### Off

#### Restriction is a prohibition

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Authority means “authorization” – topical affirmatives must remove the permission to act, not just regulate the President

Hohfeld,Yale Law,19(1919, Wesley, http://www.hku.hk/philodep/courses/law/HohfeldRights.htm)

Many examples of legal powers may readily be given. Thus, X, the owner of ordinary personal property "in a tangible object" has the power to extinguish his own legal interest (rights, powers, immunities, etc.) through that totality of operative facts known as abandonment; and-simultaneously and correlatively-to create in other persons privileges and powers relating to the abandoned object,-e. g., the power to acquire title to the latter by appropriating it. Similarly, X has the power to transfer his interest to Y, that is to extinguish his own interest and concomitantly create in Y a new and corresponding interest. So also X has the power to create contractual obligations of various kinds. Agency cases are likewise instructive. By the use of some metaphorical expression such as the Latin, qui facit per alium, facit per se\* the true nature of agency relations is only too frequently obscured. The creation of an agency relation involves, inter alia, the grant of legal powers to the so-called agent, and the creation of correlative liabilities in the principal. That is to say, one party, P, has the power to create agency powers in another party, A,-for example, the power to convey P's property, the power to impose (so called) contractual obligations on P, the power to discharge a debt owing to P, the power to "receive" title to property so that it shall vest in P, and so forth. In passing, it may be well to observe that the term "authority," so frequently used in agency cases, is very ambiguous and slippery in its connotation. Properly employed in the present connection, the word seems to be an abstract or qualitative term corresponding to the concrete "authorization," the latter consisting of a particular group of operative facts taking place between the principal and the agent. All too often, however, the term in question is so used as to blend and confuse these operative facts with the powers and privileges thereby created in the agent. A careful discrimination in these particulars would, it is submitted, go far toward clearing up certain problems in the law of agency.

#### Voting issue –

#### 1) Ground – all DAs and CPs like ESR, flexibility, and politics compete based off restrictions on the presidential decision-making process – skews the topic in favor of the aff.

#### 2) Limits – the plan amounts to deterrence of prez powers, not statutory limitations – that’s opens a floodgate of affs that just dissuade presidential expansion of power

### Off

#### The 1AC represents a strategy of lawfare - using the law as a means to legitimize and justify an ever-expanding system of violence.

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Foucault’s envisioning of a more governmentalized and securitized modernity, framed by a ubiquitous architecture of security, speaks on various levels to the contemporary US military’s efforts in the war on terror, but I want to mention three specifically, which I draw upon through the course of the paper. First, in the long war in the Middle East and Central Asia, the US military actively seeks to legally facilitate both the ‘circulation’ and ‘conduct’ of a target population: its own troops. This may not be commonly recognized in biopolitical critiques of the war on terror but, as will be seen later, the Judge Advocate General Corps has long been proactive in a ‘juridical’ form of warfare, or lawfare, that sees US troops as ‘technical-biopolitical’ objects of management whose ‘operational capabilities’ on the ground must be legally enabled. Secondly, as I have explored elsewhere, the US military’s ‘grand strategy of security’ in the war on terror — which includes a broad spectrum of tactics and technologies of security, including juridical techniques — has been relentlessly justified by a power/knowledge assemblage in Washington that has successfully scripted a neoliberal political economy argument for its global forward presence.’9 Securitizing economic volatility and threat and regulating a neoliberal world order for the good of the global economy are powerful discursive touchstones registered perennially on multiple forums in Washington — from the Pentagon to the war colleges, from IR and Strategic Studies policy institutes to the House and Senate Armed Services Committees — and the endgame is the legitimization of the military’s geopolitical and biopolitical technologies of power overseas,20 Finally, Foucault’s conceptualization of a ‘society of security’ is marked by an urge to ‘govern by contingency’, to ‘anticipate the aleatory’, to ‘allow for the evental’.2’ It is a ‘security society’ in which the very language of security is promissory, therapeutic and appealing to liberal improvement. The lawfare of the contemporary US military is precisely orientated to plan for the ‘evental’, to anticipate a 4 series of future events in its various ‘security zones’ — what the Pentagon terms ‘Areas of Responsibility’ or ‘AORs’ (see figure 1)•fl These AORs equate, in effect, to what Foucault calls “spaces of security”, comprising “a series of possible events” that must be securitized by inserting both “the temporal” and “the uncertain”. And it is through preemptive juridical securitization ‘beyond the battlefield’ that the US military anticipates and enables the necessary biopolitical modalities of power and management on the ground for any future interventionary action. AORs and the ‘milieu’ of security For CENTCOM Commander General David Petraeus, and the other five US regional commanders across the globe, the population’ of primary concern in their respective AORs is the US military personnel deployed therein. For Petraeus and his fellow commanders, US ground troops present perhaps less a collection of “juridical-political” subjects and more what Foucault calls “technical- political” objects of “management and government”.25 In effect, they are tasked with governing “spaces of security” in which “a series of uncertain elements” can unfold in what Foucault terms the “milieu”.26 What is at stake in the milieu’ is “the problem of circulation and causality”, which must be anticipated and pLanned for in terms of “a series of possible events” that need to “be regulated within a multivalent and transformable framework”.27 And the “technical problem” posed by the eighteenth-century town planners Foucault has in mind is precisely the same technical problem of 5 space, population and regulation that US military strategists and Judge Advocate General Corps (JAG) personnel have in the twenty-first century. For US military JAGs, their endeavours to legally securitize the AORs of their regional commanders are ultimately orientated to “fabricate, organize, and plan a milieu” even before ground troops are deployed (as in the case of the first action in the war on terror, which I return to later: the negotiation by CENTCOM JAGs of a Status of Forces Agreement with Uzbekistan in early October 2OO1).2 JAGs play a key role in legally conditioning the battlefield, in regulating the circulation of troops, in optimizing their operational capacities, and in sanctioning the privilege to kill. The JAG’s milieu is a “field of intervention”, in other words, in which they are seeking to “affect, precisely, a population”.29 To this end, securing the aleatory or the uncertain is key. As Michael Dillon argues, central to the securing of populations are the “sciences of the aleatory or the contingent” in which the “government of population” is achieved by the regulation of “statistics and probability”.30 As he points out elsewhere, you “cannot secure anything unless you know what it is”, and therefore securitization demands that “people, territory, and things are transformed into epistemic objects”.3’ And in planning the milieu of US ground forces overseas, JAGs translate regional AORs into legally-enabled grids upon which US military operations take place. This is part of the production of what Matt Hannah terms “mappable landscapes of expectation”;32 and to this end, the aleatory is anticipated by planning for the ‘evental’ in the promissory language of securitization.

The ontology of the event’ has recently garnered wide academic engagement. Randy Martin, for example, has underlined the evental discursive underpinnings of US military strategy in the war on terror; highlighting how the risk of future events results in ‘preemption’ being the tactic of their securitization.33 Naomi Klein has laid bare the powerful event-based logic of disaster capitalism’;34 while others have pointed out how an ascendant logic of premediation’. in which the future is already anticipated and mediated”. is a marked feature of the “post-9/1 I cultural landscape”.35 But it was Foucault who first cited the import of the evental’ in the realm of biopolitics. He points to the “anti-scarcity system” of seventeenth-century Europe as an early exemplar of a new ‘evental’ biopolitics in which “an event that could take place” is prevented before it “becomes a reality”.36 To this end, the figure of ‘population’ becomes both an ‘object’, “on which and towards which mechanisms are directed in order to have a particular effect on it”, but also a ‘subject’, “called upon to conduct itself in such and such a fashion”.37 Echoing Foucault, David Nally usefully argues that the emergence of the “era of bio-power” was facilitated by “the ability of ‘government’ to seize, manage and control individual bodies and whole populations”.38 And this is part of Michael Dillon’s argument about the “very operational heart of the security dispositif of the biopolitics of security”, which seeks to ‘strategize’, ‘secure’. ‘regulate’ and ‘manipulate’ the “circulation of species Iife”.3 For the US military, it is exactly the circulation and regulation of life that is central to its tactics of lawfare to juridically secure the necessary legal geographies and biopolitics of its overseas ground presence.

#### The impact is militarism and the precursor to atrocities in the name of national security.

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

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

#### Their politics necessitate the dissolution of national borders and an expanding desire to survey the world - the impact is genocide and settler colonialism.

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This transmutation and persistent eclipse of national borders by the contemporary US homeland security state has at least two key effects. Felicitously Captured in the classic phrase ‘papers, please. . .’, the ubiquity of borders generates forms of verifica- tion meant to stabilize, make legible, and manage the ineluctable plurality of a population. In doing so, they incite the truth-telling desired by the nation-state of increasingly inscrutable - and increasingly surveilled - subjects of power in sites both beyond and beneath the horizon of the national. At the same time, the extension of bordering processes outside the geography of the nation-state creates flexible bio- political zones capable of traversing the globe, in which certain subjects \_ Whose apogee in this case are the human figures in the [US Government] Situation Room photograph, the operators of the unmanned aerial system, the members of Navy SEAL Team 6, and, if the photograph retains its structure of address, those interpel- lated into its frame \_ are invited to occupy categories of life and wield power over the lives of others, while others are banished from sociality to the point of death­ I submit that this latter figure, of life-in-death, constitutes the kernel of the raciality of the war on terror. While its genealogy emerges out of forms of settler colonial violence that hails indigenous genocide, manifest destiny, and other products of US imperial sovereignty, at its back is what jared Sexton calls the ‘structure of gratuitous violence in which a body is rendered as flesh to be accumulated and exchanged’ - that is, the reproduction of the structure of racial slavery (loro: 38). Junaid Rana calls this the ‘fungibility of comparative racialization’, which moves swiftly in these socio-spatial processes of exchange, from the criminal to the illegal alien to the security threat to the terrorist (loll: 50-57). Considering the production of the figure of life-in-death and its fungibility thus becomes a way to theorize the mutual constitution and effects of national and impe- rial race-making. While the nascent field of border studies has emphasized (though not exclusively) questions of national borders and the transnational space of US/ Mexico, and American Studies has followed the interchange between North American and intercontinental imperial projects, I aim to understand how the ‘domestic’ borders of the US nation-state are transmuted by conceptions of the globalized homeland. I track how the reproduction of biopolitical ‘frontiers’ reenacts older imperial patterns that also remain connected to ‘domestic’ histories and policies of racialization that legitimate the production of targets understood through rubrics of threat, fear, and terror. I take up technologies of visuality in particular in order to contend with one of the more dramatic spectacles of the post-9/11 era: the assassination of Osama Bin Laden in Abhottahad, Pakistan. Building on recent scholarship in critical human geography (Elden, 2009; Graham, 2010; Gregory, 2004; Weizman, 2007), critical race theory (Goldberg, 2008; Lipsitz, 2011), and visual Culture studies (Chow, 2006; Kaplan, 2011), I show how the fungi- bility of comparative racialization operates through a ‘dynamic sociospatial process’ that traverses local, national, and imperial geographies (Pulido, 2000: 13). This traffic across geographic scales has developed a vector of verticality, what I call maialization from above, which Supplements the long history of maializatíon on the ground, whose contours have been well-documented, particularly around US/Mexico. But racializa- tion from above accomplishes what racialization on the ground has been ill-equipped to achieve: it has contorted the temporality of warfare through notions of pre- emption and endurance, recalibrated Orientalist imagined geography through far more porous concepts of proximity that challenge received notions of state territorial- ity and national borders, and fixated on the mystique of ‘precision targeting’ in high- ly ambiguous structures of race and space (Kaplan, 2006). In this way, racialization from above arrays visual technologies along a vertical vector in order to supplement imperial sovereignty’s practices of ubiquitous bordering on the ground. By beginning to chart this vertical vector, I consider how the war on terror’s ‘logistics of percep- tion’ link the sight of imperial visioning with the raciality of the war on terror, before concluding with a glimpse at a counter-archive that asks us to see these processes otherwise (Virilio, 1989).

