# 1nc

### 1

**Interpretation “restriction” is a method of prohibiting authority**

P.A. **Mohammed**, J. Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, 1997¶ Equivalent citations: AIR 1997 Ker 121¶ Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, **1997**. http://www.indiankanoon.org/doc/255504/?type=print

10. **Microlight aircrafts or hang gliders shall not be flown over an assembly of persons or over congested areas or restricted areas including cantonment areas, defence installations etc**. unless prior permission in writing is obtained from appropriate authorities. **These provisions do not create any restrictions. There is no total prohibition of operation of microlight aircraft or hang gliders. The distinction between 'regulation' and 'restriction' must be clearly perceived. The 'regulation' is a process which aids main function within the legal precinct whereas 'restriction' is a process which prevents the function without legal sanction**. Regulation is allowable but restriction is objectionable. What is contained in the impugned clauses is, only **regulations and not restrictions**, complete or partial. They **are issued with authority conferred on the first respondent**, under Rule 133A of the Aircraft Rules consistent with the provisions contained in the Aircraft Act 1934 relating to the operation, use etc. of aircrafts flying in India. Microlight aircrafts, hang gliders and powered hang gliders are all coming within the definition of 'aircraft' contained in Section 2( 1) of the Act. Section 5 of **the Act authorises** the Central Government to make rules regulating among other things use and operation of aircraft and lor securing the safety of aircraft operation. Rule 133A authorises the first respondent to issue directions relating to the operation and use of the aircraft. Thus the analysis of the above provisions would sufficiently indicate that **the** impugned **clauses** contained in Exts. P4 and P5 **are** purely **measures regulating** the use and **operation** of aircrafts.

**Increase means to become greater**

Increase:

in·crease verb \in-ˈkrēs, ˈin-ˌ\

intransitive verb

**1: to become progressively greater (as in size, amount, number, or intensity)**

2: to multiply by the production of young

**That’s Merriam-Webster 12**, http://www.merriam-webster.com/dictionary/increase?show=0&t=1348112715

**Executive authority stems from the constitution or statutory delegation.**

**Gaziano**, **2001**

(Todd, senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation, 5 Texas Review of Law & Politics 267, Spring, lexis)

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately **the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations**. **The source of authority (constitutional versus statutory) carries important implications for the extent to which that authority may be legitimately exercised or circumscribed**. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

**Violation – The Aff increases presidents war powers authority – It doesn’t prohibit the president from doing anything**

**Coronogue 12** – **1AC Author** (Graham, JD at duke, “A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR”, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil, zzx)

This **congressional authorization gave the president the authority to use force against those involved in the 9/11 attacks and their allies**, but the war on terror has moved beyond this mandate. **In 2001, al-Qaeda, the Taliban, and Osama bin Laden were clearly the “enemy.**”3 **The AUMF addressed this threat by providing domestic authorization for the use of force against all entities closely tied to 9/11.** However, ten years after the attacks, bin Laden is dead and the Taliban is a shadow of its former self.4 Yet the United States still uses the AUMF to justify the use of force against new terrorist and extremist groups, many of which were not closely involved in 9/11 and may not have even existed in 2001. Given this disconnect, politicians have advocated amending, scrapping, or reaffirming the AUMF to have it reflect the present reality of the conflict. The Obama administration argues that the AUMF should remain the same and has taken pains to expand the authorization to cover new terrorist threats from organizations unrelated to al-Qaeda.5 However, this ten-year-old authorization must be revised. **The United States is facing a new and still evolving enemy; our law on conflict must evolve with it.** We should not expect the President to simply reinterpret or stretch statutory language when considering such fundamentally important issues as national security, deadly force, and indefinite detention. This "stretching" out of the statute will create significant questions of legality and authorization in times when we cannot afford to hesitate or second-guess. **The President and the armed forces need an updated, clear, and explicit authorization to execute this war effectively** and know the limits of their power. In short. Congress must amend or update the AUMF to reflect the current reality of conflict and guide the President's prosecution of this war.

**Vote Neg**

**Limits – Their aff justifies any aff that has the judiciary or Congress clarify in ways that expand war powers - 1000s of ways to do that**

**Ground – Increasing restrictions is key to stable neg link and cp ground – clarifications to authority make all DA links non-unique – bidirectional affs are especially bad because they are reading neg ground on the aff**

**The aff is extra-topical – AUMF applies to things outside the resolution -**

**Justice.gov 2006** (January 27, “THE NSA PROGRAM TO DETECT AND PREVENT TERRORIST ATTACKS

MYTH V. REALITY” <http://www.justice.gov/opa/documents/nsa_myth_v_reality.pdf>)

**Myth: The NSA program is illegal. Reality: The President’s authority** to authorize the terrorist surveillance program is **firmly based both in** his constitutional authority as Commander-in-Chief, and in **the** Authorization for Use of Military Force (**AUMF**) passed by Congress after the September 11 attacks. • As Commander-in-Chief and Chief Executive, the President has legal authority under the Constitution to authorize the NSA terrorist surveillance program. ¾ The Constitution makes protecting our Nation from foreign attack the President’s most solemn duty and provides him with the legal authority to keep America safe. ¾ It has long been recognized that the President has inherent authority to conduct warrantless surveillance to gather foreign intelligence even in peacetime. Every federal appellate court to rule on the question has concluded that the President has this authority and that it is consistent with the Constitution. ¾ Since the Civil War, wiretaps aimed at collecting foreign intelligence have been authorized by Presidents, and the authority to conduct warrantless surveillance for foreign intelligence purposes has been consistently cited and used when necessary. • **Congress confirmed and supplemented the President's constitutional authority to authorize this program when it passed the AUMF**. ¾ **The AUMF authorized the President to use “all necessary and appropriate military force against those** nations, **organizations**, or persons **he determines planned**, authorized, committed, or aided in the terrorist attacks that occurred on **September 11**, 2001.” **¾ In its Hamdi decision, the Supreme Court ruled that the AUMF also authorizes the “fundamental incident[s] of waging war.”** **The history of warfare makes clear that electronic surveillance** of the enemy **is** a **fundamental** incident to the use of military force.

**Extra T is a voter for limits – surveillance was rejected from the topic and is a whole new set of advantage ground and disads – it has to be a voting issue or it becomes a no risk issue for the Aff**

### 2

#### The affirmative reduces the problem of executive authority to temporally distinct conjunctions of war and peace time---legal restrictions inevitably fail because they ignore the permanence of war in politics

Mary L. Dudziak 10, chaired prof of history and pol-sci and USC, Law, War, and the History of Time, 98 Cal. L. Rev. 1669

When President George W. Bush told the American people in September 2001 that the nation was at war, he drew upon an iconic American narrative. The onset of war, in American legal and political thought, is more than a cata- lytic moment. It is the opening of an era: a wartime. Wartime is thought to be an era of altered governance. It is not simply a time period when troops are sent into battle. It is also a time when presidential power expands, when individual rights are often compromised. An altered rule of law in wartime is thought to be tolerable because wartimes come to an end, and with them a government's emergency powers. That, at least, is the way law and wartime are understood. War is thought to break time into pieces. War often marks the beginning of an era, the end of another, as in antebellum, postbellum, and simply "postwar" (meaning after World War II). War has its own time. During "wartime," regular, normal time is thought to be suspended. Wartime is when time is out of order. Ideas about the temporality of war are embedded in American legal thought. A conception of time is assumed and not examined, as if time were a natural phenomenon with an essential nature, providing determined shape to human action and thought. This understanding of time is in tension with the experience of war in the twentieth century. The problem of time, in essence, clouds an understanding of the problem of war. Much attention has been paid in recent years to wartime as a state of exception,' but not to wartime as a form of time. For philosopher Giorgio Agamben, a state of exception "is a suspension of the juridical order itself," marking law's boundaries.2 Viewing war as an exception to normal life, however, leads us to ignore the longstanding persistence of war. If wartime is actually normal time, as this Essay suggests, rather than a state of exception, then law during war can be seen as the form of law we in fact practice, rather than a suspension of an idealized understanding of law. In scholarship on law and war, time is seen as linear and episodic. There are two different kinds of time: wartime and peacetime. Historical progression consists of moving from one kind of time to another (from wartime to peacetime to wartime, etc.). Law is thought to vary depending on what time it is. The relationship between citizen and state, the scope of rights, and the extent of government power depend on whether it is wartime or peacetime. A central metaphor is the swinging pendulum-swinging from strong protection of rights and weaker government power to weaker protection of rights and stronger government power.3 Moving from one kind of time to the next is thought to swing the pendulum in a new direction. This conceptualization is embedded in scholarship in law and legal history,4 it is written into judicial opinions,5 it is part of popular culture.6 Even works that seek to be revisionist aim largely for a different way to configure the pendulum, leaving the basic conceptual structure in place.7 But the conception of time that has been embedded in thinking about law and war is in tension with the practice of war in the twentieth century. This understanding of time no longer fits experience, but it has continued to shape our thinking.8 There are three significant impacts of viewing wartime as exceptional, or viewing history as divided into different zones of time based on peace and war. First, there is a policy problem: war-related time zones cause us to think that war-related laws and policies are temporary. Second, there is a historiography problem: time zones can cause scholars to fail to look for war-related impacts on American law outside of the time zone of war. Finally, the model of the swinging pendulum does not lend itself to a broader analysis of the relationship between war and rights over time, or to the way rights are impacted by war- related state-building, which tends to endure.9 This Essay explores the role of wartime in legal thought. The starting point is an examination of time itself. Scholarship on time shows that "time" does not have an essential nature.' 0 Instead, as sociologist Emile Durkheim and others have argued, our understanding of time is a product of social life. This helps us to see that "wartime," like other kinds of time, does not have an essential character, but is historically contingent. The Essay then turns to the way wartime is characterized in scholarship on law and war, arguing that a particular understanding of war and time is a feature of this literature. The idea of wartime found in twentieth-century legal thought is in tension with the American experience with war. To examine this dynamic, the Essay takes up an iconic twentieth-century war, World War II, finding that this war is harder to place in time than is generally assumed, in part because the different legal endings to the war span over a period of seven years. Next, the Essay considers the way that scholarship on the history of rights during war attempts to periodize World War II, and finds that the fuzziness in the war's timing repeats itself in scholarship on law and war. Scholars who believe themselves to be writing about the same wartime are not always studying the same span of years. The difficulty in confining World War II in time is an illustration of a broader feature of the twentieth century: wartimes bleed into each other, and it is hard to find peace on the twentieth-century American timeline. Meanwhile, although the Pearl Harbor attack was on the Territory of Hawaii, all twentieth- century military engagement occurred outside the borders of American states. Because of this, a feature of American military strategy has been to engage of the American people in a war at some times," and at other times to insulate them from war. Isolation from war in the late twentieth century, through the use of limited war and advanced technology, enabled the nation to participate in war without most citizens perceiving themselves to be in a wartime.12 The Essay closes with a discussion of the way the tension between war's seamlessness and our conception of temporally distinct wartimes surfaces in contemporary cases relating to Guantinamo detainees. In these cases, Supreme Court Justices first attempted to fit the post-September 11 era into the traditional and confined understanding of wartime. But ultimately, anxiety about war's temporality informed Justice Kennedy's argument for judicial review in Boumediene v. Bush.13 My aim in this Essay is to critique the way that the concept of wartime affects thinking about war and rights, but not to argue that war itself has no impact. One reason that wartime has so much power as a way of framing history is that the outbreak of war is often experienced as ushering in a new era, particularly when war follows a dramatic event like Pearl Harbor.14 After that attack, for example, Supreme Court Justice Felix Frankfurter said to his law clerk: "Everything has changed, and I am going to war."15 The onset of war is seen, however, not as a discrete event, but as the beginning of a particular era that has temporal boundaries on both sides. I do not wish to question the power of these catalytic moments, but rather to call attention to the way they bring into being a set of assumptions about their endings, because they are seen as the onset of a temporally confined war. Pearl Harbor, for example, was thought to launch the United States into an era-World War II-that would, by definition, come to an end. Unpacking war's temporality can be a path toward a more satisfactory understanding of the ongoing relationship between war and American law and politics.

#### THE LAW IS AN INSTITUTION THAT ENABLES WAR, MILITARY BUREAUCRATS MANEUVER LEGAL RESTRICTIONS WITH EASE AND CHANGE THEIR VERNACULAR TO LEGALIZE AND LEGITIMIZE WARS

Kennedy 06

[David Kennedy, American academic and legal scholar of international law, “Of War and Law”, Pg 6-8, \\wyo-bb]

To understand—and accept—these continuities between the politics and practices of war and peace, we must understand ¶ more clearly what it means to say that warfare has become a legal institution. When we think of war as sharply distinct from ¶ peace, it is easy to imagine it also as outside of law. War is often ¶ the exception to the routine legal arrangements of peacetime; ¶ contracts, for example, routinely exempt acts of war alongside ¶ “acts of God.” If we pause to think about the law relevant to ¶ war, we are likely to focus on international rules designed ¶ to limit the incidence of warfare, from the ancient “just war” ¶ tradition, to the institutional machinery set in place by the ¶ United Nations Charter to “save succeeding generations from ¶ the scourge of war.” Or the many disarmament treaties limiting ¶ the use or availability of the most heinous weapons—exploding ¶ bullets, gas, chemical, or nuclear weapons. Or the rules of hu­¶ manitarian law regulating the treatment of prisoners of war or ¶ those wounded on the battleﬁeld. We are likely to think of ¶ these rules as coming from “outside” war, limiting and restrict­¶ ing the military. We think of international law as a broadly hu­¶ manist and civilizing force, standing back from war, judging it ¶ as just or unjust, while offering itself as a code of conduct to ¶ limit violence on the battleﬁeld. Indeed, it is common to asso­¶ ciate this entire legal universe with the International Commit­¶ tee of the Red Cross, itself borrowing something from the neu­¶ tral and humanitarian image of its Swiss hosts. ¶ But law is relevant to war in many other ways. The military, like other public and private bureaucracies today, operates in war and peace against the background of innumerable ¶ local, national, and international rules regulating the use of ¶ territory, the mobilization of men, the ﬁnancing of arms and ¶ logistics and the deployment of force. Taken together, these laws can shape the institutional, logistical—even physical— landscape on which military operations occur. Today’s military is also itself a complex bureaucracy whose managers dis­¶ cipline their forces and organize their operations with rules. ¶ Armies have always been disciplined by rules, usually legal ¶ rules. The national regulations by which Nelson disciplined the ¶ Royal Navy at Trafalgar were tough, parallel to those of British ¶ criminal law of the era. Under the Articles of War, a man could ¶ be hanged for mutiny, treason, or desertion. Routine discipline ¶ was to be enforced through ﬂogging and “starting,” or striking ¶ a man across the back with a rope or rattan cane. ¶ The interesting point is that in Nelson’s day, these rules were ¶ distinct both from contemporaneous international legal de­¶ bates about the “justice” of warfare and from the rules govern­¶ ing the French and Spanish ﬂeets. In the years since, as the mil­¶ itary has become a more complex modern bureaucracy, linked ¶ to the nation’s commercial life, integrated with civilian and ¶ peacetime governmental institutions, and covered by the same ¶ national and international media—and as our ideas about law ¶ have themselves changed—the rules governing military life ¶ have merged with the international laws about war to produce ¶ a common legal vocabulary for assessing the legitimacy of war, ¶ down to the tactics of particular battles. Was the use of force ¶ “necessary” and “proportional” to the military objective—were ¶ the civilian deaths truly “collateral?” What is difﬁcult to under­¶ stand is the extent to which this vocabulary—of just war, ¶ legitimate targeting, proportionate violence, and prohibited ¶ weaponry—has been internalized by the military. Not every ¶ soldier—not every commander—follows the rules. Rules are ¶ bent and ignored. Rules are violated. But this is less surprising ¶ than the astonishing way the legitimacy of war and battleﬁeld ¶ violence has come to be discussed in similar legal terms, by mil­¶ itary professionals and outside commentators alike. As such, ¶ law today shapes the politics, as well as the practice, of warfare.

#### The threat of terrorism creates an Outsider Enemy which justifies a permanent state of emergency and preemptive strikes

Zizek 05

[Slavoj Zizek, “In These Times”, 2005, August 11, <http://www.lacan.com/zizekiranian.htm>, \\wyo-bb]

Every power structure has to rely on an underlying implicit threat, i.e. whatever the oficial democratic rules and legal constraints may be, we can ultimately do whatever we want to you. In the 20th century, however, the nature of this link between power and the invisible threat that sustains it changed. Existing power structures no longer relied on their own fantasmatic projection of a potential, invisible threat in order to secure the hold over their subjects. Rather, the threat was externalized, displaced onto an Outside Enemy. It became the invisible (and, for that reason, all-powerful and omni-present) threat of this enemy that legitimized the existing power structure's permanent state of emergency. Fascists invoked the threat of the Jewish conspiracy, Stalinists the threat of the class enemy, Americans the threat of Communism-all the way up to today's "war on terror." The threats posed by such an invisible enemy legitimizes the logic of the preemptive strike. Precisely because the threat is virtual, one cannot afford to wait for it to come. Rather, one must strike in advance, before it is too late. In other words, the omni-present invisible threat of Terror legitimizes the all too visible protective measures of defense-which, of course, are what pose the true threat to democracy and human rights (e.g., the London police's recent execution of the innocent Brazilian electrician, Jean Charles de Menezes).

