## same 1ac

## 2ac

### at: legalism

#### Legal norms don’t cause wars and the alt can’t solve

David Luban **10**, law prof at Georgetown, Beyond Traditional Concepts of Lawfare: Carl Schmitt and the Critique of Lawfare, 43 Case WResJInt'l L457

Among these associations is the positive, constructive side of politics, the very foundation of Aristotle's conception of politics, which Schmitt completely ignoresPolitics, we often say, is the art of the possibleIt is the medium for organizing all human cooperationPeaceable civilization, civil institutions, and elemental tasks such as collecting the garbage and delivering food to hungry mouths all depend on politicsOf course, peering into the sausage factory of even such mundane municipal institutions as the town mayor's office will reveal plenty of nasty politicking, jockeying for position and patronage, and downright corruptionSchmitt sneers at these as "banal forms of politics, all sorts of tactics and practices, competitions and intrigues" and dismisses them contemptuously as "parasite- and caricature-like formations." n55 The fact is that Schmitt has nothing whatever to say about the constructive side of politics, and his entire theory focuses on enemies, not friendsIn my small community, political meetings debate issues as trivial as whether to close a street and divert the traffic to another streetIt is hard to see mortal combat as even a remote possibility in such disputes, and so, in Schmitt's view, they would not count as politics, but merely administrationYet issues like these are the stuff of peaceable human politicsSchmitt, I have said, uses the word "political" polemically--in his sense, politicallyI have suggested that his very choice of the word "political" to describe mortal enmity is tendentious, attaching to mortal enmity Aristotelian and republican associations quite foreign to itBut the more basic point is that Schmitt's critique of humanitarianism as political and polemical is itself political and polemicalIn a word, the critique of lawfare is itself lawfareIt is self-undermining because to the extent that it succeeds in showing that lawfare is illegitimate, it de-legitimizes itselfWhat about the merits of Schmitt's critique of humanitarianism? His argument is straightforward: either humanitarianism is toothless and [\*471] apolitical, in which case ruthless political actors will destroy the humanitarians; or else humanitarianism is a fighting faith, in which case it has succumbed to the political but made matters worse, because wars on behalf of humanity are the most inhuman wars of allLiberal humanitarianism is either too weak or too savageThe argument has obvious meritWhen Schmitt wrote in 1932 that wars against "outlaws of humanity" would be the most horrible of all, it is hard not to salute him as a prophet of HiroshimaThe same is true when Schmitt writes about the League of Nations' resolution to use "economic sanctions and severance of the food supply," n56 which he calls "imperialism based on pure economic power." n57 Schmitt is no warmonger--he calls the killing of human beings for any reason other than warding off an existential threat "sinister and crazy" n58 --nor is he indifferent to human sufferingBut international humanitarian law and criminal law are not the same thing as wars to end all war or humanitarian military interventions, so Schmitt's important moral warning against ultimate military self-righteousness does not really applyn59 Nor does "bracketing" war by humanitarian constraints on war-fighting presuppose a vanished order of European public lawThe fact is that in nine years of conventional war, the United States has significantly bracketed war-fighting, even against enemies who do not recognize duties of reciprocityn60 This may frustrate current lawfare critics who complain that American soldiers in Afghanistan are being forced to put down their gunsBracketing warfare is a decision--Schmitt might call it an existential decision--that rests in part on values that transcend the friend-enemy distinctionLiberal values are not alien extrusions into politics or evasions of politics; they are part of politics, and, as Stephen Holmes argued against Schmitt, liberalism has proven remarkably strong, not weakn61 We could choose to abandon liberal humanitarianism, and that would be a political decisionIt would simply be a bad one.

#### Legal restraints work---exception theory is self-serving and wrong

William E Scheuerman 6, Professor of Political Science at Indiana University, Carl Schmitt and the Road to Abu Ghraib, Constellations, Volume 13, Issue 1

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the PoliticalTo be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical meansBut the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to themThe claim also suffers from a certain vagueness and lack of conceptual precisionAt times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflictThe former argument is surely stronger than the latterAfter all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonismsIn the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22¶ Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fightersHis view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian modelBy broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal frameworkWhy is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international lawWe cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.¶ This is a powerful argument, but it remains flawedEvery modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian momentsThe same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sourcesIn short, it is by no means self-evident that trying to give coherent legal form to a transitional political and social moment is always doomed to failMoreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt assertsIn some recent accounts, the general trend towards extending basic protections to non-state actors is plausibly interpreted in a more positive – and by no means incoherent – light.24¶ Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12)Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50)Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of warThe Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field“Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).¶ As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universeTo be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet one possible resolution of the dilemma he describes would be to figure how to reform the process whereby rules of war are adapted to novel changes in military affairs in order to minimize the danger of anachronistic or out-of-date lawInstead, Schmitt simply employs the dilemma of legal obsolescence as a battering ram against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

### at: nw

**Nuclear war causes human extinction**

**PHILLIPS 2000** (Dr. Allen, Peace Activist, Nuclear Winter Revisited, October, <http://www.peace.ca/nuclearwinterrevisited.htm>)

Those of us who were involved in peace activities in the 80's probably remember a good deal about nuclear winter. Those who have become involved later may have heard little about it. No scientific study has been published since 1990, and very little appears now in the peace or nuclear abolition literature. \*It is still important.\* With thousands of rocket-launched weapons at "launch-on-warning", any day there could be an all-out nuclear war by accident. The fact that there are only half as many nuclear bombs as there were in the 80's makes no significant difference. Deaths from world-wide starvation after the war would be several times the number from direct effects of the bombs, and the surviving fraction of the human race might then diminish and vanish after a few generations of hunger and disease, in a radioactive environment.

### at: drones turn

#### No tradeoff

Robert Chesney 11, Charles I. Francis Professor in Law at the UT School of Law as well as a non-resident Senior Fellow at Brookings, "Examining the Evidence of a Detention-Drone Strike Tradeoff", October 17, www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/

Yesterday Jack linked to this piece by Noah Feldman, which among other things advances the argument that the Obama administration has resorted to drone strikes at least in part in order to avoid having to grapple with the legal and political problems associated with military detention:¶ Guantanamo is still open, in part because Congress put obstacles in the way. Instead of detaining new terror suspects there, however, Obama vastly expanded the tactic of targeting them, with eight times more drone strikes in his first year than in all of Bush’s time in office.¶ Is there truly a detention-drone strike tradeoff, such that the Obama administration favors killing rather than capturing? As an initial matter, the numbers quoted above aren’t correct according to the New America Foundation database of drone strikes in Pakistan, 2008 saw a total of 33 strikes, while in 2009 there were 53 (51 subsequent to President Obama’s inauguration). Of course, you can recapture something close to the same point conveyed in the quote by looking instead to the full number of strikes conducted under Bush and Obama, respectively. There were relatively few drone strikes prior to 2008, after all, while the numbers jump to 118 for 2010 and at least 60 this year (plus an emerging Yemen drone strike campaign). But what does all this really prove?¶ Not much, I think. Most if not all of the difference in drone strike rates can be accounted for by specific policy decisions relating to the quantity of drones available for these missions, the locations in Pakistan where drones have been permitted to operate, and most notably whether drone strikes were conditioned on obtaining Pakistani permission. Here is how I summarize the matter in my forthcoming article on the legal consequences of the convergence of military and intelligence activities:¶ According to an analysis published by the New America Foundation, two more drone strikes in Pakistan’s FATA region followed in 2005, with at least two more in 2006, four more in 2007, and four more in the first half of 2008.[1] The pattern was halting at best. Yet that soon changed. U.S. policy up to that point had been to obtain Pakistan’s consent for strikes,[2] and toward that end to provide the Pakistani government with advance notification of them.[3] But intelligence suggested that on some occasions “the Pakistanis would delay planned strikes in order to warn al Qaeda and the Afghan Taliban, whose fighters would then disperse.”[4] A former official explained that in this environment, it was rare to get permission and not have the target slip away: “If you had to ask for permission, you got one of three answers: either ‘No,’ or ‘We’re thinking about it,’ or ‘Oops, where did the target go?”[5]¶ Declaring that he’d “had enough,” Bush in the summer of 2008 “ordered stepped-up Predator drone strikes on al Qaeda leaders and specific camps,” and specified that Pakistani officials going forward should receive only “‘concurrent notification’…meaning they learned of a strike as it was underway or, just to be sure, a few minutes after.”[6] Pakistani permission no longer was required.[7] ¶ The results were dramatic. The CIA conducted dozens of strikes in Pakistan over the remainder of 2008, vastly exceeding the number of strikes over the prior four years combined.[8] That pace continued in 2009, which eventually saw a total of 53 strikes.[9] And then, in 2010, the rate more than doubled, with 188 attacks (followed by 56 more as of late August 2011).[10] The further acceleration in 2010 appears to stem at least in part from a meeting in October 2009 during which President Obama granted a CIA request both for more drones and for permission to extend drone operations into areas of Pakistan’s FATA that previously had been off limits or at least discouraged.[11] ¶ There is an additional reason to doubt that the number of drone strikes tells us much about a potential detention/targeting tradeoff: most of these strikes involved circumstances in which there was no feasible option for capturing the target. These strikes are concentrated in the FATA region, after all. ¶ Having said all that: it does not follow that there is no detention-targeting tradeoff at work. I’m just saying that drone strikes in the FATA typically should not be understood in that way (though there might be limited exceptions where a capture raid could have been feasible). Where else to look, then, for evidence of a detention/targeting tradeoff?¶ Bear in mind that it is not as if we can simply assume that the same number of targets emerge in the same locations and circumstances each year, enabling an apples-to-apples comparison. But set that aside.¶ First, consider locations that (i) are outside Afghanistan (since we obviously still do conduct detention ops for new captures there) and (ii) entail host-state government control over the relevant territory plus a willingness either to enable us to conduct our own ops on their territory or to simply effectuate captures themselves and then turn the person(s) over to us. This is how most GTMO detainees captured outside Afghanistan ended up at GTMO. Think Bosnia with respect to the Boumediene petitioners, Pakistan’s non-FATA regions, and a variety of African and Asian states where such conditions obtained in years past. In such locations, we seem to be using neither drones nor detention. Rather, we either are relying on host-state intervention or we are limiting ourselves to surveillance. Very hard to know how much of each might be going on, of course. If it is occurring often, moreover, it might reflect a decline in host-state willingness to cooperate with us (in light of increased domestic and diplomatic pressure from being seen to be responsible for funneling someone into our hands, and the backdrop understanding that, in the age of wikileaks, we simply can’t promise credibly that such cooperation will be kept secret). In any event, this tradeoff is not about detention versus targeting, but something much more complex and difficult to measure.

