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### Part 1: Obama’s Just War

#### The Obama administration sees targeted killing as means to fight a just war against the evils of terrorism.

Obama 13, Barack. "Obama’s Speech on Drone Policy." NYTimes.com. New York Times, 23 May 2013. Web. <http://www.nytimes.com/2013/05/24/us/politics/transcript-of-obamas-speech-on-drone-policy.html?pagewanted=all>.

But despite our strong preference for the detention and prosecution of terrorists, sometimes this

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war waged proportionally, in last resort, and in self-defense.

#### Obama sees terrorists as morally evil actors who can’t be negotiated with and must be exterminated with targeted killing.

McCrisken 11McCrisken, Trevor. "Ten years on: Obama's war on terrorism in rhetoric and practice." *International Affairs* 87, no. 4 (2011): 781-801.

Although publicly insisting that he sees the world in shades of grey rather than ¶

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attack while also finally ¶ extricating the US from its longest combat campaign.

#### Obama believes that the United States has a unique moral obligation to crusade against evil through targeted killing due to our power in the international realm.

Wellman 5/24 James Wellman, "Drones, Mr. Niebuhr, and President Obama." James Wellman on American Religion. 24 May 2013. Web. 21 Aug. 2013. <http://www.patheos.com/blogs/jameswellman/2013/05/drones-mr-niebuhr-and-president-obama/>.

Enter drones, Reinhold Niebuhr, and President Barack Obama.

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reading of history).

#### The Justice Department justifies targeted killing as just self-defense and sanitized violence grounded in Just War theory.

Thistlethwaite 13, Susan Brooks. "U.S. Drone Strike Policy: Just War or Just Targeted Killing?"Washington Post. The Washington Post, 07 Feb. 2013. Web. 21 Aug. 2013. <http://www.washingtonpost.com/blogs/guest-voices/post/us-drone-strike-policy-just-war-or-just-targeted-killing/2013/02/07/239e0696-712e-11e2-ac36-3d8d9dcaa2e2\_blog.html>.

Just War theory informs the leaked confidential Justice Department memo on the

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clear reference to moral reasoning on war as represented by Just War theory.

#### This war of extermination is happening right now, targeted killing is already becoming a hunt against terrorists who aren’t threats to the US.

Roberts 4/22 Roberts, Kristin. "When the Whole World Has Drones." NationalJournal.com. National Journal, 22 Mar. 2013. Web. 09 Aug. 2013. <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>.

That’s only part of the problem with the White House’s trust-us approach.

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by principles and rules of the Constitution and of the Bill of Rights.”¶

### Part 2: The Violence of Just War

#### Framing a conflict as a just war of Good versus Evil intensifies violence; an unjust enemy cannot be shown tolerance.

Slomp in 061 (Gabriella, University of St. Andrews, “Carl Schmitt’s Five Arguments against the Idea of Just War,” Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 437-438)

The second argument deployed by Schmitt against just war is that (i) it

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consider the enemy as evil and exempts one from following jus in bello.

#### Just war theory allows both sides to claim the right to moral virtuousness, which necessarily result in the annihilation of the enemy.

Slompin 06 2(Gabriella, University of St. Andrews, “Carl Schmitt’s Five Arguments against the Idea of Just War,” Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 438-440)

Schmitt’s claim that the establishment of justacausa in the medieval and early modern period createdas

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itself from the historical reality of war’ (Luban 1980, 172).11

#### Wars waged in the name of justice and civilization will escalate because of the demonization of the enemy.

Slomp in 06 3 (Gabriella, University of St. Andrews, Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 437-438, Ebsco) my

We may recall that, in The Concept of the Political, Schmitt points to

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they do not pay their debts?’ (Schmitt 1996, 54).

#### The necessary extermination of the enemy in a just war culminates in newer and more creative ways to kill them.

Slomp in 064(Gabriella, University of St. Andrews, “Carl Schmitt’s Five Arguments against the Idea of Just War,” Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 442-444)

Like many historians, Schmitt dates the crisis of classical jus publicumeuropaeum back to the

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‘Tantum licet in bello justo!’ (Schmitt 1997, 299).

#### A moral impetus for war ensures escalation of violence as fighting as a just belligerent justifies all actions against the unjust.