#### Focus on security denies value to life—replacing it with ordered safety and control

Der Derian, 1995

(James, IR theorist and Philosopher, On Security “The Value of Security: Hobbes, Marx, Nietzsche and Baudrillard. Ed Ronnie Lipshutz” Online

Nietzsche transvalues both Hobbes's and Marx's interpretations of security through a genealogy of modes of being. His method is not to uncover some deep meaning or value for security, but to destabilize the intolerable fictional identities of the past which have been created out of fear, and to affirm the creative differences which might yield new values for the future. 33 Originating in the paradoxical relationship of a contingent life and a certain death, the history of security reads for Nietzsche as an abnegation, a resentment and, finally, a transcendence of this paradox. In brief, the history is one of individuals seeking an impossible security from the most radical "other" of life, the terror of death which, once generalized and nationalized, triggers a futile cycle of collective identities seeking security from alien others--who are seeking similarly impossible guarantees. It is a story of differences taking on the otherness of death, and identities calcifying into a fearful sameness. Since Nietzsche has suffered the greatest neglect in international theory, his reinterpretation of security will receive a more extensive treatment here. One must begin with Nietzsche's idea of the will to power, which he clearly believed to be prior to and generative of all considerations of security. In Beyond Good and Evil , he emphatically establishes the primacy of the will to power: "Physiologists should think before putting down the instinct of self-preservation as the cardinal instinct of an organic being. A living thing seeks above all to discharge its strength--life itself is will to power; self-preservation is only one of the most frequent results." 34 The will to power, then, should not be confused with a Hobbesian perpetual desire for power. It can, in its negative form, produce a reactive and resentful longing for only power, leading, in Nietzsche's view, to a triumph of nihilism. But Nietzsche refers to a positive will to power, an active and affective force of becoming, from which values and meanings--including self-preservation--are produced which affirm life. Conventions of security act to suppress rather than confront the fears endemic to life, for ". . . life itself is essentially appropriation, injury, overpowering of what is alien and weaker; suppression, hardness, imposition of one's own forms, incorporation and at least, at its mildest, exploitation--but why should one always use those words in which slanderous intent has been imprinted for ages." 35 Elsewhere Nietzsche establishes the pervasiveness of agonism in life: "life is a consequence of war, society itself a means to war." 36 But the denial of this permanent condition, the effort to disguise it with a consensual rationality or to hide from it with a fictional sovereignty, are all effects of this suppression of fear. The desire for security is manifested as a collective resentment of difference--that which is not us, not certain, not predictable. Complicit with a negative will to power is the fear-driven desire for protection from the unknown. Unlike the positive will to power, which produces an aesthetic affirmation of difference, the search for truth produces a truncated life which conforms to the rationally knowable, to the causally sustainable. In The Gay Science , Nietzsche asks of the reader: "Look, isn't our need for knowledge precisely this need for the familiar, the will to uncover everything strange, unusual, and questionable, something that no longer disturbs us? Is it not the instinct of fear that bids us to know? And is the jubilation of those who obtain knowledge not the jubilation over the restoration of a sense of security?" 37 The fear of the unknown and the desire for certainty combine to produce a domesticated life, in which causality and rationality become the highest sign of a sovereign self, the surest protection against contingent forces. The fear of fate assures a belief that everything reasonable is true, and everything true, reasonable. In short, the security imperative produces, and is sustained by, the strategies of knowledge which seek to explain it. Nietzsche elucidates the nature of this generative relationship in The Twilight of the Idols : The causal instinct is thus conditional upon, and excited by, the feeling of fear. The "why?" shall, if at all possible, not give the cause for its own sake so much as for a particular kind of cause --a cause that is comforting, liberating and relieving. . . . That which is new and strange and has not been experienced before, is excluded as a cause. Thus one not only searches for some kind of explanation, to serve as a cause, but for a particularly selected and preferred kind of explanation--that which most quickly and frequently abolished the feeling of the strange, new and hitherto unexperienced: the most habitual explanations. 38 A safe life requires safe truths. The strange and the alien remain unexamined, the unknown becomes identified as evil, and evil provokes hostility--recycling the desire for security. The "influence of timidity," as Nietzsche puts it, creates a people who are willing to subordinate affirmative values to the "necessities" of security: "they fear change, transitoriness: this expresses a straitened soul, full of mistrust and evil experiences." 39 The unknowable which cannot be contained by force or explained by reason is relegated to the off-world. "Trust," the "good," and other common values come to rely upon an "artificial strength": "the feeling of security such as the Christian possesses; he feels strong in being able to trust, to be patient and composed: he owes this artificial strength to the illusion of being protected by a god." 40 For Nietzsche, of course, only a false sense of security can come from false gods: "Morality and religion belong altogether to the psychology of error : in every single case, cause and effect are confused; or truth is confused with the effects of believing something to be true; or a state of consciousness is confused with its causes." 41 Nietzsche's interpretation of the origins of religion can shed some light on this paradoxical origin and transvaluation of security. In The Genealogy of Morals , Nietzsche sees religion arising from a sense of fear and indebtedness to one's ancestors: The conviction reigns that it is only through the sacrifices and accomplishments of the ancestors that the tribe exists --and that one has to pay them back with sacrifices and accomplishments: one thus recognizes a debt that constantly grows greater, since these forebears never cease, in their continued existence as powerful spirits, to accord the tribe new advantages and new strength. 42 Sacrifices, honors, obedience are given but it is never enough, for The ancestors of the most powerful tribes are bound eventually to grow to monstrous dimensions through the imagination of growing fear and to recede into the darkness of the divinely uncanny and unimaginable: in the end the ancestor must necessarily be transfigured into a god . 43 As the ancestor's debt becomes embedded in institutions, the community takes on the role of creditor. Nietzsche mocks this originary, Hobbesian moment: to rely upon an "artificial strength": "the feeling One lives in a community, one enjoys the advantages of communality (oh what advantages! we sometimes underrate them today), one dwells protected, cared for, in peace and trustfulness, without fear of certain injuries and hostile acts to which the man outside , the "man without peace," is exposed . . . since one has bound and pledged oneself to the community precisely with a view to injury and hostile acts. 44 The establishment of the community is dependent upon, indeed it feeds upon, this fear of being left outside. As the castle wall is replaced by written treaty, however, and distant gods by temporal sovereigns, the martial skills and spiritual virtues of the noble warrior are slowly debased and dissimulated. The subject of the individual will to power becomes the object of a collective resentment. The result? The fear of the external other is transvalued into the "love of the neighbor" quoted in the opening of this section, and the perpetuation of community is assured through the internalization and legitimation of a fear that lost its original source long ago. This powerful nexus of fear, of external and internal otherness, generates the values which uphold the security imperative. Indeed, Nietzsche locates the genealogy of even individual rights, such as freedom, in the calculus of maintaining security: - My rights - are that part of my power which others not merely conceded me, but which they wish me to preserve. How do these others arrive at that? First: through their prudence and fear and caution: whether in that they expect something similar from us in return (protection of their rights); or in that they consider that a struggle with us would be perilous or to no purpose; or in that they see in any diminution of our force a disadvantage to themselves, since we would then be unsuited to forming an alliance with them in opposition to a hostile third power. Then : by donation and cession. 45 The point of Nietzsche's critical genealogy is to show that the perilous conditions that created the security imperative--and the western metaphysics that perpetuate it--have diminished if not disappeared; yet, the fear of life persists: "Our century denies this perilousness, and does so with a good conscience: and yet it continues to drag along with it the old habits of Christian security, Christian enjoyment, recreation and evaluation." 46 Nietzsche's worry is that the collective reaction against older, more primal fears has created an even worse danger: the tyranny of the herd, the lowering of man, the apathy of the last man which controls through conformity and rules through passivity. The security of the sovereign, rational self and state comes at the cost of ambiguity, uncertainty, paradox--all that makes a free life worthwhile. Nietzsche's lament for this lost life is captured at the end of Daybreak in a series of rhetorical questions: Of future virtues--How comes it that the more comprehensible the world has grown the more solemnities of every kind have decreased? Is it that fear was so much the basic element of that reverence which overcame us in the presence of everything unknown and mysterious and taught us to fall down before the incomprehensible and plead for mercy? And has the world not lost some of its charm for us because we have grown less fearful? With the diminution of our fearfulness has our own dignity and solemnity, our own fearsomeness , not also diminished? 47 It is of course in Nietzsche's lament, in his deepest pessimism for the last man, that one finds the celebration of the overman as both symptom and harbinger of a more free-spirited yet fearsome age. Dismissive of utopian engineering, Nietzsche never suggests how he would restructure society; he looks forward only so far as to sight the emergence of "new philosophers" (such as himself?) who would restore a reverence for fear and reevaluate the security imperative. Nietzsche does, however, go back to a pre-Christian, pre-Socratic era to find the exemplars for a new kind of security. In The Genealogy of Morals , he holds up Pericles as an example, for lauding the Athenians for their "rhathymia "--a term that incorporates the notion of "indifference to and contempt for security." 48 It is perhaps too much to expect Nietzsche's message to resonate in late modern times, to expect, at the very time when conditions seem most uncertain and unpredictable, that people would treat fear as a stimulus for improvement rather than cause for retrenchment. Yet Nietzsche would clearly see these as opportune times, when fear could be willfully asserted as a force for the affirmation of difference, rather than canalized into a cautious identity constructed from the calculation of risks and benefits.

**Exterminate Unkown !**

**K of Causality:**

Turn Strange to Familiar

**Negative vs Postive W2P**

Negative Will to Pwr:

Supress Fear

Sovereignty

Rational Consensus

Positive Will to Pwr:

Embrace Fear

Becoming

Aesthetic Affirm of Difference

Security Bad

🡪 ficiontal ID from fear

History of security is resentment

Generalize the fear of death into the fear of difference

**K of Transcend:**

Causality wrong – never answer cause-effect question. All things are effect of discourse

No bounded truth

**Geneology of Security**

State has taken the place of God

Communities bounded by fear: external and internal threats.

War no longer beautiful.

**NV2L !**

**Herd outweighs:**

Fear controls through conformity and rules through docile subjects.

Security at the cost of meaningful life

**Now key:**

Conditions uncertain and predicable.

#### Risk calculus causes endless threats

Bachrach 13 (Theodore Bachrach works for a non profit organization and has worked in the UK Parliament, International Security Observer, "The Rise of Risk in International Security Policy", http://securityobserver.org/the-rise-of-risk-in-international-security-policy/, April 24, 2013)

Risk is the defining feature of modern society. Citizens today are risk averse and the desire to ‘manage’ risk has become the lingua franca of business, politics, economics and public policy. It has also become the language of security strategy and war. Put succinctly ‘Risk and uncertainty are the hallmark of world politics at the dawn of the twenty-first century’[i]. But why is this? And what does it mean for international security?¶ At the end of the Cold War there was a transition in security strategy from the monolithic, state-centric viewpoint of a world conveniently split between two (Cold) warring ideological viewpoints to a world of unbounded known and unknown risks, able to spread easily from one part of the world to another, irrespective of state boundaries. From a western security standpoint the end of the Cold War, instead of making states feel more secure, had the paradoxical effect of making states feel more uncertain and at risk than before. The beast had been slain but now the security landscape resembled a jungle full of snakes.¶ ¶ Recognising this, NATO in the nineties changed its modus operandi to one of managing security risks openly acknowledging that the threats its members were up against were not static nation states but elusive and flexible non-state actors able to capitalise on the revolution in information technology and the shrinking of time and space brought about by globalisation. Its 1991 New Strategic Concept acknowledged that ‘In contrast with the predominant threat of the past, the risks to Allied security that remain are multi-faceted in nature and multi-directional, which makes them hard to predict and assess. NATO must be capable of responding to such risks if stability in Europe and the security of Alliance members are to be preserved’[ii]. Likewise the UK 1998 Strategic Review acknowledged that ‘stability based on the active management of risks’ was the challenge at hand[iii].¶ ¶ This shift stems from a wider sociological change to a risk society in which the ideas of controllability, certainty and security have collapsed[iv]. The result is state’s scrambling to re-take control of the uncertain future; to manage the risks. Whilst the future cannot totally be colonized, a policy of security risk management, allows states to ‘minimize or reduce factors which lead to risk occurring’[v]. French philosopher Michael Foucault referring to risk once stated the suitable metaphor for government was a ship: in our risk adverse society government attempts to manage risk can be seen as an attempt to steer society toward the safe harbour avoiding risks along the way. If a few targeted killings and pre-emptive strikes mean safe passage, so be it.¶ Risk in security policy is proving itself to be primarily an energizing principle. Politicians and security decision makers become increasingly reflexive as they endeavour to avert future risks through anticipatory measures. A critical feature of this security “Zeitgeist” is that knowledge and lack of knowledge become equally constitutive[vi] resulting in policy responses that treat them both on the same risk level. Whilst we know what some of the risks are, we also know that there are risks we don’t yet know about which need to be protected against as well. In trying to imagine what these risks are strategists undertake a process of premeditation; imagine the worst futures and then attempt to harness and “commodify” the risks and uncertainty through pre-emptive risk management policies. [vii] ¶ When 9/11 demonstrated the notion of geographical space as a protective barrier was tragically false security, US security planners in response proposed ‘routinizing the exercise of imagination, thus turning a scenario into constructive action’[viii]. Take the publicly presented speculative justification for war in Iraq and Afghanistan where nightmare scenarios of despot leaders colluding with terrorist organisations like Al-Qaeda were “sold” as facts. Former British Prime Minister Tony Blair, referring to Afghanistan, stated that ‘whilst there are risks of action, we know the risks of inaction are much greater’ a rationale mirrored by former U.S. Vice President Dick Cheney regarding Iraq: ‘the risks of inaction are far greater than those of action’[ix]. Similarly the policy of drone strikes and targeted killings are a reflection of a security policy of pre-emption rather than reaction. Targeted killings are a form of ‘uncertainty absorption’ literally aimed at the elimination of threats before they can demonstrate their full potential. Individuals who may not have been responsible for a criminal act on foreign soil and might not even present an imminent threat are targeted owing to their status as a potential risk. A report by the Council of Foreign Relations on drones states that ‘the vast majority of those targeted via drones were neither al-Qaeda nor Taliban leaders rather most were low-level, anonymous suspected militants who were predominately engaged in insurgent or terrorists operations against their governments, rather than in active international terrorist plots’[x][xi]. The logic of objectification and imagining futures inherent in security risk management magnifies the non-innocence of low level insurgents to those of top leaders. As former President George W. Bush once said ‘If we wait for threats to fully materialize, we have waited too long’[xii].¶ ¶ The largest problem with making risk the heuristic device through which security policy is determined is that unlike risk management in business and economics, security risk is not objective and quantitatively rational. Risks are socially constructed phenomena meaning they can be whatever the decision makers of the day want them to be. This has real life and death consequences for when one selects a strategy of making presumed (lack of) knowledge the foundation of actions against risks the flood-gates of fear are opened and everything becomes threatening and everyone a potential risk[xiii]. The effect of this modus operandi within international security is that whilst simultaneously making citizens more secure by eliminating risks before they become active threats capable of destruction, the culture of risk-management perpetuates itself as, without a concrete enemy, new risks always have to be established and managed in order for societies to convince themselves they are secure.

#### If impacts are calculated by multiplying probability times magnitude, then every absurd probability of an infinite impact register as infinite – breaking down rational risk calculus

**Kessler ‘8**  [Oliver Kessler, Sociology at University of Bielefeld, “From Insecurity to Uncertainty: Risk and the Paradox of Security Politics” *Alternatives*  33 (2008), 211-232]

***If the risk of terrorism is  defined in traditional terms by probability and potential loss, then  the focus on dramatic terror attacks leads to the marginalization of  probabilities. The reason is that even the highest degree of improb-  ability becomes irrelevant as the measure of loss goes to infinity.^o  The mathematical calculation of the risk of terrorism thus tends to  overestimate and to dramatize the danger. This has consequences  beyond the actual risk assessment for the formulation and execution  of "risk policies": If one factor of the risk calculation approaches  infinity (e.g., if a case of nuclear terrorism is envisaged), then there  is no balanced measure for antiterrorist efforts, and risk manage-  ment as a rational endeavor breaks down\*.*** Under the historical con-  dition of bipolarity, the "ultimate" threat with nuclear weapons could  be balanced by a similar counterthreat, and new equilibria could be  achieved, albeit on higher levels of nuclear overkill. Under the new  condition of uncertainty, no such rational balancing is possible since  knowledge about actors, their motives and capabilities, is largely  absent.  The second form of security policy that emerges when the deter-  rence model collapses mirrors the "social probability" approach. It  represents a logic of catastrophe. In contrast to risk management  framed in line with logical probability theory, the logic of catastro- phe does not attempt to provide means of absorbing uncertainty.  Rather, it takes uncertainty as constitutive for the logic itself;

uncer-  tainty is a crucial precondition for catastrophies. In particular, cata-  strophes happen at once, without a warning, but with major impli-  cations for the world polity. In this category, we find the impact of  meteorites. Mars attacks, the tsunami in South East Asia, and 9/11.  To conceive of terrorism as catastrophe has consequences for the  formulation of an adequate security policy. Since catastrophes hap-  pen irrespectively of human activity or inactivity, no political action  could possibly prevent them. Of course, there are precautions that  can be taken, but the framing of terrorist attack as a catastrophe  points to spatial and temporal characteristics that are beyond "ratio-  nality." Thus, political decision makers are exempted from the  responsibility to provide security—as long as they at least try to pre-  empt an attack. Interestingly enough, 9/11 was framed as catastro-  phe in various commissions dealing with the question of who was  responsible and whether it could have been prevented.  This makes clear that under the condition of uncertainty, there  are no objective criteria that could serve as an anchor for measur-  ing dangers and assessing the quality of political responses. For ex-  ample, as much as one might object to certain measures by the US  administration, it is almost impossible to "measure" the success of  countermeasures. Of course, there might be a subjective assessment  of specific shortcomings or failures, but there is no "common" cur-  rency to evaluate them. As a consequence, the framework of the  security dilemma fails to capture the basic uncertainties.  Pushing the door open for the security paradox, the main prob-  lem of security analysis then becomes the question how to integrate  dangers in risk assessments and security policies about which simply  nothing is known. In the mid 1990s, a Rand study entitled "New  Challenges for Defense Planning" addressed this issue arguing that  "most striking is the fact that

we do not even know who or what will  constitute the most serious future threat, "^i In order to cope with  this challenge it would be essential, another Rand researcher wrote,  to break free from the "tyranny" of plausible scenario planning. The  decisive step would be to create "discontinuous scenarios ... in  which there is no plausible audit trail or storyline from current  events"52 These nonstandard scenarios were later called "wild cards"  and became important in the current US strategic discourse. They  justified the transformation from a threat-based toward a capability-  based defense planning strategy.53  The problem with this kind of risk assessment is, however, that

**even the most absurd scenarios can gain plausibility. By construct-  ing a chain of potentialities, improbable events are linked** and brought into the realm of the possible, if not even the probable.  "Although the likelihood of the scenario dwindles with each step,  the residual impression is one of plausibility. "54 This so-called Oth-  ello effect has been effective in the dawn of the recent war in Iraq.