**Cost concerns prevent weaponization**

Simmons and Aegerter 5-28-13 [Keir Simmons is a correspondent in NBC News' London bureau; Gil Aegerter is an NBC News staff writer in Redmond, Wash, “The race is on: Manufacturer sets sights on market for armed drones,” <http://investigations.nbcnews.com/_news/2013/05/28/18472665-the-race-is-on-manufacturer-sets-sights-on-market-for-armed-drones?lite>]

While armed drones appear certain to be added to more countries’ arsenals in the near future, analysts say they expect the military sector will remain a relatively small piece of the overall drone market for some time to come. A big reason for that is the restrained growth in defense budgets worldwide and cuts by the U.S. military in spending on drones, which also affect research and development.¶ “There is short-term pressure on the industry. … It’s a combination of budgetary pressure and the withdrawals from Iraq and Afghanistan,” Finnegan said. “Longer term, the U.S. remains heavily committed to advanced UAV technology.”¶ And sales to smaller nations are likely to be slow due to the fact that even with prices falling, **armed drones remain prohibitively expensive**, Denel’s Ntsihele said, recounting conversations with prospective buyers.¶ "When they get to know the product, they get shocked,” he said.

### frontline

#### Prior questions cause policy failure

Kratochwil, IR Prof @ Columbia, 8 [Friedrich Kratochwil is Assistant Professor of International Relations at Columbia University, Pragmatism in International Relations “Ten points to ponder about pragmatism” p11-25]

Firstly, a pragmatic approach does not begin with objects or “things” (ontology), or with reason and method (epistemology), but with “acting” ( *prattein*), thereby preventing some false starts. Since, as historical beings placed in a specific situations, we do not have the luxury of deferring decisions until we have found the “truth”, we have to act and must do so always under time pressures and in the face of incomplete information. Precisely because the social world is characterised by strategic interactions, what a situation “is”, is hardly ever clear *ex ante*, because it is being “produced” by the actors and their interactions, and the multiple possibilities are rife with incentives for (dis)information. This puts a premium on quick diagnostic and cognitive shortcuts informing actors about the relevant features of the situation, and on leaving an alternative open (“plan B”) in case of unexpected difficulties.

Instead of relying on certainty and universal validity gained through abstraction and controlled experiments, we know that completeness and attentiveness to detail, rather than to generality, matter.

### at: reps/discourse

#### Reps don’t cause war

Reiter 95 DAN REITER is a Professor of Political Science at Emory University and has been an Olin post-doctoral fellow in security studies at Harvard “Exploring the Powder Keg Myth” International Security v20 No2 Autumn 1995 pp 5-34 JSTOR

A criticism of assessing the frequency of preemptive wars by looking only at wars themselves is that this misses the non-events, that is, instances in which preemption would be predicted but did not occurHowever, excluding non-events should bias the results in favor of finding that preemptive war is an important path to war, as the inclusion of non-events could only make it seem that the event was less frequentTherefore, if preemptive wars seem infrequent within the set of wars alone, then this would have to be considered strong evidence in favor of the third, **most skeptical view of preemptive war**, because even when the sample is rigged to make preemptive wars seem frequent (by including only wars), they are still rare eventsBelow, a few cases in which preemption did not occur are discussed to illustrate factors that constrain preemption.¶ The rarity of preemptive wars offers preliminary support for the third, most skeptical view, that the preemption scenario does not tell us much about how war breaks outCloser examination of the three cases of preemption, set forth below, casts doubt on the validity of the two preemption hypotheses discussed earlier: that hostile images of the enemy increase the chances of preemption, and that belief in the dominance of the offense increases the chances of preemptionIn each case there are motives for war aside from fear of an imminent attack, indicating that such fears may not be sufficient to cause warIn addition, in these cases of war the two conditions hypothesized to stimulate preemption—hostile images of the adversary and belief in the military advantages of striking first—are present to a very high degreeThis implies that these are insubstantial causal forces, as they are associated with theoutbreak of war only when they are present to a very high degreeThis reduces even further the significance of these forces as causes of warTo illustrate this point, consider an analogy: say there is a hypothesis that saccharin causes cancerDiscovering that rats who were fed a lot of saccharin and also received high levels of X-ray exposure, which we know causes cancer, had a higher risk for cancer does not, however, set off alarm bells about the risks of saccharinThough there might be a relationship between saccharin consumption and cancer, this is not demonstrated by the results of such a test.

#### Reps don’t shape reality

Smolin 9 – David MSmolin, the Harwell GDavis Professor of Constitutional Law, Cumberland School of Law, Samford University, 2008/2009, “SYMPOSIUM: THE BABY MARKET: THE CIVIL WAR AS A WAR OF RELIGION: A CAUTIONARY TALE OF ENSLAVEMENT AND EMANCIPATION,” Cumberland Law Review, 39 CumbLRev187, plexis

While some perceive a disagreement among religious individuals, or among natural law adherents, as proof that there is no such thing as either religious truth or natural law, this is an odd inferenceWhen historians, scientists, and lawyers disagree about the facts, we do not infer that facts do not exist or are entirely arbitrary, relative, or subjectiveWhen lawyers, judges, and law professors disagree over the content of the law, we do not thereby come to believe that there is no such thing as law or that the content and interpretation of the law is entirely arbitrary, relative, or subjectiveThe insight that there are different ways to perceive an elephant, as the proverb about the blind men and the elephant teaches, does not mean that there is no elephant or that no "true" or "false" statements exist regarding the elephantn149 The fact that we are subjects does not require that truth be merely subjective, in the sense of being arbitrary and entirely created or altered at will; that we perceive as subjects does not negate the existence of that which we seeReality has a way of hitting us in the face when we ignore or defy it, and this is true not only of car accidents, unhealthy eating habits, and poor financial choices, but also of an individual's or culture's fundamental moral choicesReligious disagreements, in short, do not disprove the existence of religious truth including religiously-based ethical truths.

### at: epistemology

#### Epistemological debate is irrelevant - they fail to create useful knowledge

Friedrichs 9 [Jorg, University Lecturer in Politics at the Oxford Department of International Development, “From Positivist Pretense to Pragmatic Practice Varieties of Pragmatic Methodology in IR Scholarship” Pragmatism and International Relations]

