### T

**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**

### CP

#### Text: The President of the United States should issue an executive order mandating an increase in restrictions on the targeted killing and indefinite detention war powers authorities granted to the President of the United States by Public Law 107-40 and modified by the 2012 National Defense Authorization Act by limiting the targets of those authorities to al-Qaeda, the Taliban, or those nations, organizations, or persons who enjoy close and well-established collaboration with al-Qaeda or the Taliban.

#### Executive self-restraint is key to preserve the ability to respond to crises.

Pildes 12 [Richard H., Sudler Family Professor of Constitutional Law, NYU School of Law and Co-Director, NYU Center on Law and Security. 2/27/12 BOOK REVIEWS LAW AND THE PRESIDENT THE EXECUTIVE UNBOUND: AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner and Adrian Vermeule. New York, N.Y.: Oxford University Press. 2010. Pp. 249. $29.95. New York University Public Law and Legal Theory Working Papers]

First, they argue, a President unbound can produce better outcomes than a President bound to follow preexisting legislation: laws (constitutions and statutes) are always written in a specific context in the past, but technology, the economy, international dynamics, and other circumstances that characterize the modern age are exceptionally fluid and constantly shifting. Better to have presidents make their best judgment, all things considered, about the right action in the actual, immediate circumstances at hand than to have them be bound by laws that could not have contemplated these precise circumstances. Second, and central to Posner and Vermeule’s analysis, presidents do remain constrained — not by law, but by politics and the political judgment of others. As scholars since Richard Neustadt, if not earlier, have recognized, the actual, effective powers of a President (as opposed to the formal powers of the office) are directly rooted in, and limited by, his or her ongoing credibility.21 Presidents want the capacity to exercise their best judgment as contexts arise. But other actors in the system, including “the public,” will permit presidents to exercise more or less discretion depending on how credible those presidents are perceived to be (pp. 122–23). Credibility means generalized judgments about presidential performance, such as how well motivated the President is considered to be, how effective his or her actions are judged to be, and how wise or prudent his or her judgments are taken to be. “Credibility” in this context is analogous to what scholars of the Supreme Court have called long-term “diffuse support” for the Court; diffuse support means the willingness of the public to support the Court’s discretionary power, even when people might disagree with particular outcomes, because they generally believe the Court is exercising these powers in sound ways for good reasons.22 The more credible presidents make themselves, the more other actors will permit them to exercise broad discretion — including discretion to ignore or manipulate the law, which is the unique contribution of Posner and Vermeule’s view. Thus, argue Posner and Vermeule, presidents have strong incentives to adopt practices and take actions that establish and maintain their credibility (p. 133). These incentives will lead smart presidents to adopt various sorts of self-binding mechanisms that limit their discretion: commitments to transparency so others can monitor and oversee; or commitments to multilateral approaches in foreign policy so that presidents can act only with approval of other nations; or commitments to ceding some power to independent actors, such as special prosecutors or other institutions within the executive branch; or similar approaches through which presidents accept limits on their own power (pp. 113–53). By acting consistently with these self-adopted constraints, presidents build up their credibility by signaling that they are using their discretion in acceptable ways and should therefore continue to be granted that discretion — including discretion to avoid, circumvent, or ignore the law when, in the President’s best judgment, doing so will produce better outcomes.

### DA

#### Congressional restrictions cause adversaries to doubt the resolve of U.S. deterrence – causes crisis escalation.

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179

#### Credible conventional deterrence checks nuclear aggression

Gerson 09

MICHAEL S. GERSON, research analyst at the Center for Naval Analyses, Policy Fellow with the ONE Campaign, a visiting fellow with the Center for Public Justice, and a former senior fellow at the Council on Foreign Relations,“Conventional Deterrence in the Second Nuclear Age”, Strategic Studies Institute, Autumn 2009 //jchen

Although implicit or explicit nuclear threats may lack credibili- ty against non-WMD regimes, many potential adversaries believe that the United States will use conventional firepower, especially because America has conventional superiority and a demonstrated willingness to use it. Consequently, when dealing with non-WMD-related threats, conventional deterrence will be the most likely mechanism for deterring hostile actions.

According to Admiral Michael Mullen, the current Chairman of the Joint Chiefs of Staff, “A big part of credibility, of course, lies in our convention- al capability. The capability to project power globally and conduct effective theater-level operations . . . remains essential to deterrence effectiveness.”14

Conventional deterrence also plays an important role in preventing nonnuclear aggression by nuclear-armed regimes. Regional nuclear pro- liferation may not only increase the chances for the use of nuclear weap- ons, but, equally important, the possibility of conventional aggression. The potential for conventional conflict under the shadow of mutual nucle- ar deterrence was a perennial concern throughout the Cold War, and that scenario is still relevant. A nuclear-armed adversary may be emboldened to use conventional force against US friends and allies, or to sponsor ter- rorism, in the belief that its nuclear capabilities give it an effective deter- rent against US retaliation or intervention.15 For example, a regime might calculate that it could undertake conventional aggression against a neigh- bor and, after achieving a relatively quick victory, issue implicit or explicit nuclear threats in the expectation that the United States (and perhaps coali- tion partners) would choose not to get involved.