The connection between Saddam Hussein and Al Qaeda that the  US government tried to prove was disputed from the very begin-  ning. False evidence was again and again presented and refuted,  but this did not prevent the administration from presenting as the  main rationale for war the improbable yet possible connection  between Iraq and the terrorist network and the improbable yet  possible proliferation of an improbable yet possible nuclear  weapon into the hands of Bin Laden. As Donald

***Rumsfeld  famously said: "Absence of evidence is not evidence of absence."\****  This sentence indicates that under the condition of genuine uncer-  tainty, different evidence criteria prevail than in situations where  security problems can be assessed with relative certainty.

#### Alternative: Vote negative to embrace vulnerability.

Butler, 2004

(Judith Butler, is an [American](http://en.wikipedia.org/wiki/United_States) [post-structuralist](http://en.wikipedia.org/wiki/Post-structuralist) philosopher, who has contributed to the fields of [feminism](http://en.wikipedia.org/wiki/Feminism),

[queer theory](http://en.wikipedia.org/wiki/Queer_theory), [political philosophy](http://en.wikipedia.org/wiki/Political_philosophy), and [ethics](http://en.wikipedia.org/wiki/Ethics). She is the Maxine Elliot professor in the Departments of [Rhetoric](http://en.wikipedia.org/wiki/Rhetoric) and [Comparative Literature](http://en.wikipedia.org/wiki/Comparative_Literature) at the [University of California, Berkeley](http://en.wikipedia.org/wiki/University_of_California,_Berkeley).) Precarious Life: The Powers of Mourning and Violence. Pg. 28-30

Mourning, fear, anxiety, rage. In the United States, we have been surrounded with violence, having perpetrated it and perpetrating it still, having suffered it, living in fear of it, planning more of it, if not an open future of infinite war in the name of a "war on terrorism." Violence is surely a touch of the worst order, a way a primary human vulnerability to other humans is exposed in its most terrifying way, a way in which we are given over, without control, to the will ofanother, a way in which life itself can be expunged by the willful action of another. To the extent that we commit violence, we are acting on another, putting the other at risk, causing the other damage, threatening to expunge the other. In a way, we all live with this particular vulnerability, a vulnerability to the other that is part of bodily life, a vulnerability to a sudden address from elsewhere that we cannot preempt**.** This vulnerability**, however,** becomes highly exacerbated under certain social and political conditions, especially those in which violence is a way of life and the means to secure self-defense are limited. Mindfulness of this vulnerability can become the basis of claims for non-military political solutions, just as denial of this vulnerability through a fantasy of mastery (an institutionalized fantasy of mastery) can fuel the instruments of war**.** We cannot, however, will away this vulnerability**.** We must attend to it, even abide by it, as we begin to think about what politics might be implied by staying with the thought of corporeal vulnerability itself, a situation in which we can be vanquished or lose others.Is there something to be learned about the geopolitical distribution of corporeal vulnerability from our own brief and devastating exposure to this condition? I think, for instance, that we have seen, are seeing, various ways of dealing with vulnerability and grief, so that, for instance, William Safire citing Milton writes we must "banish melancholy," 5 as if the repudiation of melancholy ever did anything other than fortify its affective structure under another name, since melancholy is already the repudiation of mourning; so that, for instance, President Bush announced on September 21 that we have finished grieving and that now it is time for resolute action to take the place of grief.' When grieving is something to be feared, our fears can give rise to the impulse to resolve it quickly, to banish it in the name of an action invested with the power to restore the loss or return the world to a former order, or to reinvigorate a fantasy that the world formerly was orderly. Is there something to be gained from grieving, from tarrying with grief, from remaining exposed to its unbearability and not endeav­oring to seek a resolution for grief through violence? Is there something to be gained in the political domain by maintaining grief as part of the framework within which we think our international ties? If we stay with the sense of loss, are we left feeling only passive and powerless, as some might fear? Or are we, rather, returned to a sense of human vulnerability, to our collective responsibility for the physical lives of one another? Could the experience of a dislocation of First World safety not condition the insight into the radically inequitable ways that corporeal vulnerability is distributed globally? To foreclose that vulnerability, to banish it, to make ourselves secure at the expense of every other human consideration is to eradicate one of the most important resources from which we must take our bearings and find our way.

### Firebreak

#### Jus ad bellum doctrine isn’t modeled and there’s no impact.

Lewis & Crawford 13 [Michael W., Professor of Law at Ohio Northern University Pettit College of Law, Emily, Post-Doctoral Research Fellow at the University of Sydney, “DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES” p. 1166,¶ , <http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF>, wyo-sc]

Lastly, the legal justiﬁcation advanced by the United States for its drone use does not seek an “ever-expanding entitlement” to use drones around the world, nor is it likely to result in the use of drones against the United States. While states must always be wary of conducting themselves in a manner that serves their short-term security interests while creating a damaging long-term precedent, it does not appear that the United States’ legal justiﬁcation does that. Because the justiﬁcation is largely based upon the consent of the state in which force is employed, there are minimal sovereignty concerns related to drone use. Those concerns do arise when a state is unable or unwilling to prevent non-state actors within its borders from engaging in an armed conﬂict with another state. These concerns should be addressed by showing proper deference to the targeted state in arriving at an “unable or unwilling” determination. As long as proper deference is shown to the target state, an emerging legal norm allowing for selfdefense targeting of non-state actors on the territory of a third state if that “host” state is either unable or unwilling to detain or expel the non-state actors does not threaten the stability and cohesion of the international order, nor is it likely to “haunt” the United States in the future.169

#### Their vision of peace is an exercise in apocalypse management, which makes violence inevitable

Chernus 1998

[Ira, a professor of religious studies at university of Colorado at Boulder, “The word ‘Peace’ as a weapon of (cold) war.” Peace Review, Vol. 10 Issue 4; p. 612]

The end of the cold war brought not an end, but a new begnning, to thls cold war ideal. Our leaders told us that the world was not less but more dangerous than before. There is as yet no consensus on the precise nature of the bad things that threaten, which is why no new comprehensive vision for foreign policy has emerged in the post-cold war period. But our public discourse is still framed largely in terms of apocalyptic threats and efforts to contain them. The discourse now is essentially a series of debates about the precise nature of the new forms those threats have taken and will take. The new policy so widely sought by policymakers and pundits must await a consensus on that question. When that consensus emerges, it will almost certainly be framed within the discourse of apocalypse management. Peace through perfect stability will still be the goal. Violence will still be sanctioned as a means to that kind of peace. And the word peace will still be used to sanction violence. This violence to the word peace is inevitable, as long as apocalypse management is our highest goal.

#### The US has been using broad interpretations of self-defense since the 80s—nothing happened, and post- 9/11 everyone is accepting of self defense to deter terrorism

Schmitt 8 [Michael N. Schmitt, Chairman of the International Law Department at the United States Naval War College, Former Judge specializing in operational and international law, “RESPONDING TO TRANSNATIONAL TERRORISM UNDER THE JUS AD¶ BELLUM: A NORMATIVE FRAMEWORK,” 56 Naval L. Rev. 2008, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1610011>, wyo-sc]

Operation Enduring Freedom was not the first instance of the United States claiming self-defense as a right in forcefully countering terrorism, although in previous decades it typically addressed transnational terrorism through the prism of law enforcement." The international reaction to such assertion of self-defense has evolved steadily, an evolution that reflects a clear shift in the normative expectations regarding exercise of the right.¶ Recall Operation El Dorado Canyon in 1986, mentioned at the outset of this article. Following the attack, President Reagan announced that the United States had acted defensively: "Self-defense is not only our right, it is our duty. It is the purpose behind the mission undertaken tonight -- a mission fully consistent with Article 51 of the U.N. Charter., 28 As noted, the international community generally balked at this justification.¶ The United States again claimed the right to react to terrorism in self- defense when it uncovered an assassination plot against former President George Bush in 1993. In reporting to the Security Council that U.S. forces had replied by launching cruise missiles against Iraqi intelligence facilities, Madeline Albright, U.S. Ambassador to the United Nations, stated "I am not asking the Council for any action... but in our judgment every member here today would regard an assassination attempt against its former head of state as an attack against itself and would react."29 International reaction was certainly more muted than it had been in response to El Dorado Canyon, a fact no doubt influenced by Iraq's status as an international pariah in the aftermath of events that had precipitated the First Gulf War, as well as that nation's non-compliance with the terms of the cease-fire.¶ In 1998, the United States again claimed a right to use defensive force following the bombings of U.S. embassies in Nairobi and Dar-es-Salaam. Albright, now Secretary of State, announced that "[I]f we had not taken this action, we would not have been exercising our right of self-defense . . . . 0 A number of States, including Iran, Iraq, Libya, Pakistan, and Russia, condemned the response, which consisted of cruise missile strikes against terrorist camps in¶ 31¶ Afghanistan and a pharmaceutical plant in Sudan allegedly tied to terrorism. However, a stream of criticism distinguishing between the two targets foreshadowed a shift in international normative expectations regarding forceful State responses to transnational terrorism. The League of Arab States, for example, criticised the strike into Sudan while offering no comment on that against targets in Afghanistan.32 At the United Nations, Sudan, the Group of African States, the Arab League, and the Group of Islamic States asked the Security Council to investigate the Sudan attack, but remained silent over the companion operations against Afghanistan-based targets.33 Perhaps most tellingly, in nearly every case, censure focused not on the fact that a forceful response to a terrorist attack had been mounted, but rather on a belief that the Sudan attack was based on faulty intelligence. In other words, there was implied acceptance of a State's right to react forcefully to terrorism pursuant to the law of self-defense, so long as the action is based on reliable information.¶ The acceptability of resorting to military force in response to transnational terrorism crystallized in the aftermath of 9/11. Prior to that event, many in the international legal community would still have urged that the international law of self-defense referred only to "armed attacks" by States or armed groups acting on behalf of a State. Violent acts by non-State actors remained the province of law enforcement.¶ However, within a day of the attacks, and at a time when no one was suggesting a State was behind them, the Security Council adopted Resolution¶ 1368, in which it recognized the inherent right of individual or collective self- defense.34 This action suggested that the Council now understood the law of self-defense as extending to terrorism, at least of the kind mounted on September 11. Lest the resolution be styled merely an emotive reaction to the events of the previous day, on September 28 the Council again affirmed the right of self-defense in Resolution 1373.35 Other international organizations took exactly the same approach. For instance, both NATO and the Organization of American States activated the collective defense provisions of their respective treaties.36 So too did Australia vis-A-vis the ANZUS Pact.37 Bilateral support for the prospective U.S. exercise of its self-defense rights was equally widespread, as 27 nations granted overflight and landing rights to U.S. military aircraft and 46 issued declarations of support. Quite simply, it was universally accepted that a military response in self-defense would be appropriate and lawful.¶ On October 7, U.S. and Coalition forces launched that response. U.S. Ambassador to the United Nations John Negroponte contemporaneously notified the Security Council, as required by Article 51, that the United States was exercising its right to self-defense.¶ In accordance with Article 51 of the Charter of the United Nations, I wish, on behalf of my Government, to report that the United States of America, together with other States, has initiated actions in the exercise of its inherent right of individual and collective self-defense following the armed attacks that were carried out against the United States on 11 September 2001.¶ ... Since 11 September, my Government has obtained clear and compelling information that the Al-Qaeda organization, which is¶ supported by the Taliban regime in Afghanistan, had a central role in the attacks. There is still much we do not know. Our inquiry is in its early stages. We may find that our self-defense requires further actions with respect to other organizations and other States.¶ The attacks on 11 September 2001 and the ongoing threat to the United States and its nationals posed by the AI-Qaeda organization have been made possible by the decision of the Taliban regime to allow the parts of Afghanistan that it controls to be used by this organization as a base of operation. Despite every effort by the United States and the international community, the Taliban regime has refused to change its policy. From the territory of Afghanistan, the Al-Qaeda organization continues to train and support agents of terror who attack innocent people throughout the world and target United States nationals and¶ interests in the United States and abroad.¶ In response to these attacks, and in accordance with the inherent right of individual and collective self-defense, United States armed forces have initiated actions designed to prevent and deter further attacks on the United States. These actions include measures against Al-Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan.... 38¶ Despite the fact that the attacks fell on not only al Qaeda, but also the defacto government of Afghanistan, the Taliban, criticism was nowhere to be heard. On the contrary, support for the operations was effusive. The United Kingdom participated from the beginning, and Australia, Canada, the Czech Republic, Germany, Italy, Japan, the Netherlands, New Zealand, Turkey, and the United Kingdom offered ground troops. 39 Georgia, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Tajikistan, Turkey, and Uzbekistan opened¶ 40 airspace and provided facilities to support operations.

#### No impact to firebreak and it’s impossible to solve

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

Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law. ¶ Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon. ¶ But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use. ¶ This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

#### No nuclear escalation and outside powers will stay out

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This situation would occur if China attempted to use force to achieve unification, the United States intervened, and China’s efforts were defeated, but Beijing refused to accept Taiwan’s independence.10 Analysis at RAND has found that a conflict between the United States and China over Taiwan would likely be confined to the use of conventional weapons, even though both the United States and China possess nuclear weapons, and that it would not likely escalate into a broader war between the United States and China. That is, the war would be contained in the area around Taiwan; the main combatants would probably be limited to the United States, China, and Japan; and active hostilities would probably end after a relatively short time. Nonetheless, such a war would probably result in a bitter relationship between the United States and China, comparable in some ways to that between the United States and the Soviet Union during the Cold War. China might well accelerate the buildup of its military capabilities with an eye toward waging a second, this time successful, campaign to claim Taiwan. This military competition would likely also be accompanied by a broader deterioration in Sino-U.S. relations, with mutual trade and investment falling dramatically or even ceasing, and each country demanding that its allies not cooperate with its rival. Countries in Asia might find themselves under pressure to choose between good relations with the United States and good relations with China. Nonetheless, even under these circumstances, the relationship between the United States and China after an inconclusive war over Taiwan would have important differences from the one between the United States and the Soviet Union during the Cold War. Unlike the Soviet Union, China is closely integrated into the world economy. With the exception of Japan, most countries in Asia would likely regard the importance of maintaining good relations with Beijing as outweighing any concerns about China having used force against Taiwan. They would resist U.S. pressure to choose between Washington and Beijing, preferring to maintain good relations with both. This logic would apply even more strongly to countries outside the region, which would be even less concerned about China’s use of force.

#### China-Taiwan war unlikely – economic ties and improving relations

Weede, Former Professor of Sociology at the University of Bonn, 2010

(Erich, retired in 2004, current member of the Mont Pelerin Society, “The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence”, International Interactions 36:2, 206-213, 5/18/10, accessed 6/20/11) JDB

From an international trade perspective, all of East Asia has recently become a Chinese sphere of influence. China is the most important destination of Japanese, South Korean, and Taiwanese exports—ahead of the United States. Although Taiwanese politicians around the turn of the millennium rejected the idea of reunification on the Mainland’s terms, and although some of them were attracted to the idea of declaring the legal independence of Taiwan, economic and social ties across the Taiwan Strait grew vigorously at the same time. Taiwanese companies employ millions of people on the mainland. About a million people from Taiwan live on the Chinese mainland. Mainland China has been the preferred destination of Taiwan’s foreign investment. Since the lateral escalation of a military conflict between the People’s Republic of China and Taiwan constitutes the most plausible scenario whereby the U.S. and China might get into a war, economic interdependence between China and Taiwan contributes to the preservation of peace. Recently, political relations between the People’s Republic of China and the Republic of China on Taiwan have improved fast. Given the record of Sino-Japanese wars in the past and the power of these neighboring states, the extent of Sino-Japanese economic cooperation provides another reason for optimism. The capitalist peace stands a chance to apply between China and its neighbors and competitors.