As Friedrich Nietzsche ([1887] 1994:1; cfWilson 2002) knew, the knower isstrangely unknown to himselfIn fact, it is much morehazardous to contemplate theway how we gain knowledge than to gain such knowledge in the ﬁrst placeThis is not to deny that intellectuals are a narcissistic Kratochwil lot, with a penchant for omphaloskepsisThe typical result of their navel-gazing, however, is not increased self-awarenessScholars are more likely to come up with ex-post-facto rationalizations of how they would like to see their activity than with accurate descriptions of how they go about businessAs a result, in science there is a paradoxical divide between positivist pretenseand pragmatic practiceMany prominent scholars proceed pragmatically in gen-erating their knowledge, only to vest it all in a positivist cloak when it comes topresenting resultsIn the wake of Karl Popper (1963), fantasies about ingeniousconjectures and inexorable refutations continue to hold sway despite the muchmore prosaic way most scholars grope around in the formulation of their theo-ries, and the much less rigorous way they assess the value of their hypothesesIn proposing pragmatism as a more realistic alternative to positivist idealiza-tions, I am not concerned with the original intentions of Charles PeirceTheseare discussed and enhanced by Ryto¨ vuori-Apunen (this forum)Instead, Ipresent various attempts to make pragmatism work as a methodology for IR scholarshipThis includes my own preferred methodology, the pragmaticresearch strategy of abductionAs Fritz Kratochwil and I argue elsewhere, abduction should be at the center of our efforts, while deduction and induction areimportant but auxiliary tools (Friedrichs and 2009).Of course, one does not need to be a pragmatist to proceed in a pragmatic wayPrecisely because it is derived from practice, pragmatic commonsense is a sold as the hillsFor example, James Rosenau (1988:164) declared many yearsago that he coveted ‘‘a long-held conviction that one advances knowledge most effectively by continuously moving back and forth between very abstract and very empirical levels of inquiry, allowing the insights of the former to exert pressurefor the latter even as the ﬁndings of the latter, in turn, exert pressure for the for-mer, thus sustaining an endless cycle in which theory and research feed on eachother.’’ This was shortly before Rosenau’s turn to postmodernism, while he wasstill touting the virtues of behaviorism and standard scientiﬁc requisites, such asindependent and dependent variables and theory testingBut if we take his state-ment at face value, it appears that Rosenau-the-positivist was guided by a sort of pragmatism for all but the nameWhile such practical commonsense is certainly valuable, in and by itself, it does not qualify as scientiﬁc methodologyScience requires a higher degree of methodological awarenessFor this reason, I am not interested here in pragma-tism as unspoken commonsense, or as a pretext for doing empirical researchunencumbered by theoretical and methodological considerationsNor am I con-cerned with pragmatism as an excuse for staging yet another epistemological debateInstead, I am interested in pragmatism as an instrument to go about research with an appropriate degree of epistemological and methodologicalawarenessTaking this criterion as my yardstick, the following three varieties of pragmatist methodology in recent IR scholarship are worth mentioning: theory synthesis, analytic eclecticism (AE), and abduction.Theory synthesis is proposed by Andrew Moravcsik (2003), who claims that theories can be combined as long as they are compatible at some unspeciﬁedfundamental level, and that data will help to identify the right combination of theoriesHe does not explicitly invoke pragmatism but vests his pleading in apositivist cloak by using the language of theory testingWhen looking closer,however, it becomes apparent that his theoretical and methodological noncha-lance is far more pragmatic than what his positivist rhetoric suggestsMoravcsiksees himself in good company, dropping the following names: Robert Keohane,Stephen Walt, Jack Snyder, Stephen Van Evera, Bary Buzan, Bruce Russett, John O’Neal, Martha Finnemore, and Kathryn SikkinkWith the partial excep-tion of Finnemore, however, none of these scholars explicitly links his or herscholarship to pragmatismThey employ pragmatic commonsense in theirresearch, but devoutly ignore pragmatism as a philosophical and methodologicalpositionAs a result, it is fair to say that theory synthesis is only on a slightly higher level of intellectual awareness than Rosenau’s statement quoted aboveAnalytic eclecticism, as advertized by Peter Katzenstein and Rudra Sil, links acommonsensical approach to empirical research with a more explicit commit-ment to pragmatism (Sil and Katzenstein 2005; Katzenstein and Sil 2008).The 7 Even the dean of critical rationalism, Karl Popper, is ‘‘guilty’’ of lapses into pragmatism, for example when hestates that scientists, like hungry animals, classify objects according to needs and interests, although with the impor-tant difference that they are guided in their quest for ﬁnding regularities not so much by the stomach but ratherby empirical problems and epistemic interests (Popper 1963:61–62)646 Pragmatism and International Relations idea is to combine existing research traditions in a pragmatic fashion and thusto enable the formulation and exploration of novel and more complex sets of problemsThe constituent elements of different research traditions are trans-lated into mutually compatible vocabularies and then recombined in novel ways.This implies that most scholars must continue the laborious process of formulat-ing parochial research traditions so that a few cosmopolitan colleagues will beenabled to draw upon their work and construct syncretistic collages8 In additionto themselves, Katzenstein and Sil cite a number of like-minded scholars such asCharles Tilly, Sidney Tarrow, Paul Pierson, and Robert Jervis9 The ascription isprobably correct given the highly analytical and eclectic approach of these schol-arsNevertheless, apart from Katzenstein and Sil themselves none of these schol-ars has explicitly avowed himself to AE.My preferred research strategy is abduction, which is epistemologically asself-aware as AE but minimizes the dependence on existing research traditions.The typical situation for abduction is when we, both in everyday life and as socialscientists, become aware of a certain class of phenomena that interests us for somereason, but for which we lack applicable theoriesWe simply trust, although we donot know for certain, that the observed class of phenomena is not randomWetherefore start collecting pertinent observations and, at the same time, applyingconcepts from existing ﬁelds of our knowledgeInstead of trying to impose anabstract theoretical template (deduction) or ‘‘simply’’ inferring propositions fromfacts (induction), we start reasoning at an intermediate level (abduction)Abduction follows the predicament that science is, or should be, above all amore conscious and systematic version of the way by which humans have learnedto solve problems and generate knowledge in their everyday livesAs it iscurrently practiced, science is often a poor emulator of what we are able toachieve in practiceThis is unfortunate because human practice is the ultimatemiracleIn our own practice, most of us manage to deal with many challenging situationsThe way we accomplish this is completely different from**,** and far moreefﬁcient than, the way knowledge is generated according to standard scientiﬁc methodsIf it is true that in our own practice we proceed not so much by induction or deduction but rather by abduction, then science would do well tomimic this at least in some respects10 Abduction has been invoked by numerous scholars, including Alexander Wendt, John Ruggie, Jeffrey Checkel, Martin Shapiro, Alec Stone Sweet, andMartha FinnemoreWhile they all use the term abduction, none has ever thor-oughly speciﬁed its meaningTo make up for this omission, I have developedabduction into an explicit methodology and applied it in my own research oninternational police cooperation (Friedrichs 2008)Unfortunately, it is impossi-ble to go into further detail hereReaders interested in abduction as a way toadvance international research and methodology can also be referred to my recent article with Fritz Kratochwil (Friedrichs and Kratochwil 2009).On a ﬁnal note, we should be careful not to erect pragmatism as the ultimateepistemological fantasy to caress the vanity of Nietzschean knowers unknown tothemselves, namely that they are ingeniously ‘‘sorting out’’ problematic situa-tionsScientiﬁc inquiry is not simply an intimate encounter between a researchproblem and a problem solverIt is a social activity taking place in communitiesof practice (Wenger 1998)Pragmatism must be neither reduced to the utility of results regardless of their social presuppositions and meaning, nor to the 8 Pace Rudra Sil (this forum), the whole point about eclecticism is that you rely on existing traditions to blendthem into something newThere is no eclecticism without something to be eclectic about9 One may further expand the list by including the international society approach of the English school (Ma-kinda 2000), as well as the early Kenneth Waltz (1959)10 Precisely for this reason, abduction understood as ‘Inference to the Best Explanation’ plays a crucial role inthe ﬁeld of Artiﬁcial Intelligence647 The Forum fabrication of consensus among scientistsPragmatism as the practice of dis-cursive communities and pragmatism as a device for the generation of useful knowledge are two sides of the same coin

### security good

#### Securitization is crucial to politicization and breaks down antagonism- they’re wrong and the alt is worse

Trombetta 8(Maria Julia Trombetta, (Delft University of Technology, postdoctoral researcher at the department of Economics of Infrastructures) 3/19/08 http://archive.sgir.eu/uploads/Trombetta-the\_securitization\_of\_the\_environment\_and\_the\_transformation\_of\_security.pdf