In this context, conventional deterrence can be an important mech- anism to limit options for regional aggression below the nuclear threshold. By deploying robust conventional forces in and around the theater of potential conflict, the United States can credibly signal that it can respond to conventional aggression at the outset, and therefore the opponent can- not hope to simultaneously achieve a quick conventional victory and use nuclear threats to deter US involvement. Moreover, if the United States can convince an opponent that US forces will be engaged at the beginning of hostilities—and will therefore incur the human and financial costs of war from the start—it can help persuade opponents that the United States would be highly resolved to fight even in the face of nuclear threats be- cause American blood and treasure would have already been expended.16 Similar to the Cold War, the deployment of conventional power in the re- gion, combined with significant nuclear capabilities and escalation dom- inance, can help prevent regimes from believing that nuclear possession provides opportunities for conventional aggression and coercion.

#### Foreign policy resolve’s key to prevent a host of impacts---now’s key

Chapin and Hanson 9 – Bernard Chapin- interviewer, and Victor Davis Hanson, the Martin and Illie Anderson senior fellow at the Hoover Institution, December 7, 2009, “Change, weakness, disaster,” online: http://pajamasmedia.com/blog/change-weakness-disaster-obama-answers-from-victor-davis-hanson/

BC: Are we currently sending a message of weakness to our foes and allies? Can anything good result from President Obama’s marked submissiveness before the world? Dr. Hanson: Obama is one bow and one apology away from a circus. The world can understand a kowtow gaffe to some Saudi royals, but not as part of a deliberate pattern. Ditto the mea culpas. Much of diplomacy rests on public perceptions, however trivial. We are now in a great waiting game, as regional hegemons, wishing to redraw the existing landscape — whether China, Venezuela, Iran, North Korea, Pakistan, Syria, etc. — are just waiting to see who’s going to be the first to try Obama — and whether Obama really will be as tenuous as they expect. If he slips once, it will be 1979 redux, when we saw the rise of radical Islam, the Iranian hostage mess, the communist inroads in Central America, the Soviet invasion of Afghanistan, etc. BC: With what country then — Venezuela, Russia, Iran, etc. — do you believe his global repositioning will cause the most damage? Dr. Hanson: I think all three. I would expect, in the next three years, Iran to get the bomb and begin to threaten ever so insidiously its Gulf neighborhood; Venezuela will probably cook up some scheme to do a punitive border raid into Colombia to apprise South America that U.S. friendship and values are liabilities; and Russia will continue its energy bullying of Eastern Europe, while insidiously pressuring autonomous former republics to get back in line with some sort of new Russian autocratic commonwealth. There’s an outside shot that North Korea might do something really stupid near the 38th parallel and China will ratchet up the pressure on Taiwan. India’s borders with both Pakistan and China will heat up. I think we got off the back of the tiger and now no one quite knows whom it will bite or when.

### K

#### Their attempt to order the world through multilateralism ignores the inherently chaotic nature of politics – destroys all that makes life valuable and makes the aff fail

Der Derian 98 (James, Professor of International Studies at the Watson Institute for International Studies at Brown University “The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard”, On Security, CIAO)

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.

#### Our alternative is to demilitarize the public sphere, bottom up rejection of security politics allows us to move beyond an unsustainable system that leads to inevitable threat escalation

Lal, 2007

(Prerna P., Master of Arts in International Relations @ San Francisco State University, Senior Graduate Thesis, *Critical Security Studies*, “Deconstructing the National Security State: Towards a New Framework of Analysis,” http://prernalal.com/wp-content/uploads/2008/10/css-deconstructing-the-nat-sec-state.pdf)