#### Their method obscures the causes of the war of terror - turns case and causes massive violence in the 3rd world.

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The genealogies and chronologies of these two contemporary wars infinitely complicate understanding of the violent post-9/11 world disordering. Protagonists of both the wars maintain that theirs is a response to prior situations or histories of "terrorism." It is not easy, even as a matter of simple chronology, to say which one comes first. The salient agents of the "war of terror" offer assorted reasons/justifications for this war as a response to an underlying war of "terror," even a series of these. They seem to justify their actions as a response to the recent but still ancient (this awkward phrasing illustrates the complexity of periodization) wrongs unleashed by the previous histories of wars of terror. In contrast, the protagonists of the "war on terror" regard theirs as a "second war," which may not have happened at all without the first (that is, the "war of terror"). The second war, it is loudly said, occurs because the first severely threatens the futures of a global capitalist driven new-human, even post-human, civilization.' The second war has no use for any scrupulous regard for the causes that underscore the first war. By the common consent of "civilized nations" (that is, the newly progressive Eurocentric state formation manifest through the "coalitions of willing states") the existing body of normative legal restraints concerning the use of force do not, as we see later, apply; in their place some newly fangled doctrines of "pre-emptive" war and "regime change" now stand uneasily installed. This second war has scant regard for its own, otherwise endlessly proclaimed, Euroamerican "gift" of human rights with respect to the benighted "failed states," exemplars of what Gayatri Spivak now troublesomely labels "failed decolonization."6 How may philosophical thinking or method help clarify the contending beliefs and performances? To start with, one may describe the situation as posing the problem of causality in a way that enables some preliminary means of describing causes and effects. The old Aristotelian categories of causality may suggest to us the distinction between proximate cause and efficient or final cause. In that case, one may say that 9/11 constituted the proximate cause of the "war on terror" just as the efficient cause is provided, for the protagonists of the "war of terror," by the past histories of "terror." But this language does not altogether avoid a "linear, deterministic, and nondialectical logic of causality," which assumes causes as originally given; following a Hegelian dialectical understanding, Angelica Nuzzo recently concludes that Terrorism (as well as its symbol, 9/11) is ... the true effect or the real consequence of the war against terrorism that the United States has been waging for decades in numerous parts of the world. In other words, war is the true cause of that which it declares it is fighting-namely, terrorism.' Put another way, "dialectic shows that terrorism is an effect, not a cause," with the consequence that "politics aimed at opposing" the war on terror will "have to look to reasons that lead to the exercise of violence and will have to fight the effect along with the causes that produce it."'8 Nuzzo suggests that a dialectical understanding remains "essential if we want to reach a nonideologicial and noninstrumental definition of terrorism" and if we want to "regain the historical-and oppose the fictional-sense of the reality in which we live."9 In this sense, the struggle consists in providing "definitions" that at least speak to aspects of historical and structural domination and denial of human rights and justice perpetuated by the United States as well as the Soviet Union (and their allies) in the twentieth century, and by the colonial and imperialistic Eurocentric global hegemons in the three centuries preceding the current waging of the "war on terror." On the other hand, philosopher Alain Badiou recently offered the insight that the word "terrorist," and the adjective "terrorism," has "no neutral readability," precisely because it "dispenses with a reasoned examination of political situations, of their causes and consequences. "'1 International lawpersons who have struggled over many generations to fashion approaches towards an acceptable normative description of "terrorism" may find this insight congenial.11 However, they know as well as the philosophers the difficulties that attend "reasoned examination of political situations"; there remain at hand many diverse reasoned analyses that frame very different understanding of the causes and consequences of "terrorism." They may, however, feel perplexed by Alain Badiou's accentuation of "reasoned examination," on the one hand, and his further analysis, on the other, of the ways in which the "crime of New York and the following battles" constitute the "disjunctive synthesis of two nihilisms.' 12 The overall result of both the "wars" then, for Badiou, remains a register constituted by the "bloody and nihilistic games of power without purpose and without truth., 13 If so, understanding "terror" in ways that destruct "the circuits of nihilism"'14 constitutes a new task for philosophers, international lawpersons, and human rights activism.

#### The alternative is to raise the question of jus CONTRA bellum—voting negative injects epistemic doubt about militarism into our decision calculus which is the prerequisite to shifting away from violence as the solution.

**Neu 13**—University of Brighton (Michael, “The tragedy of justified war”, International Relations 27(4) 461–480, dml)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operating mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is concerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgements are offered and the ability to regard the moral case as closed once the judgements have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgements about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, selfrighteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstructing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

### Adv 1

#### The plan doesn’t restrain the executive’s authority to determine who’s a target---that’s the most relevant objection to current drone policy

Kenneth Anderson 9, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University, 5/11/09, “Targeted Killing in U.S. Counterterrorism Strategy and Law,” http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf

The elephant in the room, so to speak, however, is the standard by which American forces select targets in the first place. This is the core objection to the whole practice, for example, raised by UN special rapporteurs and many others—on what basis does the U.S. conclude that this person is a terrorist? While the substantive standard governing conduct to evaluate a potential targeted killing in relation to innocent third party collateral damage is best drawn from standards in the law of IHL armed conflict, target selection in targeted killing is an intelligence matter. And although military intelligence has much to offer in the way of methodology, military law has much less so. Yet the intelligence community, for many reasons, has had only limited success in picking targets since 9/11—although the quality of target selection in the current campaign of Predator strikes by the CIA in Pakistan has clearly gone up. Congress can impose more demands for information to the intelligence committees and greater monitoring of target selection either before or after an attack, but it faces great limits in doing more than that. Congress cannot make the intelligence judgments. ¶ The concerns over targeted killings are not, of course, limited to targeting and collateral damage questions. Other states, particularly friendly and allied states, have excellent reason to view these policies with political alarm—quite apart from their abstract legal assessments of them. Britain, for example, has a certain number of radical imams who appear directly to influence their followers, among other things, to take up jihad in Pakistan and Afghanistan against the U.S. and NATO allies.97 In purely hypothetical terms, the U.S. might do well to target and kill them in Britain. While the U.S. is obviously not going to do that, it will target al Qaeda with Yemen’s consent in Yemen, and there are circumstances in which it will target terrorist suspects without territorial state consent.

#### Their legal attempt at securing the promise of U.S. exceptional violence makes all their impacts inevitable and guarantees conflict escalation.

Jones 13—Craig, Department of Geography, University of British Columbia, Vancouver, Travelling Law: Targeted Killing, Lawfare and the Deconstruction of the Battlefield in Shifting Borders: American Studies Between The American Century And The Arab Spring ed. Alex Lubin and Marwan Kraidy, http://warlawspace.files.wordpress.com/2013/04/jones-travelling-law-shifting-borders.pdf, Shree

If all of this clarifies anything about the putative ‘end of the American Century’ and the making of a new geopolitical order it is perhaps that Israel and the U.S. continue to be at the cutting edge of new forms of imperial lawfare and warfare, but also that these strategies and tactics come with intrinsic consequences that signal not strength and vitality but rather the precarity of Israeli and U.S. imperialism. Israel and the U.S. are responding to and are precipitating changes in the way that war is and will be fought in the 21st century. In this regard they have pioneered the way, as well as the technology, the know-how and experience, and (of course) the legal architecture for carrying out a way of war that – at the moment at least – favours themselves and their allies. But while these techno-legal architectures favour those who ‘have’ (inter alia) drones and the capacity for ‘global strike’117 from those who do not, Israel and the U.S. possess neither a technological monopoly nor unique access to the legal regimes that secure the ‘world as battlefield’. Indeed, as many as 87 nations possess some form of drone, and as the Washington Post recently reported: “China uses them to spy on Japan near disputed islands in Asia. Turkey uses them to eyeball Kurdish activity in northern Iraq. Bolivia uses them to spot coca fields in the Andes. Iran reportedly has given them to Syria to monitor opposition rebels.”118 The first drones over Gaza and Afghanistan were also unarmed and while Israel, the U.S. and U.K. may be the only known states to have fired missiles from remotely controlled drones, this will likely not be the case for much longer. And yet, it is not only the spectre of an increasingly difficult-to-regulate global (drone) arms race and drone industry that threatens this putatively ‘western way of war’119. Its legal architecture does too, and by way of closing I’d like to consider a different geography of travelling law(fare). On December 1st 1963 Malcolm X was asked to comment on the assassination of [JFK] John Fitzgerald Kennedy. Choosing his words carefully, he characterized it as an instance of the “chickens coming home to roost”. It was certainly a controversial comment but it was not a flippant one. Kennedy, of course, had been in power during the early years of the CIA assassination campaign of the 1960s and 1970s. Malcolm X referred explicitly to Kennedy and the CIA’s complicity in the murder of Congolese leader Patrice Lumumba and said that Kennedy had “twiddling his thumbs” at the assassination of Vietnemese Presdident Ngo Dinh Nhu. 120 In 1975 the monumental Church Committee Report confirmed that the CIA had both direct and indirect involvement in plots to assassinate several foreign leaders. The following year, President Ford issued a presidential decree banning assassination and several executive orders since (the most recent of them in 2008) have iterated that “No person employed by or acting on behalf of the United States Government shall engage in or conspire to engage in assassination.”121 But all of this has now been undone and as metaphor Malcom X’s comment speaks directly to the notion of travelling law and the future that might come to haunt those who have turned the world into a battlefield. In a letter to President Obama, Kenneth Roth of Human Rights Watch urged Obama in 2010 to avoid setting “dangerous precedents”122. It might now be too late for that. The very same legal arguments that Israel and the U.S. have aggressively been pursuing over the last decade and a half apply to and can also be used against them. For example, by conducting drone strikes, CIA employees as civilians who are participating in hostilities have become what the U.S. once classified as “unlawful combatants”.123 As we know, many labeled thus ended up in places like Guantanamo Bay, indeed many are still in Guantanamo Bay. But even more pointedly, according to the logic of the expansive armed conflict, there is nothing to stop other states and non-states from conducting their own targeted assassinations on Israeli and U.S. military personnel and infrastructure around the world. These could legitimately include Obama himself (as Chief of Staff of the U.S. military) or the thousands of U.S. and Israeli soldiers and ‘unlawful combatants’ in and off military bases around the world. Possible ‘legal’ strikes could also include the IDF defense compound, the Kirya, located in central Tel Aviv. As I type these closing words, I can see the Kirya through the window of the public library. I wonder whether the civilians around me, and those outside in the bustling cafes might not, according to U.S. and Israeli lawfare, be considered legitimate accidental or incidental ‘collateral damage’ if Hamas or Hezbollah attempted to strike the military compound over the road, but missed by a few meters. Those chickens have not yet come home to roost and at least as far as the conduct of warfare and lawfare are concerned it sure continues to be a long twentieth century.124

#### China won’t use drones to resolve territorial disputes – fears international backlash and creating a precedent for U.S. strikes in the area

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

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

#### Their assumption that it will be 'CHINA' that crosses the thin-red line is a positivistic understanding of the world which makes china war inevitable.