On the one hand, an approach that considers the discursive formation of security issues provides a new perspective to analyse the environmental security discourse and its transformative potential. First, it allows for an investigation of the political process behind the selection of threats, exploring why some of them are considered more relevant and urgent than others. The focus shifts from the threats to the collectivities, identities and interests that deserve to be protected and the means to be employed. Second, securitization suggests that the awareness of environmental issues can have a relevant role in defining and transforming political communities, their interests and identities, since the process creates new ideas about who deserve to be protected and by whom. Finally, as Behnke points out, **securitization can open the space for a “genuinely political” constitutive and formative struggle through which political structures are contested and reestablished**.(Behnke 2000: 91) Securitization allows for the breaking and transforming of rules that are no longer acceptable, including the practices associated with an antagonistic logic of security. On the other hand, securitization is problematic because of the set of practices it is supposed to bring about. For the CopS security “carries with it a history and a set of connotations that it cannot escape.”(Wæver 1995: 47) While securitizing an issue is a political choice, the practices it brings about are not. Accordingly, transforming an issue into a security issue is not always an improvement. In the case of the environment, the warning seems clear: “When considering securitizing moves such as ‘environmental security’...one has to weigh the always problematic side effects of applying a mind-set of security against the possible advantages of focus, attention, and mobilization.”(Buzan, Wæver and Wilde 1998: 29) The School shares the normative suggestion that “[a] society whose security is premised upon a logic of war should be re-shaped, re-ordered, simply changed.”(Aradau 2001: introduction) For the CopS this does not mean to transform the practices and logic of security, because, as it will be shown below, for the School, this is impossible. The CopS suggests avoiding the transformation of issues into security issues. It is necessary “to turn threats into challenges; to move developments from the sphere of existential fear to one where they could be handled by ordinary means, as politics, economy, culture, and so on.”(Wæver 1995: 55, quoting Jahn). This transformation, for the CopS, is “desecuritization”, and the School has introduced a distinction between politicization - “meaning the issue is part of public policy, requiring government decision and resources allocation s”(Buzan, Wæver and Wilde 1998: 23) - and securitization - “meaning the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure.”(Buzan, Wæver and Wilde 1998: 23) The slogan is: “less security, more politics!”(Wæver 1995: 56) Nevertheless, there are two major problems behind this suggestion. First, if securitization is normatively problematic, desecuritization can be even more problematic. It can lead to a depoliticization and marginalisation of urgent and serious issues, **while leaving unchallenged the practices associated with security**. In the case of the environment, many appeals to security are aimed at both soliciting action and transforming what counts as security and the way of providing it. Second, within the School’s framework, desecuritization cannot be possible. Securitization in fact can be inescapable, the unwanted result of discussing whether or not the environment is a security issue. As Huysmans has noticed, the performative, constitutive approach suggested by the speech act theory implies that even talking and researching about security can contribute to the securitization of an issue, even if that (and the practices associated with it) is not the desired result. “The normative dilemma thus consists of how to write or speak about security when the security knowledge risks the production of what one tries to avoid, what one criticizes: that is, the securitization of migration, drugs and so forth.”(Huysmans 2002: 43) When the understanding of security is the problematic one described by the CopS, research itself can become a danger. This captures a paradox that characterizes the debate about environmental security. As Jon Barnett has showed in The Meaning of Environmental Security (2001) the securitization of the environment can have perverse effects and several attempts to transform environmental problems into security issues have resulted in a spreading of the national security paradigm and the enemy logic, even if the intentions behind them were different. Barnett has argued that “environmental security is not about the environment, it is about security; as a concept, it is at its most meaningless and malign”(2001: 83) in this way, he seems to accept the ineluctability of the security mindset or logic evoked by securitization. However, his suggestion of promoting a “human centered” understanding of security, in which environmental security is not about (national) security but about people and their needs, within the securitization logic, cannot escape the trap he has described. Why, in fact, should the sort of his claim be different from that of similar ones? 2. The fixity of Security practices These dilemmas, however, are based on the idea that security practices are inescapable and unchangeable and the theory of securitization, as elaborated by the CopS, has contributed to suggest so. The CopS has achieved the result of making a specific, negative understanding of security – which has characterised the dominant Realist discourse within IR - appear as “natural” and unchangeable since all the attempts to transform it appear to reinforce its logic. To challenge this perverse mechanism it is necessary to unpack securitization further. First, it will be shown that securitization is not analytically accurate, the environment representing a relevant case. Second, the assumptions behind this problematic fixity will be explored. The CopS explores the specificity of the environmental sector in Security: A Framework for Analysis (Buzan, Wæver and Wilde 1998) (Security hereafter), the theoretical book where the CopS illustrates the theory of securitization and analyses the dynamics of securitization within five relevant sectors. For each sector the School identifies the actors or objects (referent objects) that are threatened, specifies the relevant threats and the agents that promote or facilitate securitization.11[11] The environmental sector is rather different from the others and the transformative intent that is associated with the appeal to environmental security is more evident.12[12] Amongst the peculiarities of the environmental sector described by the School, three deserve a specific analysis for their implications: First, the presence of two agendas - a scientific and a political one; second, the multiplicity of actors; third, the politicization/securitization relationship. They will be analysed in turn “One of the most striking features of the environmental sector,” it is argued in Security, “is the existence of two different agendas: a scientific agenda and a political agenda.”(Buzan, Wæver and Wilde 1998: 71) The scientific one refers mainly to natural science and non-governmental activities. The “scientific agenda is about the authoritative assessment of threat,”(Buzan, Wæver and Wilde 1998: 72) and Buzan, Wæver and de Wilde admit that “the extent to which scientific argument structures environmental security debates strikes us as exceptional.”(Buzan, Wæver and Wilde 1998: 72) Quoting Rosenau, they suggest that “the demand for scientific proof is a broader emerging characteristic in the international system.”(Buzan, Wæver and Wilde 1998: 72) This 11[11] So for instance in the military sector the referent object is usually the state and the threats are mainly military ones, while in the societal sector the referent objects are collective identities “that can function independent of the state, such as nations and religions.”(Buzan, Wæver and Wilde 1998: 22-3) 12[12] This is the case even if the School adopts a conservative strategy that appears from the choice of the referent object (or what is threatened). In the first works of the School, the referent object within the environmental sector was the biosphere: “Environmental security concerns the maintenance of the local and the planetary biosphere as the essential support system on which all other human enterprises depend.” (Buzan 1991: 19) In Security the School narrows down this perspective and identifies the level of civilization (with all the contradictions that contribute to environmental problems) as the main referent object. This move favours a conservative perspective which considers the securitization of the environment as a way to preserve the status quo and the security strategies on which it is based. Despite this, the description of the environmental sector captures the specificity of the sector and reveals the tensions within the overall framework. questions the “self referentiality” of the speech act security. Are some threats more “real” than others thanks to scientific proof? Can considerations developed to characterize reflective behaviours be applied to natural systems? Even if dealing with these issues is beyond the scope of this article, it is necessary to note that the appeal to an external discourse has serious implications. First, it questions the possibility and opportunity of desecuritization. Is it possible and what does it mean to “desecuritize” an issue which is on the scientific agenda? If scientific research outlines the dangerousness of an environmental problem, how is it possible to provide security? Second, it suggests that security and the practices associated with it can vary from one sector to another and thus from one context to another. The second peculiarity of the environmental sector is the presence of many actors. This contrasts with Wæver’s suggestion that “security is articulated only from a specific place, in an institutional voice, by elites.”(Wæver 1995: 57) The multiplicity of actors is largely justified by the School with the relative novelty of the securitization of the environment. “The discourses, power struggles, and securitizing moves in the other sectors are reflected by and have sedimented over time in concrete types of organizations - notably states...nations (identity configurations), and the UN system,”(Buzan, Wæver and Wilde 1998: 71) however, this is not the case with the environment: “It is as yet undetermined what kinds of political structures environmental concerns will generate.”(Buzan, Wæver and Wilde 1998: 71). In this way a tension appears since the attempts to securitize the environment are described as having a transforming potential, requiring and calling for new institutions. Within the environmental sector securitization moves seem to have a transformative intent that contrasts with the conservative one, that characterizes other sectors. The third peculiarity is that many securitizing moves result in politicization. This is problematic for the School, which argues that “transcending a security problem by politicising it cannot happen through thematization in security terms, only away from such terms.”(Wæver 1995: 56) For the School, once the enemy logic has been inscribed in a context, it is very difficult to return to an open debate. Nevertheless the various politicizations of environmental issues that followed the appeal to security – those the CopS dismissed as failed securitizations - seem to reinforce the argument, suggested by Edkins, that there is a tendency to politicize issues through their securitization. (Edkins 1999: 11) **This represents another signal that securitization**, within the environmental sector, **can take a different form, and that the problematic aspects of evoking security are not so evident.** Securitization theory, for the CopS, is meant to be descriptive, however the environmental sector suggests that some of its aspects prevent it from providing an adequate instrument for analysis. To understand why this occurs, it is necessary to explore in more detail the conceptualization of security by Wæver, who has introduced securitization within the School and is the strongest opponent of any attempt to securitize the environment.

### at: vtl

#### Always vtl and death outweighs

Bernstein ‘2

(Richard J., Vera List Prof. Phil. – New School for Social Research, “Radical Evil: A Philosophical Interrogation”, p. 188-192)

There is a basic value inherent in **organic** being, a basic affirmation, "The Yes' of Life" (IR 81). 15 "The self-affirmation of being becomes emphatic in the opposition of life to death. Life is the explicit confrontation of being with not-being. . . . The 'yes' of all striving is here sharpened by the active `no' to not-being" (IR 81-2). Furthermore — and this is the crucial point for Jonas — this affirmation of life that is in all organic being has a binding obligatory force upon human beings. This blindly self-enacting "yes" gains obligating force in the seeing freedom of man, who as the supreme outcome of nature's purposive labor is no longer its automatic executor but, with the power obtained from knowledge, can become its destroyer as well. He must adopt the "yes" into his will and impose the "no" to not-being on his power. But precisely this transition from willing to obligation is the critical point of moral theory at which attempts at laying a foundation for it come so easily to grief. Why does now, in man, that become a duty which hitherto "being" itself took care of through all individual willings? (IR 82). We discover here the transition from is to "ought" — from the self-affirmation of life to the binding obligation of human beings to preserve life not only for the present but also for the future. But why do we need a new ethics? The subtitle of The Imperative of Responsibility — In Search of an Ethics for the Technological Age — indicates why we need a new ethics. Modern technology has transformed the nature and consequences of human action so radically that the underlying premises of traditional ethics are no longer valid. For the first time in history human beings possess the knowledge and the power to destroy life on this planet, including human life. Not only is there the new possibility of total nuclear disaster; there are the even more invidious and threatening possibilities that result from the unconstrained use of technologies that can destroy the environment required for life. The major transformation brought about by modern technology is that the consequences of our actions frequently exceed by far anything we can envision. Jonas was one of the first philosophers to warn us about the unprecedented ethical and political problems that arise with the rapid development of biotechnology. He claimed that this was happening at a time when there was an "ethical vacuum," when there did not seem to be any effective ethical principles to limit ot guide our ethical decisions. In the name of scientific and technological "progress," there is a relentless pressure to adopt a stance where virtually anything is permissible, includ-ing transforming the genetic structure of human beings, as long as it is "freely chosen." We need, Jonas argued, a new categorical imperative that might be formulated as follows: "Act so that the effects of your action are compatible with the permanence of genuine human life"; or expressed negatively: "Act so that the effects of your action are not destructive of the future possibility of such a life"; or simply: "Do not compromise **the conditions for** an indefinite continuation of humanity on earth**"; or again turned positive:** "In your present choices, include the future wholeness of Man among the objects of your will."