#### The Taiwan-Straits example is the perfect illustration of why we shouldn’t take a threatening view of China- our perception of their intent to escalate towards military means was exactly what caused the conflict.

Pan 4

(Chengxin, Department of Political Science and International Relations, Faculty of Arts, Australian National University, “The "China threat" in American self-imagination: the discursive construction of other as power politics”, Alternatives)

While the 1995-1996 missile crisis has been a favorite "starting point" for many pundits and practitioners to paint a frightening pic­ture of China and to justify U.S. firm response to it, what is often conveniently overlooked is the question of how the "China threat" discourse itself had played a constitutive role in the lead-up to that crisis. Limits of space forbid exploring this complex issue here. Sim­ply put, the Taiwan question was created largely as a result of wide­spread U.S. perceptions of China as a "Red Menace" in the wake of the "loss of China" and the outbreak of the Korean War. To thwart what it saw as an orchestrated Communist offensive in Asia, the United States deployed the U.S. Seventh Fleet to the Taiwan Strait as part of its Cold War containment strategy, thereby effectively pre­venting the reunification of Taiwan with mainland China. While the United States abandoned its containment and isolation policy toward China in the 1970s and the two countries established full diplomatic relations in 1979, the conventional image of the "Red Menace" lingered on in the United States. To manage such a "threat," the U.S. Congress passed the Taiwan Relations Act shortly after the normalization of U.S.-China relations, renewing U.S. com­mitment com­mitment to Taiwan's defense even though diplomatic ties with the island had been severed.73 This confrontational policy serves not only to shore up Taiwan's defense capabilities but also to induce its independent ambition and further complicate cross-strait relations. As former U.S. defense official Chas Freeman remarked, "U.S. arms sales to Taiwan no longer work to boost Taipei's confidence that it can work out its dif­ferences with Beijing. Instead, they bolster the view that Taiwan can go its own way."74 For instance, amid growing sympathy from the Republican-dominated Congress and the elite media as well as the expanded ties with the United States, Taiwan responded coolly to Beijing's call for dialogue in January 1995. In June 1995, Taiwan's flexible diplomacy, designed to burnish its independent image, cul­minated in its president Lee Teng-hui's high-profile visit to the United States. This in turn reinforced Beijing's suspicion that the real U.S. intention was to frustrate its reunification goal, leaving it apparently no other choice but to prepare militarily for what it saw as a worst-case scenario. All this constituted the major context in which the 1995-1996 Taiwan Strait missile exercises took place. For most Chinese, the carrying out of these military exercises, well within their own territory, had little to do with attacking Tai­wan, much less with challenging U.S. security interests in the west­ern Pacific. Rather, it was about China's long-cherished dream of national unity, with its "sabre rattling" tactics serving merely as a warning to the United States, as well as to Taiwan. However, inter­preting such exercises as China's muscle-flexing with direct security implications for the region, with "an almost 19th-century display of gunboat diplomacy,"75 the United States dispatched two nuclear-powered aircraft carriers to the region of Taiwan. While not denying the potential security repercussions of China's missile tests for the region, I suggest that the flashpoint of Taiwan says as much about the danger of this U.S. approach to China as about the threat of Beijing's display of force itself. "Had Bill Clinton projected a constancy of purpose and vision in China policy . . . in 1993-1994," David M. Lampton argues, "he might not have been challenged in the Taiwan Strait in 1995-1996 with missile exercises."76 Indeed, it was primarily in the context of this U.S. intervention that Zhongguo keyi shuo bu (China can say no), one of the most anti-U.S. books ever produced in China, emerged and quickly became a best-seller in the Chinese reading world.77 Mean­while, some Chinese strategic thinkers were so alarmed by the U.S. show of strength that they told Helmut Sonnenfeldt, one of Henry Kissinger's close associates, that they were rereading the early works of George F. Kennan because "containment had been the basis of American policy toward the Soviet Union; now that the United States was turning containment against China, they wanted to learn how it had started and evolved."78

### Terrorism

**No impact to terrorism – too hard to pull off post 9/11, not enough personnel to carry out an attack, too much pressure because of security restrictions**

**Schneier 10**

(Bruce, a security technologist and author of "Beyond Fear: Thinking Sensibly About Security in an Uncertain World.", “Opinion: Where Are All the Terrorist Attacks?”, March 2010, <http://www.aolnews.com/opinion/article/opinion-why-arent-there-more-times-square-style-terrorist-attacks/19463843>)

Hard to Pull Off **Terrorism sounds easy**, but the actual attack is the easiest part. **Putting together the people, the plot and the materials is hard. It's hard to sneak terrorists into the U.S. It's hard to grow your own inside the U.S. It's hard to operate; the general population, even the Muslim population, is against you.** Movies and television make terrorist plots look easier than they are. It's hard to hold conspiracies together. It's easy to make a mistake. **Even 9/11, which was planned before the climate of fear that event engendered, just barely succeeded. Today, it's much harder to pull something like that off without slipping up and getting arrested.** Few Terrorists **But even more important than the difficulty of executing a terrorist attack, there aren't a lot of terrorists out there. Al-Qaida isn't a well-organized global organization** with movie-plot-villain capabilities; it's a loose collection of people using the same name. **Despite the post-9/11 rhetoric, there isn't a terrorist cell in every major city. If you think about the major terrorist plots we've foiled in the U.S. -- the JFK bombers, the Fort Dix plotters -- they were mostly** [**amateur terrorist wannabes**](http://www.schneier.com/essay-174.html) **with no connection to any sort of al-Qaida central command, and mostly no ability to effectively carry out the attacks they planned. The successful terrorist attacks** -- the Fort Hood shooter, the guy who flew his plane into the Austin IRS office, the anthrax mailer -- **were largely nut cases operating alone**. Even the unsuccessful shoe bomber, and the equally unsuccessful Christmas Day underwear bomber, had minimal organized help -- and that help originated outside the U.S. **Terrorism doesn't occur without terrorists, and they are far rarer than popular opinion would have it.**

#### No scenario for nuclear terror---consensus of experts

Matt Fay ‘13, PhD student in the history department at Temple University, has a Bachelor’s degree in Political Science from St. Xavier University and a Master’s in International Relations and Conflict Resolution with a minor in Transnational Security Studies from American Military University, 7/18/13, “The Ever-Shrinking Odds of Nuclear Terrorism”, webcache.googleusercontent.com/search?q=cache:HoItCUNhbgUJ:hegemonicobsessions.com/%3Fp%3D902+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a

For over a decade now, one of the most oft-repeated threats raised by policymakers—the one that in many ways justified the invasion of Iraq—has been that of nuclear terrorism. Officials in both the Bush and Obama administrations, including the presidents themselves, have raised the specter of the atomic terrorist. But beyond mere rhetoric, how likely is a nuclear terrorist attack really?¶ While pessimistic estimates about America’s ability to avoid a nuclear terrorist attack became something of a cottage industry following the September 11th attacks, a number of scholars in recent years have pushed back against this trend. Frank Gavin has put post-9/11 fears of nuclear terrorism into historical context (pdf) and argued against the prevailing alarmism. Anne Stenersen of the Norwegian Defence Research Establishment has challenged the idea that al Qaeda was ever bound and determined to acquire a nuclear weapon. John Mueller ridiculed the notion of nuclear terrorism in his book Atomic Obsessions and highlighted the numerous steps a terrorist group would need to take—all of which would have to be successful—in order to procure, deliver, and detonate an atomic weapon. And in his excellent, and exceedingly even-handed, treatment of the subject, On Nuclear Terrorism, Michael Levi outlined the difficulties terrorists would face building their own nuclear weapon and discussed how a “system of systems” could be developed to interdict potential materials smuggled into the United States—citing a “Murphy’s law of nuclear terrorism” that could possibly dissuade terrorists from even trying in the first place.¶ But what about the possibility that a rogue state could transfer a nuclear weapon to a terrorist group? That was ostensibly why the United States deposed Saddam Hussein’s regime: fear he would turnover one of his hypothetical nuclear weapons for al Qaeda to use.¶ Enter into this discussion Keir Lieber and Daryl Press and their article in the most recent edition of International Security, “Why States Won’t Give Nuclear Weapons to Terrorists.” Lieber and Press have been writing on nuclear issues for just shy of a decade—doing innovative, if controversial work on American nuclear strategy. However, I believe this is their first venture into the debate over nuclear terrorism. And while others, such as Mueller, have argued that states are unlikely to transfer nuclear weapons to terrorists, this article is the first to tackle the subject with an empirical analysis.¶ The title of their article nicely sums up their argument: states will not turn over nuclear weapons terrorists. To back up this claim, Lieber and Press attack the idea that states will transfer nuclear weapons to terrorists because terrorists operate of absent a “return address.” Based on an examination of attribution following conventional terrorist attacks, the authors conclude:¶ [N]either a terror group nor a state sponsor would remain anonymous after a nuclear attack. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsor terrorist group has few sponsors (typically one); and only one country that sponsors terrorism, has nuclear weapons or enough fissile material to manufacture a weapon. In sum, attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries escape from the constraints of deterrence.¶ From this analysis, Lieber and Press draw two major implications for U.S. foreign policy: claims that it is impossible to attribute nuclear terrorism to particular groups or potential states sponsors undermines deterrence; and fear of states transferring nuclear weapons to terrorist groups, by itself, does not justify extreme measures to prevent nuclear proliferation.¶ This is a key point. While there are other reasons nuclear proliferation is undesirable, fears of nuclear terrorism have been used to justify a wide-range of policies—up to, and including, military action. Put in its proper perspective however—given the difficulty in constructing and transporting a nuclear device and the improbability of state transfer—nuclear terrorism hardly warrants the type of exertions many alarmist assessments indicate it should.

**The worst case scenario happened – no extinction**

**Dove 12** [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people. In that case, a Soviet-built biological weapons lab accidentally released a large plume of weaponized Bacillus anthracis (anthrax) over a major city. Soviet authorities tried to blame the resulting fatalities on “bad meat,” but in the 1990s Western investigators were finally able to piece together the real story. The second fatal incident also involved anthrax from a government-run lab: the 2001 “Amerithrax” attacks. That time, a rogue employee (or perhaps employees) of the government’s main bioweapons lab sent weaponized, powdered anthrax through the US postal service. Five people died.¶ That gives us a grand total of around 105 deaths, entirely from agents that were grown and weaponized in officially-sanctioned and funded bioweapons research labs. Remember that.¶Terrorist groups have also deployed biological weapons twice, and these cases are very instructive. The first was the 1984 Rajneeshee bioterror attack, in which members of acult in Oregon inoculated restaurant salad bars with Salmonella bacteria (an agent that’s not on the “select” list). 751 people got sick, but nobody died. Public health authorities handled it as a conventional foodborne Salmonella outbreak, identified the sources and contained them. Nobody even would have known it was a deliberate attack if a member of the cult hadn’t come forward afterward with a confession. Lesson: our existing public health infrastructure was entirely adequate to respond to a major bioterrorist attack.¶ The second genuine bioterrorist attack took place in 1993. Members of the Aum Shinrikyo cult successfully isolated and grew a large stock of anthrax bacteria, then sprayed it as an aerosol from the roof of a building in downtown Tokyo. The cult was well-financed,and had many highly educated members, so **this** release over the world’s largest city really **represented a worst-case scenario**.¶ **Nobody got sick** or died. From the cult’s perspective, it was a complete and utter failure. Again, the only reason we even found out about it was a post-hoc confession. Aum members later demonstrated their lab skills by producing Sarin nerve gas, with far deadlier results. Lesson: one of the top “select agents” is extremely hard to grow and deploy even for relatively skilled non-state groups. It’s a really crappy bioterrorist weapon.¶ Taken together, these events point to an uncomfortable but inevitable conclusion: our biodefense industry is a far greater threat to us than any actual bioterrorists.

#### These discourses of danger allow for the constructions of threats against the humanity when the real risk is nil, it also allow for the state to go after its geopolitical interests

Jackson 05

[Richard Jackson, Lecturer in International Security at The University of Manchester, “Security, Democracy, and the Rhetoric of Counter-Terrorism”, Democracy and Security, Volume 1, Issue 2, 2005, pages 147-171, Taylor and Francis Online Database, \\wyo-bb]

As David Campbell has shown, discourses of danger and foreign threat have been integral in constituting and disciplining American identity as practiced through its foreign policy. 43 Collectivities, especially those as disparate and diverse as America, are often only unified by an external threat or danger; in this sense, threat creation can be functional to political life. Historically, the American government has relied on the discourse of threat and danger on numerous occasions: the “red scares” of the native Americans who threatened the spread of peaceful civilization along the Western frontier, the workers’ unrest at the time of the Bolshevik Revolution, and the threat to the American way of life during the cold war; the threat of “rogue states” like Libya, Panama, Iran, North Korea, and Iraq; and the threats posed by the drug trade, the proliferation of weapons of mass destruction, and now of course, terrorism. These discourses of danger are scripted for the purposes of maintaining inside/outside, self/other boundaries—they write American identity—and for enforcing unity on an unruly and (dis)United States.¶ Of course, there are other more mundane political functions for constructing fear and moral panic: provoking and allaying anxiety to maintain quiescence, de-legitimizing dissent, elevating the status of security actors, diverting scarce resources into ideologically driven political projects, distracting the public from more complex and pressing social ills. 44 This is not to say that terrorism poses no real threat; the dangers can plainly be seen in the images of falling bodies and the piles of rubble. Rather, it is to point out that dangers are those facets of social life interpreted as threats (in one sense, dangers do not exist objectively, independent of perception), and what is interpreted as posing a threat may not always correspond to the realities of the actual risk of harm. Illegal narcotics, for example, pose less of a risk than the abuse of legal drugs, but a “war on drugs” makes it otherwise. Similarly, the “war on terrorism” is a multi-billion dollar exercise to protect Americans from a danger that, excluding the September 11, 2001 attacks, killed less people per year over several decades than bee stings and lightening strikes. Even in 2001, America's worst year of terrorist deaths, the casualties from terrorism were still vastly outnumbered by deaths from auto-related accidents, gun crimes, alcohol and tobacco-related illnesses, suicides, and a large number of diseases like influenza, cancer, and heart disease. Globally, terrorism, which kills a few thousand per year, pales into insignificance next to the 40,000 people who die every day from hunger, the half a million people who die every year from small wars, the 150,000 annual deaths from increased diseases caused by global warming, 45 and the millions who die from AIDS. And yet, the whole world is caught up in the global “war on terrorism” whose costs so far run into the hundreds of billions. In a world of multiple threats, many of which pose a far greater risk to individual safety, the fact that terrorism is widely seen as posing the greatest and most immediate threat is due to the deliberate construction of a discourse of danger.¶ The initial construction of the threat of terrorism involved fixing the attacks of 9/11 as the start of a whole new “age of terror,” rather than as an extraordinary event, or an aberration (out of 18,000 terrorist attacks since 1968 only a dozen or so have caused more than 100 deaths; high-casualty terrorist attacks are extremely rare and 9/11 was the rarest of the rare). Instead, the attacks were interpreted as the dawning of a new era of terrorist violence that knew no bounds. As Bush stated, “All of this was brought upon us in a single day—and night fell on a different world.” 46 Vice-President Dick Cheney made it even clearer:¶ Today, we are not just looking at a new era in national security policy, we are actually living through it. The exact nature of the new dangers revealed themselves on September 11, 2001, with the murder of 3,000 innocent, unsuspecting men, women, and children right here at home. 47¶ This construct was only possible by severing all links between this act of terrorism and countless others that had preceded it, and by de-contextualizing it from the history of al Qaeda's previous attacks. As we saw earlier, “9/11” was constructed without a pre-history; it stands alone as a defining act of cruelty and evil. This break with the past makes it possible to assign it future significance as the start of “super-terrorism,” “catastrophic terrorism,” or simply “the new terrorism.” Logically, if there's a new super-terrorism, then a new super-war-on-terrorism seems reasonable.¶ A second feature of this discourse of danger is the hyperbolic language of threat. It is not just a threat of sudden violent death, it is actually a “threat to civilization,” a “threat to the very essence of what you do,” 48 a “threat to our way of life,” 49 and a threat to “the peace of the world.” 50 The notion of a “threat to our way of life” is a Cold War expression that vastly inflates the danger: instead of a tiny group of dissidents with resources that do not even begin to rival that of the smallest states, it implies that they are as powerful as the Soviet empire was once thought to be with its tens of thousands of missiles and its massive conventional army. Moreover, as Cheney reminds us, the threat of terrorism, like the threat of Soviet nuclear weapons, is supremely catastrophic:¶ The attack on our country forced us to come to grips with the possibility that the next time terrorists strike, they may well be armed with more than just plane tickets and box cutters. The next time they might direct chemical agents or diseases at our population, or attempt to detonate a nuclear weapon in one of our cities. [ … ] no rational person can doubt that terrorists would use such weapons of mass murder the moment they are able to do so. [ … ] we are dealing with terrorists [ … ] who are willing to sacrifice their own lives in order to kill millions of others. 51¶ In other words, not only are we threatened by evil terrorists eager to kill millions (not to mention civilization itself, the peace of the world, and the American way of life), but this is a rational and reasonable fear to have. We should be afraid, very afraid: “If they had the capability to kill millions of innocent civilians, do any of us believe they would hesitate to do so?.” 52¶ As if this was not enough to spread panic throughout the community, officials then go to great lengths to explain how these same terrorists (who are eager to kill millions of us) are actually highly sophisticated, cunning, and extremely dangerous. As John Ashcroft put it: “The highly coordinated attacks of September 11 make it clear that terrorism is the activity of expertly organized, highly coordinated, and well–financed organizations and networks.” 53 Moreover, this is not a tiny and isolated group of dissidents, but “there are thousands of these terrorists in more than 60 countries” and they “hide in countries around the world to plot evil and destruction”; 54 or, like the plot of a popular novel: “Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning.” 55 In other speeches, officials inflate the numbers of the terrorists to “tens of thousands” of killers spread throughout the world.¶ The next layer of fear is the notion that the threat resides within; that it is no longer confined outside the borders of the community, but that it is inside of us and all around us. As Ashcroft constructs it:¶ The attacks of September 11 were acts of terrorism against America orchestrated and carried out by individuals living within our borders. Today's terrorists enjoy the benefits of our free society even as they commit themselves to our destruction. They live in our communities—plotting, planning, and waiting to kill Americans again [ … ] a conspiracy of evil. 56¶ Like the “red scares” of the past, the discourse of danger is deployed in this mode to enforce social discipline, mute dissent, and increase the powers of the national security state. It is designed to bring the war home, or, as Bush puts it: “And make no mistake about it, we've got a war here just like we've got a war abroad.” 57¶ In another genealogical link to previous American foreign policy, the threat of terrorism is from a very early stage reflexively conflated with the threat of “weapons of mass destruction” and the “rogue states” who might hand them on to terrorists. According to the discourse, rogue states are apparently eager to assist terrorists in killing millions of Americans. As Bush stated in his now infamous “axis of evil” speech,¶ States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. 58¶ This is actually an ingenious discursive slight of hand which allows America to re-target its military from a war against a tiny group of individual dissidents scattered across the globe, to territorially defined states who also happen to be the target of American foreign policy. It transforms the “war against terrorism” from a largely hidden and unspectacular intelligence gathering and criminal apprehension program, to a flag-waving public display of awesome military firepower that re-builds a rather dented American self-confidence. More importantly, it allows for the simultaneous pursuit of geo-strategic objectives in crucial regions such as the Middle East under the banner of the “war on terrorism.” 59¶ Instead of reassuring the nation that the attacks were an exceptional and a unique event in a long line of terrorist attacks against America (that have thus far failed to overthrow freedom), the Bush administration chose instead to construct them as the start of a whole new age of terror—the start of a deadly new form of violence directed at Americans, civilized people all over the world, freedom, and democracy. The Bush administration could have chosen to publicize the conclusions of the Gilmore Commission in 1999, a Clinton-appointed advisory panel on the threat of WMD falling into the hands of terrorists. Its final report concluded that “rogue states would hesitate to entrust such weapons to terrorists because of the likelihood that such a group's actions might be unpredictable even to the point of using the weapon against its sponsor,” and they would be reluctant to use such weapons themselves due to “the prospect of significant reprisals.” 60 Condoleeza Rice herself wrote in 2000 that there was no need to panic about rogue states, because “if they do acquire WMD—their weapons will be unusable because any attempt to use them will bring national obliteration.” 61 Instead, officials engaged in the deliberate construction of a world of unimaginable dangers and unspeakable threats; they encouraged social fear and moral panic. Within the suffocating confines of such an emergency, where Americans measure their daily safety by the color of a national terrorist alert scale (reflected in the glow of every traffic light), it seems perfectly reasonable that the entire resources of the state be mobilized in defense of the homeland, and that pre-emptive war should be pursued. It also seems reasonable that national unity be maintained and expressions of dissent curtailed.¶ The reality effect of scripting such a powerful danger moreover, can be seen in the two major wars fought in two years (followed by costly ongoing “security operations” in each of those states to root out the terrorists), the arrest of thousands of suspects in America and around the world, and the vast sums spent unquestioningly (even by the Democrats) on domestic security, border control and the expansion of the military. Only the “reality” of the threat of terrorism allows such extravagance; in fact, the manner in which the threat has been constructed—catastrophic, ubiquitous, and ongoing—normalizes the entire effort. If an alternative interpretation of the threat emerged to challenge the dominant orthodoxy (that it was vastly over-blown, or misdirected, for example), support for the consumption of such massive amounts of resources might be questioned and the political order destabilized. A massive threat of terrorism then, is necessary for the continued viability of the “war on terrorism”; writing the threat of terrorism is co-constitutive of the practice of counter-terrorism.