Throughout this paper, we have seen cases of how **national security is an antonym for human security**. With this essential realization, Booth (2005, 33) gives three reasons for why **the state should not be the referent object of security: “states are unreliable as primary referents because while some are in the business of security some are not; even those which are producers of security represent the means and not the ends; and states are too diverse in their character to serve as the basis for a comprehensive theory of security.”** Additionally, the cases of South Africa and Afghanistan prove how **the national security state is merely an elite tool, which causes human insecurity at home and abroad. The state treats security as a problem that comes from the outside, rather than as a problem that can arise from domestic issues. The end result of state-centric security is that humans are alienated from discussions about their own security and welfare.** The most compelling reason is provided by Hayward Akler (2005, 191) in Critical Security Studies and World Politics, in which he states that **“economic collapse, political oppression, scarcity, overpopulation, ethnic rivalry, the destruction of nature, terrorism, crime and disease provide more serious threats to the well-being of individuals and the interest of nations.” Thus, to millions of people, it is not the existence of the Other across the border that poses a security problem, but their own state that is a threat to security.** The question that arises next is how to **put** critical **theory into practice** and deconstruct the national security state. **Critical theory does not offer simple one-shot solutions to the problems created by the neo-realist state and elitist conception of security. To give simple answers would be a performative contradiction, especially after criticizing realism for being intellectually rigid for believing in objective truth.** In other words, **there are no alternatives; just alternative modes of understanding. However, using the poststructuralist** Foucaultian **analysis that discourse is power, we can move towards deconstructing the power of the state and elites to securitize using their own tool: discourse.** The elites who control the meaning of security and define it in terms that are appropriate to their interests hold tremendous power in the national security state. As Foucault astutely observed, “the exercise of power is always deeply entwined with the production of knowledge and discourse” (Dalby 1998, 4). For too long, language has been used against us to create our reality, thereby obfuscating our lens of the world, depriving us from an objective search for truth and knowledge. The history of colonized people shows how the construction of language defined and justified their oppressed status. In a way, **we are colonized through discursive practices and subjected to the reality that the state wants us to see. However, definitions belong to the definer, and it is high time that we questioned and defined our own reality.** Thus, **citizen action is critical to questioning and deconstructing the national security state and taking away its power to define our security**. In On Security, Pearl Alice Marsh (1995, 126) advances the idea of **a grassroots statecraft that is defined as “challenging foreign policy of government through contending discursive and speech acts.”** This **calls for pitting the values of civil society against the state establishment and challenging the American statecraft’s freedom to cast issues and events in a security or militarized framework. The U**nited **S**tates **has not always been a national security state and neither does it have to maintain that hegemonic and oppressive status in order to exist. It is critical to remember that fundamental changes in our institutions and structures of power do not occur from the top; they originate from the bottom. History is case in point. Citizen action was critical to ending the Red Scare and the Vietnam War**, as the American people realized the ludicrousness of framing Vietnam as a security issue, which led to the fall of the Second New Deal, the deaths of thousands of American soldiers and a financial cost that we are still shouldering. In the end, what they need to be secured from and how, is a question best left up to individual Americans and subsequently, civil society. Thus, **grassroots citizen action performatively makes individuals the referent subject of security as people would call for the demilitarization and desecuritization of issues that are contrary and irrelevant to human security. There is hope for the future and practical application of critical theory in international relations.** As Robert Lipschutz (2000, 61) concludes in After Authority: War, Peace, and Global Politics in the 21st Century, **“it was the existence of the Other across the border that gave national security its power and authority; it is the disappearance of the border that has vanquished that power.” Britain, France and Germany set aside their historical enmities and became part of a European community, which has formed a new collective identity and security across borders. Cold War rivals that almost annihilated the world are now friends in the “war against terror.” The apartheid regime in South Africa did collapse eventually.** In the past two years, **India and Pakistan have been moving towards a more peaceful future** that also includes fighting the “war against terror” together. **While nation-states that were previously hostile to each other have united to be hostile towards other states, it is not overly idealist to suggest that with each new friendship and alliance, there is one less foe and one less Other. The world is not stable and stagnant, existing in an anarchic, nasty and brutish framework in which states have to endlessly bargain for their self-interest, as realists would like us to believe. On the contrary, international relations and the boundaries constructed by the state are subject to change and ever-transitioning, which presents a compelling case for critical theory as a more realistic framework through which we can view international relations.** Therefore, **our ultimate search for security does not lie in securing the state from the threat of the enemy across the border, but in removing the state as the referent object of security and moving towards human emancipation.** Human emancipation is often cited as the ultimate goal of the CSS project. Kenneth Booth (2005, 181) defines human emancipation as “the theory and practice of inventing humanity, with a view of freeing people, as individuals and collectivities, from contingent and structural oppressions...the concept of emancipation shapes strategies and tactics of resistance, offers a theory of progress for society, and gives a politics of hope for common humanity.” For Booth then, human emancipation is a concern with **questioning and changing structures** and institutions **that oppress us** and prevent us from reaching our true potential, a seemingly Marxist and poststructuralist concern. **Emancipation and security become two sides of the same coin** for Booth (2005, 191), **as humans must be freed from their oppressive structures and overthrow physical and human constraints that prevent them from reaching their true potential. However, emancipation is not the end-all solution but a project that can never be fully realized. This may lead some to question the practicality of the concept**. Here, I will draw an analogy from Karl Marx, whose idea of human emancipation was communism, a goal **that we can see in the horizon, but the closer we get to it, the further away it seems. Yet, when we look back, we see how far we have come.** Therefore, **human emancipation serves practical purpose as an immanent critique, which can be utilized as a philosophical anchorage for tactical goal setting.**

### Case – Terror

**Plan crushes counterterror**

Geoffrey **Corn**, Professor, Law, Testimony before the Senate Armed Services Committee, FEDERAL NEWS SERVICE, 5—16—**13**, LN.