### rule of law good

#### Western rule of law promotion is good – no violence impact

May, 10 [The Rule of Law: its rhetoric and meaning in global politics Christopher May, Professor of Political Economy, Lancaster University, UK email: c.may@lancaster.ac.uk University of Sussex, Department of International Relations Research in Progress seminar, 15th March 2010]

This has not been passive nor reactive development but rather is linked to the professional project of lawyers to promote their expertise and skills (and to reify the law, to ensure it needs interpretation)Working in a long Western political tradition that has in one way or another promoted law as a technical ordering device to promote the good political life, lawyers have emphasised the specialist and technical character of their undertaking, and sought to maintain and increase social status by closely guarding entry to the professionThe professional project of lawyering has involved both the careful fostering of a closed group (the lawyers) alongside the promotion of their tool (law) as a solution to problems of order Thus, one element for understanding the rise of the Rule of Law norm is to attribute at least part of the cause to the number of lawyers entering politics alongside a more general professionalization of the global polity which has moved legal forms of organisation to the forefrontThe political selfmaintenance of the legal profession alongside a trend towards professionalization in modern society have reinforced each other to prompt the increasing normative deployment of the rule of lawHowever, the value of professions to politics is by no means uncontested; Perkin notes that the idea of a scarcity in expertise and professional service (driving the increase of value of the profession’s work) was firmly rejected by the new right in the UK and elsewhere in the 1980s (Perkin 1990: chapter 10)This gives one indication of why much of the work on Rule of Law has been driven by critical and oppositional groups of one sort or anotherWhile the neo-liberal/new right agenda saw law (to simplify a little) as merely a thin procedural mechanism to deliver the order required for capitalist expansion, for those seeking to maintain professional norms the thicker Rule of Law was preferred as a conception of legal development that supports the values of social justice and fairness that continue to lie at the heart of the self-conception of various professions; self-conceptions maintained by the professionals' representative bodies acting in a guild like mannerIf we accept that professionalization has played some role in the establishment of the rule of law as an overarching norm of politics, this cannot merely have happened spontaneously across the worldAnd indeed, we know that there have been, and continue to be, extensive programmes that seek to (re)establish the rule of law in developing countries, in post-conflict societies and elsewhereOnly in the post-colonial period did the form of legal re-engineering move from forced and imposed legal structures to a mode of co-development and assistance in the development of local legal regimesCertainly, some might still regard this as a form of imperialism (see for instance Mattei and Nader 2008), but there has been some semblance of political negotiation and flexibility, that was mostly absent in the imperial period Leaving aside the contentious history of law and development interventions in Latin America (see Gardner, 1980; Trubeck, 2006) it is perhaps little surprise that when legal education once again moved up the international political agenda, development and law assistance was relocated to a range of international organisations (including post-conflict UN Transitional Administrations), and became a key (mostly, but not exclusively regional) activity of the European Union.

### at: root cause

**No single cause of violence**

**Muro-Ruiz 2** (Diego, London School of Economics, “The Logic of Violence”, Politics, 22(2), p. 116)

Violence is, most of the time, a wilful choice, especially if it is made by an organisation. Individuals present the scholar with a more difficult case to argue for. **Scholars of violence have now a wide variety of perspectives they can use – from sociology and political science, to psychology, psychiatry and even biology – and should escape easy judgements**. However, **the fundamental difficulty for all of us is the absence of** a synthetic, **general theory able of integrating** less complete **theories of violent behaviour**. In the absence of such a general theory, researchers should bear in mind that **violence is a complex and multifaceted phenomenon that** **resists mono-causal explanations**. Future research on violence will have to take in account the variety of approaches, since they each offer some understanding of the logic of violence.

### at: self-restraint

#### SCOTUS would have to review the CP- either the CP links to the net-benefit, or the CP is struck down and doesn’t solve- durable fiat only applies to the agency taking action

Howell 5 (William G. Howell, Associate Prof Gov Dep @ Harvard 2005 (Unilateral Powers: A Brief Overview; Presidential Studies Quarterly, Vol. 35, Issue: 3, Pg 417)

Plainly, presidents cannot institute every aspect of their policy agenda by decree. The checks and balances that define our system of governance are alive, though not always well, when presidents contemplate unilateral action. Should the president proceed without statutory or constitutional authority, the courts stand to overturn his actions, just as Congress can amend them, cut funding for their operations, or eliminate them outright. (4) Even in those moments when presidential power reaches its zenith--namely, during times of national crisis--judicial and congressional prerogatives may be asserted (Howell and Pevehouse 2005, forthcoming; Kriner, forthcoming; Lindsay 1995, 2003; and see Fisher's contribution to this volume). In 2004, as the nation braced itself for another domestic terrorist attack and images of car bombings and suicide missions filled the evening news, the courts extended new protections to citizens deemed enemy combatants by the president, (5) as well as noncitizens held in protective custody abroad. (6) And while Congress, as of this writing, continues to authorize as much funding for the Iraq occupation as Bush requests, members have imposed increasing numbers of restrictions on how the money is to be spent.

#### Executive doesn’t solve perception

Ashley **Deeks**, Academic Fellow at Columbia Law School and senior contributor to Lawfare, “Promises Not to Torture: Diplomatic Assurances in U.S. Courts”, The American Society of International Law, 20**08**, http://www.asil.org/files/ASIL-08-DiscussionPaper.pdf (BJN)

Human rights groups have been the most vocal opponents of assurances, and often represent in court individuals who are contesting their transfers by the U.S. government. Many groups have called for a total ban, while others have sought more stringent monitoring mechanisms to give teeth to the assurances.222 Critics claim that current practice shrouds the assurances in a veil of secrecy. At the same time, the fact that only the Executive Branch reviews the assurances leads these critics to conclude that the decision-maker has a vested interest in concluding that the assurances are reliable. In part because the Executive Branch faces widespread criticism over issues related to detention, Guantanamo, and torture, a unilateral reliance by the Executive Branch on assurances (which the public associates with all three issues) is viewed with similar skepticism. The criticisms may have gained additional traction in the public’s mind because the U.S. government has not responded directly to these criticisms.

#### CP doesn’t solve legal certainty- it’s key

Guiora 12 (Professor of Law, S.J. Quinney College of Law, University of Utah; author of Freedom from Religion: Rights and National Security (2009). DUE PROCESS AND COUNTERTERRORISM EMORY INTERNATIONAL LAW REVIEW [Vol. 26 pg Lexis Nexis]

While President Obama signed an Executive Order ordering the closure of the Guantanamo Bay detention center26 for the purpose of discontinuing trials before Military Commissions, in April 2010 the Obama Administration reinstituted the Military Commissions.27 It is unclear whether this represents reversal of a policy previously articulated but not implemented, or a stopgap measure. Whatever the explanation, the Obama Administration has largely failed to satisfactorily address the rule-of-law questions essential to creating and implementing counterterrorism policy that ensures implementation of due process guarantees and obligations. For example, the Administration has failed to resolve whether Article III courts are the proper judicial forums for suspected terrorists.28 Perhaps this continuing failure is reflective of political infighting, as demonstrated in the backtracking with respect to Khalid Sheikh Mohammed’s trial.29 The result is a disturbing failure to ensure due process for individuals suspected of involvement in terrorism. More fundamentally, the status of individuals detained post-9/11 has not been uniformly or consistently articulated or applied. That is, varying definitions have been articulated at different times, reflecting legal and policy uncertainty directly affecting the ability to establish and consistently apply a legal regime based on due process.30 For thousands of individuals whose initial detention was based on questionable intelligence and subsequent, inadequate habeas protections, the current regime is inherently devoid of due process.31 I propose that detainees are neither prisoners of war nor criminals in the traditional sense; rather, they are a hybrid of both. To that end, I propose that the appropriate term for post-9/11 detainees is a combination—a convergence of the criminal law and law of war paradigms—best described as a hybrid paradigm.

#### The possibility of future presidential rollback magnifies the deficits

Friedersdorf 13 (CONOR FRIEDERSDORF, staff writer, “Does Obama Really Believe He Can Limit the Next President's Power?” MAY 28 2013, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/>, KB)

Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in secret, per his precedent.

