy to commit a terrorist act based on membership in and training with al-Qaeda or the Taliban. Beyond this problem, witnesses are scattered around the globe, and much of the evidence is in a foreign language, or classified, or hearsay -- in many cases all of these things.¶ Even if these obstacles are overcome, the prosecution of Zacarias Moussaoui shows that trials of political enemies are more difficult, more time-consuming and, in the end, more circuslike than an ordinary criminal trial. The defendant or his lawyers will use a trial not to contest guilt but rather to rally followers and demoralize foes.¶ These are some of the reasons the Bush administration sought to use military commissions with fewer procedural protections than ordinary trials. But commissions have proved politically and legally difficult to implement. Even if they can be made to work, skeptics will still regard them as kangaroo courts.¶ There is a better and easier way to deal with captured terrorists. The Supreme Court has made clear that the conflicts with al-Qaeda and the Taliban are governed by the laws of war, and the laws of war permit detention of enemy soldiers without charge or trial until hostilities end. The purpose of wartime detention is not to punish but to prevent soldiers from returning to the battlefield. A legitimate wartime detainee is dangerous, like a violent mental patient subject to civil confinement, and that is reason enough to hold him. This has been the legal justification for terrorist detentions to date, and it will almost certainly be the basis for future detentions.¶ The main concern with military detentions is that the war will last a long time, perhaps indefinitely. If so, detention could mean a life sentence. We don't yet know whether this concern is warranted. But there are several ways to assure Americans and the world that the system is as fair and humane as circumstances permit.¶ Congress should require a rigorous process for determining the status of enemy combatants that includes some form of representation for the detainee. It should establish periodic review, perhaps yearly, to determine whether the detainee remains dangerous and thus warrants continued detention. It should insist that detainees live in genuinely humane conditions appropriate for very long-term detention. And it should urge the president to endeavor to transfer detainees to their home countries when feasible, and with appropriate human rights guarantees.¶ The executive branch has already introduced many elements of this system. With congressional blessing and amplification, the system will appear more legitimate and will better withstand judicial and public scrutiny.¶ Such a system will not assuage the complaints of those, especially our allies, who reject the military model for terrorism and abhor long-term detention without trial. But Congress and the president have consistently endorsed the military model since Sept. 11. And our allies have not proposed a better system than military detention that both ensures American security and respects human rights. Politicized trials would do little more to address these concerns of our allies, and we have no feasible alternative to military detention for most terrorists in custody.

#### Weak detention responses emboldens terrorists

Andrew McCarthy 09, Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies. From 1985 through 2003, he was a federal prosecutor at the U.S. Attorney’s Office for the Southern District of New York, and was the lead prosecutor in the seditious conspiracy trial against Sheikh Omar Abdel Rahman and eleven others, described subsequently. AND Alykhan Velshi, a staff attorney at the Center for Law & Counterterrorism, where he focuses on the international law of armed conflict and the use of force, 8/20/09, “Outsourcing American Law,” AEI Working Paper, http://www.aei.org/files/2009/08/20/20090820-Chapter6.pdf

3. Terrorism prosecutions create the conditions for more terrorism. The treatment of a national security problem as a criminal justice issue has consequences that imperil Americans. To begin with, there are the obvious numerical and motivational results. As noted above, the justice system is simply incapable, given its finite resources, of meaningfully countering the threat posed by international terrorism. Of equal salience, prosecution in the justice system actually increases the threat because of what it conveys to our enemies. Nothing galvanizes an opposition, nothing spurs its recruiting, like the combination of successful attacks and a conceit that the adversary will react weakly. (Hence, bin Laden’s well-known allusion to people’s instinctive attraction to the “strong horse” rather than the “weak horse,” and his frequent citation to the U.S. military pullout from Lebanon after Hezbollah’s 1983 attack on the marine barracks, and from Somalia after the 1993 “Black Hawk Down” incident). For militants willing to immolate themselves in suicide-bombing and hijacking operations, mere prosecution is a provocatively weak response. Put succinctly, where they are the sole or principal response to terrorism, trials in the criminal justice system inevitably cause more terrorism: they leave too many militants in place and they encourage the notion that the nation may be attacked with relative impunity.

### XT Yes Terrorism

#### Risk of nuclear terrorism is real and high now

Bunn 13 10/2/13 et al. [Matthew Bunn, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

**High risk of nuke terror---there’s motivation and capability**

Kenneth C. **Brill 12**, is a former U.S. ambassador to the I.A.E.A. Kenneth N. Luongo is president of the Partnership for Global Security. Both are members of the Fissile Material Working Group, a nonpartisan nongovernmental organization. Nuclear Terrorism: A Clear Danger, www.nytimes.com/2012/03/16/opinion/nuclear-terrorism-a-clear-danger.html?\_r=0

Terrorists exploit gaps in security. The current global regime for protecting the nuclear materials that terrorists desire for their ultimate weapon is far from seamless. It is based largely on **unaccountable**, voluntary arrangements that are **inconsistent** across borders. Its weak links make it **dangerous and inadequate to prevent nuclear terrorism.**¶ Later this month in Seoul, the more than 50 world leaders who will gather for the second Nuclear Security Summit need to seize the opportunity to start developing an accountable regime to prevent nuclear terrorism.¶ There is a **consensus** among international leaders that the threat of nuclear terrorism is real, not a Hollywood confection. President Obama, the leaders of 46 other nations, the heads of the International Atomic Energy Agency and the United Nations, and numerous experts have called nuclear terrorism one of the most serious threats to global security and stability. It is also **preventable with more aggressive action**.¶ At least four terrorist groups, including Al Qaeda, have demonstrated interest in using a nuclear device. These groups operate in or near states with histories of questionable nuclear security practices. Terrorists do not need to steal a nuclear weapon. It is quite possible to make an improvised nuclear device from highly enriched uranium or plutonium being used for civilian purposes. And there is a black market in such material. There have been 18 confirmed thefts or loss of weapons-usable nuclear material. In 2011, the Moldovan police broke up part of a smuggling ring attempting to sell highly enriched uranium; one member is thought to remain at large with a kilogram of this material.