Because I do not believe there is inconsistency between the nature of U.S. operations to date and these inherent limitations, I do not believe it is necessary at this point in time to modify the AUMF. Instead, I believe that Congress should continue to engage in oversight to remain fully apprised of the strategic, operational, and at times tactical decisionmaking processes that result in the employment of U.S. combat power pursuant to the statute, enabling Congress to ensure that such use falls within the scope of an authorization targeted at al Qaeda, intended to protect the Nation from future terrorist attacks, and that these operations reflect unquestioned commitment to the principles of international law that regulate the use of military force during any armed conflict. I believe the AUMF effectively addresses the belligerent threat against the United States posed by terrorist groups. I emphasize the term ‘‘belligerent’’ for an important reason. It is obvious that the AUMF has granted authority to use the Nation’s military power against threats falling within its scope. Therefore, only those organizations that pose a risk of sufficient magnitude to justify invoking the authority associated with armed conflict should be included within that scope as a result of their affiliation with al Qaeda. Determining what groups properly fall within this scope is, therefore, both critical and challenging. **The AUMF provides the President with the necessary flexibility to tailor U.S. operations to the evolving nature of this unconventional enemy, maximizing the efficacy of U.S. efforts to deny al Qaeda the freedom of action** they possessed in Afghanistan prior to Operation Enduring Freedom. In reaction to this evolution, the United States has employed combat power against what the prior panel referred to as associated forces or co-belligerents of al Qaeda, belligerent groups assessed to adhere to the overall terrorist objectives of the organization and engage in hostilities alongside al Qaeda directed against the United States or its interests. The focused on shared ideology, tactics, and indicia of connection between high-level group leaders seems both logical and legitimate for including these offshoots of al Qaeda within the scope of the AUMF as co-belligerents, a determination that, based on publicly available information, has to date been limited to groups seeking the sanctuary of the Afghanistan-Pakistan border areas, Yemen, or Somalia. If Congress does, however, choose to revise the AUMF, I do not believe that the revision should incorporate **an exclusive list of defined co-belligerent groups, a geographic scope limitation, or some external oversight of targeting decisions, all of which would undermine the efficacy of U.S. operations by signaling to the enemy limits on U.S. operational and tactical reach. It is an operational and tactical axiom that insurgent and non- state threats rarely seek the proverbial toe-to-toe confrontation** with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous. Incorporating such **limitations into the AUMF would, therefore, be inconsistent with the operational objective of seizing and retaining the initiative against this unconventional enemy** and the strategic objective of preventing future terrorist attacks against the United States. Finally, I believe to target decisionmaking during armed conflict is a quintessential command function and that **the President,** acting in his own capacity or through subordinate officers, **should make these decisions**. He and his subordinates bear an obligation to ensure compliance with the Law of Armed Conflict and other principles of international law when employing U.S. combat power. Every subordinate officer in the chain of command is sworn to uphold and defend the constitution which, by implication, also requires compliance with this law. I believe the level of commitment to ensuring such compliance in structure, process, education, training, and internal oversight is more significant today than at any time in our Nation’s history. As one familiar with all these aspects of the compliance process, I am discouraged by the common assertion that there is insufficient oversight for targeting decisions. Furthermore, I believe few people better understand the immense moral burden associated with a decision to order lethal attack than experienced military leaders who never take these decisions lightly. If our confidence in these leaders to make sound military decisions is sufficient to entrust to them the lives of our sons and daughters—and on this point, again I must admit my self-interest as my son is a second-year cadet in the U.S. Air Force Academy and my brother is a serving colonel in the United States Army—I believe it must be sufficient to judge when and how to employ lethal combat power against an enemy. These leaders spend their entire professional careers immersed in the operational, moral, ethical, and legal aspects of employing combat power. I just do not believe some external oversight mechanism or a Federal judge is more competent to make these extremely difficult and weighty judgments as the people that this Nation entrusts for that responsibility. Finally, I would like to make one comment on the very hotly discussed issue of associated forces and the scope of the AUMF. In my view, when the administration refers to an associated or affiliated force, it is referring to a process of mutation that this organization undergoes. Obviously, we are dealing with an enemy that is going to seek every asymmetrical tactic to avoid the capability of the United States to disrupt or disable its operations. Part of that tactic, I think is to recruit and grow affiliated organizations. I certainly understand the logic of wanting to include those organizations within the scope of a revised AUMF. My concern echoes that of Senator Inhofe, which is the risk is **if you open that Pandora’s box, what other changes to this authority might be included in the statute which I believe could denigrate or limit the effectiveness of U.S. military operations**. And so while I believe Congress absolutely has an important function to ensure that the use of force under the statute is consistent with the underlying principles that frame the enactment of the AUMF, which is to defeat al Qaeda as an entity in the corporate sense and protect the United States from future terrorist attacks, I do not believe at this point in time it is necessary to modify the statute.