### at: court capital

#### No link- normal means is the DC circuit court acting and SCOTUS denying cert to make the aff a law

Horowitz 13 (J.D. Candidate, 2014, Fordham University School of Law. Captain, U.S. Army, participating in the Funded Legal Education Program, April, “SYMPOSIUM: THE GOALS OF ANTITRUST: NOTE: CREATING A MORE MEANINGFUL DETENTION STATUTE: LESSONS LEARNED FROM HEDGES V. OBAMA”, Lexis)

This part examines how the D.C. District and Circuit courts struggled with the legal boundaries of detention while evaluating the habeas corpus petitions of detainees from 2008 to 2012. It focuses on how the D.C. courts analyzed what would become the three criteria for detention in section 1021(b)(2) of the NDAA: (1) being "part of" Al Qaeda or the Taliban; (2) "substantially supporting" Al Qaeda or the Taliban; and (3) being part of "associated forces" of Al Qaeda or the Taliban. n143 The Supreme Court has not decided the merits of a detention case since Boumediene in 2008. n144 Additionally, in 2011 the Supreme Court denied certiorari to six different Guantanamo detainee cases appealed from the [\*2872] D.C. Circuit. n145 As a result of its continued abstention, the Supreme Court has had little impact in shaping the substantive parameters of executive detention. n146 The substantive law of executive detention has been primarily created by the D.C. District Court and the D.C. Circuit as they evaluate habeas corpus petitions from detainees held at Guantanamo Bay. n147 As the law has evolved since 2008, the D.C. courts have often applied different or changing standards, and some believe that "the D.C. Circuit's opinions almost uniformly favor the government." n148 Additionally, some commentators have expressed concerns about "the habeas process as a lawmaking device" and fear that the standards established by the D.C. Courts are "interim steps" or "a kind of draft" until the Supreme Court eventually steps in to resolve the issues. n149 The judges of the D.C. courts recognize that they are creating law. In their opinions, they have often commented on the lack of guidance from the Supreme Court n150 and their significant role in shaping substantive detention law with each decision. n151 The subsections below focus on the three detention criteria listed in section 1021(b)(2) of the NDAA. Although these criteria were codified in the NDAA in late 2011, the D.C. courts struggled with their meaning in the years after the Boumediene decision in 2008. As one court admitted in [\*2873] 2010, "much of what our Constitution requires for this context remains unsettled." n152

#### Capital is bulletproof

Gibson 12 (James L. Gibson, Sidney W. Souers Professor of Government (Department of Political Science), Professor of African and African-American Studies, and Director of the Program on Citizenship and Democratic Values (Weidenbaum Center on the Economy, Government, and Public Policy) at Washington University in St. Louis; and Fellow at the Centre for Comparative and International Politics and Professor Extraordinary in Political Science at Stellenbosch University (South Africa), 7/15/12, “Public Reverence for the United States Supreme Court: Is the Court Invincible?”, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2107587>)

Political scientists and legal scholars continue to be obsessed with the so-called countermajoritarian dilemma created by the United States Supreme Court’s lack of accountability, particularly when coupled with its immense policy-making powers. Especially when the Supreme Court makes decisions that seem to fly in the face of public preferences—as in Kelo v. New London 1 and Citizens United v. Federal Election Commission 2—concerns about the function of the institution within American democracy sharpen. Indeed, some seem to believe that by making policies opposed by the majority of the American people the Court undermines its fundamental legitimacy, its most valuable political capital. The underlying assumption of these worries about the Supreme Court’s legitimacy is that dissatisfaction with the Court’s decisions leads to the withdrawal, or at least diminution, of support for the institution. So when the Court decides a high profile case like Citizens United in a widely unpopular direction, it is logical to assume that the Court’s legitimacy suffers. Again, the assumption is that legitimacy flows from pleasing decisions, but it is undermined by displeasing decisions. At least some empirical evidence directly contradicts this assumption. In what is perhaps the most salient and politically significant decision of the last few decades, the Supreme Court’s decision in Bush v. Gore 3 effectively awarded the presidency to George W. Bush. One might have expected that this decision would undermine the Court’s legitimacy, at least with Democrats and probably with African-Americans as well. Yet several empirical research projects have indicated that, if anything, the Court’s legitimacy was boosted by this decision, even among Democrats and African-Americans. 4 Bush v. Gore had great potential to chip away at the Court’s legitimacy—it was a deeply divided 5-4 decision; divided by the justices’ partisanships as well; it extended the Court’s authority into an area of law in which the Court had generally deferred to the states; the decision was severely criticized by some, with many in the legal academy describing the decision as a “self-inflicted wound”; 5 and, of course, it was a decision of immense political importance. If Bush v. Gore did not subtract from the Court’s institutional legitimacy, it is difficult to imagine less momentous decisions undermining judicial legitimacy. Political scientists have been studying the legitimacy of the Supreme Court for decades now, and several well-established empirical findings have emerged. The findings relevant to the countermajoritarian dilemma can be summarized in a series of nutshells: ● The Supreme Court is the most legitimate political institution within the contemporary United States. Numerous studies have shown that the American mass public extends great legitimacy to the Court; typically, Congress is depicted as being dramatically less legitimate than the Supreme Court. Indeed, some have gone so far as to describe the Supreme Court as “bulletproof,” and therefore able to get away with just about any ruling, no matter how unpopular. And indeed, the United States Supreme Court may be one of the most legitimate high courts in the world.

#### Turn popularity- The public overwhelming supports the aff

Greenwald 9 (Glenn- former Constitutional and civil rights litigator and is the author of three New York Times Bestselling books: two on the Bush administration's executive power and foreign policy abuses, and his latest book, With Liberty and Justice for Some, an indictment of America's¶ two-tiered system of justice. Greenwald was named by The Atlantic as one of the 25 most influential political commentators in the nation. He is the recipient of the first annual I.F. Stone Award for Independent Journalism, and is the winner of the 2010 Online Journalism Association Award for his investigative work on the arrest and oppressive detention of Bradley Manning, citing NYT/CBS Poll, June 18, “Overwhelming majority oppose preventive detention without charges”, http://www.salon.com/2009/06/18/detention/)

¶ A new NYT/CBS News poll just released today asked a question designed to test support for Obama’s proposal to indefinitely detain Guantanamo detainees without charges — and it found overwhelming opposition to that plan (click to enlarge):¶ ¶ ¶ The view that detainees should be charged with crimes or released is often depicted as the fringe “Far Left” view. Like so many views that are similarly depicted, it is — in reality — the overwhelming consensus view among Americans (68%). As is so often the case, it is the view depicted as the Serious Centrist position — the U.S. should keep people in cages for as long as it wants without charging them with any crime — that is the fringe view held by only a small minority (24%). While some may express surprise at the outcome of this question, it really shouldn’t be surprising: Americans are taught from childhood that one of the primary distinctions between free countries and tyrannies is that, in the former, the state lacks the power to imprison people without charging and convicting them of a crime. Is it really that surprising that an overwhelming majority of Americans see such charge-free imprisonment as wrong even when it comes to Guantanamo detainees, probably the single most dehumanized group on the planet?¶

#### That’s key to court capital

Hoekstra 3 [Valerie J. Hoekstra, Associate Professor of Political Science at ASU, *Public Reactions to Supreme Court Decisions* Cambridge University Press 2003]

In some respects, comparisons with Congress or the presidency are neither appropriate nor fair. Unlike its democratically selected and accountable counterparts, the Supreme Court appears relatively isolated from and unconstrained by public opinion. Its members do not run for election, and once in office, they essentially serve for life. While this certainly places them in an enviable position, the justices must rely on public support for the implementation of their policies since they possess “neither the purse nor the sword.” The Court’s lack of many enforcement mechanisms makes public support even more essential to the Court than it is to the other institutions. This public support may generate an important source of political capital for the Court (Choper 1980).

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#### Individual decisions don’t affect capital.

Gibson et al., ‘3

[James (Professor in Political Science at Washington University in St. Louis); Gregory Caldeira (Professor in Political Science at Ohio State University); and Lester Spence (Professor in Political Science at Washington University in St. Louis), “Measuring Attitudes Towards the U.S. Supreme Court”, American Journal of Political Science, Vol. 47, No. 2, April 2003]

Perhaps more important is the rather limited relationship between performance evaluations and loyalty to the Supreme Court. These two types of attitudes are of course not entirely unrelated, but commitments to the Supreme Court are not largely a function of whether one is pleased with how it is doing its job. Even less influential are perceptions of decisions in individual cases. When people have developed a "running tally" about an institution-a sort of historical summary of the good and bad things an institution has done-it is difficult for any given decision to have much incremental influence on that tally. Institutional loyalty is valuable to the Court precisely because it is so weakly related to actions the Court takes at the moment.

## 1ar

### at: china reps bad

#### Assessing Chinese motivation is possible and epistemologically useful---refusing to assess their motives is worse---causes security dilemmas that turn the K

Joseph K. Clifton 11, “DISPUTED THEORY AND SECURITY POLICY: RESPONDING TO “THE RISE OF CHINA”,” 2011, http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1164&context=cmc\_theses

First, motives can be known. Mearsheimer is correct in observing that assessing motives can be difficult, but this does not mean that the task is impossible. There clearly are ways of finding out information about the goals of states and the means with which they plan to achieve them. One of the most important roles of intelligence analysts, for example, is to determine state interests and expected behavior based on obtained information. The possibility that information may be flawed should not lead to a rejection of all information. People make decisions based on less than perfect knowledge all of the time. This ability to know motives extends to future motives, because an analyst can use information such as historical trends to observe consistencies or constant evolutions of motives. Prediction of the future is necessarily less certain in its accuracy, but the prediction can still be made.104

Second, even if there is still some uncertainty of motives, the rational response is not to assume absolute aggression. Assuming aggressive motive in a situation of uncertainty ignites the security dilemma, which could actually decrease a state’s security. Mearsheimer calls this tragic, but it is not necessary. An illustrative example is Mearsheimer’s analysis of the German security situation were the United States to withdraw its military protection. Mearsheimer argues that it would be rational for Germany to develop nuclear weapons, since these weapons would provide a deterrent, and it would also be rational for nuclear European powers to wage a preemptive war against Germany to prevent it from developing a nuclear deterrent. 105 This scenario is not rational for either side because it ignores motives. If Germany knows that other states will attack if it were to develop nuclear weapons, then it would not be rational for it to develop nuclear weapons. And if other states know that Germany’s development of nuclear weapons is only as a deterrent, then it would not be rational to prevent German nuclear development. The point is that the security dilemma exists because of a lack of motivational knowledge, so the proper response is to try to enhance understanding of motives, not discard motivational knowledge altogether. Misperception is certainly a problem in international politics, but reducing misperception would allow states to better conform to defensive realist logic, which results in preferable outcomes relative to offensive realism. 106

Assessing motives is vital in the case of the rise of China, because mutually preferable outcomes can be achieved if China is not an aggressive power, as offensive realism would have to assume, but is actually a status quo power with aims that have limited effect on the security of the U.S. and other potentially affected countries. I do not mean here to claim with certainty that China is and will always be a status quo power, and policymakers likely have access to more intentional information than what is publicly known. At the very least, valuing motivational assessments empowers policymakers to act on this knowledge, which is preferable because of the possibility of reducing competition and conflict.