# block

## Case

#### [2] Best statistical analysis proves the risk of terrorism is low

#### Zenko ‘12

[Micah, Fellow in the Center for Preventive Action at the [Council on Foreign Relations](http://www.cfr.org/?cid=oth_partner_site-atlantic-primer_on_airpower-071811%20), and author of Between Threats and War: U.S. Discrete Military Operations in the Post-Cold War World, “Americans Are as Likely to Be Killed by Their Own Furniture as by Terrorism,” http://www.theatlantic.com/international/archive/2012/06/americans-are-as-likely-to-be-killed-by-their-own-furniture-as-by-terrorism/258156/]

Today, the National Counter Terrorism Center (NCTC) released its 2011 Report on Terrorism. The report offers the U.S. government's best statistical analysis of terrorism trends through its Worldwide Incidents Tracking System (WITS), which compiles and vets open-source information about terrorism--defined by U.S. law as "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents." Although I invite you to read the entire thirty-one page report, there are a few points worth highlighting that notably contrast with the conventional narrative of the terrorist threat: "The total number of worldwide attacks in 2011, however, dropped by almost 12 percent from 2010 and nearly 29 percent from 2007." (9) "Attacks by AQ and its affiliates increased by 8 percent from 2010 to 2011. A significant increase in attacks by al-Shabaab, from 401 in 2010 to 544 in 2011, offset a sharp decline in attacks by al-Qa'ida in Iraq (AQI) and a smaller decline in attacks by al-Qa'ida in the Arabian Peninsula (AQAP) and al-Qa'ida in the Islamic Maghreb (AQIM)." (11) "In cases where the religious affiliation of terrorism casualties could be determined, Muslims suffered between 82 and 97 percent of terrorism-related fatalities over the past five years." (14) Of 978 terrorism-related kidnapping last year, only three hostages were private U.S. citizens, or .003 percent. A private citizen is defined as 'any U.S. citizen not acting in an official capacity on behalf of the U.S. government.' (13, 17) Of the 13,288 people killed by terrorist attacks last year, seventeen were private U.S. citizens, or .001 percent. (17) According to the report, the number of U.S. citizens who died in terrorist attacks increased by two between 2010 and 2011; overall, a comparable number of Americans are crushed to death by their televisions or furniture each year. This is not to diminish the real--albeit shrinking--threat of terrorism, or to minimize the loss and suffering of the 13,000 killed and over 45,000 injured around the world. For Americans, however, it should emphasize that an irrational fear of terrorism is both unwarranted and a poor basis for public policy decisions.

**[3] Terrorist groups have weak infrastructure**

**Brown ’11**

[Vanda 5/2/2011, The Implications of Osama bin Laden’s Death for the War in Afghanistan and Global Counterterrorism Efforts, Brookings Institute http://www.brookings.edu/opinions/2011/0502\_bin\_laden\_afghanistan\_felbabbrown.aspx// Wyo PS]

**The symbolic value of bin Laden’s elimination cannot be overstated.** Salafi terrorist groups, including al Qaeda itself, are far from tightly hierarchically-organized and thus susceptible to collapse if their leader is captured or killed. In fact, they are the very opposite – loose, overlapping, and connecting networks, far more resilient to such decapitation. **However, bin Laden’s part in founding al Qaeda, his often-glorified role** in the mujahedeen struggle against the Soviets in Afghanistan, **his charisma among fellow salafi terrorists and aspirants, and his ability to elude global law enforcement, intelligence agencies, and some of the world’s major militaries for over a decade gave him almost a mythical character. With his demise finally, it will take a long time for anyone to reclaim bin Laden’s influence in the salafi terrorist circles, regardless of who and how quickly someone nominally replaces him** [**at the head of al Qaeda**](http://www.brookings.edu/opinions/2011/0502_bin_laden_byman.aspx).

### Bio weps

#### [1] They can’t win an extinction level claim- worst case biological warefare already happened in Japan and didn’t cause any fatalities, and U.S. infrastructure will mitigate the impact –That’s Dove

#### [2] There’s a low threshold for risk mitigation – we just have to win that terrorists would prefer convention means, not that they don’t want to attack at all.

Stratfor 8, (“Busting the Anthrax Myth,” July 30, <http://www.stratfor.com/print/120756>)

In fact, based on the past history of nonstate actors conducting attacks using biological weapons, we remain skeptical that a nonstate actor could conduct a biological weapons strike capable of creating as many casualties as a large strike using conventional explosives — such as the October 2002 Bali bombings that resulted in 202 deaths or the March 2004 train bombings in Madrid that killed 191. We do not disagree with Runge’s statements that actors such as al Qaeda have demonstrated an interest in biological weapons. There is ample evidence [4] that al Qaeda has a rudimentary biological weapons capability. However, there is a huge chasm of capability that separates intent and a rudimentary biological weapons program from a biological weapons program that is capable of killing hundreds of thousands of people. Misconceptions About Biological Weapons There are many misconceptions involving biological weapons. The three most common are that they are easy to obtain, that they are easy to deploy effectively, and that, when used, they always cause massive casualties. While it is certainly true that there are many different types of actors who can easily gain access to rudimentary biological agents, there are far fewer actors who can actually isolate virulent strains of the agents, weaponize them and then effectively employ these agents in a manner that will realistically pose a significant threat of causing mass casualties. While organisms such as anthrax are present in the environment and are not difficult to obtain, more highly virulent strains of these tend to be far more difficult to locate, isolate and replicate. Such efforts require highly skilled individuals and sophisticated laboratory equipment. Even incredibly deadly biological substances such as ricin [5] and botulinum toxin are difficult to use in mass attacks. This difficulty arises when one attempts to take a rudimentary biological substance and then convert it into a weaponized form — a form that is potent enough to be deadly and yet readily dispersed. Even if this weaponization hurdle can be overcome, once developed, the weaponized agent must then be integrated with a weapons system that can effectively take large quantities of the agent and evenly distribute it in lethal doses to the intended targets. During the past several decades in the era of modern terrorism, biological weapons have been used very infrequently and with very little success. This fact alone serves to highlight the gap between the biological warfare misconceptions and reality. Militant groups desperately want to kill people and are constantly seeking new innovations that will allow them to kill larger numbers of people. Certainly if biological weapons were as easily obtained, as easily weaponized and as effective at producing mass casualties as commonly portrayed, militant groups would have used them far more frequently than they have. Militant groups are generally adaptive and responsive to failure. If something works, they will use it. If it does not, they will seek more effective means of achieving their deadly goals. A good example of this was the rise and fall of the use of chlorine [6] in militant attacks in Iraq.

### Indo Pak

#### [1] No risk of an Indo-Pak war- military leaders are rational and mutually assured destruction checks escalation. –That’s Ganguly

#### [2] Indo-Pak relations resilient

Krepon 09

[Michael, Founding President of the Henry L. Stimson Foundation, Nuclear Arms and the Future of South Asia, BNET, April 2009, http://findarticles.com/p/articles/mi\_m0KNN/is\_53/ai\_n31464292/pg\_3/?tag=content;col1//UWYO TDA]

The first such dominant trend is that **Pakistan and India will probably keep viewing economic growth as essential to national well-being, domestic cohesion, and national security.** **Trade between the countries** presumably **will** continue to **grow.** While the perceived primacy of economic growth does not ensure peaceful relations between Pakistan and India, **the pursuit of this goal is likely to further ameliorate animosity**. Pakistan's future growth is limited in part by constrained trading partnerships with India and states in Central Asia. As long as Pakistan's ties to neighboring India and Afghanistan remain conflicted, these natural trade routes will generate far less than optimal results. **This** dominant **trend is conducive to improved bilateral relationships on the subcontinent**. Second, in view of the primacy of economics **in** the national security calculations of **Pakistan and India**, **it is probable that the leadership in both countries will seek to avoid major crises and border skirmishes in the years ahead.** **Pakistan's interest in nonhostile relations with India is likely to be reinforced** by continued difficulties along its border with Afghanistan. The leadership goal of peaceful borders between Pakistan and India could, however, be challenged by significant acts of terrorism perpetrated by extremists with quite different agendas. Nonetheless**, there are greater buffers against escalation arising from significant acts of terrorism than in previous years. This dominant trend also points in the direction of improved bilateral relations on the subcontinent. It is hard to envision another standoff** like that of the "Twin Peaks" crisis in 2001-2002. (1) This does not, however, exclude lesser cases in which extremist acts trigger retaliatory measures.

#### [3] Won’t escalate globally

The Hamilton Spectator, 2002

For those who do not live in the subcontinent, the most important fact is that the damage would be largely confined to the region. The Cold War is over, the strategic understandings that once tied India and Pakistan to the rival alliance systems have all been cancelled, and no outside powers would be drawn into the fighting. The detonation of a hundred or so relatively small nuclear weapons over India and Pakistan would not cause grave harm to the wider world from fallout. People over 40 have already lived through a period when the great powers conducted hundreds of nuclear tests in the atmosphere, and they are mostly still here.

## Security

### O/V

#### Death is an inevitable part of life we must embrace to affirm a life affirming world order

Barshack, 2003 (Lior, Radzyner school of law, “Nietzsche and legal theory (part two): Notes on the clerical body of the law” Lexis, MB)

These psychoanalytic insights are implicit in Nietzsche's portrayals of the priest's moral masochism. Nietzsche described clerical masochism as the struggle for survival of the weak under the most unfavorable of conditions through the assertion of a totally reversed notion of life. Ascetic practices and ideals respond to the need to institute permanent humiliation and submission as a feasible form of life in order to appease an internalized persecutor. [n64](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n64) Through the ascetic ideal, the clerical body  [\*1180]  disciplines and keeps intact its own unintegrated self, violently adapts itself to its disadvantaged condition, purifies itself by releasing its ressentiment in a reversed manner, while at the same time producing an idealized self-image and finally subordinating all human beings out of envy and revenge. [n65](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n65) In line with the psychoanalytic identification of fusion, death and the Sacred, Nietzsche sees the clerical body as an agent of death. [n66](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n66) In fact, it is to the corporate body as a whole, rather than death alone, that the clerical body is ordinarily consecrated. The clerical body enacts death in its capacity as the agent of the corporate body as a whole. With the sacred communal body, death is projected outside of the social and contained in the corporate body of the group. By being integrated into the human corporate order personified by the group's ancestors, death is tamed. [n67](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n67) Through projection, death is removed from the immediate social environment, integrated into a monistic, all-inclusive, life-asserting, human world-order and prevented from constituting an unmanageable external threat within a dualistic cosmos. [n68](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n68) Since ancestral figures and the corporate person of the group are immortal, they are invulnerable to death and can safely contain and control it. Moreover, they appropriate the power and authority of death and recruit them to the service of the human  [\*1181]  order. Authority, religious or political, rests on the fiction of having subordinated, incorporated and domesticated death. It must display its easy seizure and disposal of death. Through diverse representations of Power, the corporate order in its entirety emerges as invincible to death manipulating and utilizing it. The viability of political associations depends as much on their symbolic capacity to domesticate death as it does on their economic, military and administrative resources. The clerical body encapsulates the monistic corporate order within which death is contained, sublated and disarmed. [n69](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n69) Representing death in its culturally assimilated form, it plays a crucial role in humanity's effort to accommodate death and the Sacred. Through self-sacrifice, the clerical body bridges and reconciles the world of the living with the world of the dead and satisfies the demands of the latter. The administration of death, during its periodic pacifications and times of crisis, is handed over to the clerical body in the belief than it can integrate death, sometimes at the cost of its enactment, in a way that will secure the endurance of the life-asserting human-corporate order. As Nietzsche saw, the clergy, while instituting the negative, makes life possible. [n70](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n70) In the name of civilization and for its sake, the modern clerical body exercises the highest authority within the corporate order: jurisdiction as power over the life and death of the subject. [n71](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.689399.1619410778&target=results_DocumentContent&reloadEntirePage=true&rand=1219345406360&returnToKey=20_T4403572633&parent=docview#n71)

### 2NC Framework

#### **THE ROLE OF THE BALLOT IS WHOEVER has the best relationship to life. THE JUDGE SHOULD CHALLENGE THE VALUES AND ASSUMPTIONS OF THE 1AC.**

#### PREDICTABLE- THE AFFIRMATIVE SHOULD HAVE TO DEFEND THE PROCESS BY WHICH THEY ARRIVE AT THEIR CONCLUSIONS AND IMPACTS.

#### EDUCATIONAL- THE CRITICISM PROVIDES EDUCATION ABOUT WHAT WE CAN DO AS ACADEMIC ACTORS, WE WILL NEVER BE POLICY MAKERS, OR AFFECT THE INSTITUTIONS. WE SHOULD FOCUS ON ENGAGING CRITICISM OF DISCOURSE THAT ALLOWS US TO BETTER OURSELVES AND FIND BETTER SOLUTIONS.

#### FAIRNESS- DON’T WEIGH THEIR IMPACTS UNLESS THEY’VE SHOWN THEIR DISCOURSE AND ASSUMPTIONS ARE CORRECT. OTHERWISE THEIR IMPACTS SHOULD REMAIN UNDER HIGH SCRUTINY.