**No al Qaeda threat**

**Boone**, Former Managing Editor of Yemen Times, **‘11**

[Jeb, 5-7-11, “Yemen: the new front line in the war for Obama’s second term”,

http://jebboone.com/2011/05/07/yemen-the-new-front-line-in-the-war-for-obamas-second-term/]

However, **contrary to popular belief, AQAP is most likely comprised of around 100 religious fanatics** somewhere in Shabwa. The **operational strength and resources of AQAP is highly overestimated by western governments** and analysts. If we **look back on AQAP’s three biggest operations** since the organization’s founding in January of 2009, we can clearly see that **not only are they executed fairly cheaply** (AQAP even bragged about this in an issue of inspire) but **they really don’t take much skill to pull off. Not to mention, all the following operations ended in failure.**

**No WMD terrorism – lack of desire and capability – empirically the threat is overblown**

**Mueller 11**. John Mueller, Professor and Woody Hayes Chair of National Security Studies, Mershon Center for International Security Studies and Department of Political Science, “The Truth About al Qaeda”, 8/2/2011, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, CMR

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, **many** preferred to **engage in mass**ive **extrapolation**: **If 19 men could hijack four airplanes** simultaneously, the thinking went, then **surely al Qaeda would soon make an atomic bomb.** As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. **Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace**, particularly as an atomic one, **has been much inflated**. **The public has** now **endured a decade of dire warnings about** the imminence of a **terrorist atomic attack**. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." **Few**, it seems, **found** much **solace in** the fact **that** **an al Qaeda computer** seized in Afghanistan in 2001 **indicated** that **the group's budget for research on w**eapons of **m**ass **d**estruction (almost all of it focused on primitive chemical weapons work) **was** some **$2,000** to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that **al Qaeda members have** **primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are**. Some **reports suggest** **they've** also **been looking at quite a bit of porn**ography. The full story is not out yet, but **it seems breathtakingly unlikely that the miserable little group has** had **the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a** fancy, super-high-tech **facility to fabricate a bomb**. **It** is a process that **requires trusting corrupted foreign collaborators** and other criminals, **obtaining and transporting** highly guarded **material**, **setting up a** machine **shop staffed with top scientists** and technicians, **and rolling the** heavy, cumbersome, and untested finished **product into position to be detonated by a skilled crew**, all the **while attracting no attention from outsiders.** The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The **obsessive desire notwithstanding**, such **fulminations have clearly lacked substance**. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, **no true al Qaeda cell has been found in the country since 9/11** and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, **no** Muslim **extremist has succeeded in detonating** even **a simple bomb in the U**nited **S**tates **in the last ten years**, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. **It seems wildly unlikely that al Qaeda is remotely ready to go nuclear**. Outside of war zones, the amount of killing carried out by **al Qaeda** and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it **scarcely presents an existential**, or elephantine, **threat**. And **the likelihood that a**n **American will be killed by a terrorist** of any ilk **stands at one in 3.5 million per year**, even with 9/11 included. **That probability will remain unchanged** unless terrorists are able to increase their capabilities massively -- and obtaining nuclear weapons would allow them to do so. Although al Qaeda may have dreamed from time to time about getting such weapons, no other terrorist group has even gone so far as to indulge in such dreams, with the exception of the Japanese cult **Aum Shinrikyo**, which leased the mineral rights to an Australian sheep ranch that sat on uranium deposits, purchased some semi-relevant equipment, and tried to buy a finished bomb from the Russians. That experience, however, **cannot be very encouraging to** the would-be atomic **terrorist**. Even though it was flush with funds and undistracted by drone attacks (or even by much surveillance), **Aum Shinrikyo abandoned its atomic efforts in frustration very early on. It then moved to bio**logical **weapons**, another complete failure that inspired its leader to suggest that fears expressed in the United States of a biological attack were actually a ruse to tempt terrorist groups to pursue the weapons. **The group did** finally **manage to release some sarin gas** in a Tokyo subway **that killed 13 and led to the group's terminal shutdown, as well as to 16 years** (and counting) **of pronouncements that WMD terrorism is the wave of the future. No elephants there, either**.