### at: indo-pak reps bad

#### Even if they win that discourse comes first, our Indo-Pak war scenario is true

Nizamani 98 (Haider K., Institute of International Relations at the University of British Columbia, “Limits of dissent: A comparative study of dissident voices in the nuclear discourse of Pakistan and India,” 1998, Contemporary South Asia, pg. 317-337, http://dx.doi.org/10.1080/09584939808719847)//PC

The dominant nuclear discourse, as well as dissent, in the subcontinent has its general politics of truth (which certain types of statements are made to function as true and thus serve as informal rules by which some statements are designated as accurate reflections of national interests and others as anti-national viewpoints. In other words, this general politics of truth sanctifies certain means and topics of inquiry and dismisses others. This in turn, creates the Pundits and Dalits (Untouchables) in the 'nukespeak' hierarchy of the subcontinent. The question of truth is not isolated from issues of power and rights. In the triangle of truth, power and right, Foucault observed a close relationship where 'there can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of association'. 18 To put it simply, 'we are subjected to the production of truth through power and we cannot exercise power except through the production of truth'. 19 Therefore, the discourse of truth is not a mere linguistic construction but an engine of power whose effects can be felt at different levels. As such, it is through discourses of truth that 'We are judged, condemned, classified, determined in our undertakings, destined to a certain mode of living or dying, as a function of the true discourse which are the bearers of the specific effects of power'. 20 By analysing the discourse of the counter-narratives in the nuclear debate, I would be able to understand the prevalent forms of thinking, writing and policy-making alternatives put forward by dissenters as well as their limitations. However, the limits of dissent can be understood by juxtaposing it against the features of the dominant nuclear discourse in Pakistan and India. Needless to say, the dominant discourse has become even more extreme in the wake of the May 1998 nuclear blasts conducted by the governments in New Delhi and Islamabad. What dissent is up against In order to appreciate what the counter-narratives are up against, I will delineate the main tenets of the contemporary dominant discourses in Pakistan and India with special reference to the salience of the nuclear issue in them. A functional model to summarise the discussion looks at the dominant discourse's notion of threats and the threatened, reasons behind that situation, security objectives in such context, means to attain those objectives and, finally, costs involved in pursuing the suggested tneans. The dominant security discourse in post-colonial India and Pakistan is based upon the portrayal of the Other as an inferior. An expression of this in the case of Pakistan's dominant discourse is equating all Indians with Hinduism, a religion which they consider inferior to Islam. On the other hand, for the state-managers of India, Pakistan is seen in contrast to their democracy as the outcome of a parochial idea based on religion which serves as a fertile ground for dictatorships. In Pakistan and India, the difference within their territorial limits is suppressed in the name of Islam and secularism, respectively, and the external Other is considered as dangerous and inferior. The dominant nuclear discourse in Pakistan is made possible by a regime of truth that derives sustenance from a particular imagery about the country: a Pakistan which is only conceivable in terms of its incompatibility with India. This scheme is based on binary dichotomies in which Pakistan is a good, superior and peace-loving country, whereas India is the embodiment of an evil and expansionist power. The methodology of discourse analysis enables us to better understand the dynamics and the elements that turn the nuclear programmes of both countries into symbols of national sovereignty. It is through discourse analysis that we can demystify the myths about the nuclear issue, as well as become aware of the limits of the perspectives that seek to alter the nature and direction of the nuclear policies of New Delhi and Islamabad by pointing out the strategic undesirability and economic non-viability of retaining the nuclear option. Nuclear discourse is an integral part of this gamut of the dominant discourse in Pakistan and India. However, the task of turning the dominant episteme into a normal and unquestioned world-view of the constituent populations is seldom accomplished smoothly. For proponents of the dominant discourse in Pakistan, the Self implies an identity based upon Islam as a unifying religion and Urdu as the national language of the country. Heterogeneous societal reality asserts itself to defy such a national identity. Dynamics of these contradictions enmesh internal and external in two ways. By portraying India as a danger to the Pakistani identity—read Urdu and Islam—India is projected as a monolithic Hindu entity primarily interested in destroying Pakistan. Therefore, any internal resistance to the national identity based upon Urdu or Islam as the sole defining factors is interpreted as the doings of India. This scheme denies the fact that where there is a use of power (which is often coercive) to forge an identity, resistance to it is immanent in the process. This denial results in marginalising, isolating, and in some cases violently suppressing movements or voices which do not fall within the orbit of the dominant lore about national identity. In this process, internal dissent is invariably tied to the external enemy. A Pathan secessionist becomes an Afghan agent, and a Sindhi separatist an Indian agent. In sum, according to the dominant security discourse, the primary threat to Pakistan emanates from external sources. India is the nearest and the most potent of them, followed by Israel and the West. The threatened community is that of a Muslim Pakistan whose Islamic identity is endangered by external enemies and their local collaborators. The image of the threatened community is a monolith and any evidence to suggest otherwise is seen as a manifestation of the foreign hand. Explanations of threats are located in so-called objective incompatibility of Islam against the Hindu psyche and other forms of expansionism: i.e. Zionism and Western civilisation. This objective conflict facilitates a tripartite alliance of Western-Jewish-Hindu forces against the Muslim world (of which Pakistan is a fortress). Faced with this situation, the key objectives of Pakistan's security policy are strengthening an independent Islamic identity, bringing Kashmir into the fold of Pakistan to complete the unfinished agenda of the 1947 Partition and, finally, building the solid foundations of an Islamic Ummah (community) in world politics. Indian identity is also a work in progress. 'Midnight's children' started their 'tryst with destiny' in the name of democracy, secularism and non-alignment. 21 Although officially still wedded to those ideas, the present-day reality of India leaves much to be desired on the above fronts. Distrusted by neighbours as a regional hegemon, plagued by the rise of Hindu fundamentalism and feared by various identity-based movements as an oppressive centre, contemporary India is more guided by assumptions of political realism than the visionary dreams of Gandhi or Nehru. Nuclear weapons once dubbed as 'evil' by the political leadership of independent India have become a viable strategic option in the eyes of the present-day Indian leadership and strategic experts. The proponents of dominant discourse in India have embraced nuclear weapons capability as an integral aspect of asserting the national sovereignty. The discourse in India is guided by a mix of factors ranging from an aspiration to great power status to allocating blame to the adversaries (Pakistan being the major one) for the nuclear imbroglio in South Asia. The Indian security discourse also exhibits traits of dichtomising the world, both external and internal, in binary opposites to privilege the dominant discourse of the security of the country. The dominant Indian nuclear discourse strives to use the official policy on the issue as a sign of the country's assertion as a regional power capable of resisting the global power structure and a symbol of sovereignty of Atal Bihari Vajpayee's India. As a result of this, those sections of intelligentsia who do not subscribe to the dominant discourse within both countries are portrayed as either actual or potential agents of external powers or as novices who do not comprehend what is in the national interests. Dualisms like Self and Other, internal and external, defence and danger permeate the dominant security discourse in India, of which the nuclear factor is an integral part. What dangers does India face and why? How should it ward off these dangers? Where does the nuclear factor fit in this matrix? The answers provided by the dominant security discourse in India help us to understand the political value of the nuclear factor in the country. The dominant discourse defines Indian identity in negative terms; namely, what it is not by referring to the Others (both internal and external) of India. These Others by implication become threats to the Indian identity. The methodology of discourse analysis enables us to situate the value of the discussion of threats in the dominant discourse as an integral aspect of the identity formation on a particular line in post-colonial India. The dominant security discourse maintains that India is threatened by external enemies. These enemies foment troubles within India to achieve their objectives. Therefore, internal dissent is no more than an extension of some 'foreign hand'. Pakistan emerges as the most dangerous of all threats because it strives to Balkanise India. The Chinese threat is also significant but is gradually receding into the background. The West also tries to undermine India through coercive diplomacy and other means. Since the list of threats to India as outlined by the proponents of the dominant security discourse is based upon binary opposites, the enemies of New Delhi are invariably blamed for problems that afflict the nation. This becomes obvious when we ask: what makes India the target of the above threats? Two themes emerge as answers to this question. First, regional adversaries are out to harm India because it is a secular, democratic state amid theocratic, obscurantist and totalitarian regimes. The innocence of India is patent and its secular and democratic credentials beyond doubt, whereas the adversaries are marred by a variety of the negative characteristics. Pakistan is relegated to a theocracy and China to a totalitarian state. Historical amnesia comes into play by turning a blind eye to counter-evidence that might undermine the claims that Indian secularism may be lacking in substance or New Delhi is at least partly responsible for infusing fear in its neighbours. Second, the West, especially the US, pressures India because of the latter's leadership of third world causes. That is why pressure on India in the wake of nuclear explosions is portrayed as a form of neo-colonialism. It is in the context of how to deal with the above threats that the nuclear issue crops up. In present-day India, the dominant security discourse equates keeping the nuclear option with an effective deterrent and a symbol of exercising sovereignty despite international pressures. Here it should be made clear that the present views on the nuclear weapons option are in marked contrast with Nehru-era policy on the nuclear issue. Nehru was firmly against this option and vowed that under no circumstances would India opt for nuclear weapons. The dominant security discourse is based upon the dictum of assigning an evil nature to the Other and considering the Self as a custodian of goodness. The lines between the external and internal become blurred in this narrative when domestic troubles are reduced to external intervention. In the name of secularism and democracy, an effort is made to create an India which suppresses, often violently, claims to other forms of identity. Externally, India is promoted as a genuine great power. If such an India instils fear among its smaller neighbours, especially Pakistan, the standard line is to dismiss such fears as the figments of imagination of paranoid neighbours.