#### AND OUR CRITICISM IS A PREREQUISITE FOR POLICYMAKING:

#### ONLY BY CRITICIZING DISCOURSE AND ASSUMPTIONS CAN WE DERIVE POLICIES IDENTIFY THE WRONG PROBLEM AND ENGENDER WORSE SOLUTIONS LEADING TO POLICY FAILURE AND VIOLENCE- THAT’S BRUCE 96

#### AND COHERENCE – ONLY INCORPORATION OF REPRESENTATIONS CAN MAKE SENSE OF POLITICAL REALITY

Jourde 6 – Cedric Jourde \* Ph.D., Political Science, University of Wisconsin-Madison, Madison, 2002 \* M.A., Political Science, University of Wisconsin-Madison, Madison, 1996 \* B.Sc., Political Science, Université de Montréal, Montréal, 1995 Hegemony or Empire?: The redefinition of US Power under George W Bush Ed. David and Grondin p. 182-3 2006

Relations between states are, at least in part, constructed upon representations. Representations are interpretative prisms through which decision-makers make sense of a political reality, through which they define and assign a subjective value to the other states and non-state actors of the international system, and through which they determine what are significant international political issues.2 For instance, officials of a given state will represent other states as 'allies', 'rivals', or simply 'insignificant', thus assigning a subjective value to these states. Such subjective categorizations often derive from representations of these states' domestic politics, which can for instance be perceived as 'unstable\*, 'prosperous', or 'ethnically divided'. It must be clear that representations are not objective or truthful depictions of reality; rather they are subjective and political ways of seeing the world, making certain things 'seen' by and significant for an actor while making other things 'unseen' and 'insignificant'.3 In other words, they are founded on each actor's and group of actors' cognitive, cultural-social, and emotional standpoints. Being fundamentally political, representations are the object of tense struggles and tensions, as some actors or groups of actors can impose on others their own representations of the world, of what they consider to be appropriate political orders, or appropriate economic relations, while others may in turn accept, subvert or contest these representations. Representations of a foreign political reality influence how decision-making actors will act upon that reality. In other words, as subjective and politically infused interpretations of reality, representations constrain and enable the policies that decision-makers will adopt vis-a-vis other states; they limit the courses of action that are politically thinkable and imaginable, making certain policies conceivable while relegating other policies to the realm of the unthinkable.4 Accordingly, identifying how a state represents another state or non-state actor helps to understand how and why certain foreign policies have been adopted while other policies have been excluded. To take a now famous example, if a transnational organization is represented as a group of 'freedom fighters', such as the multi-national mujahideen in Afghanistan in the 1980s, then military cooperation is conceivable with that organization; if on the other hand the same organization is represented as a 'terrorist network', such as Al-Qaida, then military cooperation as a policy is simply not an option. In sum. the way in which one sees, interprets and imagines the 'other\* delineates the course of action one will adopt in order to deal with this 'other'.

#### **THEIR FRAMEWORK CAUSES SERIAL POLICY FAILURE- Their violent ontologies lays claim to know the entirety of truth and existence. Those ontologies are the root cause of security and inevitably the failure of their policies as they become self-fulfilling prophecies**

Biswas 7 (Shampa, Professor of Politics – Whitman College, “Empire and Global Public Intellectuals: Reading Edward Said as an International Relations Theorist”, Millennium, 36(1), p. 117-125)

**The most serious threat to the ‘intellectual vocation’**, he argues, **is** ‘professionalism’ and mounts a pointed attack on the proliferation of ‘specializations’ and **the ‘cult of expertise’ with their focus on** ‘relatively narrow areas of knowledge’, ‘technical formalism’, ‘**impersonal** theories and **methodologies’, and** most worrisome of all, their ability and **willingness to be** **seduced by power**.17 Said mentions in this context the funding of academic programmes and research which came out of the exigencies of the Cold War18, an area in which there was considerable traffic of political scientists (largely trained as IR and comparative politics scholars) with institutions of policy-making. Looking at various influential US academics as ‘organic intellectuals’ involved in a dialectical relationship with foreign policy-makers and examining the institutional relationships at and among numerous think tanks and universities that create convergent perspectives and interests, Christopher Clement has studied US intervention in the Third World both during and after the Cold War made possible and justified through various forms of ‘intellectual articulation’.19 **This is** not simply a matter of scholars working for the state, but indeed a larger **question of** intellectual orientation. It is not uncommon for IR **scholars** to **feel the need to formulate their** scholarly **conclusions** in terms of its relevance for global politics, where ‘relevance’ is measured **entirely in terms of policy wisdom**. Edward Said’s searing indictment of US intellectuals – policy-experts and Middle East experts - in the context of the first Gulf War20 is certainly even more resonant in the contemporary context preceding and following the 2003 invasion of Iraq. The space for a critical appraisal of the motivations and conduct of this war has been considerably diminished by the expertise-framed national debate wherein certain kinds **of ethical questions** irreducible **to formulaic ‘for or against’ and** ‘costs and benefits’ analysis **can** simply **not be raised**. In effect, what Said argues for, and IR scholars need to pay particular heed to, is an understanding of ‘**intellectual relevance’** that is larger and more worthwhile, that **is about the posing of critical, historical, ethical** and perhaps unanswerable **questions rather than** the **offering** of recipes and **solutions**, that **is about** politics**(rather than techno-expertise**) in the most fundamental and important senses of the vocation.21

#### IF WE WIN ANY FRAMING ARGUMENTS THEY DON’T GET TO WEIGH THEIR AFFIRMATIVE.

#### FINALLY, WE’RE AN IMPACT TURN TO THEIR FRAMEWORK—THEY SECURITIZE DEBATE BY POLICING WHAT IS AND IS NOT ACCEPTABLE SPEECH, LEADS TO FORMS OF DISCURSIVE VIOLENCE IN DEBATE.

#### Focus on the state ignores the fascism hidden in the every day. Only a focus on the self and our relation towards repression can begin to account for the operations of desire – independent DA to your framework

D&G 80

Deleuze & Guattari, A Thousand Plateaus (1980. p214-5.)

Doubtless, fascism invented the concept of the totalitarian State, but there is no reason to define fascism by a concept of its own devising: there are totalitarian States, of the Stalinist or military dictatorship type, that are not fascist. The concept of the totalitarian State applies only at the macrophysical level, to a rigid segmentarity and a particular mode of totalization and centralization. But fascism is inseparable from a proliferation of molecular forces in interaction, which skip from point to point, before beginning to resonate together in the National Socialist State. Rural fascism and city or neighborhood fascism, youth fascism and war veteran's fascism, fascism of the Left and fascism of the Right, fascism of the couple, family, school, and office: every fascism is defined by a micro-black hole that stands on its own and communicates with the others, before resonating in a great, generalized central black hole. There is fascism when a *war machine* is installed in each hole, in every niche. Even after the National Socialist State had been established, microfascisms persisted that gave it unequaled ability to act upon the "masses." Daniel Guerin is correct to say that if Hitler took power, rather then taking over the German State administration, it was because from the beginning he had at his disposal microorganizations giving him "an unequaled, irreplaceable ability to penetrate every cell of society," in other words, a molecular and supple segementarity, flows capable of suffusing every kind of cell. Conversely, if capitalism came to consider the fascist experience as catastrophic, if it preferred to ally itself with Stalinist totalitarianism, which from its point of view was much more sensible and manageable, it was because the segementarity and centralization of the latter was more classical and less fluid. What makes fascism dangerous is its molecular or micropolitical power, for it is a mass movement: a cancerous body rather than a totalitarian organism. American film has often depicted these molecular focal points; band, gang, sect, family, town, neighborhood, vehicle fascisms spare no one. Only microfascism provides an answer to the global question: Why does desire desire its own repression, how can it desire its own repression? The masses certainly do not passively submit to power; nor do they "want" to be repressed, in a kind of masochistic hysteria; nor are they tricked by an ideological lure. Desire is never separable from complex assemblages that necessarily tie into molecular levels, from microformations already shaping postures, attitudes, perceptions, expectations, semiotic systems, etc. Desire is never an undifferentiated instinctual energy, but itself results from a highly developed, engineered setup rich in interactions: a whole supple segmentarity that processes molecular energies and potentially gives desire a fascist determination. Leftist organizations will not be the last to secrete microfascisms. It's too easy to be antifascist on the molar level, and not even see the fascist inside you, the fascist you yourself sustain and nourish and cherish with molecules both personal and collective.

#### ANALYZING POWER FROM THE STANDPOINT OF INSTITUTIONS FAILS

John D. **Caputo and** Mark **Yount**, Villanova University, St. Joseph’s University, “Institutions, Normalization, and Power.” Foucault and the Critique of Institutions. 19**93**; mac//sam

The connection between Foucault and institutions seems an obvious one, but not because he wanted to make the institution the basic unit of analysis. On the contrary, Foucault situated institutions within the thin but all-entangling web of power relations. He did so explicitly in Discipline and Punish, and he subsequently read his later analysis between the lines of his earlier works. In this genealogy, institutions are the more readily definable macro-objects, grosser instruments for the finer, more elemental workings of power. Power is the thin, inescapable film that covers all human interactions, whether inside institutions or out. Institutional structures are saturated with sexual relations, economic relations, social relations, etc., and are always established of these power relations: relations between men and women, old and young, senior and junior, well-born and starved, colorless and colored, Occident and Orient. Institutions are the means that power uses, and not the other way around, not sources or origins of power. The analysis of power is thus always more fine-grained than any analysis of classes, of states, or of institutions in their own terms would be. That is why for Foucault--and for all of the studies that follow here--the workings of power cannot be described from the standpoint of a master discipline, especially a perspective that would seek an origin for power, or take political power to be its initial or privileged form. It is always a question of analyzing institutions from the standpoint of power, and not of analyzing power from the standpoint of institutions.' But we ought not to speak of power in the substantive, for there is no such thing. Instead, sets of "power relations" bathe the structures and edifices of human life, without power ever amounting to a thing or substance. It is not the very substance- and- subject of the historical process, like the Hegelian spirit, not the driving movement of contradictory social relations, as in Marx, not the unifying- gathering power that holds sway over all in Heidegger's history of Being. (The similarities might not be entirely accidental, though: see Mohanty's paper herein, 'Foucault as Philosopher, 1) Power is not one thing, but multiple and multiplied, scattered and disseminated. This means that power is not concentrated at a central point of organization and domination. Power is not first of all the power of the sovereign, There is power over freedom, and action on the action of others, but this is a domination that traverses the fields of power, that operates variably in various relationships. "In so far as power relations are an unequal and relatively stable relation of forces, it's clear that this implies an above and a below, a difference of potentials."' These potentials of power cannot be understood as brute force, though brutality is among their possible outcomes-as is seduction. Power relations are embedded in the very heart of human relationships, springing into being as soon as there are human beings. Power need not be harsh and abrasive or constrain narrowly and painfully; without overt violence it seeks its objectives in the more subtle, thus all the more effective, mode of "suasion," of "conduction " Power relations clear the ways for human behavior (conduire) to be subtly conducted (conduit), so that human actions are led as surely and effortlessly through their channels as water through a "duct" (ducere).

### Perms

#### K IS A PREREQUISITE- BEFORE HAVING THE CORRECT POLICY YOU HAVE TO CHECK YOUR ASSUMPTIONS AT THE DOOR. THE PERM WOULD RAM ROD THEIR FLAWED ONTOLOGY LEADING TO THE IMPACTS OF THE K- THAT’S BRUCE 96

#### PERM IS SEVERANCE- CUTS THE LINKS OF THE 1AC. YOU MUST OLD THE 1AC TO THEIR DISCOURSE OTHERWISE THEIR A MOVING TARGET. REJECT THE TEAM FOR FAIRNESS.

#### BEGS THE QUESTION OF A LINK- ANY PERMUTATION WOULD JUST FURTHER THAT FLAWED ONTOLOGY AND CAUSE THE SAME IMPACTS [EXPLAIN LINKS]

#### NO REFORM - THE PLAN CANNOT BE DETACHED FROM IT’S DISCURSIVE UNDERPINNINGS

Burke 07

Anthony Burke, Senior Lecturer @ School of Politics & IR @ Univ. of New South Wales, ‘7 [Beyond Security, Ethics and Violence, p. 3-4]

These frameworks are interrogated at the level both of their theoretical conceptualisation and their practice: in their influence and implementation in specific policy contexts and conflicts in East and Central Asia, the Middle East and the 'war on terror', where their meaning and impact take on greater clarity. This approach is based on a conviction that the meaning of powerful political concepts cannot be abstract or easily universalised: they all have histories, often complex and conflictual; their forms and meanings change over time; and they are developed, refined and deployed in concrete struggles over power, wealth and societal form. While this should not preclude normative debate over how political or ethical concepts should be defined and used, and thus be beneficial or destructive to humanity, it embodies a caution that the meaning of concepts can never be stabilised or unproblematic in practice. Their normative potential must always be considered in relation to their utilisation in systems of political, social and economic power and their consequent worldly effects. Hence this book embodies a caution by Michel Foucault, who warned us about the 'politics of truth . . the battle about the status of truth and the economic and political role it plays', and it is inspired by his call to 'detach the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time'.1 It is clear that traditionally coercive and violent approaches to security and strategy are both still culturally dominant, and politically and ethically suspect. However, the reasons for pursuing a critical analysis relate not only to the most destructive or controversial approaches, such as the war in Iraq, but also to their available (and generally preferable) alternatives. There is a necessity to question not merely extremist versions such as the Bush doctrine, Indonesian militarism or Israeli expansionism, but also their mainstream critiques - whether they take the form of liberal policy approaches in international relations (IR), just war theory, US realism, optimistic accounts of globalisation, rhetorics of sensitivity to cultural difference, or centrist Israeli security discourses based on territorial compromise with the Palestinians. The surface appearance of lively (and often significant) debate masks a deeper agreement about major concepts, forms of political identity and the imperative to secure them. Debates about when and how it may be effective and legitimate to use military force in tandem with other policy options, for example, mask a more fundamental discursive consensus about the meaning of security, the effectiveness of strategic power, the nature of progress, the value of freedom or the promises of national and cultural identity. As a result, political and intellectual debate about insecurity, violent conflict and global injustice can become hostage to a claustrophic structure of political and ethical possibility that systematically wards off critique.

#### Links swamp the permutation---it instrumentalizes the alternative which only masks the plan’s violent governmentality---internal contradictions means it inevitably fails

Laura Sjoberg 13, Department of Political Science, University of Florida , Gainesville The paradox of security cosmopolitanism?, Critical Studies on Security, 1:1, 29-34

Particularly, Burke suggests that security cosmopolitanism ‘rejects a procedural faith in strongly post-Westphalian forms of government and democracy’ (p. 17) and reiterates that such an approach includes ‘no automatic faith in any one institutional design’ (p. 24). This seems to move away from one of the prominent critiques of, in Anna Agathangelou and Ling’s (2009) words, the ‘neoliberal imperium,’ as reliant on Western, liberal notions of governance to the detriment of those on whom such a form of government is imposed. Burke clearly problematizes this imposition, framing many of the serious problems in global politics as a result of ‘choices that create destructive dynamics and constraints’ (p. 15) at least in part by Western, liberal governments – characterizing modernity as culpable for insecurity. At the same time, the solution seems to be clearly situated within the discursive framework of the problem. Burke suggests that there should be a primary concern for ‘effectiveness, equality, fairness, and justice – not for states, per se, but for human beings, and the global biosphere’ (p. 24). Unless the only problem with modernity is the post- Westphalian structure of the state (which this approach does not eschew, but claims not to privilege), then this statement of values might entrench the problem. Many of the ideas of equality, fairness, and justice that come to mind with the (somewhat rehearsed) use of those words in progressive politics are inseparable from an ethos of enlightenment modernity.

This may be problematic on a number of levels. First, it may fail to interrupt the series of choices that Burke suggests produce a cycle of insecurity. Second, it may fold back onto itself in the recommendations that security cosmopolitanism produces. This especially concerned me in Burke’s discussion of how to end ‘dangerous processes,’ where he places ‘greater faith in the ethical, normative, and legal suppression of dangerous processes and actions than in formalistic or procedural solutions’ (p. 24). It seems to me that there is a good argument that ‘suppression’ is itself a ‘dangerous process,’ yet Burke’s framework does not really include a mechanism for internal critique.

Another problem that seems to confound security cosmopolitanism is evaluating the relationships between power, governance, and governmentality. There are certainly several ways in which Burke uses a notion of the state that distinguishes security cosmopolitanism from the mainstream neoliberal literature. For example, he characterizes the ‘state as an entity whose national survival depends on its global participation, obligations, and depen- dencies,’ (citing Burke 2013a, 5). This view of the state sees it as not only survival-seeking (in the neo-neo synthesis sense) but also dependent on its positive interactions with other states for survival. Burke’s approach to government/governance initially appears to be global rather than state-based, another potentially transformative move. For example, he sees the job of security cosmopolitanism as to ‘theorize and defend norms for the respon- sible conduct and conceptualization of global security governance’ (p. 21). At the same time, later in the article, Burke suggests entrenching the current structure of the state. His practical approach of looking for the ‘solidarity of the governing with the governed’ seems to simultaneously interrogate the current power structures and reify them. Burke says:

Such a ‘solidarity of the governed’ that engages in a ‘practical interrogation of power’ ought to be a significant feature of security cosmopolitanism. At the same time, however, security cosmopolitanism must be concerned with improving the global governance of security by elites and experts. (p. 21)

This attachment to the improvement of existing structures of governance seems to be at the heart of what I see as the failure of the radical potential in the idea of security cosmopolitanism. When discussing how the power dynamics between the elite and the subordinated might change, Burke suggests that ‘voluntary renunciation of the privileges and powers of both state and corporate sovereignty will no doubt be a necessary feature of such an order’ (p. 25). Relying on the voluntary renunciation of power by the powerful seems both unrealistic and not particularly theoretically innovative.