**Most qualified evidence says an attack’s feasible**

**JTA 11**, US-Russia Joint Threat Assessment, The U.S.-Russia Joint Threat Assessment on Nuclear Terrorism is a collaborative project of Harvard University’s Belfer Center for Science and International Affairs and the U.S.A. and Canada Studies Institute of the Russian Academy of Sciences, http://belfercenter.ksg.harvard.edu/files/Joint-Threat-Assessment%20ENG%2027%20May%202011.pdf

ABOUT THE U.S.-RUSSIA JOINT THREAT ASSESSMENT ON NUCLEAR TERRORISM - led by Rolf Mowatt-Larssen and Pavel Zolotarev. Authors: • Matthew Bunn. Associate Professor of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior fellow at the U.S.A and Canada Studies Institute of the Russian Academy of Sciences, chief of department at the General Staff of the Russian Armed Forces, 1995–2000. • Rolf Mowatt-Larssen. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs, director of Intelligence and Counterintelligence at the U.S. Department of Energy, 2005–2008. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer, 1993–2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration, 2006–2009. • Colonel General Viktor I. Yesin (retired Russian Armed Forces). Senior fellow at the U.S.A and Canada Studies Institute of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces, 1994–1996. • Major General Pavel S. Zolotarev (retired Russian Armed Forces). Deputy director of the U.S.A and Canada Studies Institute of the Russian Academy of Sciences and head of the Information and Analysis Center of the Russian Ministry of Defense, 1993–1997, deputy chief of staff of the Defense Council of Russia, 1997–1998. Contributor: • Vladimir Lukov, director general of autonomous non-profit organization “Counter-Terrorism Center.”

The expert community distinguishes pathways terrorists might take to the bomb (discussed in detail in the next section of the report). One is the use of a nuclear weapon that has been either stolen or bought on the black market. The probability of such a development is very low, given the high levels of physical security (guards, barriers, and the like) and technical security (electronic locks and related measures) of modern nuclear warheads. But we cannot entirely rule out such a scenario, especially if we recall the political instability in Pakistan, where the situation could conceivably develop in a way that would increase the chance that terrorist groups might gain access to a Pakistani nuclear weapon A second pathway is the use of an improvised nuclear device built either by terrorists or by nuclear specialists that the terrorists have secretly recruited, with use of weapons-usable fissile material either stolen or bought on the black market.1 The probability of such an attack is higher than using stolen nuclear warheads, because the acceleration of technological progress and globalization of information space make nuclear weapons technologies more accessible while the existence of the nuclear black market eases access of terrorists to weapons-usable fissile materials. A third pathway is the use of an explosive nuclear device built by terrorists or their accomplices with fissile material that they produced themselves—either highly enriched uranium (HEU) they managed to enrich, or plutonium they managed to produce and reprocess. Al-Qaeda and associated groups appear to have decided that enriching uranium lies well beyond the capabilities that they would realistically be able to develop. A fourth pathway is that terrorists might receive a nuclear bomb or the materials needed to make one from a state. North Korea, for example, has been willing to sell its missile technology to many countries, and transferred its plutonium production reactor technology to Syria, suffering few consequences as a result. Transferring the means to make a nuclear bomb to a terrorist group, however, would be a dramatically different act, for the terrorists might use that capability in a way that could provoke retaliation that would result in the destruction of the regime. A far more worrisome transfer of capability from state to group could occur without the witting cooperation of the regime. A future A.Q. Khan-type rogue nuclear supplier network operating out of North Korea or out of a future nuclear-armed Iran could potentially transfer such a capability to a surrogate group and/or sell it for profit to the highest bidder. Global trends make nuclear terrorism a real threat. Although the international community has recognized the dangers of nuclear terrorism, it has yet to develop a comprehensive strategy to lower the risks of nuclear terrorism. Major barriers include complacency about the threat and the adequacy of existing nuclear security measures; secrecy that makes it difficult for states to share information and to cooperate; political disputes; competing priorities; lack of funds and technical expertise in some countries; bureaucratic obstacles; and the sheer difficulty of preventing a potentially small, hard-to-detect team of terrorists from acquiring a small, hard-to-detect chunk of nuclear material with which to manufacture a crude bomb. These barriers must not be allowed to stand in the way of the panhuman universal priority of preventing this grave threat from materializing. If current approaches toward eliminating the threat are not replaced with a sense of urgency and resolve, **the question will become not if, but when, where, and on what scale the first act of nuclear terrorism occurs**.

### XT K Defense of Terrorism

#### Evaluate the specific scenarios our evidence outlines---their critiques are too reductive

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

One of the tensions within CTS concerns the issue of ‘policy relevance’. At the most basic level, **there are some sweeping generalizations made by CTS scholars, often with little evidence**. For example, Jackson (2007c) describes ‘the core terrorism scholars’ (without explicitly saying who he is referring to) as ‘intimately connected – institutionally, financially, politically, and ideologically – with a state hegemonic project’ (p. 245). **Without giving any details of who these ‘core’ scholars are, where they are, what they do, and exactly who funds them, his arguments are tantamount to conjecture at best. We do not deny that governments fund terrorism research and terrorism researchers, and that this can influence the direction** (and even the findings) of the research. But **we are suspicious of over-generalizations of this count on two grounds: (1) accepting government funding or information does not necessarily obviate one’s independent scholarly judgment in a particular project; and (2) having policy relevance is not always a sin**. On the first point, we are in agreement with some CTS scholars. Gunning provides a sensitive analysis of this problem, and calls on CTS advocates to come to terms with how they can engage policy-makers without losing their critical distance. He recognizes that CTS can (and should) aim to be policy-relevant, but perhaps to a different audience, including non-governmental organizations (NGOs), civil society than just governments and security services. In other words, CTS aims to whisper into the ear of the prince, but it is just a different prince.