Pan 4 Pan, PhD degree in Political Science and International Relations from the Australian National University, 2K4 [Chengxin, The "China Threat" in American Self-Imagination: The Discursive Construction of Other as Power Politics, Alternatives: Global, Local, Political, Vol. 29, 2004]

China and its relationship with the United States has long been a fascinating subject of study in the mainstream U.S. international relations community. This is reflected, for example, in the current heated debates over whether China is primarily a strategic threat to or a market bonanza for the United States and whether containment or engagement is the best way to deal with it. (1) While U.S. **China scholars argue** fiercely over "**what China precisely is,**" their debates have been underpinned by some common ground, **especially in terms of a positivist epistemology**. Firstly**, they believe that China is** ultimately **a knowable object**, **whose reality can be**, and ought to be, empirically **revealed by scientific means**. For example, after expressing his dissatisfaction with often conflicting Western perceptions of China, David M. Lampton, former president of the National Committee on U.S.-China Relations, suggests that "**it is** time to step back and look at where China is today, where it might be going, and what consequences that direction will hold for the rest of the world." (2) Like many other China scholars, Lampton views his **object of study as essentially "something we can stand back from and observe with clinical detachment**." (3) Secondly, associated with the first assumption, it is commonly believed that China scholars merely serve as "disinterested observers" and that their studies of China are neutral, passive descriptions of reality. And thirdly, in pondering whether China poses a threat or offers an opportunity to the United States, they rarely raise the question of "what the United States is." That is, the meaning of the United States is believed to be certain and beyond doubt. I do not dismiss altogether the conventional ways of debating China. It is not the purpose of this article to venture my own "observation" of "where China is today," nor to join the "containment" versus "engagement" debate per se. Rather, I want to contribute to a novel dimension of the China debate by questioning the seemingly unproblematic assumptions shared by most China scholars in the mainstream IR community in the United States. To perform this task, I will focus attention on a particularly significant component of the China debate; namely, the "China threat" literature. More specifically, I want to argue that **U.S. conceptions of China as a threatening other are** always intrinsically **linked to how U.S. policymakers**/mainstream China specialists **see themselves (as representatives** **of the** indispensable, **security-conscious nation**, for example). As such, **they are not value-free,** objective **descriptions** **of an independent, preexisting Chinese reality out there, but are** better **understood as a** kind of **normative**, meaning-giving **practice that** often **legitimates power politics in** U.S.-China **relations and helps transform the "China threat" into social reality**. In other words, **it is self-fulfilling in practice, and is always part of the "China threat" problem it purports merely to describe.** In doing so, I seek to bring to the fore two interconnected themes of self/other constructions and of theory as practice inherent in the "China threat" literature--themes that have been overridden and rendered largely invisible by those common positivist assumptions. These themes are of course nothing new nor peculiar to the "China threat" literature. They have been identified elsewhere by critics of some conventional fields of study such as ethnography, anthropology, oriental studies, political science, and international relations. (4) Yet, so far, the China field in the West in general and the U.S. "China threat" literature in particular have shown remarkable resistance to systematic critical reflection on both their normative status as discursive practice and their enormous practical implications for international politics. (5) It is in this context that this article seeks to make a contribution.

#### No drone prolif

**Gilli and Gilli 13** [Andrea Gilli & Mauro Gilli, “Attack of the Drones: Should we fear the proliferation of unmanned aerial vehicles?”, Paper prepared for the 2013 APSA Annual Conference, Chicago (IL), Aug 31- Sept 3 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2299962]

From our analysis, we reach the opposite conclusion. Drones production and¶ employment is significantly more complicated and costly than many claim. More¶ precisely, at the platform level, for three out of the four types of drones we¶ investigate, UAVs require specific technical and industrial competences that are long,¶ difficult and expensive to develop and to maintain. Second, drones require some¶ advanced components and modules that in three out of four cases are expensive or¶ difficult either to produce or to access: from sensors to engines and munitions.¶ Finally, with the exception of very small drones, UAVs’ military value depends on¶ their integration into a broader architecture, what in military jargon is called the¶ battle-networks: the entire set of satellite, air and ground installations permitting realtime¶ and constant intelligence sharing. However, building and maintaining such¶ battle-networks is both expensive and challenging.10 In sum, the available evidence¶ suggests that the types of drones casting the most salient military threats are unlikely¶ to spread as quickly and easily as many claim.11

#### No norm setting.

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

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

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

Washington will find it increasingly difficult to protest other nations’ targeted killing programs — particularly when the United States has helped define this lethal practice. U.S. opposition will prove especially difficult when other states justify targeted killings as a matter of domestic affairs. Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law. Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon. But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use. This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

### Adv 2

#### Relations high and funding solves instability

Times of India 3/5/14 “US plans $280 million military aid to Pakistan, cuts civilian aid” http://timesofindia.indiatimes.com/world/pakistan/US-plans-280-million-military-aid-to-Pakistan-cuts-civilian-aid/articleshow/31463630.cms

WASHINGTON: Arguing that Pakistan will remain a key player in counter terrorism post-2014, the US has proposed USD 280 million in military assistance to the country, although it wants to cut civilian aid in an effort to acknowledge India's concerns about misuse of the funds. ¶ Marred by financial constraints, the Obama administration has proposed to substantially cut civilian aid to Pakistan to USD 446 million for the next fiscal year as against USD 703 million in 2013, which among other things the State Department argued is aimed at improving ties with India. ¶ "The OCO (Overseas Contingency Operations) resources will support critical US activities such as sustaining close cooperation with Pakistan, ensuring the safety of Pakistani nuclear installations, working with Pakistan to facilitate the peace process in Afghanistan, and promoting improved relations with India," the State Department said as it proposed USD 446 million in civilian aid to Pakistan. "FY 2015 funding for Pakistan is crucial to meeting key US strategic priorities of combating terrorism, strengthening security in both Pakistan and the region, and maintaining stability in Afghanistan post-transition,"the department said. ¶ "Pakistan will remain a key player in US counter terrorism and nuclear nonproliferation efforts in FY 2015, as well as in our long-term objectives of economic development and stability in the region," the State Department said in its annual budget proposals to the Congress. ¶ "Developing an enduring and collaborative relationship with an increasingly stable and prosperous Pakistan that plays a constructive role in the region will therefore continue to be a priority for the United States," the State Department said proposing USD 100 million to Pakistan under the Economic Support Fund (ESF) for the fiscal year 2015. ¶ Under the Foreign Military Financing (FMF) category, the US maintained USD 280 million in military aid to Pakistan for the fiscal year 2015 beginning in October 2014. ¶ Given the ongoing transition in Afghanistan and continued terrorist attacks against civilian and military targets throughout Pakistan, FMF is essential to Pakistan's efforts to increase stability in its western border region and ensure overall stability within its own borders, the department said. ¶ "The USD 280 million Pakistan requests will enhance the Pakistan Army, Frontier Corps, Air Force, and Navy's ability to conduct counter insurgency (COIN) and counter terrorism (CT) operations against militants throughout its borders and will improve Pakistan's ability to deter threats emanating from those areas, and encourage continued US-Pakistan military-to-military engagement," the State Department said. ¶ The OCO supports a robust diplomatic presence and critical assistance programmes to support the government and its people following Pakistan's first democratic transition. ¶ "These funds will help facilitate increased stability and prosperity in this strategically important nation and will enable us to sustain a presence necessary to achieve essential strategic priorities of eliminating terrorism and enhancing stability in Pakistan and the region following the transition in Afghanistan," the State Department said. ¶ Pakistan lies at the heart of the US' counter terrorism strategy, the peace process in Afghanistan, nuclear non-proliferation efforts, and economic integration in South and Central Asia, it said.

#### Strikes decreasing in pakistan now, plan already perceived as happening.

Pakistan News & Views 7/26/13 (“U.S Drones Strikes has Decreased Due To Its Criticism”, http://pakistannewsviews.com/u-s-drone-strikes-has-decreased-due-to-its-criticism/)

The tempo of CIA drone strikes in Pakistan has slowed significantly in recent months, and anonymous officials tell The Associated Press that the reason has to do with the public’s intensifying criticism of the program, which has reportedly killed hundreds of civilians since 2004. ¶ While the attacks are by no means stopping, their frequency has reached a low not seen since the secret program began in Pakistan, with 16 strikes occurring so far this year. That’s a far cry from the peak of 122 strikes in 2010, according to data from the New America Foundation; whose most recent estimates show those strikes killed 97 alleged “militants” and four “others” in 2013. Current and former intelligence officials tell AP that public scrutiny has led the program to be more focused on “high value” targets, supposedly dropping the controversial practice of “signature strikes,” which attack anonymous individuals based solely on behavior observed in the field.¶ The statements seem to be in line with those from President Obama, who said during a speech in May that he would roll back the CIA program and limit targets to those who constitute a “continuing, imminent threat.” But a Justice Department legal memo leaked prior to the speech broadly defines “imminent” to include any plot which “may or may not occur in the near future.” The administration has also defended its demonstrated ability to execute — without charge or trial — American citizens who fit that criteria.¶ The decreased number of strikes comes after massive public outrage in Pakistan, where the high court in Peshawar has ruled that US drone strikes constitute war crimes and violations of the country’s sovereignty. Ben Emmerson, the UN’s special rapporteur on civil rights, reached similar conclusions during his own investigation of the ongoing US drone campaign. In the past, Pakistani officials have publicly spoken out against drone strikes while secretly consenting to them behind closed doors. But anonymous US officials told the AP that the strikes decreased after Pakistani officials made it clear the attacks could not continue at the current rate, citing concerns over the civilian death toll.