This seems to be at the center of a paradox inherent in security cosmopolitanism: Faith in the Western liberal state is insidious, but the Western liberal state does not have to be. Modernity causes insecurity, but need not be discarded fully. Some universalizations are dangerous, others are benign. Dangerous processes must be stopped, even if by dangerous processes. Moral entrepreneurship is the key, but ther e is no clear foundation for what counts as moral. The security cosmopolitanism critique is inspired by consequentialism, but lacks deontological foundations despite deontological implications. Burke calls for (and indeed demands) to ‘take responsibility for it’ (p. 23) in terms of ‘both formal and moral accountability’ (p. 24). In so doing, he endorses (Booth’s vision of) ‘moral progress’ (p. 25), despite understanding the insidious deployment of various notions of moral progress by others.

Security cosmopolitanism, then, is a proclamation for radical change that is initially stalled by its internal contradictions and further handicapped by its lack of capacity to enact the very sort of radical change Burke sees it as fundamental to righting the wrongs he sees in the world. The result seems to be the (potential) reification of existing governments/governmentality through what essentially appears to be a non-anthropocentric ‘human security’ which cannot be clearly distinguished from current notions of human security (p. 15). It appears to remain top-down and without clear moral foundation while claiming significant improvement over existing approaches. This appearance/seduction of improvement without real promise for change might be more insidious than the nihilism of which many post-structuralists are accused, as it seductively appears to solve a problem it does not solve.

### Rouge states

#### Claiming to solve for the Rouge states leads to ineffective policies of containment and drive the states to do what policy makers don’t want them to do faster becoming a SFP

O’Reilly 07

[K. P. O’Reilly, Global Studies Ph.D. from University of South Carolina, “Perceiving Rogue States: The Use of the “Rogue State” Concept by U.S. Foreign Policy Elites”, Foreign Policy Analysis Volume 3, Issue 4, pages 295–315, October 2007, Wiley Online Library, \\wyo-bb]

There appears to be a definitive rogue image held by U.S. foreign policy decision makers. While multifaceted, the perceptions held by key U.S. decision makers about rogues appear to be relatively stable and fixed over the decade examined. Foremost, the data illustrate that concerns about the future threat posed by rogues (e.g., the development of WMDs) far exceeds that of current power capabilities (e.g., state sponsorship of terrorism) in the mind of policy makers. In describing the behavior of a rogue state, however, policy makers are as likely to emphasize the general outlaw nature of rogues with their disregard for what U.S. leaders view as international norms then in describing rogues in terms of more specific and directed threatening behavior. Furthermore, in describing rogues, policy makers expend considerable energies in public statements solidifying the “us versus them” nature of the relationship assailing rogue states on the grounds of institutional (e.g., decision making) and cultural (e.g., intolerance) deficiencies. Although presenting evidence of converging criteria for the rogue image, the labeling of some states as rogues and others not still present the challenge of seemingly selective application given the relatively fixed criteria shown in policy makers public statements. As to the comparison of the rogue image devised among the U.S. presidential administrations subject to the time period examined several overarching commonalities were uncovered, differences were detectable among the administrations, as well as between actors within particular administrations. A main difference noted among the administrations revolved around the issue of voiced policy prescriptions. Specifically, the statements of the two Clinton administrations differed with those of the first Bush administration with the former making more mention of policies for sustaining and pursuing nonproliferation efforts. Nonetheless, aside from this difference as to policy advocacy among the administrations three findings regarding rogue states held across administrations. First, when describing the policy actions undertaken by rogue state, these states are nearly universally accused of sponsoring terrorism as well as seeking the acquisition/development of WMDs. Second, Secretaries of States were more prone to emphasize those behavior characteristics portraying rogues as outlaw in respect to the international community and as possessing of dubious governing regimes. Meanwhile, Secretaries of Defense overwhelming stress the threatening behavior characteristics of rogues. Third, as for resulting policy prescription in managing rogue states, the total of the elicited policy prescriptions demonstrates a predisposition towards policies associated with a containment strategy overall. In answering the third question posed at the outset of this study—the nature of the policy prescriptions advocated towards rogue and their consistency with the rogue image devised by policy makers—one must return to the useful framework provided by image theory whereby relationship dimensions can be compared with expected policy. As to the perceptions tied to rogue states, it appears that rogues present a unique interaction rather than merely an extension of previously theorized notions of “enemy.” In combining interaction dimensions of the perceived cultural differences/inferiority of rogues along with a hybrid perception of power capabilities, rogues present a dilemma in determining whether they constitute a threat to or an opportunity for the furtherance of U.S. foreign policy. In offering guidance as to this threat versus opportunity distinction, image theory directs us to the strategy script or policy actions pursued against such states. In answering this question then, the public statements of U.S. foreign policy decision makers appear to overwhelmingly conclude that rogue states present a threat by offering policy prescriptions aligning more with a policy of containment, comporting with the enemy image, rather than a policy of open aggression. Given that the perceptions of rogues differ from that of the more traditional enemy image while nevertheless perceived as threats to U.S. interests, the effectiveness of some policy actions commonly mentioned seem questionable given the behaviors attributed to rogue states. While advocating a strategy comprised of policy actions seeking to contain rogue states, U.S. policy makers also strongly advocate the development of defensive measures to protect against attacks from rogue states. One notable defensive measure put forward to deal with rogue states has been the development of a defensive missile shield. The application of containment strategies is problematic for two reasons. First, given that the public statements reveal concern over the future threat posed by rogue states, through their acquisition/ development of WMDs, containment strategies fail to prevent rogues from actually developing these improved power capabilities which drive the perception of threat in the first place. Second, given that rogues are routinely characterized as deficient in their decision making, the sensibility of a policy connected with an idea of defense and retaliation in the classical deterrence theory sense raises questions. Seemingly, driven by the threat (albeit future threat) component of the perception held of rogue states, policy makers rely on a containment strategy at odds with the cultural component of the rogue stereotype. At the same time, this perception of cultural dissonance appears to inhibit advocacy of policy prescriptions other than containment such as engagement.

### Risk ext

#### If impacts are calculated by multiplying probability times magnitude, then every absurd probability of an infinite impact register as infinite – breaking down rational risk calculus

**Kessler ‘8**  [Oliver Kessler, Sociology at University of Bielefeld, “From Insecurity to Uncertainty: Risk and the Paradox of Security Politics” *Alternatives*  33 (2008), 211-232]

***If the risk of terrorism is  defined in traditional terms by probability and potential loss, then  the focus on dramatic terror attacks leads to the marginalization of  probabilities. The reason is that even the highest degree of improb-  ability becomes irrelevant as the measure of loss goes to infinity.^o  The mathematical calculation of the risk of terrorism thus tends to  overestimate and to dramatize the danger. This has consequences  beyond the actual risk assessment for the formulation and execution  of "risk policies": If one factor of the risk calculation approaches  infinity (e.g., if a case of nuclear terrorism is envisaged), then there  is no balanced measure for antiterrorist efforts, and risk manage-  ment as a rational endeavor breaks down\*.*** Under the historical con-  dition of bipolarity, the "ultimate" threat with nuclear weapons could  be balanced by a similar counterthreat, and new equilibria could be  achieved, albeit on higher levels of nuclear overkill. Under the new  condition of uncertainty, no such rational balancing is possible since  knowledge about actors, their motives and capabilities, is largely  absent.  The second form of security policy that emerges when the deter-  rence model collapses mirrors the "social probability" approach. It  represents a logic of catastrophe. In contrast to risk management  framed in line with logical probability theory, the logic of catastro- phe does not attempt to provide means of absorbing uncertainty.  Rather, it takes uncertainty as constitutive for the logic itself;

uncer-  tainty is a crucial precondition for catastrophies. In particular, cata-  strophes happen at once, without a warning, but with major impli-  cations for the world polity. In this category, we find the impact of  meteorites. Mars attacks, the tsunami in South East Asia, and 9/11.  To conceive of terrorism as catastrophe has consequences for the  formulation of an adequate security policy. Since catastrophes hap-  pen irrespectively of human activity or inactivity, no political action  could possibly prevent them. Of course, there are precautions that  can be taken, but the framing of terrorist attack as a catastrophe  points to spatial and temporal characteristics that are beyond "ratio-  nality." Thus, political decision makers are exempted from the  responsibility to provide security—as long as they at least try to pre-  empt an attack. Interestingly enough, 9/11 was framed as catastro-  phe in various commissions dealing with the question of who was  responsible and whether it could have been prevented.  This makes clear that under the condition of uncertainty, there  are no objective criteria that could serve as an anchor for measur-  ing dangers and assessing the quality of political responses. For ex-  ample, as much as one might object to certain measures by the US  administration, it is almost impossible to "measure" the success of  countermeasures. Of course, there might be a subjective assessment  of specific shortcomings or failures, but there is no "common" cur-  rency to evaluate them. As a consequence, the framework of the  security dilemma fails to capture the basic uncertainties.  Pushing the door open for the security paradox, the main prob-  lem of security analysis then becomes the question how to integrate  dangers in risk assessments and security policies about which simply  nothing is known. In the mid 1990s, a Rand study entitled "New  Challenges for Defense Planning" addressed this issue arguing that  "most striking is the fact that

we do not even know who or what will  constitute the most serious future threat, "^i In order to cope with  this challenge it would be essential, another Rand researcher wrote,  to break free from the "tyranny" of plausible scenario planning. The  decisive step would be to create "discontinuous scenarios ... in  which there is no plausible audit trail or storyline from current  events"52 These nonstandard scenarios were later called "wild cards"  and became important in the current US strategic discourse. They  justified the transformation from a threat-based toward a capability-  based defense planning strategy.53  The problem with this kind of risk assessment is, however, that

**even the most absurd scenarios can gain plausibility. By construct-  ing a chain of potentialities, improbable events are linked** and brought into the realm of the possible, if not even the probable.  "Although the likelihood of the scenario dwindles with each step,  the residual impression is one of plausibility. "54 This so-called Oth-  ello effect has been effective in the dawn of the recent war in Iraq.

The connection between Saddam Hussein and Al Qaeda that the  US government tried to prove was disputed from the very begin-  ning. False evidence was again and again presented and refuted,  but this did not prevent the administration from presenting as the  main rationale for war the improbable yet possible connection  between Iraq and the terrorist network and the improbable yet  possible proliferation of an improbable yet possible nuclear  weapon into the hands of Bin Laden. As Donald

***Rumsfeld  famously said: "Absence of evidence is not evidence of absence."\****  This sentence indicates that under the condition of genuine uncer-  tainty, different evidence criteria prevail than in situations where  security problems can be assessed with relative certainty.

#### Stringing together internal-links to an infinite impact paves over clashes of context and assumptions—This transforms predictions into vacuous mush.

David M. Berube 2000

[Associate Professor of Speech Communication and Director of Debate at the University of South Carolina. *Contemporary Argumentation and Debate* 21: 53-73 http://www.cedadebate.org/CAD/index.php/CAD/article/viewFile/248/232]

The dead ends checked the authenticity of the extended claims by debunking especially fanciful hypotheses. Text retrieval services may have changed that. While text retrieval services include some refereed published materials, they also incorporate transcripts and wire releases that are less vigilantly checked for accuracy. The World Wide Web allows virtually anyone to set up a site and post anything at that site regardless of its veracity. Sophisticated super search engines, such as Savvy Search® help contest debaters track down particular words and phrases. Searches on text retrieval services such as Lexis-Nexis Universe® and Congressional Universe® locate words and word strings within n words of each other. Search results are collated and loomed into an extended argument. Often,

evidence collected in this manner is linked together to reach a conclusion of nearly infinite impact, such as the ever-present specter of global thermonuclear war. Furthermore, too much evidence from online text retrieval services is unqualified or under-qualified. Since anyone can post a web page and since transcripts and releases are seldom checked as factual, pseudo-experts abound and are at the core of the most egregious claims in extended arguments using mini-max reasoning.

In nearly every episode of fear mongering . . . people with fancy titles appeared. [F]or some species of scares . . . secondary scholars are standard fixtures. Statements of alarm by newscasters and glorification of wannabe experts are two telltales tricks of the fear mongers' trade. . . : the use of poignant anecdotes in

place of scientific evidence, the christening of isolated incidents as trends, depictions of entire categories of people as innately dangerous . . . . (Glassner 206, 208)

Hence, any warrant by authority of this ilk further complicates probability estimates in extended arguments using mini-max reasoning. Often the link and internal link story is the machination of the debater making the claim rather than the sources cited in the linkage. The links in the chain may be claims with different, if not inconsistent, warrants. As a result, contextual considerations can be mostly moot. Not only the information but also the way it is collated is suspect. All these engines use Boolean connectors (and, or, and not) and Boolean connectors are dubious by nature. Boolean logic uses terms only to show relationships - of inclusion or exclusion among the terms. It shows whether or not one drawer fits into another and ignores the question whether there is anything in the drawers . . . . The Boolean search shows the characteristic way that we put questions to the world of information. When we pose a question to the Boolean world, we use keywords, buzzwords, and thought bits to scan the vast store of knowledge. Keeping an abstract, cybernetic distance from the source of knowledge, we set up tiny funnels . . . . But even if we build our tunnels carefully, we still remain essentially tunnel dwellers. Thinking itself happens only when we suspend the inner musings of the mind long enough to favor a momentary precision, and even then thinking belongs to musing as a subset of our creative mind . . . . The Boolean reader, on the contrary, knows in advance where the exits are, the on-ramps, and the well-marked rest stops. The pathways of thought, not to mention the logic of thoughts, disappear under a Boolean arrangement of freeways." (Helm 18, 22-25) Heim worries that the Boolean

search may encourage readers to link together nearly empty drawers of information, stifling imaginative, creative thinking and substituting empty ideas for good reasons. The problems worsen when researchers select word strings without reading its full context, a nearly universal practice among contest debaters. Using these computerized research services, debaters are easily able to build extended mini-max arguments ending in Armageddon.

Outsiders to contest debating have remarked simply that too many policy debate arguments end in all-out nuclear war: consequently, they categorize the activity as foolish. How many times have educators had contest debaters in a classroom discussion who strung

out an extended mini-max argument to the jeers and guffaws of their classmates? They cannot all be wrong. Frighteningly enough, most of us agree. We should not ignore Charles Richet's adage: "The stupid man is not the one who does not understand something - but the man who understands it well enough yet acts as if he didn't" (Tabori 6).

Regrettably, mini-max arguments are not the exclusive domain of contest debating. "Policies driven by the consideration of low risk probabilities will, on the whole, lead to low investment strategies to prevent a hazard from being realized or to mitigate the hazard's consequences. By comparison, policies driven by the consideration of high consequences, despite low probabilities, will lead to high levels of public investment" (Nehnevajsa 521). Regardless of their persuasiveness, Bashor and others have discovered that mini-max claims are not useful in resolving complex issues. For example, in his assessment of low probability, potentially high-consequence events such as terrorist use of weapons of mass destruction, Bashor found simple estimates of potential losses added little to contingency planning. While adding little to policy analysis, extended arguments using mini-max reasoning remain powerful determinants of resource allocation. As such, they need to be debunked. Experts agree. For example, Slovic advocates a better understanding of all risk analysis since it drives much of our public policy. "Whoever controls the definition of risk controls the rational solution to the problem at hand. If risk is defined one way, then one option will rise to the top as the most cost-effective or the safest or the best. If it is defined another way, perhaps incorporating qualitative characteristics or other contextual factors, one will likely get a different ordering of action solutions. Defining risk is thus an exercise in power" (699). When probability assessments are eliminated from risk calculi, as is the case in mini-max risk arguments, it is a political act, and all political acts need to be scrutinized with a critical lens.