### at: russia reps bad

#### Constructing Russia as a threat is necessary – censoring Russia threat discourse leaves us unprepared to respond

Nyquist 12– Jeffrey, President of the Strategic Crisis Center and Distinguished Senior Fellow in Political Science at the Inter-American Institute (“Enemies in the East: An Interview with Anca-Maria Cernea,” The Inter-American Institute, 3/29/12, http://www.theinteramerican.org/commentary/358-enemies-in-the-east-an-interview-with-anca-maria-cernea.html)RK

**\*\*\*cites Anca-Maria Cernea, Romanian analyst and writer**

But how could this be? The 1989 Revolution supposedly brought down the Communist system. How could the Communist elite continue to keep control of the country’s key assets? Cernea explained that there was a genuine anti-Communist revolution: “But there was also a coup d’état organized by people of the regime who were taking their orders from Moscow. The Soviets had their agents in the Romanian Communist Party and in Securitate [the secret police]; Ceausescu was aware of their existence, he was keeping them under control, but his position towards the USSR didn’t allow him to eliminate those people.” Cernea believes the Soviets helped prepare some of the changes in Eastern Europe in 1989, with the following stipulation: “When I say ‘the Soviets were preparing’ I don’t mean that all of the changes that took place in 1989 were 100 percent KGB manipulation. I mean that the Soviets were aware of the failure of their system long before 1989, and were working on projects that would allow them to keep, or even increase their power by changing their appearance through glasnost/perestroika and by giving up certain less important aspects of their control over the region – like Marxist ideology and centralized economy. I think their plans succeeded in great part, but not completely.” The national security implications of Cernea’s analysis should not be passed over, especially considering the present rulers of Russia, the ongoing modernization of the Russian armed forces, and Russia’s alliance with Iran. One might be tempted to ask if Romania is a reliable NATO partner. According to Cernea, “As long as Băsescu is president of Romania, I am sure there is no doubt about our commitment to the alliance with the U.S. and Israel. On the contrary, as I see the situation now, it’s rather a problem for us and for Băsescu that the United States are less and less interested in Eastern Europe and that we can’t count on our American allies to protect us against the Russians. It’s rather you Americans that will decide if Romania will stay in the Free World or will be taken back under Russian domination – if let’s say Băsescu has an accident, or is removed from power by some other means.” Is Cernea suggesting that Russia could retake Romania? “Romanian people are traditionally hostile to Russians,” she explained. “This is a thing deeply rooted in our culture and mentalities and it's much older than Communism. The Communist experience has only strengthened this hostility to an unprecedented degree. Iliescu himself had to disguise his attachment to Russia, however difficult it was for him to do so.” It is not a question of the Romanian people going over to Russia. It is a question of whether the Romanian people can retain their freedom under an oligarchy that doesn’t believe in rule of law, and secretly supports Moscow. “In my opinion,” Cernea concluded, “NATO is indeed undermined, by many things. The fact that former Communist countries, with their former Communist armies and secret services are now members of NATO is just one of the risks; it’s a real risk, but it’s not the most important, and it can be dealt with – and should be, of course. But the Western armies and secret services are probably infiltrated too. The most serious problem is not even that; it’s the fact that **NATO seems to have no real political will, no realistic plan, no effective decision-making, no leadership.** NATO looks more and more like OSCE, or the UN; it is just another place for debate, similar to so many other international organizations. It doesn’t act like a military alliance, committed to defend its values against **real, clearly defined enemies**.” Cernea is correct, and there is more that could be said. The West has lost its way. **We no longer properly identify our enemies. We no longer prepare for war with Russia – our main enemy.** It seems that America’s armaments exist only to deal with weak threats – like the Taliban, Iran or North Korea. A large and powerful foe, like Russia, cannot be spoken of as a threat. Such an admission would be a scandal. We seek amelioration and peace at every turn. America’s policy is a strange combination of appeasement and presumption. Sad to say, everything may be lost if we ignore words of warning from those who are fighting against Russian tyranny – in Romania, Poland, Ukraine, and other countries. **Communism is not dead.** We only have to look at American politics to see this.

### econ

#### Economy instability doesn’t affect international security

Barnett ‘9 (Thomas P.M. Barnett, senior managing director of Enterra Solutions LLC, “The New Rules: Security Remains Stable Amid Financial Crisis,” 8/25/2009, http://www.aprodex.com/the-new-rules--security-remains-stable-amid-financial-crisis-398-bl.aspx)

When the global financial crisis struck roughly a year ago, the blogosphere was ablaze with all sorts of scary predictions of, and commentary regarding, ensuing conflict and wars -- a rerun of the Great Depression leading to world war, as it were. Now, as global economic news brightens and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, it's interesting to look back over the past year and realize how globalization's first truly worldwide recession has had virtually no impact whatsoever on the international security landscape. None of the more than three-dozen ongoing conflicts listed by GlobalSecurity.org can be clearly attributed to the global recession. Indeed, the last new entry (civil conflict between Hamas and Fatah in the Palestine) predates the economic crisis by a year, and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions. Looking over the various databases, then, we see a most familiar picture: the usual mix of civil conflicts, insurgencies, and liberation-themed terrorist movements. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends. And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). Everywhere else we find serious instability we pretty much let it burn, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces. So, to sum up: \* No significant uptick in mass violence or unrest (remember the smattering of urban riots last year in places like Greece, Moldova and Latvia?); \* The usual frequency maintained in civil conflicts (in all the usual places); \* Not a single state-on-state war directly caused (and no great-power-on-great-power crises even triggered); \* No great improvement or disruption in great-power cooperation regarding the emergence of new nuclear powers (despite all that diplomacy); \* A modest scaling back of international policing efforts by the system's acknowledged Leviathan power (inevitable given the strain); and \* No serious efforts by any rising great power to challenge that Leviathan or supplant its role. (The worst things we can cite are Moscow's occasional deployments of strategic assets to the Western hemisphere and its weak efforts to outbid the United States on basing rights in Kyrgyzstan; but the best include China and India stepping up their aid and investments in Afghanistan and Iraq.) Sure, we've finally seen global defense spending surpass the previous world record set in the late 1980s, but even that's likely to wane given the stress on public budgets created by all this unprecedented "stimulus" spending. If anything, the friendly cooperation on such stimulus packaging was the most notable great-power dynamic caused by the crisis. Can we say that the world has suffered a distinct shift to political radicalism as a result of the economic crisis? Indeed, no. The world's major economies remain governed by center-left or center-right political factions that remain decidedly friendly to both markets and trade. In the short run, there were attempts across the board to insulate economies from immediate damage (in effect, as much protectionism as allowed under current trade rules), but there was no great slide into "trade wars." Instead, the World Trade Organization is functioning as it was designed to function, and regional efforts toward free-trade agreements have not slowed. Can we say Islamic radicalism was inflamed by the economic crisis? If it was, that shift was clearly overwhelmed by the Islamic world's growing disenchantment with the brutality displayed by violent extremist groups such as al-Qaida. And looking forward, austere economic times are just as likely to breed connecting evangelicalism as disconnecting fundamentalism. At the end of the day, the economic crisis did not prove to be sufficiently frightening to provoke major economies into establishing global regulatory schemes, even as it has sparked a spirited -- and much needed, as I argued last week -- discussion of the continuing viability of the U.S. dollar as the world's primary reserve currency. Naturally, plenty of experts and pundits have attached great significance to this debate, seeing in it the beginning of "economic warfare" and the like between "fading" America and "rising" China. And yet, in a world of globally integrated production chains and interconnected financial markets, such "diverging interests" hardly constitute signposts for wars up ahead. Frankly, I don't welcome a world in which America's fiscal profligacy goes undisciplined, so bring it on -- please! Add it all up and it's fair to say that this global financial crisis has proven the great resilience of America's post-World War II international liberal trade order.