#### Pakistan is pro-drones, its a show

Byman 13 (Daniel L., Senior Fellow, Foreign Policy – Saban Center for Middle East Policy – Brookings Institute, “Why Drones Work: The Case for Washington's Weapon of Choice,” Brookings Institute, July/August, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman)

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.”¶ As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.”¶ Still, Pakistan is reluctant to make its approval public. First of all, the country’s inability to fight terrorists on its own soil is a humiliation for Pakistan’s politically powerful armed forces and intelligence service. In addition, although drones kill some of the government’s enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.¶ A 2012 poll found that 74 percent of Pakistanis viewed the United States as their enemy, likely in part because of the ongoing drone campaign. Similarly, in Yemen, as the scholar Gregory Johnsen has pointed out, drone strikes can win the enmity of entire tribes. This has led critics to argue that the drone program is shortsighted: that it kills today’s enemies but creates tomorrow’s in the process.¶ Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

#### Leaders irrelevent to terrorist groups.

Hunter 9 - intelligence officer with the Defense intelligence ¶ agency (Dia) from June 2002 to april 2007; specialized in the analysis of terrorist tactics, techniques, and procedures (ttP) which included in-depth ¶ study of improvised explosive devices (ieDs) and the ttP employed in ¶ their use worldwide; holds a master’s degree in unconventional warfare from the american ¶ Military university, a master’s degree in international security studies ¶ from the university of St. andrews (Scotland) [Thomas Byron Hunter Targeted Killing: Self-Defense, Preemption, and the War on Terrorism. Journal of Strategic Security, 2009, 2 (2): 1-52. Available at: http://scholarcommons.usf.edu/jss/vol2/iss2/1]

In answering the first series of questions, the preponderance of information leads to the conclusion that the targeted killing of senior leaders ¶ or individuals does not lead to the dissolution or usually even a severe ¶ degradation of that group’s capabilities or intentions. This is particularly ¶ true in the case of those groups with long, established histories and large ¶ or highly motivated memberships, or a wide support base (e.g., al Qaeda, ¶ the revolutionary armed forces of colombia [farc], or Spain’s eta). These include terrorist groups, for example, that are seeking national ¶ identity.75 Smaller groups, such as the Red Army Faction and the Red ¶ Brigades survived the killing and imprisonment of key leaders and ¶ continued operations for years.¶ To borrow a conclusion from senior RAND terrorism analyst Brian ¶ Jenkins in his commentary in Newsday (December 3, 2003):¶ the more an enterprise draws from deep roots or has a broad base, ¶ the less the effect of the death of its leader. It is not the loss of a ¶ single leader that fells a movement, but the elimination of its leadership, operational capabilities, constituency and conditions.76¶ Additionally, the elimination (particularly the violent termination) of a ¶ leader, who has gained a “mythic” status among his supporters, can serve ¶ to demoralize a terrorist movement. As this mythic quality can often ¶ serve as a force multiplier in a terrorist campaign, the elimination of this ¶ element can have a strong impact. This is particularly true if the leader ¶ has previously identified himself (or is perceived by followers) to be immune to capture or death at the hands of the enemy.

### 2nc

### Case

Seng 2—Head of Research for Institute of Defence and Strategic Studies, Singapore. PhD (Tan See, What Fear Hath Wrought: Missile Hysteria and The Writing of “America”, July 2002, http://www.rsis.edu.sg/publications/WorkingPapers/WP28.PDF, AMiles)

In Kyle’s discourse we encounter, first, the partisan criticism levelled against the previous administration for its evidently erroneous belief that China could be “reformed” by the “civilizing influence of the West.” That this statement proceeds immediately from there to demonstrate why “this theory hasn’t proven out” is not to imply that the senator from Arizona therefore thinks that the entirety of the Clinton Administration’s purported logic is thereby flawed. Indeed, his discourse enacts precisely the same exclusionary practice, present in the logic that he has just criticized, so as to position China as a “lesser subject,” so to speak, relative to the US. Again, Butler’s thoughts are helpful here: “This exclusionary matrix by which subjects are formed thus requires the simultaneous production of a domain of abject beings, those who are not yet ‘subjects,’ but who form the constitutive outside to the domain of the subject.” 75 I would suggest that Butler’s “abject beings…who are not yet ‘subjects’” may possibly be construed as what I have termed “lesser subjects.” Hence, in much the same way that colonial or Orientalist discourses produced subaltern subjects in order to be known, domesticated, disciplined, conquered, governed, and of course civilized, 76 the figuration of “China” in Kyle’s discourse, evoking a genre of Otherness most moderns prefer to think has disappeared with the passing of colonialism, is that of an uncivilized barbaric nation and people. The previous Democratic administration, according to Kyle, erred in believing that the Chinese can be reformed and civilized, but no such hope – and it is, after all, a liberal hope – need be entertained by conservatives who know better than to even attempt to civilize “the natives.” This representation allows for the simultaneous production of the properly constituted subject, “America,” where human rights, the rule of law, democracy, and a track record of good neighbourliness are fully embraced along with capitalism. Here we may note that although this inventory of criteria has long been associated with how Americans perceive themselves – and, to be sure, how the world perceives America, positively as well as negatively – their own national history, however, is littered with as many spectacular failures as there have been successes in these very areas. Further, what is interesting to note, in terms of the redeployment – or, to paraphrase Foucault, a “re-incitement” – of Orientalist tropes in security discourse, is the shift from the sorts of axiomatic and practical axes that structure interrelated discourses on communism during and prior to the Cold War, to the axes that configure contemporary readings of communism or, more precisely, the latest variant of “socialism with Chinese characteristics.” As Campbell has pointed out, one of the dimensions upon which pivoted the construction of Soviet communism as the West’s Other was that of the organizing of economic relations: notably, in its most simplistic terms, central planning and collectivisation on the part of the communist bloc; and, laissez faire cum mixed economy and private ownership on the part of the Free World. 77 In the case of Senator Kyle’s narrative – which, in a key respect, reiterates and references norms and tropisms already present in security discourses on China during the Clinton presidency – that particular axis has become irrelevant in the wake of China’s “embrace of western capitalism” and growing integration with the global economy. 78 For a replacement, contemporary security discourse has mobilized other representational resources that, as we have seen, function within the senator’s discourse to domesticate and constitute China as a threat. And although China is described therein as “being led by a communist regime,” the choice of this particular adjective, deliberately circulated to invoke past articulations of fear, no longer refers to the same thing, however. Hence, much as China has “embraced western capitalism,” much as communism in its economic sense is no longer adhered to throughout all of China, the discursive construction of Otherness, to the extent that the figuration of communism is still being employed, now proceeds along the democratic/authoritarian axis, as well as along other axes (elaborated upon earlier) around which rogue states are constituted. From this fragment of discourse – reliant as it is on other discourses developmental, humanitarian, juridical, ethical, economic, political, ideological, cultural, and of course security in order to be effective – “emerges” a China that can be perceived in no other way other than as a threat to the US. Kyle concludes with a stirring endorsement of what may be for others symptomatic of American hubris and ethnocentricity: “We should hold China up to the same standards of proper behavior we have defined for other nations, and we should work for political change in Beijing, unapologetically standing up for freedom and democracy” 79 – words today that resonate ambivalently as Washington wages its “new war on terrorism” in the name of freedom and democracy while, at the same time, having to infringe upon the civil liberties of some Americans of particular ethno-religious backgrounds in the name of that war. Finally, it is not entirely clear why Chinese “military modernization and buildup of forces opposite Taiwan,” much less “Beijing’s threatening rhetoric” – as if Chinese leaders, unlike their US counterparts, do not ever employ rhetoric for purposes of domestic consumption – should automatically lead Americans to “the conclusion that China potentially poses a growing threat to [the US’s] national security.” To its credit, the Bush Administration has, for the most part, avoided any forthright labelling of China as a threat, much less a clear and present danger. But the conditions of discursive possibility for such labelling are clear and present, so much so that policy options of containment, confrontation, and engagement, in an important sense, do not constitute fundamentally distinct ways of conceptualising China, but rather overlapping approaches to managing an already presumed Other, both dangerous and threatening. As National Security Advisor Condoleeza Rice has argued, “China is not a ‘status quo’ power [because it] resents the role of the United States in the Asia-Pacific region” 80 – an ideological reduction that not only constitutes China as incorrigibly revisionist, but refuses the possibility that China may in fact accept (or, as a retired Chinese diplomat recently put it, “tolerate” 81 ) the international status quo owing to the benefits Beijing has accrued and desires to continuing accruing, thanks largely to America’s apparent stabilizing influence in the region. 82 Moreover, as one analyst has averred, “Beijing has a history of testing US presidents early to see what they’re made of.” 83 As in the above illustrations concerning rogue states, exclusionary practices along various axiomatic and practical axes construct a particular China that, in turn, legitimates the view of the Chinese and their missiles as threats. All the while, the contemporaneous production and reproduction of a particular American identity proceeds apace by way of the reiteration and reference of boundary producing performances that form the constitutive “outside” of danger, threat, and vulnerability.

Dont give info

**Ross 13** [Alice, “Is Congressional Oversight Tough Enough On Drones?”, Aug 29, http://www.mintpressnews.com/is-congressional-oversight-tough-enough-on-drones/168069/]

In the Bureau’s latest investigation into the tactic of ‘double-tap’ strikes on rescuers, our field researcher’s findings appear to directly contradict an account of a strike attributed to staffers of the Congressional bodies charged with overseeing CIA drone strikes. The House and Senate intelligence committees are responsible for scrutinising the highly classified CIA drone programme. Details of CIA drone strikes are withheld from all other members of Congress. Dianne Feinstein, chair of the Senate Select Committee on Intelligence (SSCI) has said her committee devotes ‘significant time and attention to the drone programme’ and since 2010 has met each month to ‘review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimise noncombatant casualties.’ But committee members have complained about being denied information – and a source with knowledge of the committees’ functioning told the Bureau: ‘It’s a serious question as to how much any elected official could possibly understand about what’s going on inside’ the intelligence agencies. If the report of what was shown to the oversight committees is accurate – and if the Bureau and other news agencies are correct – then it appears that committee members were only shown video covering the final part of the incident, giving a misleading impression that concealed over a dozen deaths. The SSCI’s website states: ‘By law, the President is required to ensure that the committee is kept “fully and currently informed” of intelligence activities.’ CIA spokesman Edward Price told the Bureau: ‘The CIA takes its commitment to Congressional oversight with the utmost seriousness. The Agency provides accurate and timely information consistent with our obligation to the oversight Committees. Any accusation alleging otherwise is baseless.’ Neither the House nor the Senate committee would comment, despite repeated requests from the Bureau. But Feinstein’s office did point the Bureau towards a five-month-old statement by the senator on oversight of the drone campaign, made shortly after the public nomination hearings for CIA director John Brennan, of which drones were a major focus. The statement briefly outlined the review process for drone strikes. But it added the Obama administration had refused to provide the committee with memos outlining the legal justifications for drone strikes, despite repeated requests from senior committee members. ‘I have sent three letters [between 2010 and 2013]… requesting these opinions,’ Feinstein said. ‘Last week, senators on the committee were finally allowed to review two OLC [Office of Legal Counsel] opinions on the legal authority to strike US citizens. We have reiterated our request for all nine OLC opinions – and any other relevant documents – in order to fully evaluate the executive branch’s legal reasoning, and to broaden access to the opinions to appropriate members of the committee staff.’