Gunning (2007a) also argues that **research should be assessed on its own merits, for ‘just because a piece of research comes from RAND does not invalidate it; conversely, a “critical” study is not inherently good’** (p. 240). We agree entirely with this. Not all sponsored or contract research is made to ‘toe a party line’, and **much of the work coming out of** official **government agencies** or affiliated government agencies **has little agenda and can be** analytically **useful. The task of the scholar is to retain one’s sense of critical judgment and integrity, and we believe that there is no prima facie reason to assume that this cannot be done in sponsored research projects**. What matters here are the details of the research – what is the purpose of the work, how will it be done, how might the work be used in policy – and for these questions the scholar must be self-critical and insistent on their intellectual autonomy. The scholar must also be mindful of the responsibility they bear for shaping a government’s response to the problem of terrorism. **Nothing – not the source of the funding, purpose of the research or prior empirical or theoretical commitment – obviates the need of the scholar to consider his or her own conscience carefully when engaging in work with any external actor. But simply engaging with governments on discrete projects does not make one an ‘embedded expert’ nor does it imply sanction to their actions**. But we also believe that the **study of political violence lends itself to policy relevance and** that **those who seek to produce research that might help policy-makers reduce the rates of terrorist attack are committing no sin**, provided that they retain their independent judgment and report their findings candidly and honestly. In the case of terrorism, we would go further to argue that being policy relevant is in some instances an entirely justifiable moral choice. For example, neither of us has any problem producing research with a morally defensible but policy relevant goal (for example, helping the British government to prevent suicide bombers from attacking the London Underground) and we do not believe that engaging in such work tarnishes one’s stature as an independent scholar. **Implicit in the CTS literature is a deep suspicion about the state** and those who engage with it. **Such a suspicion may blind some CTS scholars to good work** done by those associated with the state. But to assume that being ‘embedded’ in an institution linked to the ‘establishment’ consists of being captured by a state hegemonic project is too simple. We do not believe that scholars studying terrorism must all be policy-relevant, but equally we do not believe that being policy relevant should always be interpreted as writing a blank cheque for governments or as necessarily implicating the scholar in the behaviour of that government on issues unrelated to one’s work. Working for the US government, for instance, does not imply that the scholar sanctions or approves of the abuses at Abu Ghraib prison. **The assumption that those who do not practice CTS are all ‘embedded’ with the ‘establishment’ and that this somehow gives the green light for states to engage in illegal activity is in our view unwarranted, to say the very least.**

#### Data is accurate

Leonard Weinberger ‘8, Foundation Professor of Political Science at the University of Nevada, Reno, Senior Fellow at the National Memorial Institute for the Prevention of Terrorism in Oklahoma City and at the National Security Studies Center at the University of Haifa AND William Eubank is Associate Professor in Political Science at the University of Nevada, August 2008, “Problems with the critical studies approach to the study of terrorism.” Critical Studies on Terrorism, Vol. 1 No. 2

**Is the quality of the data used by terrorism’s orthodox investigators as poor as the critics assert. Perhaps it was at one time, but it is no longer the case**. The **reliance on** newspaper accounts and other **secondary sources is diminishing**. Marc Sageman, for instance, has developed his own database on al-Qaeda’s core membership (Sageman 2004, pp. 61–135**). A number of researchers have conducted and continue to conduct interviews with individuals involved in terrorist activities** in Germany, Italy, Sri Lanka, Indonesia, Iraq, the West Bank, and Gaza Strip. The family and friends of suicide bombers have been interviewed, as have those who have sent them on their missions. **Those who attempted to kill themselves but were apprehended before they could do so have been interviewed in prison**. Among the long list of orthodox terrorism researchers who have had these extended and systematic face-to-face encounters, we should mention Nicole Argo, Anat Berko, Mia Bloom, Mohammed Hafez, John Horgan, Ariel Merari, Donatella della Porta, Jerrold Post, the late Ehud Sprinzak, and Yoram Schweitzer.6 The list is partial and continues to grow. **Our understanding of terrorist motivations** – what causes them to become radicalised (or de-radicalised) – **expands correspondingly.**

#### No bias

Leonard Weinberger ‘8, Foundation Professor of Political Science at the University of Nevada, Reno, Senior Fellow at the National Memorial Institute for the Prevention of Terrorism in Oklahoma City and at the National Security Studies Center at the University of Haifa AND William Eubank is Associate Professor in Political Science at the University of Nevada, August 2008, “Problems with the critical studies approach to the study of terrorism.” Critical Studies on Terrorism, Vol. 1 No. 2

The critics also complain about the funding of terrorism research as well as its quality. In the case of social scientists in the US and to a lesser extent Britain, the complaint is that much of the money to support terrorism research comes from government agencies. The National Institute of Justice in the US and Britain’s Economic and Social Research Council come to mind. **The critics’ assumption is that government support is more than likely to determine the choice of topics and the results of those research projects which receive funding**; in short, a conflict of interest is created. Without much doubt there is something to be said for this contention. **We should bear in mind however, that government support in itself is hardly an evil. In the US, for example, major advances in the study of** HIV/AIDS, cancer and a long list of other **diseases would not have been achieved without the substantial financial support** of the National Institute of Health and the National Science Foundation. Even work reporting the damaging effects of global warming received grant support from government agencies. **The 9/11 attacks killed about 3000 people, more than the deaths suffered by American forces at Pearl Harbor in December 1941. In this context, it would have been surprising if the US government had not been willing to fund research projects**, on a competitive basis, devoted to understanding the sources of terrorist violence. Related to the question of funding is the assumption that those supported or employed by the government will produce results necessarily sympathetic to policies the government wishes to pursue. However, **former American executive branch officials whose jobs involved the study of terrorism and the formulation of terrorism policy wrote books highly critical of American responses**. Richard Clarke, a principal advisor to the Clinton and Bush administrations, wrote a highly critical book about the latter’s lack of interest in the emerging terrorist threat in the months leading up to 9/11 (Clarke 2004, pp. 182–287). Two members of Clinton’s National Security Council staff, Daniel Benjamin and Steven Simon wrote, The Next Attack, in which they argue the Iraq war had the unintended effect of confirming the suspicions of Jihadi about American intentions and consequently served as the basis for the recruitment of a new generation of terrorists – precisely the opposite of what the Bush administration hoped to accomplish by toppling Saddam Hussein (Benjamin and Simon 2005, pp. 126–193). After leaving government Clarke, Benjamin and Simon have gone on to become orthodox terrorism specialists working at Washington area think-tanks. **It is not the end of the matter even if we assume a refusal by government agencies to fund research projects whose results might prove embarrassing or contrary to what they wish to hear. Washington at least now abounds with well-funded oppositional research foundations and institutes or ‘think tanks’** (e.g. the CATO Institute, American Enterprise Institute, the New America Foundation, Brookings) **that have both the money and the will to support terrorism-related projects which might produce results that would make Republican or Democratic administrations exceedingly uncomfortable**

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

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

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

**Religion/AT Root Cause**

#### Solving the root causes of terrorism is impossible because of expansive jihadist demands---the aff’s attempt at reconciliation collapses causes global violence