**They don’t solve Bioterror—their Allison evidence just says Al Qaeda but doesn’t pass the smell test. No warrant Al Qaeda is the only terror group that do bioterror. Their MSNBC evidence is unqualified and says that bioterror is so easy that it’s logically inevitable.**

**No extinction**

Easterbrook ’01

[Gregg, Editor of the New Republic, Wired, Nov. 17, http://www.wired.com/wired/archive/11.07/doomsday\_pr.html]

Like chemical agents, **biological weapons have never lived up to their billing in popular culture**. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory in Aralsk, Kazakhstan, in 1971; three people died, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn't kill off humanity. **Most people who were caught in the epidemic survived. Any superbug introduced into today's Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents**. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens like smallpox could be genetically altered to make them more virulent (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. **They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future**.

### Firebreaks

#### Taboo inevitable – rational actors have incentive not to go to war

#### No Indo-Pak war.

Loudon 8 [Bruce, The Australian, Doomsday dread, December 04, 2008, http://www.theaustralian.news.com.au/story/0,25197,24746635-25837,00.html]

THE doomsayers' published assessments tell the grim story: upwards of 12 million people killed on the first day of a nuclear exchange, more than 150 million dead in a longer nuclear conflict. Devastation and destruction on a scale that is almost unimaginable. A catastrophe that would vastly transcend that seen at Hiroshima and Nagasaki at the end of World War II. That is why, as India and Pakistan muscle up to each other after the Mumbai massacre and leaders from across the world hurry to counsel cool heads and caution in New Delhi and Islamabad, the unspoken fear everywhere is that the two South Asian neighbours could be pushed into the unthinkable: their fourth war, and one in which they would mobilise their nuclear arsenals. It is, it must be said, **an unlikely prospect.** No one in either capital -- even among the hotheads -- is thinking in those terms. **Experienced strategic analysts rule it out**. "Don't even think about it. It ain't going to happen," one says. But as the crisis over terrorism across South Asia deepens and jihadist groups linked to al-Qa'ida launch devastating attacks such as the one in Mumbai last week -- attacks designed to exacerbate tensions between India and Pakistan -- there is, in the view of most analysts, always the potential for events to tumble out of control and lead to a doomsday nuclear conflagration, with enormous loss of life. "South Asia's a nuclear tinderbox," a leading military analyst in New Delhi tells The Australian. "Yes, of course, I'd just about rule it out in the context of the face-off following the Mumbai attack. "But it's always there, always nagging at the edges of the constant tensions in the subcontinent. And there's no doubt that Osama (bin Laden) is doing his bit to stir the pot and do what he can to increase those tensions, since conflict between India and Pakistan serves the jihadist cause." Yesterday, US military officials in Washington, DC, closely monitoring the situation described the military temperature between the two neighbours as "pretty low right now", adding that although Pakistan has moved some aircraft and air defence units closer to the Indian border since the Mumbai attack, "on the nuclear side there is nothing". Which is hardly surprising, for the political will in both sides, despite the muscle-flexing, is **overwhelmingly against** resort to their nuclear arsenals. India, since it demonstrated its nuclear capability in 1998, has maintained a firm no-first-strike policy and a few days ago Pakistan's President Asif Ali Zardari turned longstanding Pakistani policy on its head (some believe to the annoyance of the country's powerful generals) by articulating a similar stance. On both sides there is a **mood of extreme caution** on the subject of any possible use of nuclear weapons, matched only by the intense secrecy that surrounds their arsenals.

#### Obayemi is about hypothetical future policies not AUMF – means just continued AUMF won’t solve

#### Not even close to extinction

Khan 9 [Shamsur Rabb, Newstrack India, Price of an Indo-Pak War, Newstrack India, 1/20, http://www.newstrackindia.com/newsdetails/62680]