### K

#### Multilaterialism through legal frameworks are doomed to fail - the alt is a pre-req for global governance.

**Langenhove, 11** – Luk Van, Director of the Comparative Regional Integration Studies Institute of the United Nations University (“Multilateralism 2.0: The transformation of international relations,” UN University, 5/31/11, http://unu.edu/publications/articles/multilateralism-2-0-the-transformation-of-international-relations.html)

Two major developments are currently transforming the multilateral system. The first is the trend towards multi-polarity as expressed by the rising number of states that act as key players. There have been times when only a few or even one player dominated the geopolitical game. But today it seems that several states are becoming dominant players as global or regional actors. The (voting) behavior of the BRICS countries (Brazil, Russia, India, China and South Africa) in the UN and their presence in the G20 illustrates this trend. The second development, meanwhile, is that new types of actors are changing the nature of the playing multilateral field. Regions with statehood properties are increasingly present in the area of international relations. Since 1974, the European Union (EU) for instance has been an observer in the United Nations General Assembly (UNGA). But on 3 May 2011, UNGA upgraded the EU’s status by giving it speaking rights. And that same resolution opens the door for other regional organizations to request the same speaking rights. Undoubtedly, this is what is what will happen in the near future. But as stated by some UN members in discussions on this resolution, this could unbalance the ‘one state, one vote’ rule within the UN. On the other hand, this opening towards regional organizations brings with it new opportunities. Together these two developments illustrate that multilateralism is no longer only a play between states: various regions as well as other actors are present and are profoundly changing the multilateral game. **But thinking about multilateralism is still very much based upon the centrality of states**: they are regarded as the constitutive elements of the multilateral system and it is their interrelations that determine the form and content of multilateralism. This implies that international politics is regarded as a closed system in at least two ways: firstly, it spans the whole world; and, secondly, there are huge barriers to enter the system. Many authors have pointed to all kinds of dys-functions such as the complexity of the UN system with its decentralized and overlapping array of councils and agencies, or to the divides between developed and developing countries. The emergence of truly global problems such as climate change, proliferation of weapons of mass destruction and many others have indeed **led to an increasing paradox** of governance. As Thakur and Van Langenhove put it in Global Governance (2006, 12:3) “[t]he policy authority for tackling global problems still belong to the states, while the sources of the problems and potential solutions are situated at transnational, regional or global level”. As such the building blocks of multilateralism, the states, seem to be **less and less capable of dealing with the challenges** of globalization. But because the multilateral world order is so dependent on the input of states, **multilateralism itself is not functioning well.** From an open to a closed system One way to capture the above-mentioned developments is to use the metaphor of ‘multilateralism 2.0’ in order to stress how the playing field and the players in multilateralism are changing. The essence of the Web 2.0 metaphor is that it stresses the emergence of network thinking and practices in international relations, as well as the transformation of multilateralism from a closed to an open system. In multilateralism 1.0 the principle actors in the inter-state space of international relations are states. National governments are the ‘star players’. Intergovernmental organizations are only dependent agents whose degrees of freedom only go as far as the states allow them to go. The primacy of sovereignty is the ultimate principle of international relations. In contrast, in multilateralism 2.0, there are players other than sovereign states that play a role and some of these players challenge the notion of sovereignty. Regions are one such type of actor. Conceived by states, other players can have statehood properties and as such aim to be actors in the multilateral system. Regional organizations especially are willing and able to play such a role. But sub-national regions as well increasingly have multilateral ambitions as demonstrated by their efforts towards para-diplomacy. As a result ‘international relations’ is becoming much more than just inter-state relations. Regions are claiming their place as well. This has major consequences for how international relations develop and become institutionalized, as well as for how international relations ought to be studied. What was once an exclusive playing ground for states has now become a space that states have to share with others. It is a fascinating phenomenon: both supra- and sub-national governance entities are largely built by states and can therefore be regarded as ‘dependent agencies’ of those states. However, once created, these entities start to have a life of their own and are not always totally controllable by their founding fathers. These new sub- and supra-entities are knocking on the door of the multilateral system because the have a tendency to behave ‘as if’ they were states. This actorness gives them, at least in principle, the possibility to position themselves against other actors, including their founding fathers! All of this has weakened the Westphalian relation between state and sovereignty. ‘One state, one vote’ Organizing multilateralism in a state-centric would only be possible if all states are treated as equal. This means that irrespective of the differences in territorial size, population size, military power or economic strength, all states have the same legal personality. Or in other words, the Westphalian principle of sovereign equality means working with the principle of ‘one state, one vote’, although it is universally acknowledged that this principle does not correspond to the reality. In multilateralism 2.0 this could be balanced through a more flexible system that compares actors in terms of certain dimensions (such as economic power) regardless of the type of actors they are. In other words, one can for instance compare big states with regions or small states with sub-national regions. This allows not only a more flexible form of multilateralism. It could perhaps also lead to a more just system with a more equal balance of power and representation. Within the present multilateral system, the UN occupies a major position. But, in order to adapt to the emerging ‘mode 2.0’ of multilateralism, it needs to open up to regions. This is a problem, as the UN is a global organization with sovereign states as members. Indeed, the way the UN is organized, only sovereign states, the star players, can be full members (see Article four of the UN Charter). Even though the EU was granted speaking rights, it was not granted voting rights. Chapter VIII of the Charter also mentions the possibility of cooperation with regional organizations and right from its conception there have been attempts to go beyond a state-centric approach. However, for many years now, the UN has struggled with the question of what place supra-national regional organizations should and could take in achieving UN goals. On one end of the spectrum is the position that regionalism blocks the necessary global and universal approach needed to solve the problems of today. At the other end there is the position that regionalism can serve the overall goals of the UN. Obviously, the question is not only a philosophical one. Rather, it is also about power of institutions. Are regional organizations weakening the UN or can they be considered as allies of the UN in dealing with supra-national problems? Further recognition required The key issue in relation to any institutional reform aimed at reinforcing multilateralism is how to create a balance of power among UN members and a balance of responsibilities and representation for the people of our planet. **Such a complex set of balances cannot be found if reform propositions continue to be based upon states as the sole building blocks of multilateralism. A radical rethinking is needed**, which recognizes that, next to states, world regions based upon integration processes between states have to play a role in establishing an effective multilateralism. Today’s reality is that, next to states, world regions are becoming increasingly important tools of global governance. There needs to be, however, a lot of creative and innovative thinking based upon careful analysis of the regional dimensions of ongoing conflicts and of existing cooperation between the UN and regional organizations. The upgrading of the EU’s status in the UN is an important step forward. But it is not enough. Other regional organizations such as the African Union, ASEAN or the League of Arab States should follow. And next to speaking rights, collaboration between the UN and regional organizations needs to be further developed. This is the only way to increase regional ownership of what the UN and its Security Council decide. As a matter of fact, this recently happened with the UNSC resolution 1973 regarding Libya: explicit reference is made to the African Union, the League of Arab States and the Organization of Islamic Conference. Moreover, the League of Arab States’ members are requested to act in the spirit of Chapter VIII of the UN Charter in implementing the resolution. Reviving Chapter VIII seems to be a promising way to combine global concerns with local (regional) legitimacy and capacity to act. The challenge is that in line with the complexity of the emerging new world order, any proposal to rethink multilateralism in such a way that it incorporates regionalism needs to be flexible. A simplistic system of regional representations that replace the national representations will not work. And not only the UN, but also the regional organizations themselves need to adjust to the reality of multilateralism 2.0. In this respect it remains to be seen to what extent the EU Member States will allow the EU to speak with one vision. And above all, in order to become politically feasible, the idea of a multi-regional world order needs to be supported and promoted by civil society. As long as this is not the case, **old habits and organizational structures will not change, and the world will not become a more secure place to live in.**

#### Pacifism is feasible.

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 100-102)

It would be foolish to claim that nonviolent action always succeeds against any opponent, just as it would be foolish to claim that ¶ violence always succeeds against any enemy. We must look to the evidence of history. It should be clear that the widespread belief that ¶ nonviolence “doesn’t work” is a misconception grounded in ignorance ¶ or neglect of when and where nonviolent direct action has succeeded. ¶ Similarly, the widespread confidence in violent means of struggle ¶ rests on neglect of its many failures. A review of post– World War II ¶ military interventions is beyond the scope of this book, but we can ¶ take a broad look at the historical record by reflecting briefly on important military actions of the past few decades. Vietnam, Lebanon, ¶ Somalia, Chechnya, Bosnia, Afghanistan, and Iraq all come to mind. ¶ How well has violence “worked”? Did the outcome of the war in Vietnam outweigh the evils in death, injuries, destruction, dislocation, ¶ and influence of the war on the region, namely, Pol Pot’s reign of terror? The Vietnam war is widely considered a tragic mistake. What ¶ about the first and second wars in Iraq? When the full outcome is ¶ weighed, will justice be served by such thorough destruction of a nation’s infrastructure, deaths and injuries of tens (some say hundreds) ¶ of thousands, dislocation of millions of refugees, and a very uncertain future for the region? Beyond Vietnam and Iraq, can we honestly say ¶ that the outcomes of war are better for Lebanon, Somalia, Chechnya, ¶ and Bosnia, not to mention the prospects for the ongoing war in Afghanistan? It seems not. In every case the intentions and expectations ¶ widely missed the outcomes. So, history shows that nonviolence has ¶ succeeded with little preparation and virtually no public confidence ¶ while violence is systematically planned, of the highest priority when ¶ investing public resources, and widely supported, yet it frequently ¶ fails to be an effective means of achieving the peaceful ends desired. ¶ Critics say pacifists should “be realistic.” Pacifists ask the same of warists, and history— certainly since the end of World War II— seems to ¶ favor nonviolence. Pragmatic objections to pacifism, once examined, ¶ are not decisive refutations at all. It must be acknowledged that pacifism may or may not succeed at ¶ defeating unrestrained evil. At the same time we must admit that war, ¶ by its nature, is a test of might; as such, it can never settle questions of ¶ right.18 Rather, in war one side prevails and domination replaces the ¶ cooperation of genuine peace. And it is exactly at this point that the ¶ positive peace side of pacifism makes its strongest case: only nonviolence can create the internal order characteristic of genuine peace, so ¶ violence always fails in the long run. Violence can satisfy the urge to do ¶ something in the face of injustice, violence can satisfy the desire for ¶ revenge against evil, and sometimes violence can impose a short-term ¶ negative peace. But violence cannot create and sustain the conditions ¶ of genuine positive peace because these conditions come from within ¶ individuals and groups by agreement and cooperation, not from the ¶ outside by force or threat. The historical record of the last century— ¶ the carnage of the twentieth century which began with most victims ¶ of war being combatants and ended with most victims of war being ¶ innocent civilians— should awaken us to the need for fundamental ¶ change, as should successes of largely nonviolent revolution in much of ¶ Eastern Europe after the collapse of the Soviet Union, in the nonviolent dismantling of apartheid in South Africa, and in the unarmed ¶ forces of the Philippines removing a dictator through nonviolent revolution. We are a sorry species if the best we can do is multiply and refine our means of violence while escalating our military threats and ¶ actions, carrying out increasingly devastating violence against one an-¶ other. But history shows not only the failure of violence but also the successes of nonviolence; here we find hope that we may learn from ¶ the past and reduce violence while expanding nonviolence.

### fw

As a legal scholar you should reflect on the 1ac as an up-down vote: there is no way voting aff can access their plan, but the university is a crucial place of praxis. If we win that lawmaking in the context of war is about justifying rather than challenging war, and the aff is an instance of that, you should vote neg.