Peter **Beinart 8**, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 100-2

While different U.S. policies may be more or less important at differ- ent times, most experts agree that it is American actions (“what we do”), not American values (“who were are”) that have made the United States the target of salafist jihad. While in his ideal world Bin Laden would cer- tainly like to see the United States ditch its barbaric culture and convert to Islam, that is low on his list of concerns. As he himself has pointed out, if Al Qaeda were offended primarily by the licentiousness Western societies practice at home, it would have attacked Sweden. ¶ The problem is that while salafists might theoretically leave the United States alone if we left them alone, their concerns are vast and their hostility to liberal values is profound. Salafism is not a universalist ideology in the way that Communism was. (That is not to say its devotees do not dream of a world completely under God’s rule—they do—only that the cultural barriers preventing, say, an Argentinean from adopting the religion of Qutb are far greater than the barriers preventing him from adopting the religion of Marx.) But neither is salafism easy to avoid. Bin Laden has said the United States can escape “this ordeal” of terrorism if “it leaves the Arabian Peninsula, and stops its involvement in Palestine, and in all the Islamic world.” Unfortunately, Zawahiri, his second in command, has defined the Islamic world as stretching from “Eastern Turkestan [ Xinjiang, in western China] to Andalusia [Spain and Portugal].” Azzam has gone further, including among the territory that must be “returned to us so that Islam will reign again” sub- Saharan African countries like Chad, Eritrea, and Somalia and Asian nations like Burma and the Philippines. Salafists want to restore the caliphate that once ruled much of the Islamic world. But even at its eighth- century peak, the caliphate only stretched from In- dia to Spain. Under Al Qaeda’s more expansive definition, it seems to include every country or region once under Muslim rule. To comply with those terms, the United States would have to **retreat** virtually **to the Western Hemisphere.** ¶ Needless to say, for the United States to withdraw from a swath of territory stretching from West Africa to Southeast Asia would constitute a geostrategic revolution. American power is the guarantor of last resort for the government of Pakistan, which has nuclear weapons, a volatile border with nuclear- armed India, and salafist elements in its security services. It plays the same role in Jordan and Egypt, the lynchpins of peace between Israel and the Arab world. And, of course, America protects the Saudi monarchy, whose kingdom sits atop one quarter of the world’s proven oil reserves. As the Bush administration has rightly recognized, these relation- ships are unsustainable in their current form, and America’s long-t erm safety requires that its clients evolve in a democratic direction, even if it means they prove less compliant. But were the jihadist movement to force the United States to withdraw its military, political, or economic influence ¶ from these crucial areas—producing governments with dramatically dif- ferent orientations—**the consequences for American security, the world economy, and regional peace could be grave**. ¶ And a withdrawal from the Muslim world would not only imperil American interests, it would also imperil American values. Al Qaeda may not hate us for “who we are”—unless “who we are” obligates us to oppose what might be called “religious cleansing,” the violent purification of large swaths of the globe. After all, **if the U**nited **S**tates **withdrew from its war against salafism, salafism would still be at war**. Al Qaeda’s ultimate goal is not to expel the United States from Islamic lands; it is to establish a new caliphate that ushers in God’s rule on earth. And the many enemies of that effort—non- Muslims, apostate Muslims, liberated female Muslims, gay and lesbian Muslims—would still blemish the Islamic world, representing jahiliyyah in its myriad sinful forms. ¶ Where those enemies have no army to defend them, the result has been terror. Where they do, the result has been endless war. It is a virtual axiom of international politics that salafists will try to seize control of any local conflict—from the Philippines to Chechnya to Kashmir to Iraq—that pits Sunni Muslims against their neighbors. And the more they succeed, the less likely it is that such a conflict will end. Many Muslims, including many non-s alafist Islamists, also support Muslim insurgencies around the world. In Iraq, they may support attacks on American troops. But since they see jihad as a means to some concrete goal, political compromise is possible. Salafists, however, who see jihad as a means to usher in a messianic age, will accept no outcome that leaves Muslims under non- Muslim rule, because such a compromise threatens the path to paradise.

## Chapter 1

### 2NC No Impact

#### The state of exception can be contained

Jennifer Mitzen 11, PhD, University of Chicago, Associate Professor of Political Science at Ohio State University, Michael E. Newell, “Crisis Authority, the War on Terror and the Future of Constitutional Democracy,” PDF

But what Agamben has potentially overlooked is the conversation between the government, public and media concerning the state of exception. Waever’s desecuritization theory tells us that it is possible for continued debate and media coverage to desecuritize a threat in whole or in part (Waever, 1995). As the War on Terror progressed, more academics and government officials began to speak out against the usefulness of interrogations, the reality of the terrorist threat and the morality of the administration’s policies. Some critics suggested that the terrorist threat was not as imminent as the Administration made it appear, and that “…fears of the omnipotent terrorist…may have been overblown, the threat presented within the United States by al Qaeda greatly exaggerated” (Mueller, 2006). Indeed, as Mueller points out, there have been no terrorist attacks in the United States five years prior and five years after September 11th. The resignation of administration officials, such as Jack Goldsmith, who, it was later learned, sparred with the administration over Yoo’s torture memos, their wiretapping program and their trial of suspected terrorists also contributed to this shift in sentiment (Rosen, 2007). The use of the terms “torture,” and “prisoner abuse,” that began to surface in critical media coverage of the War on Terror framed policies as immoral. As the public gradually learned more from media coverage, academic discourse, and protests from government officials, the administration and its policies saw plummeting popularity in the polls. Two-thirds of the country did not approve of Bush’s handling of the War on Terror by the end of his presidency (Harris Poll) and as of February 2009 two-thirds of the country wanted some form of investigation into torture and wiretapping policies (USA Today Poll, 2009).¶ In November 2008 a Democratic President was elected and Democrats gained substantial ground in Congress partly on promises of changing the policies in the War on Terror. Republican presidential nominees, such as Mitt Romney, who argued for the continuance of many of the Bush administration’s policies in the War on Terror, did not see success at the polls. Indeed, this could be regarded as Waever’s “speech-act failure” which constitutes the moment of desecuritization (Waever, 1995). In this sense, Agamben’s warning of “pure de-facto rule” in the War on Terror rings hollow because of one single important fact: the Bush administration peacefully transferred power to their political rivals after the 2008 elections. The terrorist threat still lingers in the far reaches of the globe, and a strictly Agamben-centric analysis would suggest that the persistence of this threat would allow for the continuance of the state of exception. If Agamben was correct that the United States was under “pure de-facto rule” then arguably its rulers could decide to stay in office and to use the military to protect their position. Instead, Bush and his administration left, suggesting that popular sovereignty remained intact.