Let us turn to unprecedented casualty in case of a nuclear conflict: Natural Resources Defence Council (NRDC), the New York based global think tank, in its report, “The Consequences of Nuclear Conflict between India and Pakistan” has calculated the human costs of an Indo-Pak nuclear conflict. As per NRDC estimates, both countries have a total of 50 to 75 nuclear weapons. Depicting a nuclear war Scenario (10 bombs on 10 South Asian cities), it says that attack on 10 major cities – 5 each in India and Pakistan – would result in a combined death toll of 2,862,581, with 1,506,859 severely injured and 3,382,978 slightly injured. On Indian side, death toll is estimated at 1,690,702, while 892,459 and 2,021,106 would be severely and slightly injured respectively. On Pakistan side, a total of 1,171,879 people would die, while, 614,400 and 1,361,872 are to be severely and slightly injured. In another scenario (24 Ground Bursts), NRDC calculated the consequences of 24 nuclear explosions detonated on the ground – unlike the Hiroshima airburst – resulting in significant amounts of lethal radioactive fallout, which is far more severe nuclear exchange between India and Pakistan. The report was first appeared in the January 14, 2002, issue of Newsweek (A Face-Off with Nuclear Stakes). Contrary to ground burst, exploding a nuclear bomb above the ground does not produce fallout. For example, can we imagine the consequences of ground burst if the “Little Boy” detonated by the US above Hiroshima at an altitude of 1,900 feet could kill 70,000 people in the immediate effect with some 200,000 died up to 1950? NRDC calculated that 22.1 million people in India and Pakistan would be exposed to lethal radiation doses of 600 roentgen equivalents in man or REM (a large amount of radiation) or more in the first two days of the attack. In addition, about 8 million people would receive a radiation dose of 100 to 600 REM causing severe radiation sickness and potentially death. In all, as many as 30 million people of both countries would be eliminated by nuclear war. Besides fallout, blast and fire would cause substantial destruction within roughly a mile-and-a-half of the bomb craters. However, even after such a devastating annihilation of population, about 99 percent of the population in India and 93 percent of the population in Pakistan would survive the second scenario and their respective military forces would still be intact to continue the conflict. In short, there is nothing to gain from a war, just plenty to lose. Albeit loss of human life would be immense it would not be large enough to result in extinction of Indo-Pak populations or even prevent continuation of a military conflict. Thus, the consequences, though horrific, are not strong enough to rule out Indo-Pak conflict in future. Had size of the Indo-Pak nuclear arsenals equal to those of the US and Russia, a complete annihilation of entire population of the Indian sub-continent would have been possible.

#### No China–Taiwan war

Etzioni 13

Amitai Etzioni is a university professor and professor of international relations at The George Washington University. He served as a senior adviser to the Carter White House and taught at Columbia University, Harvard University and the University of California at Berkeley, “MAR or War?”, 10/17/13, http://thediplomat.com/the-editor/2013/10/17/mar-or-war/ //jchen

Haas stops short of pointing out the inevitable conclusion of his analysis: that what we see here is, indeed, another case where a new power rises, the prevailing power cannot accommodate its rise, and, hence, war inevitably ensues. However, he does not spell out which core interests cannot be reconciled. The fact is that since its transition to state capitalism, China has shown no indication of seeking to replace the U.S. as a global power. In effect, it is quite content with the U.S. bearing the costs and risks of building stable governments in the Middle East, securing the flow of oil, and otherwise managing the global commons. Regarding Taiwan, both powers in effect have settled on a tacit acceptance of the status quo with China finding that it can quite effectively draw Taiwan into its orbit via economic cooperation and exchange. China would be extremely foolish to attack Japan’s mainland. Moreover, the United States’ core interests in the region are far from obvious. Surely it needs to live up to its commitments to various allies, but these can be renegotiated, and the remaining ones can be supported via the remote projection of force. There are some areas of conflict, but these pale in comparison to the areas in which the U.S. and China have shared interests, including preserving global financial stability, preventing nuclear proliferation, curbing North Korea, and countering terrorism. Hence the quest for finding peaceful ways of resolving remaining conflicts, such as matters concerning the Exclusive Economic Zone, and the contested islands, and free passage on the high seas. This is what MAR is all about.

## 2NC

#### The reasons for doing a policy are key to that policy

Thomas E. **Hill,** Jr., Professor of Philosophy at the University of North Carolina, 19**91** (“The Message of Affirmative Action,” *The Affirmative Action Debate (1995)*, edited by Steven M. Cahn, Published by Routledge, Reprinted from Social Philosophy & Policy, p. 169-170)

Actions, as the saying goes, often *speak* louder than words. There are times, too, when only actions can effectively communicate the message we want to convey, and times when giving a message is a central part of the purpose of action. What our actions say to others depends largely, though not entirely, upon our avowed reasons for acting; and this is a matter for reflective [end page 169] decision, not something we discover later by looking back at what we did and its effects. The decision is important because "the same act" can have very different consequences, depending upon how we choose to justify it. In a sense, acts done for different reasons are not "the same act" even if otherwise similar, and so not merely the consequences but also the moral nature of our acts depend in part on our decisions about the reasons for doing them. Unfortunately, the message actually conveyed by our actions does not depend only on our intentions and reasons, for our acts may have a meaning for others quite at odds with what we hoped to express. Others may misunderstand our intentions, doubt our sincerity, or discern a subtext that undermines the primary message. Even if sincere, well-intended, and successfully conveyed, the message of an act or policy does not by itself justify the means by which it is conveyed; it is almost always a relevant factor, however, in the moral assessment of the act or policy. These remarks may strike you as too obvious to be worth mentioning; for, even if we do not usually express the ideas so abstractly, we are all familiar with them in our daily interactions with our friends, families, and colleagues. Who, for example, does not know the importance of the message expressed in offering money to another person, as well as the dangers of misunderstanding? What is superficially "the same act" can be an offer to buy, an admission of guilt, an expression of gratitude, a contribution to a common cause, a condescending display of superiority, or an outrageous insult. Because all this is so familiar, the extent to which these elementary points are ignored in discussions of the *pros* and *cons* of social policies such as affirmative action is surprising. The usual presumption is that social policies can be settled entirely by debating the rights involved or by estimating the consequences, narrowly conceived apart from the messages that we want to give and the messages that are likely to be received.