Bond Graham 9. Darwin Bond Graham, PhD Sociology UC Santa Barbara, and Hell, UC Fiat Pax Research Project Group, Higher Education Militarization Resource, 2003, “The Militarization of America’s Universities”, Fiat Pax, UC Santa Cruz Press, pages 3-4, http://www.fiatpax.net/demil.pdf, Accessed 10/15/09

This publication is the testimony of our careers as students of a university in service of the warfare state. This publication is founded on a belief that war, no matter how urgent it might seem and no matter how necessary we are made to think it is, can no longer be considered a justifiable act. War is not the last resort, war is not the path to peace, war is not the means to an end, war is never the solution. War is always a failure. This publication is founded on a fact: War is not possible and pursuable in any society without the coordination and resources of a nation’s knowledge base for the purposes of making war. In our society this means that war is made possible only through a permanent technological revolution encompassing most dis- ciplines of science. War is the product of a close relationship between the US military establishment, private corporations, and academic institutions. This is the military-industrial-academic complex. Colleges and universities serve a critical purpose that only they can fulfill by providing access to the best and brightest minds, the product of their research, and the legitimization of war and weapons as high and honorable pursuits. The role that universities collectively play in warfare cannot be over-stated. War as we know it, with all its destructive and horrific capacity, would not be possible were it not for the military-industrial shaping of science, and our institutions of knowledge creation. We are not against science. We are opposed to the manipulation and perversion of science and technology used for the destruction of humankind. We are for the realization of a university that works to better society through research and education. We are in support of science guided by ethics not profits. In a message to the university community dated March 19th, 2003 UC President Richard Atkinson remarked that with respect to the war against Iraq and during times of war in general, "it is important that we all remember, now more than ever, the important role the University plays as a place of reasoned inquiry and civil discourse. While emotions may run high, there can be no room on our campuses for violence or intolerance." President Atkinson is right. There can be no room on our campuses for violence or intolerance. Therefore we must immediately cease all participation in the production of war and the technologies used to fight it. We must mobilize science entirely for peace and the prevention of war. Since the UC laid the foundation for the military-university relationship, it should be the first to sever the ties. We are calling upon the University of California to show leadership by transforming its system of research from war to peace, its economic purpose from destruction to sustainability, and by realizing its motto "Fiat Lux," that progress and a peaceful future is still possible.

We solve predictability

-Resolved means mental decision

AHD 06. American Heritage Dictionary

resolved v. To cause (a person) to reach a decision.

#### 4 War is a social condition that can be untaught through counter-hegemonic praxis.

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 23-24)

The slow but persistent rise in awareness of racial, ethnic, gender, sexual- orientation, and class oppression in our time and the beginning efforts of liberation from within oppressed groups offer hope that even the most deeply held and least explicitly challenged predispositions of culture might be examined. Such examinations can lead to changes in the lives of the oppressed. Perhaps even those oppressed by warism will one day free themselves from accepting war as an inevitable condition of nature. Two hundred years ago slavery was a common and well- established social institution in the United States. It had been an ordinary feature of many societies dating to ancient and perhaps prehistoric times. Slavery was taken for granted as a natural condition for beings thought to be inferior to members of the dominant group. And slavery was considered an essential feature of our nation’s economy. Within the past two centuries, attitudes toward slavery have changed dramatically. With these fundamental shifts in normative lenses came fundamental shifts in the practice and legality of slavery. These changes have been as difficult as they have been dramatic, for former slaves, for former slave- holders, and for culture at large. While deep racial prejudices persist to this day, slavery is no longer tolerated in modern societies. Slavery- like conditions of severe economic exploitation of labor have become embarrassments to dominant groups in part because slavery is universally condemned. The point is that the most central values of cultures— thought to be essential to the very survival of the society and allegedly grounded in the natural conditions of creation—can change in fundamental ways in relatively short periods of time with profound implications for individuals and societies. John Dewey beautifully links this point to the consideration of warism: “War is as much a social pattern [for us] as was the domestic slavery which the ancients thought to be immutable fact.”9 The civil rights movement has helped us see that human worth is not determined by a racial hierarchy. Feminism has helped us realize again that dominant attitudes about people are more likely values we choose rather than innate and determined features of human nature. It is historically true that men have been more actively violent and have received more training and encouragement in violence than have women.10 Dominant attitudes of culture have explained this by reference to what is “natural” for males and “natural” for females. By questioning the traditional role models for men and women, all of us be- come more free to choose and create the selves we are to be; we need not be defined by hidden presumptions of gender roles. Parallel to racial and gender liberation movements, pacifism questions taking warism for granted. Pacifists seek an examination of our unquestioned assumption of warism to expose it as racism and sexism have been examined and exposed. Just as opponents of racism and sex- ism consider the oppression of nonwhites and women, respectively, to be wrong, and thus to require fundamental changes in society, so opponents of warism— pacifists of various sorts— consider war to be wrong, and thus to require fundamental changes in society.

### link shit

#### Movements DA - mounting public pressure against drones in the status quo forces massive scaling-back of militaristic targeted killing. the affirmative’s cosmetic restriction saves the drone program by abating public anger.

Zenko 13 – fellow @ CFR

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In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial counterterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and inter- national humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 per- cent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gun- ships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forc- ing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making signifi- cant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allow- ing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resis- tance—such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attack- ing Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below.

Impact is forever war.

**Feldman 11 -** Assistant Professor, Ethnic Studies Department UC Berkley (Keith P, http://www.kengonzalesday.com/press/essays/Feldman.ComparativeAmericanStudies.pdf, Empire Verticality: The AF/Pak Frontier, Visual Culture, and Radicalization from Above, Comparative American Studies, Vol 9, No 4, December 2011, 325-41)

As with all racial geographies, the temporal trails quietly alongside the spatial. Boundaries between civilization and barbarism, whiteness and non-whiteness, human and inhuman, are buttressed by asynchronous and even extra-temporal (out of time) temporalities whose past-tense grammar limns the elsewhere of racialized difference. Racial naturalism and racial historicism are the most notable forms here, differentiating populations based upon a highly-constructed framing of a past-tense relation to present political, cultural, and ontological norms (Goldberg, 2002). US empire’s liberal ideologies — of the ‘white man’s burden’ at the turn of the twentieth century, the ‘development’ and ‘modernization’ projects at mid-century, the color-blind arguments at century’s end, and the human rights strains in the war on terror — all hinge on such notions of history’s waiting room and its varied racialized exclusions (McAlister, 2001; Mills, 1997; Murphy, 2010; Singh, 2006). Under the homeland security state, however, the waiting room has become infiltrated by threat and risk. To address this, racialization from above weaves permanently temporary observation into permanently temporary warfare, with ‘endurance’ its organizing chronos (Weizman, 2007). A future anterior grammar of pre-emption provides the temporal frame for the raciality of the war on terror, whose substantial differentiation from earlier forms of colonial warfare — where accumulation by dispossession was accomplished through extraterritorial conquest and settlement from without — brings to bear geographic ambiguities made sensible only through preventing what ‘will have been’ (Goldberg, 2008; Harvey, 2005; Pease, 2009). The war on terror seizes on that which appears as imminent, as probable, as possible. While questions of territorial sovereignty animate the predictable rhythm of oscillating troop deployments and withdrawals, they remain irresolvable when the horizon of war-making is always-already marked by an open-ended and indefinite futurity.

some random shit about time

Braxi 5 - \* Professor of Law, University of Warwick; Vice Chancellor, Delhi University (1990-1994); University of South Gujarat, Surat (1982-1985) (Upendra, The War on Terror and the War of Terror: Nomadic Multitudes, Aggressive Incumbents, and the New International Law - Prefactory Remarks on Two Wars, Volume 43, Number 1 Volume 43, Number 1/2 (Spring/Summer 2005) Third World Approaches to International Law After 9/11)

A new global ethno-nationalism, if one may so name this happening, is now in the making; it proclaims some inherent virtues of solidary global public citizenship, extending beyond bounds the celebrated notion of "constitutional patriotism" adumbrated by Jurgen Habermas.62 Because each one of us may be enmeshed in serial performances of mass political violence, each one of us also stands imperatively encased/interpellated within the logics, paralogics, and languages of "war on terror." These cultivate notions of public virtue in terms of a binary ethic (either you are for or against terrorism) and its associated regimes of the emerging positive global morality that seek to disarticulate any recourse to critical morality in relation to the war on terror, in all its fierce and mighty pursuit. Any ethical ambivalence stands condemned thus as complicitous with "terror." This new global ethic in the making extravagantly forfeits and squanders all potential for non-violent pursuit of the creation of dialogic timeplaces, disarticulating alternate versions of international comity as a global public good. V. THE DESTRUCTION OF COMITY Comity among nations is, indeed, a grudging virtue.63 Certain forms of inter-state courtesy and good will, while not furnishing a source of authoritative legal obligations, were, in the eye of recent history, a Eurocentric virtue practised by "civilized" nations of the West in their dealings inter se. It, of course, did not extend to their dealings with the rest of the world. Its origins are notoriously multiplex and multiple; they may be traced both to the era of European chivalry and the moral histories of the feudal virtue of honour that so brutally, if unevenly, combined forms and practices of interactions between colonizers and the colonized.64 The development of comity was, however, a "whites-only" kind of virtue in international relations. The "savage," the "barbarian," the "heathen," and the "unenlightened" masses of peoples and their political organization were placed outside the zones of comity, if only with a view to promote their capabilities for "civilization" and eventual induction into the family of nations.6 ' Even so, beneficial access to the practice of comity by all co-equal sovereign states and peoples now remains the foundation of a post-Westphalian order; this is now exposed to severe interrogation, especially by the United States. Overall, comity performed certain useful tasks, establishing a modicum of civility among nations, even in the post-Westphalian order marked first by decolonization and now by current economic-globalization. In particular, practising comity meant many orders of civility that informed magisterial evolution of the law of armed conflicts. For example, classical international law developed the practice of this virtue by requiring that the intention to go to war be notified by a declaration of war; undeclared hostilities or warfare were disfavoured. Customary international law stood informed by comity considerations when it prescribed that the use of force-even in situations of self-defence, reprisal, or retorsion-must be both reasonable and proportionate. Comity also did much silent work in the historical fashioning of the norms and standards of international humanitarian law, governing treatment of prisoners of war, the sick and wounded, and non-combatants caught in the vicious web of armed conflict. The conduct of comity was also grounded in prudential considerations. If the minimal ethical cooperation, even amidst armed conflicts, was to become a sovereign norm, winning wars remained morally worthy only if belligerent conduct retained a modicum of regard for the dignity and decency that strove to minimize "unnecessary" human suffering, even when "unnecessary" was interpellated within shifting grounds and doctrines of military necessity. Further, the idea that war should be a matter of last recourse was not altogether uninformed by the ethic of comity; after all, war remained conceived of as a necessary contribution to some steady states of peaceful cooperation among nations. The ongoing war on terror now almost totally erodes this institutionalized ethic of comity in international relations. The Taliban regime in Afghanistan, for example, rather remarkably reasserted the genre of classical comity norms when it insisted that the United States follow the old, and classical, norms of comity in international law and relations that rendered aggression a matter of last recourse. Following the classical comity patterns, the regime asked for prima facie evidence that suggested its complicity with Osama bin Laden; it assured that upon its production and verification, it would do its governmental best to locate him and his nefarious/multifarious associates; it then insisted that it would deliver them to any Islamic nation for a public international criminal trial for the commission of "crimes against humanity." None of these inherently dialogic requests were heeded by the United States in the "light" of a pre-determination to "discipline and punish" the Taliban.