# 1NR

## Counterplan

#### The counterplan would preserve rights—it is not punishment but prevention

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

Implications of Detention Rationale

One consequence of preventive detention that some may find surprising is that the conditions of detention may be no more burdensome than absolutely necessary. In theory, if not always in practice, a sharp distinction is made between punishment for past wrongs and detention to prevent future wrongs. The rationales for the two are very different. Criminal desert arises from past wrongdoing, whereas dangerousness is estimated future wrongdoing. For instance, the mentally ill person may be civilly committed because of the danger she presents to others, but the person is entirely innocent from the point of view of the criminal law and does not deserve punishment. The confinement may be characterized as ‘‘innocent detention.’’ Since the person is being held for society’s benefit, rather than as deserved punishment, the conditions of confinement should be no more onerous for the individual than necessary to fulfill society’s need for public safety. Thus, like the quarantine confinement of a person with a contagious disease, the person should be held in the least intrusive way possible. In some cases, this may mean full-time incarceration; but in many others, confinement may require only a ‘‘half-way house’’ or home detention with an ankle bracelet. Once the danger the person poses is contained, no greater levels of restraint can be justified for reasons of preventive detention.52¶ The rationale for preventive detention has other implications as well. First, if a person is no longer dangerous, he must be released. Accordingly, each detention must be reviewed periodically by some independent authority to determine the individual’s continued dangerousness. Second, the detainee may be entitled to treatment if that can reduce his dangerousness and, thus, the length or intrusiveness of his confinement. That is, the state may have some obligation to provide rehabilitation if that is possible.

#### Investigative teams would prevent mistaken detention

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

One way of reducing erroneous detentions would be for the government to make available the services of independent investigative teams. As things now stand, lawyers who represent terrorism suspects receive no more help from the state than does a normal criminal-defense lawyer in the domestic criminal-justice setting. But just as the state provides counsel for indigent defendants, the state should also provide independent investigative teams for mega-terrorist detainees.50 Such teams might be made up of individuals trained in legal and forensic matters, as well as foreignlanguage translators. These teams would be tasked with doing everything necessary to gather all relevant evidence, at home and abroad. This would normally include, at the very least, traveling to the relevant countries; obtaining testimony from military personnel and civilian witnesses; interviewing friends, acquaintances, and family members of detainees; collecting affidavits and other important documents; and so forth. Of course, the evidence collected could not include secret evidence gathered by government agents from secret sources. The investigative teams would simply collect the kinds of evidence normally available in routine investigations. All the evidence so gathered would be made available to both parties in any hearing or proceeding concerning a prisoner’s indefinite detention.¶ The United States should spare no expense in fielding the necessary investigative teams. The more effort and expense the United States undertakes to ensure that the prisoners it holds truly are mega-terrorists, the more solid will be its moral position concerning their preventive detention. As a country with the ability to place military forces around the world, the United States certainly has the wherewithal, if it chooses, to dispatch investigative teams anywhere in the world.¶ The thorough development of evidence is perfectly realistic. Once the terrorist suspect is in custody, the emergency created by the threat the suspect represents is contained. Although release should be as expeditious as possible, if that is the proper disposition, the investigative teams, as well as the prosecution and defense, have time to develop the evidence fully and carefully.

#### Preventative detention is justified—it prevents the deaths of thousands

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

Mistakenly punishing an innocent person is obviously a very great harm to that individual (and, indirectly, to family, friends, and associates).33 It is often thought to clearly outweigh the harm of a guilty person getting off without punishment. The thought is that while the innocent person suffers the harm of punishment, no one suffers any harm when the system fails to punish a guilty person, although retributive justice is not served. Surely, it is argued, it is far worse for John to be falsely convicted and hanged for a murder he did not commit, than for Bill to be mistakenly set free when he really did commit a murder.¶ But should the moral priorities always be this way? Undoubtedly, there can be situations in which the priorities should be the other way around. Michael Corrado offers the following hypothetical example. Imagine a group of 10 people, six of whom will commit murder if allowed to go free; but we do not know which of the 10 they are. If we let them all go free, six innocent people will be murdered. The risk of false positives cannot be our only concern. Surely, the prospect that four innocent persons will lose their freedom must be weighed against the prospect that six other innocent persons will lose their lives.34¶ In the case of mega-terrorism, all the calculations about preventive detention shift radically. This is simply because the dangers threatened are so much greater. One mega-terrorist might easily represent the deaths of hundreds or even thousands of people. In these circumstances, mistakenly releasing a mega-terrorist would be far more serious than mistakenly detaining an innocent non-terrorist. Under the threat of mega-terrorism, it would seem that the maxim should go the other way: better that 10 innocents be detained than that one mega-terrorist go free.¶ If deterrence (both general and specific) and incapacitation are accepted as legitimate justifying elements in a theory of punishment, as I do, then the system of domestic punishment may be seen as one mechanism for society’s defense\*defense against ‘‘the enemy within.’’ 35 It is important to have some such defense mechanism; and we accept its necessity even with all its imperfections. When it comes to defense of the country in war, many other costly imperfections and mistakes are also accepted as unfortunate necessities. Besides the obvious death and wounding of soldiers, there are the casualties from‘‘friendly fire’’ and the ‘‘collateral damage’’ of innocent people being killed. Similarly, if even an imperfect and inaccurate practice of preventive detention of mega-terrorists increases the general welfare more than any alternative, then we ought to do it. In other words, if detaining mega-terrorists, including the cost of false positives, increases the general welfare more than any alternative, then that is what should be done.¶ The ‘‘use’’ of innocent individuals (intentional killing of noncombatants) is prohibited in the Just War tradition, just as the ‘‘use’’ of innocent persons in punishment (that is, intentionally punishing an innocent person when it is useful) is prohibited in the domestic context. So a similar kind of constraint on simple consequentialist calculations applies in both contexts.36 However, the risks to the state are far, far greater in the case of war than in the case of domestic crime. Where the risks are greater, we are willing to accept higher rates of mistake. A similar calculation should apply in the case of mega-terrorism. It would be one thing to mistakenly release from custody a person who will murder someone; it is quite another thing to mistakenly release a mega-terrorist who will detonate a bomb that will kill hundreds or thousands of people. However many false positives we think acceptable in the first case, the acceptable number of false positives must be much greater in the second case.37¶ The conclusion, I think, must be that problems about predicting a person’s future behavior and the inevitability of keeping some false positives in detention cannot be a conclusive objection to the preventive detention of mega-terrorists. To the contrary, if preventive detention is ever justified, the preventive detention of mega-terrorists surely is.