#### Third is Epistemic Responsibility—They erode the research standards required to evaluate the plan and make good decisions about risk—it’s a prior question

Bergerson 2006 Gender Modified\*

[Melissa, Prof Phil at Florida Int’l U, “ The Ethics of Belief: Conservative Belief Management” Social Epistemology 20.1: 67-78]

Emphasizing the goodness of the consequences of believing nonevidentially also gives rise to worries over what exactly is being appraised when, e.g., Clifford declares that it’s *wrong* to believe on insufficient evidence. Susan Haack, for instance, charges Clifford with failing to distinguish the moral from the epistemic dimensions of doxastic wrongness (Haack, 2001). Her point on this matter is well taken: Clifford might have made considerably clearer the scope and nature of wrongness at issue in his ethics of belief, though his failure, I believe, is limited to this lack of clarity, and not to a genuine conflation of the ethical and epistemic senses of “wrong”. Still, this lack of precision and clarity invites an overly narrow understanding of his position. That is, if one considers only the consequences of particular episodes of beliefformation, rejecting as “wrong” beliefs that carry marked risk, then it is difficult to educe a reading of his thesis on which the collection of his arguments for it is consistent. While the especially risky episodes of nonevidential belief-formation seem ethically wrong, this is very different from establishing that *all* episodes of nonevidential beliefformation are morally impermissible, even if they all are epistemically impermissible. Downloaded by [University of Texas at Austin] at 21:38 02 February 2012 72 *M. Bergeron*And, if nonevidential belief-formation is always morally wrong, no matter what the outcome, then why bother discussing the likely consequences? If the goodness of the consequences is relevant, then how can nonevidential belief-formation *always* be morally wrong? Yet, some of Clifford’s arguments seem to appeal to the moral relevance of consequences, namely that they tend to be bad, despite his insistence that the consequences are irrelevant. On the whole, it’s not obvious just what role consequences play in Clifford’s theory. In her evaluation of one of Clifford’s arguments against the permissibility of nonevidential belief-formation, underscored by his colourful example of the ship owner who believes nonevidentially that his ship is seaworthy (1999, 70), Haack attributes to Clifford the view that “by failing to investigate properly and inducing himself to believe on inadequate evidence, the ship owner would have taken unacceptable risk of causing harm” (2001, 27). Clifford’s argument is not cogent, Haack continues, because he relies on two false assumptions, viz. “that mere potential for harm, however remote, is sufficient for unfavourable moral appraisal (provided the subject is responsible for the unjustified belief); and that a subject is always responsible for unjustified believing.” Here again, the emphasis is on the consequences (i.e. risks) of forming the beliefs at issue. The key, I think, to understanding Clifford’s view, is to get clear on the role consequences play in his account. **III. An Analysis of Clifford’s Arguments**Clifford introduces his arguments against the permissibility of nonevidential beliefformation as replies to one who objects to the evidentialist thesis as not always (presumably *morally*) wrong. Clifford’s first argument against nonevidential beliefformation takes shape as a rejoinder to an imagined claimant’s insistence that “it is not the belief which is judged to be wrong, but the action following upon it” (1999, 72); roughly: Belief and action are separate things altogether. The ship owner is guilty for sending the ship to sea (not for coming to believe that it was fit). Thus, the intuition that a wrong thing has happened in this case is due to the consequent damaging action, not the belief leading to that action. And, while we might grant that beliefs are not the proper objects of moral appraisal, it seems both intuitive and uncontroversial to insist that one should examine the basis for action as seems to be assumed by the objector Clifford imagines, who allows that the ship owner’s attitude ought to have been one in which the latter acknowledges, “I am perfectly certain that my ship is sound, but still I feel it my duty to have her examined, before trusting the lives of so many people to her” (1999, 72). Suppose that we grant that it is permissible for an agent to believe as strongly as he pleases—to be “perfectly certain”—on insufficient evidence, insisting only that he must investigate thoroughly before acting in matters that will affect others, judging him (should his actions prove harmful) on those actions alone and not on the beliefs underpinning his actions.3 The ship owner, then, would be guilty of wrongdoing only insofar Downloaded by [University of Texas at Austin] at 21:38 02 February 2012 *Social Epistemology* 73 as he failed to take that extra step of ensuring the safety of those in his care by conducting what, to his mind, would have been unnecessary enquiries. But, this generates a sort of paradox, since: no one holding a strong belief on one side of a question, or even wishing to hold a belief on one side, can investigate it with such fairness and completeness as if he were really in doubt and unbiased; so that the existence of a belief not founded on fair inquiry unfits a man for the performance of this necessary duty. (1999, 73) Allowing that one may believe however one pleases so long as one ensures that one’s actions are properly grounded, constitutes an impossible demand, since it requires the absence of influencing beliefs in order to work. The very investigation that Clifford’s objector calls for, in order to allow the unfettered formation of beliefs, is impossible in the presence of nonevidentially formed beliefs. Call this the “argument from investigator bias”. In short, it amounts to the claim that in attempting to restrict moral judgment to *acts*, allowing beliefs to form as they may, we have to insist that the probable consequences of that action are thoroughly investigated, regardless of the agent’s antecedent beliefs on the matter. The actions, after all, are the only legitimate objects of moral appraisal, e.g., the investigating, the letting sail, etc., not the believing; yet, the very investigation required is impossible should the agent actually hold—or even *want* to hold—unfounded beliefs on the matter. In general, Clifford insists, it is not possible “so to sever the belief from the action it suggests as to condemn the one [say, the act] without condemning the other [the belief generating the act]”. Whenever we judge an act, we tacitly but unavoidably judge the beliefs giving rise to that act. Were we to restrict our negative judgments of the ship owner to letting the ship sail, attending only to his failure to investigate what he already sincerely believed to be safe, we would be judging him according to a very severe standard since he behaved in accordance with his sincere beliefs. He cannot justly be charged with acting in a manner he knew to be wrong, for he believed the ship seaworthy; it seems perverse to judge his act immoral because the ship, in fact, was unsafe, whether he knew this or not. Yet, even those not persuaded by Clifford’s arguments tend to find his judgment of the ship owner compelling. If one is tempted to judge negatively the ship owner, presumably, it is because he had no right to hold that belief, whatever right he might have had to act upon it once he did hold it. Only in this way is it prima facie reasonable to insist that he is *guilty* of some moral wrongdoing. Suppose, though, that there are beliefs, which seems to be the case, that are very unlikely to give rise to action of any real moral significance. Surely there are beliefs that will not translate into actions directly affecting the lives of others. Clifford’s objector might wonder how she justly can be denied the right to entertain whatever such beliefs she pleases, provided they are not at all likely to manifest as overt actions affecting others, insisting plausibly enough that: Even if there is a general moral obligation to investigate matters, surely it is not reasonable to insist that *every* conceivable belief has the power to affect humanity, writ large, to any measurable degree Regarding beliefs that are unlikely to bear on the course of investigation— so-called “personal beliefs”—it cannot reasonably be maintained that there is a moral injunction attaching to one’s doxastic habits. Downloaded by [University of Texas at Austin] at 21:38 02 February 2012 74 *M. Bergeron*This position turns on the assumption that beliefs and actions are separable in a way that Clifford rejects. Since beliefs hold sway over actions, one cannot maintain that belief is *entirely* private; my beliefs influence my actions (both directly and indirectly) and, consequently, influence others. More to the present point, though: the adoption of nonevidential doxastic *standards*, as likely to admit false beliefs into the mix as not, is of public concern insofar as it risks corrupting our stores of knowledge. Of course, it is true that the most

rigorously evidential habits occasionally will yield false beliefs that then will find a home in our stores of knowledge. However, there is a relevant difference between the two sources of stored, false beliefs.

Those resulting from a system aggregating our best efforts are consistent with a genuine, operative commitment to satisfy a duty to minimize the risk of harm;

those resulting from no effort at all, or a system wholly inattentive to our moral obligations, seem symptomatic of *failing* one’s risk-minimizing obligations. (Recall Clifford’s insistence, in every case, that the truth or falsity of **the actual belief under consideration is not, by itself, morally relevant, “but how [s]he\* got it”** (1999, 71).) Thus, moral wrongness inheres in a policy sanctioning doxastic recklessness, a recklessness resulting here in a contaminated body of knowledge. Call this the “stores of knowledge” argument. The same moral obligation to attempt minimizing harm, to the extent that we can, stands behind both the argument from investigator bias and the stores of knowledge argument. In each case, the immorality of the matter stems from the clash between the obligation to minimize the risk of harm and knowingly adopting a policy allowing the formation of beliefs without regard for the evidence suggesting their likely truth or falsity. This is *not* to say that one is guilty of moral wrongdoing whenever one believes falsely, which (strictly) threatens knowledge; it would be absurd to maintain that fallibility is immoral. Rather, the immorality inheres in knowingly adopting a policy that flouts the moral obligation to exercise due care, expressing a flagrant disregard for the prospects of others. The argument from investigator bias and the stores of knowledge argument represent harms stemming from the actions they risk generating. This isn’t true of all beliefs formed under a nonevidentialist policy, though. Some beliefs don’t individually, directly issue in particular actions, though Clifford insists that this is irrelevant. The policy that allows them is the object of criticism. And, a nonevidentialist policy, perhaps only *sometimes* issuing in harmful actions, is *always* damaging to one’s character, Clifford warns, in a way that is contrary to one’s moral obligation to minimize risk. The sort of damage Clifford has in mind takes three possible forms: in adopting a nonevidentialist policy, I nourish a credulous character and thereby (i) diminish my own critical powers, “of self-control, of doubting judicially and fairly weighing the evidence” (1999, 76); (ii) invite others to disvalue the integrity of my noetic structure, to make no effort to preserve my critical powers, for “[h]abitual want of care about what I believe leads to habitual want of care in others about the truth of what is told me” (1999, 77); (iii) set an example for others, who in following my lead “may help to kill or keep alive the fatal superstitions which clog [their] race” (1999, 75).  (i) is a matter of straightforward damage to myself insofar as I abdicate the opportunity to maximize my potential as an intellectual being, surrender in part my ability to make the most of my life as a knower. (ii), interestingly, doubles the damage; not only have I, through my reckless policy, brought about damage to myself, I have created the opportunity for others to cause me harm—I am, in a sense, complicit in making others reckless, inspiring a deceiving nature and “[b]y such a course I shall surround myself with a thick atmosphre [sic] of falsehood and fraud and in that I must live. It may matter little to me in my cloud-castle of sweet illusions and darling lies; but it matters to Man that I have made my neighbours ready to deceive” (1999, 77). (iii) elevates doxastic sloppiness to a sort of contagion, setting it off through the rest of the population, whereby it pollutes us like “a pestilence which may shortly master our own body and then spread to the rest of the town” (1999, 75). This line of argument turns on the assumption that it is morally wrong to be an accessory to immoral acts, not just my harming of myself, but also my allowing others to harm me, and my inviting others to harm themselves; ergo, it is morally wrong to adopt such a policy. Call this the “argument from credulity”. The thrust of this argument is

that it is morally wrong of me to adopt a system by which I become a sucker. Furthermore, it is morally wrong of me (1) to clear the way for others to contribute to my suckerhood and (2) to set the stage for others to become suckers, themselves. So, Clifford’s rejection of nonevidentialism is two-fold. First, while probably sufficient, it is not necessary that beliefs result in overt actions that affect innocent bystanders for the policy allowing nonevidential belief-formation to be morally impermissible. The immorality stems from the conflict between an antecedent moral obligation to refrain from taking excessive risk and a policy insensitive to the prospects of inflicting harm via (a) recklessly allowing false beliefs to feature in behaviour that affects others or (b) allowing a credulous character to develop in the wake of habitual evidential insensitivity. **IV. Potential Harm to People Actual Harm to Humanity**All of these arguments constitute Clifford’s objections to the permissibility of nonevidential belief-formation on the grounds that a habit allowing such doxastic behaviour undermines our individual and collective duties to avoid, to the extent we can manage, risking harm. A necessary condition for satisfying this moral duty is forming and sustaining the *commitment* to minimize harm, to the extent that one can, which excludes knowingly and willingly adopting practises contrary to one’s minimize-therisk- of-harm obligations. Forming beliefs nonevidentially is tantamount to committing knowingly to a policy of risk. What that risk is, or whether it in fact gives rise to particular harms, is immaterial—the moral problem here is the commitment to antithetical principles. So, the specific content of one’s duty to humanity4 is, simply, the obligation to minimize the risk of harms one’s policy involves (to the extent that one reasonably can). Of course***, what counts as “reasonable risk” is no simple or straightforward matter. Still, we do make this requirement and seem to employ it fruitfully in fairly Downloaded by [University of Texas at Austin] at 21:38 02 February 2012 76 M. Bergeron mundane cases, e.g., setting limits on one’s blood alcohol content\**** (BAC) for the legal operation of a motor vehicle5 Surely, it’s not the case that everyone with a BAC of, say, 0.08 experiences the same degree of diminished capacity. Presumably, some people routinely experience a diminishment at 0.07 equal to the diminishment of others at, say, 0.08. Yet, we manage to generalize over the available data such that 0.08 is the established cut-off (at least here in New York State): beyond this BAC, it is judged, the risk is unreasonably high. So, it’s *not* the mere *potential* harm, however remote, that is at issue but, rather, the reasonable manageability of that risk (and, presumably, the cost analysis of taking/foregoing that risk). After all, the potential for harm exists long before achieving a BAC of 0.08. The legal limit is, in effect, a policy setting the boundaries of permissible risk, one informed by the statistics indicating the specific risks (i.e. the likely consequences) but not justified exclusively—let alone individually—by them. The policy is morally justified just in case (and to the extent) that it is consistent with—reflective of—our judgments regarding our antecedent moral obligation to minimize the risk of harming others. Similarly, on the Cliffordian view, a policy of nonevidential belief-formation is immoral precisely because it exceeds the limits of reasonable, permissible risk. Knowledge and the mechanisms by which we secure it are simply too important to permit willingly any measurable harm. Return now to Haack’s claim that Clifford’s argument is not cogent. His first false assumption, Haack argues, is that “the mere potential for harm” is enough to sustain the thesis that it is always *morally* wrong to believe nonevidentially. I don’t think that Clifford assumes this (or, in any case, he has no need of this assumption). Clifford is objecting to the intentional adoption—an action—of a belief-management practise that is overtly insensitive to the demands of an antecedent moral obligation—if, that is, one grants that there is a moral obligation to be conservative when risking harm, establishing the habit of reducing that risk to the extent one reasonably can. On Clifford’s view, this is not a potential harm but an *actual* one, viz., the adoption of a policy (which in turn courts doxastic danger). The issue here is the gross disregard for the moral imperative to exercise due care. Haack’s second point, that it is false to suppose that “a subject is always responsible for unjustified believing”, is beyond the scope of the present paper. I will say, however, (and without examination of Haack’s epistemological views) that I am disinclined to call a doxastic state one of “unjustified believing”, in a sense relevant to the ethics of belief, if the agent is not responsible for that state, in a fairly rich epistemic sense, though settling this disagreement would require a more thoroughgoing delineation of the relevant sense of “justified believing”. I am committed to the view that one is justified in believing that-p just in case she responsibly attends to the reasons she has for thinking that-p is true. Thus, one might justifiably hold a false belief if, for instance, what evidence she has (evaluated to the best of her abilities) and what evidence she reasonably can be expected to seek suggest that-p is true. This is the scope of an agent’s responsibility with respect to believing that-p. Satisfaction of this responsibility constitutes her justification for believing thatp. Should her best efforts (reasonably construed) yield a false belief, she nonetheless is justified in holding it for as long as (and to the extent that) her best efforts continue to suggest that-p is the case. The moment she no longer is in a position to assent to p, given her best efforts, she thereby loses whatever justification she had in so believing. In short, an agent always is responsible for her (doxastically) unjustified beliefs. I suspect that Haack’s notion of “justified believing” includes more than what it would be reasonable to ascribe to the control of the agent, hence her worry that sometimes an agent might not be responsible for unjustified belief. Since I restrict my use of justified believing to doxastic justification, I do not share this worry. Mine is a strongly internalist view, one that leaves the matter of propositional justification outside the scope of an agent’s responsibility. In any case, on my view, moral and **epistemic responsibilities—**and so culpability—coincide, which Haack rightly insists must be the case for a viable ethics of belief. **V. Concluding Remarks**It is crucial to emphasize that the sort of harm at issue in discussing nonevidential belief-formation is *not* the direct, particular harms other individuals might, or even will, suffer as a consequence of the beliefs formed via these nonevidential episodes (though, as Clifford notes, this is bad enough). Rather, at issue is the excessive risk attaching to the policy permitting (or managing) nonevidential belief-formation, a risk that (in kind) violates the moral obligation to exercise due care. So, the mere possibility that some particular belief might not cause any discernable harm is **beside the point.**Adopting a nonevidential belief-formation practise actually harms one’s prospects for minimizing risk, which is contrary to an antecedent moral obligation. Clifford’s arguments are most forceful when applied at the level of policy or method, not particularity. If the matter is understood not in terms of the specific *consequences*of employing belief-management practise *x* but, instead, in terms of the coherence of committing to such a policy, then the position Clifford is defending looks very different from how it’s ordinarily understood. If one grants that there is the moral obligation to minimize likely harm to the extent that one can and, moreover, that such an obligation entails forming and maintaining the sincere commitment to act accordingly, then any other commitment inconsistent with this one is (on these grounds alone) morally impermissible. The practicable inconsistency—given that it is between an antecedent moral commitment and a candidate action, i.e., policy-adoption, with which that commitment is not consistent—is thus a moral matter whatever the particular moral status of the consequent state of affairs.

### China

#### Attempts to protect ourselves from the looming Chinese threat create the tension and escalation towards war that they tried to prevent in the first place.

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(Chengxin, Department of Political Science and International Relations, Faculty of Arts, Australian National University, “The "China threat" in American self-imagination: the discursive construction of other as power politics”, Alternatives)

For instance, as the United States presses ahead with a missile-defence shield to "guarantee" its invulnerability from rather unlikely sources of missile attacks, it would be almost certain to intensify China's sense of vulnerability and compel it to expand its current small nuclear arsenal so as to maintain the efficiency of its limited deterrence. In consequence, it is not impossible that the two countries, and possibly the whole region, might be dragged into an escalating arms race that would eventually make war more likely. Neither the United States nor China is likely to be keen on fighting the other. But as has been demonstrated, the "China threat" argument, for all its alleged desire for peace and security, tends to make war preparedness the most "realistic" option for both sides. At this juncture, worthy of note is an interesting com­ment made by Charlie Neuhauser, a leading CIA China specialist on the Vietnam War, a war fought by the United States to contain the then-Communist "other." Neuhauser says, "Nobody wants it. We don't want it, Ho Chi Minh doesn't want it; it's simply a question of annoying the other side."94 And, as we know, in an unwanted war some fifty-eight thousand young people from the United States and an estimated two million Vietnamese men, women, and children lost their lives.