### A2: Cede the Political

Only our framework creates a form of political consciousness that can recognize injustice.

Giroux 6 (Henry A., “Dirty Democracy and State Terrorism: The Politics of the New Authoritarianism in the United States,” Comparative Studies of South Asia, Africa and the Middle East, Volume 26, Number 2)

Such circumstances require that pedagogy be embraced as a moral and political practice, one that is directive and not dogmatic, an outgrowth of struggles designed to resist the increasing depoliticization of political culture that is the hallmark of the current Bush revolution.Education is the terrain where consciousness is shaped, needs are constructed, and the capacity for individual self-refl ection and broad social change is nurtured and produced. Education has assumed an unparalleled signifi cance in shaping the language, values, and ideologies that legitimize the structures and organizations that support the imperatives of global capitalism. Efforts to reduce it to a technique or methodology set aside, education remains a crucial site for the production and struggle over those pedagogical and political conditions that provide the possibilities for people to develop forms of agency that enable them individually and collectively to intervene in the processes through which the material relations of power shape the meaning and practices of their everyday lives. Within the current historical context,struggles over power take on a symbolic and discursive as well as a material and institutional form. Thestruggle over education is about more than the struggle over meaning and identity; it is alsoabout how meaning, knowledge, and values are produced, authorized, and made operational within economic and structural relations of power. Educationis not at odds with politics;it is an important and crucial element in any defi nition of the political and offers not only the theoretical tools for a systematic critique of authoritarianismbut also a language of possibilityfor creating actual movements for democratic social change and a new biopolitics that affi rms life rather than death, shared responsibility rather than shared fears, and engaged citizenship rather than the stripped-down values of consumerism. At stake here is combining symbolic forms and processes conducive to democratization with broader social contexts and the institutional formations of power itself. The key point here is to understand and engage educational and pedagogical practices from the point of view of how they are bound up with larger relations of power. Educators, students, and parents need to be clearer about how power works through and in texts, representations, and discourses, while at the same time recognizing that power cannot be limited to the study of representations and discourses, even at the level of public policy. Changing consciousness is not the same as altering the institutional basis of oppression; at the same time,institutional reform cannot take place without a change in consciousness capable of recognizingnot only injustice but also the very possibility for reform, the capacity to reinvent the conditions and practices that make a more just future possible. In addition, it is crucial to raise questions about the relationship between pedagogy and civic culture, on the one hand, and what it takes for individuals and social groups to believe that they have any responsibility whatsoever even to address the realities of class, race, gender, and other specifi c forms of domination, on the other hand. For too long, the progressives have ignored that the strategic dimension of politics is inextricably connected to questions of critical educationand pedagogy, to what it means to acknowledge that education is always tangled up with power, ideologies, values, and the acquisition of both particular forms of agency and specifi c visions of the future. The primacy of critical pedagogy to politics, social change, and the radical imagination in such dark times is dramatically captured by the internationally renowned sociologist Zygmunt Bauman. He writes, Adverse odds may be overwhelming, and yet a democratic (or, as Cornelius Castoriadis would say, an autonomous) society knows of no substitute for education and self-education as a means to inf luence the turn of events that can be squared with its own nature, while that nature cannot be preserved for long without “critical pedagogy”—an education sharpening its critical edge, “making society feel guilty” and “stirring things up” through stirring human consciences. The fates of freedom, of democracy that makes it possible while being made possible by it, and of education that breeds dissatisfaction with the level of both freedom and democracy achieved thus far, are inextricably connected and not to be detached from one another. One may view that intimate connection as another specimen of a vicious circle—but it is within that circle that human hopes and the chances of humanity are inscribed, and can be nowhere else.59 Fortunately, power is never completely on the side of domination, religious fanaticism, or political corruption. Neither is it entirely in the hands of those who view democracy as an excess or burden. Educators need to develop a new discourse and a revitalized global politics whose aim is to foster a democratic pedagogyand political culture that embody the legacy and principles of social justice, equality, freedom, and rights associated with democratic notions of time, space, pluralism, power, discourse, identities, morality, and the future. But such a politics cannot be simply nation based. If it is to be effective, it has to fi nd ways to globalize both justice and resistance, use the new media as critical pedagogical tools, and form new alliances among various oppositional groups, taking seriously pedagogy as a political practice that crosses borders, affi rms difference, and generates new international alliances in the struggle for new public spaces. More and more individuals and movements at home and around the globe including students, workers, feminists, educators, writers, environmentalists, senior citizens, artists, and a host of others are organizing to challenge the dangerous slide on the part of the United States into the dark abyss of an authoritarianism that threatens not just the promise but the very idea of global democracy in the twenty-fi rst century.

### 1nr

### Topicality

#### The aff only issues a correction to prevent the impacts of over-expansive war powers in one instance. Preventing the president from taking action does not limit the authority to act.

Sitaraman ’14 (January; Ganesh - Assistant Professor of Law @ Vanderbilt) “Credibility and War Powers” http://www.harvardlawreview.org/issues/127/january14/forum\_1024.php#\_ftn4

Second, the United States interest in the “credibility” of the U.N. Security Council is questionable on its own terms. The Libya Opinion states that the United States is not required to act when the Security Council has authorized action.56 The OLC has also explicitly recognized that the United States may use force without Security Council authorization.57 The opinions thus allow the United States to abandon the credibility of the Security Council if the United States does not want to use force. This might not be too troubling, as it is surely possible for the President to have authority to act, but choose not to use it. But for those who defend the U.N. credibility argument, it should be extremely troubling that the United States can abandon the credibility of the Security Council if the U.N. does not authorize force and the United States wants to act anyway. Because the U.N. Charter’s provisions limit the use of force in the absence of self-defense or a Security Council resolution,58 U.S. action without U.N. authorization would actually undermine the United Nations’ credibility. In other words, OLC is trying to have it both ways.

#### First- authority refers to the inherent powers created within the agent, means topical affirmatives have to address the origin of power that allows presidents to take action.

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf)

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### This is explicitly distinct - Authority is power delegated to an agent to take action, not the action itself.

Kelly 3 Judge for the State of Michigan, JOSEPH ELEZOVIC, Plaintiff, and LULA ELEZOVIC, Plaintiff-Appellant/Cross-Appellee, v. FORD MOTOR COMPANY and DANIEL P. BENNETT, Defendants-Appellees/Cross-Appellants., No. 236749, COURT OF APPEALS OF MICHIGAN, 259 Mich. App. 187; 673 N.W.2d 776; 2003 Mich. App. LEXIS 2649; 93 Fair Empl. Prac. Cas. (BNA) 244; 92 Fair Empl. Prac. Cas. (BNA) 1557, lexis

Applying agency principles, a principal is responsible for the acts of its agents done within the scope of the agent's authority, "even though acting contrary to instructions." Dick Loehr's, Inc v Secretary of State, 180 Mich. App. 165, 168; 446 N.W.2d 624 (1989). This is because, in part, an agency relationship arises where the principal [\*\*\*36]  has the right to control the conduct of the agent. St Clair Intermediate School Dist v Intermediate Ed Ass'n/Michigan Ed Ass'n, 458 Mich. 540, 558 n 18; 581 N.W.2d 707 (1998) (citations omitted). The employer is also liable for the torts of his employee if "'the servant purported to act or to speak on behalf of the principal and there was reliance upon apparent authority, or he was aided in accomplishing the tort by the existence of the agency relation,'" McCann v Michigan, 398 Mich. 65, 71; 247 N.W.2d 521 (1976), quoting Restatement of Agency, 2d § 219(2)(d), p 481; see also Champion v Nation Wide Security, Inc, 450 Mich. 702, 704, 712; 545 N.W.2d 596 (1996), citing Restatement of Agency, 2d § 219(2)(d), p 481 ("the master is liable for the tort of his servant if the servant 'was aided in accomplishing the tort by the existence of the agency relation'"). In Backus v  [\*213]  Kauffman (On Rehearing), 238 Mich. App. 402, 409; 605 N.W.2d 690 (1999), this Court stated: The term "authority" is defined by Black's Law Dictionary to include "the power delegated by a principal to an agent." Black's Law Dictionary (7th ed), p [\*\*\*37]  127. "Scope of authority" is defined in the following manner: "The reasonable power that an agent has been delegated or might foreseeably be delegated in carrying out the principal's business." Id. at 1348.

#### Second, restrictions must prohibit future action – the aff is a regulation on exercising authority

Schackleford, justice – Supreme Court of Florida, 3/12/’17

(J., “ATLANTIC COAST LINE RAILROAD COMPANY, A CORPORATION, *et al., Plaintiff in Error,* v. THE STATE OF FLORIDA, *Defendant in Error,”* 73 Fla. 609; 74 So. 595; 1917 Fla. LEXIS 487)

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

#### Even if they win the plan is a restriction, it doesn’t restrict presidential war powers authority - that kills predictability

J.A.D. Haneman 59, justice of the Superior Court of New Jersey, Appellate Division. “Russell S. Bertrand et al. v. Donald T. Jones et al.,” 58 NJ Super. 273; 156 A.2d 161; 1959 N.J. Super, Lexis

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.¶ HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

### case

#### Alternatives cause.

Javaid 11 [Umbreen, Director Center of Asian Studies & Chairperson Department of political science University of Punjab, “Thriving Fundamentalism and Militancy in Pakistan An Analytical Overview of their Impact on the Society,” South Asian Studies, Vol. 26 No. 1. Pg. 16-17]  
 ‘The recent increase of violence by jihadi groups, including suicide bombing of ¶ innocent bystanders as well attacks on the police and military, has perhaps brought ¶ more Pakistanis to consider how to strike a new balance between Islam and ¶ politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their ¶ attitude, especially their outlook on religion. Suffered with anti-Americanism and ¶ religious fervor, Pakistanis are filtering their worldview through the prism of ¶ religion and the tensions between Islam and the West, making them to the radical ¶ propaganda and paralyzing their will to act against forces of extremism’ (Hussain, ¶ 2009: 11). mbreen Javaid Thriving Fundamentalism and ¶ 17¶ It is not only the task of the government to control this growing ¶ fundamentalism but the whole society needs to completely shun off these ¶ extremists. The political parties, intellectuals, sectarian and religious parties and ¶ the masses all have to openly condemn the extremists, so that they do not find any ¶ space to flourish. ‘Much still needs to be done on the home front curb religious ¶ zealotry and sectarianism, policies towards minorities, revision of school curricula, ¶ reconstructing ‘official’ history, promotion of universal education, and ¶ overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look ¶ deeply into its causes. The whole society and especially the government needs to ¶ put in serious efforts in controlling on checking the causes if not diminishing ¶ them. It should also be understand that the issue of fundamentalism is very ¶ complex which entails number of factors which are playing their part. These ¶ include economic disparity, lack of education, religious ignorance, unemployment, ¶ extremism, judicial system, poor governance, ethnicity and sectarianism, ¶ corruption and alignment with United States, each of these have played their role ¶ separately and also a combined mix of all in flourishing militant fundamentalism ¶ in Pakistan. To control fundamentalism is not an easy task especially when it is ¶ now combined with militancy. Another major challenge for the government is that ¶ earlier the various militant extremist groups were operating separately and had ¶ divergent aims and objectives from each other but lately various local groups, AlQaeda and Taliban have all joined hands and helping each other irrespective of ¶ their particular objectives. These alignments have made these militant groups more ¶ lethal, thus making things more difficult for the government. ¶ Militant fundamentalism not only has the ability to destabilize Pakistan but it ¶ can, if not controlled, bring about serious security concerns for the region and also ¶ towards the global security and peace.