### AT: Gov Focus DA

### AT: Unconditional Violence

Don Scheid 10, Professor of Philosophy at Winona State University, Minnesota, 4/1/10, “Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, http://www.tandfonline.com/doi/pdf/10.1080/07311291003654146

Arguments about torture and assassination are beyond the purview of this article, but I believe the following is a reasonable perspective. The magnitude of the mega-terrorism threat forces us to the preventive imperative. Once preventive detention is established, however, no further drastic actions are needed. In other words, while realistically recognizing the looming threat of mega-terrorism, we should not undertake any more drastic measures than necessary to address the danger. Of course, there may be certain, rare, and unique situations in which torture or assassination seems to be called for; theoretically, they cannot be ruled out absolutely. Nevertheless, these situations would be the exceptions rather than the rule. As a matter of ongoing practice, I suggest that a practice of indefinite detention of mega-terrorists should suffice for handling the threat that mega-terrorism poses.

### AT: State Focus

#### The aff can’t solve the broader power grabs of the state

Nasser Hussain 07, an assistant professor in the Department of Law, Jurisprudence, and Social Thought at Amherst College, Summer 07, “Beyond Norm and Exception: Guantánamo,” Critical Inquiry, Vol. 33, No. 4

Finally, what are some of the implications of the argument that norm and exception have blurred severely and perhaps irrevocably? Let me stress that my efforts to draw attention to the ways in which an administrative legality has made the concept of a state of exception superfluous is not just theoretical disagreement or just an effort to discredit one particular paradigm. One may agree or disagree about the continuing validity of a concept, but my more immediate concern here is that the concept not overshadow or distort efforts to fashion a newer, fairer, and more just response.¶ Consider then one such effort to fashion a new response: Bruce Ackerman’s proposals in “The Emergency Constitution.”50 Ackerman’s essay begins with the recognition that attacks on the U.S. similar to 9/11 are almost a virtual certainty and that without creative new constitutional concepts each attack will only prompt harsher political measures in a “downward cycle” (“A,” p. 1044). Dismissing the models currently provided for by war and crime, Ackerman settles on the concept of emergency and sets out to find a way to grant and yet control the use of extraordinary powers in the case of a genuine emergency. For Ackerman, it is time to try to rescue the concept of a state of exception from fascist thinkers like Schmitt, who used it as a battering ram against liberal democracy. Ackerman would confine a genuine emergency to a bounded state (tellingly, the “triggering event” in Ackerman’s proposals is left entirely uncharted, left to the hope of political wisdom). But because Ackerman neglects the more dispersed condition of emergency in contemporary conditions, his proposals hinge on the use of legislative oversight largely in the form of a “supermajoritarian escalator”: “majority support should serve to sustain emergency for a short time—two or three months. Continuation should require an escalating cascade of supermajorities: sixty percent for the next two months; seventy for the next; eighty thereafter” (“A,” p. 1047). While such a sensible and even workable proposal would go some of the way towards removing some of the current excesses of executive policy, my effort at highlighting the role of administrative agencies and regulations suggests that the effectiveness of Ackerman’s proposals would remain extremely limited. That is to say, only if we presume that a bounded state of exception rather than a more dispersed emergency regulation is currently being used would efforts to bind it further be effective. But proposals such as the supermajoritarian escalator would do very little to change the “spitting on the sidewalk” strategy endorsed by Ashcroft or the use of petty visa violations to enable large‐scale roundups and prolonged detention—as I noted earlier, what enables the indefinite detention of hundreds of people without charge is not the use of an exceptional measure but the multiple use of an everyday measure. Moreover, as I earlier noted with reference to Nonet’s work, the internal structure of a rule of law and its relation to administrative regimes, far from negating such an outcome, actually facilitates it. The current emergency response whose operations we witness daily emerges from a broader field of governmentality, and until such a modular and legalistic character is addressed any effort to design a more liberal emergency constitution will invariably miss a great many of its intended targets.

## Case

### Consequences

#### It comes first, because YOLO---it’s the only impact you can’t recover from.

Zygmunt **Bauman,** University of Leeds Professor Emeritus of Sociology, 1995, Life In Fragments: Essays In Postmodern Morality, p. 66-71