Rasch04 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 60) my

Schmitt’s critique of the just war doctrine follows from these reflections, a fact that

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individual nation-states who ‘obstinately’ cling to the notion of sovereignty.

#### Fighting the War on Terror as a just war necessitates annihilation of the enemy and prevents any future end to the conflict.

deBenoist, 2007 (Alain, editor of Krisis and Nouvelle Ecole, author of over 50 books on political theory, “Global terrorism and the state of permanent exception: The significance of Carl Schmitt’s thought today,” The International Political Thought of Carl Schmitt: Terror, liberal war, and the crisis of global order. Pg. 80-81)

At the same time, the majority of people do not deny that terrorists are

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methods which are used to justify the refusal to accede to their demands.

#### The current framing of the War on Terror creates terrorism by failing to respect the enemy.

Prozorov06 (Sergei Prozorov, Professor of International Relations at Petrozavodsk State University and Collegium Research Fellow at the Helsinki Collegium for Advanced Studies, Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, Millennium - Journal of International Studies, Vol.35 No. 1, pp75-99) NAR

Secondly and consequently, the ‘war on terror’ is of particular interest, insofar

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obscuring the reflection on the concrete meaning of antagonism in contemporary political life.

#### It is impossible to engage terrorism in the current framework of war as it is an asymmetric response to the United State’s unipolar unchallenged moral authority.

Mouffe 07 (Chantal, “Carl Schmitt’s warning on the dangers of a unipolar world,” The International Political Thought of Carl Schmitt: Terror, liberal war, and the crisis of global order, pg. 150-151)

I agree with Kenregan that Schmitt's insights about the consequences of a unipolar world order

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the very least, an indirect result of globalizing impacts that may be transmuted

### Part 3: Ending the Just War

#### Thus the plan: The Supreme Court of the United States should rule to restrict the president’s authority to conduct targeted killing justified through Just War Theory.

#### Our intervention insists on application of law; this legal intervention generates a new norm.

Schmitt 34 (Carl Schmitt, Prof. of Political Science @ Univ. of Berlin, 2005, Political Theology, Pub. 1934, Trans. George Schwab, Univ. of Chicago Press: Chicago, p. 30-2) NAR

All these objections fail to recognize that the conception of personality and its connection with

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should be understood that this last contrast is of no consequence to jurisprudence.

#### Rejecting just war creates a better norm for war fighting.

Slompin 06 5 (Gabriella, University of St. Andrews, “Carl Schmitt’s Five Arguments against the Idea of Just War,” Cambridge Review of International Affairs, Vol. 19, No 3, September 2006, pg. 440-442)

¶We may recall that the second argument deployed by Schmitt against just war is

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him with the power emanating from the entity’ (Schmitt 1996, 45).

#### Conflicts and wars are inevitable but they can be bracketed by divorcing moral claims from violence.

Rasch2 (William, Prof. of German Studies, Indiana U, Sovereignty and its Discontents, Birkbeck Law Press, pg. 21-22) my

Do we define ourselves by the enemies we make? Carl Schmitt thought so,

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arena of this larger pluralism in which the political is to be found.

#### Rejecting just war’s implicit liberalism prevents extreme cases of conflict and creates the true stage for international politics.

Prozorov 6 (Sergei Prozorov, Professor of International Relations at Petrozavodsk State University and Collegium Research Fellow at the Helsinki Collegium for Advanced Studies, Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, Millennium - Journal of International Studies, Vol.35 No. 1, pp75-99) NAR

The discourse of the liberal ‘peace project’ is not merely oblivious to the relationship

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the call of universal and monistic representations, and to designate that as pluralist’

#### The War on Terrorism as it is currently fought is doomed to fail; we must reconceptualize war in order to find a way forward.

Ulmen 07 (Gary L., editor of Telos: A Quarterly Journal of Critical Thought and translated The Nomos of the Earth “Partisan warefare, terrorism and a new nomos,” The International Political Thought of Carl Schmitt: Terror, liberal war, and the crisis of global order. Pg. 104-105)

What does this mean concretely? Outside what law? Obviously, it means outside

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this is highly unlikely without profound understanding of the transformation of war and enmity

in the political unconscious of those so afflicted into grievances associated with cultural injustices. (Falk and Strauss 2003: 206)