#### Decapitation fails – no discernable effects.

Arquilla 13 (John, received a PhD in International Relations from Stanford in 1991. He worked at RAND for several years, before joining the faculty of the US Naval Postgraduate School in 1993, March 25, “Use an Axe not a Scalpel” http://www.foreignpolicy.com/articles/2013/03/25/use\_an\_axe\_not\_a\_scalpel)

Remote-controlled weapons, the hot new tools of war, have had the perverse effect of shoring up an old pattern of strategic thought about going after enemy leaders. Wildly popular with the Air Force, there are now more pilots in cubicles than there are in cockpits. Their primary purpose: act swiftly and on the basis of good, timely intelligence to strike with great precision at terrorist leaders. Thus the longstanding strategic concept of counter-leadership targeting — “decapitation” was the less euphemistic term of an earlier era — has been revivified. The problem, though, is that when the principal foe is a network, the importance of any individual leader is low because these organizations are capable of a high degree of self-direction. Drones have played key roles in the killing of about 20 of al Qaeda’s “No. 3s” over the past decade, but in a network everybody is No. 3.¶ This focus on taking out the leaders of essentially leaderless networks (that is, interconnected cells that are highly self-organizing and at least semi-autonomous) has led to serious difficulties in the field. For example, many intelligence operatives and military servicemembers who plan and conduct drone operations have found that, all too often, the occasional strike from the sky inflicts damage that the networks can work around and quickly repair. In the meantime, the connections that the killed “leader” had are no longer discernible. Which means, in practical terms, that the slow attrition of drone campaigns, though it may hurt the enemy, does even more harm to the counter-terrorists’ store of knowledge about these networks. The more damage done in this slow-paced manner — there have been just over 400 drone strikes over the past decade, an average of 3-4 per month — the less is known. This phenomenon is a curious aspect of “netwar” — the term that my longtime research partner David Ronfeldt and I use to describe how networks fight, and how to fight networks.¶ [...]¶ Shortly before leaving office, Leon Panetta reaffirmed the traditional view when he said that loss of leaders had put al Qaeda “on the verge of strategic defeat.” This is outmoded thinking. One need only look to the many fronts on which al Qaeda is operating today — even in Iraq, where we are gone, the terrorists are back, and the country is burning — to see that the global war on terror has morphed into terror’s war on the world. If one side is closer to “strategic defeat” after a decade of this first great war between nations and networks, it is the nations. Networks are simply not dependent on a few key leaders — as even the death of Osama bin Laden has shown.¶ So, what’s his alternative?¶ For David Ronfeldt and me, this means operating in concentrated bursts of action, striking networks not at a single “decisive point” — they don’t have such — but rather at several points at once — what we call “swarming.” Far better to go after al Qaeda by doing a lot more surveillance, for longer periods, prior to attacking. Then, when the network node or cell has been sufficiently illuminated, it can be eliminated in a series of simultaneous strikes that give the enemy little or no chance to hide or flee.¶ This makes sound strategic sense. Interestingly, given the longstanding “war” vs. “law enforcement” debate on counterterrorism, it’s pretty much the approach the FBI takes to organized crime.¶ Politically, however, this is easier said than done. We’ve been at war a long time and being able to announce “progress” in the form of killed or captured senior leaders is excellent for maintaining troop morale and public support. Ironically, it may contribute to needing to sustain those much longer than would otherwise have been necessary.

**Increased CO2’s key to crop fertilization that sustains biodiversity and avert worldwide famine**

**Idso & Idso 2007**… Sherwood **Idso**, former Research Physicist with the U.S. Department of Agriculture's Agricultural Research Service and former adjunct professor in the Departments of Geology, Geography, and Botany and Microbiology at Arizona State University, **and** Craig **Idso**, founder and former President of the Center for the Study of Carbon Dioxide and Global Change and former Director of Environmental Science at Peabody Energy, 200**7** [Carbon Dioxide and Global Change: Separating Scientific Fact from Personal Opinion, http://co2science.org/education/reports/hansen/HansenTestimonyCritique.pdf, p. 17-19]

How much land can ten billion people spare for nature? This provocative question was posed by Waggoner (1995) in an insightful essay wherein he explored the dynamic tension that exists between the need for land to support the agricultural enterprises that sustain mankind, and the need for land to support the natural ecosystems that sustain all other creatures. This challenge of meeting our future food needs – and not decimating the rest of the biosphere in the process – was stressed even more strongly by Huang et al. (2002), who wrote that humans “have encroached on almost all of the world's frontiers, leaving little new land that is cultivatable.” And in consequence of humanity's usurpation of this most basic of natural resources, Raven (2002) stated in his Presidential Address to the American Association for the Advancement of Science that “species-area relationships, taken worldwide in relation to habitat destruction, lead to projections of the loss of fully two-thirds of all species on earth by the end of this century.” In a more detailed analysis of the nature and implications of this impending “global land-grab” – which moved it closer to the present by a full half-century – Tilman et al. (2001) concluded that the task of meeting the doubled world food demand, which they calculated would exist in the year 2050, would likely exact a toll that “may rival climate change in environmental and societal impacts.” But how could something so catastrophic manifest itself so soon? Tilman and his nine collaborators shed some light on this question by noting that at the end of the 20th century mankind was already appropriating “more than a third of the production of terrestrial ecosystems and about half of usable freshwaters.” Now, think of doubling those figures, in order to meet the doubled global food demand that Tilman et al. predict for the year 2050. The results suggest that a mere 43 years from now mankind will be appropriating more than two thirds of terrestrial ecosystem production plus all of earth’s remaining usable freshwater, as has also been discussed by Wallace (2000). In terms of land devoted to agriculture, Tilman et al. calculate a much less ominous 18% increase by the year 2050. However, because most developed countries are projected to withdraw large areas of land from farming over the next fifty years, the loss of natural ecosystems to crops and pastures in developing countries will amount to about half of their remaining suitable land, which would, in the words of the Tilman team, “represent the worldwide loss of natural ecosystems larger than the United States.” What is more, they say that these land usurpations “could lead to the loss of about a third of remaining tropical and temperate forests, savannas, and grasslands.” And in a worrisome reflection upon the consequences of these land-use changes, they remind us that “species extinction is an irreversible impact of habitat destruction.”

What can be done to avoid this horrific situation? In a subsequent analysis, Tilman et al. (2002) introduced a few more facts before suggesting some solutions. First of all, they noted that by 2050 the human population of the globe is projected to be 50% larger than it was just prior to the writing of their paper, and that global grain demand by 2050 could well double, due to expected increases in per capita real income and dietary shifts toward a higher proportion of meat. Hence, they but stated the obvious when they concluded that “raising yields on existing farmland is essential for ‘saving land for nature’.” So how can this readily-defined but Herculean task be accomplished? Tilman et al. proposed a strategy that focuses on three essential efforts: (1) increasing crop yield per unit of land area, (2) increasing crop yield per unit of nutrients applied, and (3) increasing crop yield per unit of water used. With respect to the first of these efforts – increasing crop yield per unit of land area – the researchers note that in many parts of the world the historical rate-of-increase in crop yield is declining, as the genetic ceiling for maximal yield potential is being approached. This observation, in their estimation, “highlights the need for efforts to steadily increase the yield potential ceiling.” With respect to the second effort – increasing crop yield per unit of nutrients applied – they note that “without the use of synthetic fertilizers, world food production could not have increased at the rate [that it did in the past] and more natural ecosystems would have been converted to agriculture.” Hence, they say that the ultimate solution “will require significant increases in nutrient use efficiency, that is, in cereal production per unit of added nitrogen.” Finally, with respect to the third effort – increasing crop yield per unit of water used – Tilman et al. note that “water is regionally scarce,” and that “many countries in a band from China through India and Pakistan, and the Middle East to North Africa either currently or will soon fail to have adequate water to maintain per capita food production from irrigated land.” Increasing crop water use efficiency, therefore, is also a must. Although the impending man vs. nature crisis and several important elements of its potential solution are thus well defined, Tilman and his first set of collaborators concluded that “even the best available technologies, fully deployed, cannot prevent many of the forecasted problems.” This was also the finding of Idso and Idso (2000), who concluded that although “expected advances in agricultural technology and expertise will significantly increase the food production potential of many countries and regions,” these advances “will not increase production fast enough to meet the demands of the even faster-growing human population of the planet.” How can we prevent this unthinkable catastrophe from occurring, especially when it has been concluded by highly-credentialed researchers that earth possesses insufficient land and freshwater resources to forestall it, while simultaneously retaining any semblance of the natural world and its myriad animate creations? Although the task may appear next to impossible to accomplish, it can be done; for we have a powerful ally in the ongoing rise in the atmosphere’s CO2 concentration that can provide what we can't. Since atmospheric CO2 is the basic “food” of nearly all plants, the more of it there is in the air, the better they function and the more productive they become. For a 300-ppm increase in the atmosphere's CO2 concentration above the planet’s current base level of slightly less than 400 ppm, for example, the productivity of earth's herbaceous plants rises by something on the order of 30% (Kimball, 1983; Idso and Idso, 1994), while the productivity of its woody plants rises by something on the order of 50% (Saxe et al., 1998; Idso and Kimball, 2001). Thus, as the air's CO2 content continues to rise, so too will the productive capacity or land-use efficiency of the planet continue to rise, as the aerial fertilization effect of the upward-trending atmospheric CO2 concentration boosts the growth rates and biomass production of nearly all plants in nearly all places. In addition, elevated atmospheric CO2 concentrations typically increase plant nutrient-use efficiency in general – and nitrogen-use efficiency in particular – as well as plant water-use efficiency, as may be verified by perusing the many reviews of scientific journal articles we have produced on these topics and archived in the Subject Index of our website (www.co2science.org). Consequently, with respect to fostering all three of the plant physiological phenomena that Tilman et al. (2002) contend are needed to prevent the catastrophic consequences they foresee for the planet just a few short decades from now, a continuation of the current upward trend in the atmosphere's CO2 concentration would appear to be essential. In the case we are considering here, for example, the degree of crop yield enhancement likely to be provided by the increase in atmospheric CO2 concentration expected to occur between 2000 and 2050 has been calculated by Idso and Idso (2000) to be sufficient – but only by the slightest of margins – to compensate for the huge differential that is expected to otherwise prevail between the supply and demand for food earmarked for human consumption just 43 years from now. Consequently, letting the evolution of technology take its natural course, with respect to anthropogenic CO2 emissions, would appear to be the only way we will ever be able to produce sufficient agricultural commodities to support ourselves in the year 2050 without the taking of unconscionable amounts of land and freshwater resources from nature and decimating the biosphere in the process.