The being‑for is like living towards‑the‑future: a being filled with anticipation, a being aware of the abyss between future foretold and future that will eventually be; it is this gap which, like a magnet, draws the self towards the Other,as it draws life towards the future, making life into an activity of overcoming, transcending, leaving behind. The self stretches towards the Other, as life stretches towards the future; neither can grasp what it stretches toward, but it is in this hopeful and desperate, never conclusive and never abandoned stretching‑toward that the self is ever anew created and life ever anew lived. In the words of M. M. Bakhtin, it is only in this not‑yet accomplished world of anticipation and trial, leaning toward stubbornly an‑other Other, that life can be lived ‑ not in the world of the `events that occurred'; in the latter world, `it is impossible to live, to act responsibly; in it, I am not needed, in principle I am not there at all." Art, the Other, the future: what unites them, what makes them into three words vainly trying to grasp the same mystery, is the modality of possibility. A curious modality, at home neither in ontology nor epistemology; itself, like that which it tries to catch in its net, `always outside', forever `otherwise than being'. The possibility we are talking about here is not the all‑too‑familiar unsure‑of‑itself, and through that uncertainty flawed, inferior and incomplete being, disdainfully dismissed by triumphant existence as `mere possibility', `just a possibility'; possibility is instead `plus que la reahte' ‑ both the origin and the foundation of being. The hope, says Blanchot, proclaims the possibility of that which evades the possible; `in its limit, this is the hope of the bond recaptured where it is now lost."' The hope is always the hope of *being fu filled,* but what keeps the hope alive and so keeps the being open and on the move is precisely its *unfu filment.* One may say that the paradox *of hope* (and the paradox of possibility founded in hope) is that it may pursue its destination solely through betraying its nature; the most exuberant of energies expends itself in the urge towards rest. Possibility uses up its openness in search of closure. Its image of the better being is its own impoverishment . . . The togetherness of the being‑for is cut out of the same block; it shares in the paradoxical lot of all possibility. It lasts as long as it is unfulfilled, yet it uses itself up in never ending effort of fulfilment, of recapturing the bond, making it tight and immune to all future temptations. In an important, perhaps decisive sense, it is selfdestructive and self‑defeating: its triumph is its death. The Other, like restless and unpredictable art, like the future itself, is a *mystery.* And being‑for‑the‑Other, going towards the Other through the twisted and rocky gorge of affection, brings that mystery into view ‑ makes it into a challenge. That mystery is what has triggered the sentiment in the first place ‑ but cracking that mystery is what the resulting movement is about. The mystery must be unpacked so that the being‑for may focus on the Other: one needs to know what to focus on. (The `demand' is *unspoken,* the responsibility undertaken is *unconditional;* it is up to him or her who follows the demand and takes up the responsibility to decide what the following of that demand and carrying out of that responsibility means in practical terms.) Mystery ‑ noted Max Frisch ‑ (and the Other is a mystery), is an exciting puzzle, but one tends to get tired of that excitement. `And so one creates for oneself an image. This is a loveless act, the betrayal." Creating an image of the Other leads to the substitution of the image for the Other; the Other is now fixed ‑ soothingly and comfortingly. There is nothing to be excited about anymore. I know what the Other needs, I know where my responsibility starts and ends. Whatever the Other may now do will be taken down and used against him. What used to be received as an exciting surprise now looks more like perversion; what used to be adored as exhilarating creativity now feels like wicked levity. Thanatos has taken over from Eros, and the excitement of the ungraspable turned into the dullness and tedium of the grasped. But, as Gyorgy Lukacs observed, `everything one person may know about another is only expectation, only potentiality, only wish or fear, acquiring reality only as a result of what happens later, and this reality, too, dissolves straightaway into potentialities'. Only death, with its finality and irreversibility, puts an end to the musical‑chairs game of the real and the potential ‑ it once and for all closes the embrace of togetherness which was before invitingly open and tempted the lonely self." `Creating an image' is the dress rehearsal of that death. But creating an image is the inner urge, the constant temptation, the *must* of all affection . . . It is the loneliness of being abandoned to an unresolvable ambivalence and an unanchored and formless sentiment which sets in motion the togetherness of being‑for. But what loneliness seeks in togetherness is an end to its present condition ‑ an end to itself. Without knowing ‑ without being capable of knowing ‑ that the hope to replace the vexing loneliness with togetherness is founded solely on its own unfulfilment, and that once loneliness is no more, the togetherness ( the being‑for togetherness) must also collapse, as it cannot survive its own completion. What the loneliness seeks in togetherness (suicidally for its own cravings) is the foreclosing and pre‑empting of the future, cancelling the future before it comes, robbing it of mystery but also of the possibility with which it is pregnant. Unknowingly yet necessarily, it seeks it all to its own detriment, since the success (if there is a success) may only bring it back to where it started and to the condition which prompted it to start on the journey in the first place. The togetherness of being‑for is always in the future, and nowhere else. It is no more once the self proclaims: `I have arrived', `I have done it', `I fulfilled my duty.' The being‑for starts from the realization of the bottomlessness of the task, and ends with the declaration that the infinity has been exhausted. This is the tragedy of being‑for ‑ the reason why it cannot but be death‑bound while simultaneously remaining an undying attraction. In this tragedy, there are many happy moments, but no happy end. Death is always the foreclosure of possibilities, and it comes eventually in its own time, even if not brought forward by the impatience of love. The catch is to direct the affection to staving off the end, and to do this against the affection's nature. What follows is that, if moral relationship is grounded in the being-for togetherness (as it is), then it can exist as a project, and guide the self's conduct only as long as its nature of a project (a not yet-completed project) is not denied. Morality, like the future itself, is forever not‑yet. (And this is why the ethical code, any ethical code, the more so the more perfect it is by its own standards, supports morality the way the rope supports the hanged man.) It is because of our loneliness that we crave togetherness. It is because of our loneliness that we open up to the Other and allow the Other to open up to us. It is because of our loneliness (which is only belied, not overcome, by the hubbub of the being‑with) that we turn into moral selves. And it is only through allowing the togetherness its possibilities which only the future can disclose that we stand a chance of acting morally, and sometimes even of being good, in the present.

#### Key to respect future generations

Callahan PhD Harvard, Research Fellow – Department of Philosophy – and Fellow at the Institution for Social and Policy Studies Yale 1973 The Tyranny of Survival p. 90-91

“A beginning can be made toward this integration by noting some of the uses and abuses of the concept of survival. Historically, the uses have been more evident than the abuses. Among the uses are those of a fundamental perception of a biological reality principle: unless one exists, everything else is in vain. That is why survival, the desire to live, is so potent a force, and why the right to life is such a basic part of any reasonably enlightened social , political and legal system. Politically, particularly in a time of war, national survival has been a potent force for mobilization of community effort, transcendence of self-interest, and creation of patriotic spirit. For individuals, the desire to ensure the survival of offspring has been the source of great and selfless sacrifice and the voluntary acceptance of obligations to future generations. Within the private self, a will to live, to survive at all costs, has literally kept people alive, staving off despair, which would otherwise have been totally destructive. That individuals, tribes, communities and nations have committed so much will, energy and intelligence to survival has meant that they have survived and their descendants are present to tell the tale. Nothing is so powerful a motive force, for self or society, as the threat of annihilation, nothing so energizing as the necessity to live. Without life, all else is in vain. Leaving aside the question of whether we need more enlightened attitudes toward suicide in our society, which we may, it is not for nothing that suicide has been looked upon with abhorrence, whether from a religious or a psychological perspective. It seems to violate the most fundamental of human drives, and has always required a special explanation or justification.

#### Specifically true for nuclear war---also it’s the ultimate immorality

NYE 86 Professor of IR – JFK School of Government – Harvard 1986 Nuclear Ethics

While the cosmopolitan approach has the virtue of accepting transnational realities and avoids the sanctification of the nation-state, an unsophisticated cosmopolitanism has serious drawbacks. First, if morality is about choices, then to underestimate the significance of states and boundaries is to fail to take into account the main features of the real setting in which the choices must be made. To pursue individual justice at the cost of survival or to launch human rights crusades that cannot hope to be fulfilled, yet interfere with prudential concerns about order, may lead to immoral consequences. And if such actions, for example the promotion of human rights in Eastern Europe, were to lead to crises and an unintended nuclear war the consequences might be the ultimate immorality. Applying ethics to foreign policy is more than merely constructing philosophical arguments; it must be relevant to the international domain in which moral choice is to be exercised.

33-34

### Process

#### More evidence---process focus means we never take action---causes nihilism

Molly Cochran 99, Assistant Professor of International Affairs at Georgia Institute for Technology, “Normative Theory in International Relations”, 1999, pg. 272

To conclude this chapter, while modernist and postmodernist debates continue, while we are still unsure as to what we can legitimately identify as a feminist ethical/political concern, while we still are unclear about the relationship between discourse and experience, it is particularly important for feminists that we proceed with analysis of both the material (institutional and structural) as well as the discursive. This holds not only for feminists, but for all theorists oriented towards the goal of extending further moral inclusion in the present social sciences climate of epistemological uncertainty. Important ethical/political concerns hang in the balance. We cannot afford to wait for the meta-theoretical questions to be conclusively answered. Those answers may be unavailable. Nor can we wait for a credible vision of an alternative institutional order to appear before an emancipatory agenda can be kicked into gear. Nor do we have before us a chicken and egg question of which comes first: sorting out the metatheoretical issues or working out which practices contribute to a credible institutional vision. The two questions can and should be pursued together, and can be via moral imagination. Imagination can help us think beyond discursive and material conditions which limit us, by pushing the boundaries of those limitations in thought and examining what yields. In this respect, I believe international ethics as pragmatic critique can be a useful ally to feminist and normative theorists generally.

### AT: Worst-Case Scenarios

#### [Their claims linking all harms to grandiose theories are the sort of impact predictions that you should reject as improbable]

Stewart Brand, editor of the Whole Earth Catalog, 1-26-2007 "Ignore confident forecasters" http://longnow.org/seminars/02007/jan/26/why-foxes-are-better-forecasters-than-hedgehogs/

It’s a matter of judgement style, first expressed by the ancient Greek warrior poet Archilochus: “The fox knows many things; the hedgehog one great thing.” The idea was later expanded by essayist Isaiah Berlin. In Tetlock’s interpretation, Hedgehogs have one grand theory (Marxist, Libertarian, whatever) which they are happy to extend into many domains, relishing its parsimony, and expressing their views with great confidence. Foxes, on the other hand are skeptical about grand theories, diffident in their forecasts, and ready to adjust their ideas based on actual events. The aggregate success rate of Foxes is significantly greate**r**, Tetlock found, especially in short-term forecasts. And Hedgehogs routinely fare worse than Foxes, especially in long-term forecasts. They even fare worse than normal attention-paying dilletantes — apparently blinded by their extensive expertise and beautiful theory. Furthermore, Foxes win not only in the accuracy of their predictions but also the accuracy of the likelihood they assign to their predictions— in this they are closer to the admirable discipline of weather forecasters.

#### Permute – objectivity – the best approach is to be aware of your cognitive bias and objectively evaluate the risk of our impacts based on specific arguments – their author concludes

Maia Szalavitz, 1/1/2008. Senior fellow at the media watchdog group STATS, and a journalist who covers health, science and public policy. “10 Ways We Get the Odds Wrong,” Psychology Today, http://www.psychologytoday.com/print/24035

The physiological consequences of overestimating the dangers in the world—and revving our anxiety into overdrive—are another reason risk perception matters. It's impossible to live a risk-free life: Everything we do increases some risks while lowering others. But if we understand our innate biases in the way we manage risks, we can adjust for them and genuinely stay safer—without freaking out over every leaf of lettuce.

#### Prefer our impacts – multiple studies confirm that people are more likely to underestimate the risk of extinction scenarios because they’ve never happened – we actually have a cognitive bias in favor of systemic impacts

Eliezer Yudkowsky, Research Fellow at the Singularity Institute for Artificial Intelligence, 8-31-2006 "Cognitive biases potentially affecting judgment of global risks" http://singinst.org/upload/cognitive-biases.pdf

Biases implicit in the availability heuristic affect estimates of risk. A pioneering study by Lichtenstein et. al. (1978) examined absolute and relative probability judgments of risk. People know in general terms which risks cause large numbers of deaths and which cause few deaths. However, asked to quantify risks more precisely, people severely overestimate the frequency of rare causes of death, and severely underestimate the frequency of common causes of death. Other repeated errors were also apparent: Accidents were judged to cause as many deaths as disease. (Diseases cause about 16 times as many deaths as accidents.) Homicide was incorrectly judged a more frequent cause of death than diabetes, or stomach cancer. A followup study by Combs and Slovic (1979) tallied reporting of deaths in two newspapers, and found that errors in probability judgments correlated strongly (.85 and .89) with selective reporting in newspapers. People refuse to buy flood insurance even when it is heavily subsidized and priced far below an actuarially fair value. Kates (1962) suggests underreaction to threats of flooding may arise from "the inability of individuals to conceptualize floods that have never occurred... Men on flood plains appear to be very much prisoners of their experience... Recently experienced floods appear to set an upward bound to the size of loss with which managers believe they ought to be concerned." Burton et. al. (1978) report that when dams and levees are built, they reduce the frequency of floods, and thus apparently create a false sense of security, leading to reduced precautions. While building dams decreases the frequency of floods, damage per flood is so much greater afterward that the average yearly damage increases. It seems that people do not extrapolate from experienced small hazards to a possibility of large risks; rather, the past experience of small hazards sets a perceived upper bound on risks. A society well-protected against minor hazards will take no action against major risks (building on flood plains once the regular minor floods are eliminated). A society subject to regular minor hazards will treat those minor hazards as an upper bound on the size of the risks (guarding against regular minor floods but not occasional major floods). Risks of human extinction may tend to be underestimated since, obviously, humanity has never yet encountered an extinction event.