#### Their divorce of personal and political kills agency and turns the aff

**Kappeler 95** (Susanne is an associate professor at al-akhawayn university, “the will to violence: the politics of personal behavior”, pg. 10-11)

Which is why many of those not yet entirely disillusioned with politics tend to engage in a form of mental deputy politics, in the style of ‘What would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defence?’ Since we seem to regard their mega spheres of action as the only worthwhile and truly effective ones, and since our political analyses tend to dwell there first of all, any question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as ‘virtually no possibilities’: what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN — finding expression in ever more prevalent formulations like ‘I want to stop this war’, ‘I want military intervention’, ‘I want to stop this backlash’, or ‘I want a moral revolution.’7 ‘We are this war’, however, even if we do not command the troops or participate in so—called peace talks, namely as Drakuli~ says, in our non-comprehension’: our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we ‘are’ the war in our ‘unconscious cruelty towards you’, our tolerance of the ‘fact that you have a yellow form for refugees and I don’t’ — our readiness, in other words, to build identities, one for ourselves and one for refugees, one of our own and one for the ‘others’. We share in the responsibility for this war and its violence in the way we let them grow inside us, that is, in the way we shape ‘our feelings, our relationships, our values’ according to the structures and the values of war and violence.

India and Pakistan Nuclear Danger is Constructed - It’s a Product manipulated Represenations, Not Material Threat

Haider Nizamani, Lecturer in Political Science at the University of British Columbia, 2k [*The roots of rhetoric: politics of nuclear weapons in India and Pakistan*, p. 11-2]

I conceptualize security discourses as a framework through which the constant articulation of external dangers is used to carve out and maintain a particular version of national identity for a state. Neither the sources of the danger nor the identity it supposedly threatens is static. The goal of negotiating and striking a delicate balance between the imagined community and the reality of existing heterogeneity often propels security discourses in such a manner that externalizing the danger to the imagined community becomes one common feature of security policies. Analyzing the discourse of security policies one would ask, “How, from the welter of information and interaction among states and their representatives, are threats constructed, and mobilised against?”52 Once understood in terms of discourse, the language employed by security analysts and policy-makers becomes **more than an objective** analysis or representation of **a state’s national interest**. Discourse analysts see such statements by decision-makers and analyses by experts as expressions of particular interests and justifiers of a **distinct regime of practices or truth.** As this discourse is conducted within the context of the respective societies, we have to keep in mind Foucault’s following observation: Each society has its regime of truth, its “general politics” of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.53 The **nuclear discourse in the subcontinent** also has its “general politics of truth” in which certain types of statements are made to function as true and thus serve as informal rules by which some statements are designated as accurate reflections of national interests and others as antinational view-points. This general politics of truth sanctifies certain means of inquiry and dismisses others. This in turn creates the Pundits and Dalits (Untouchables) in the **nukespeak hierarchy of the subcontinent.** The question of truth is not isolated from issues of power and right. In the triangle of truth, power, and right Foucault observed a close relationship where ‘‘there can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of association.”54 To put it simply, “we are subjected to the production of truth through power and we cannot exercise power except through the production of truth.”55 The discourse of truth is not a mere linguistic construction but an engine of power whose effects can be felt at different levels. As such it is through discourses of truth that we are judged, condemned, classified, determined in our undertakings, and destined to a certain mode of living or dying.56 An analysis of a regime of discourse, in this case the nuclear discourse in Pakistan and India, **questions the objectivity of so-called self-evident truths** regarding a subject matter by viewing them as **products of specific historical circumstances** and statements that **are subject to manipulation**. However, these discourses once in place have the capacity to manipulate participants in that area, as well as influence the shape of things to come there. Hence, it is a mutually constitutive process where both the agency and the structure shape and reshape each other. This mode of inquiry is suited to undertake projects aimed at writing histories of the present. It is the topical nature of nukespeak in the subcontinent that warrants accounting for its underlying rules, both formal and informal, that enable nukespeakers to prescribe the forms of thinking, writing, and policy-making possible on the issue. Such an effort is a history of the present because it tackles an issue that preoccupies the political agendas of contemporary Pakistan and India. Viewed as a discourse, politics of nuclear weapons in Pakistan and India can meaningfully be considered as political practices central to the constitution, production, and maintenance of their national identities by invoking the themes of threats and dangers.

Chinese threat mentality is racist and causes serial policy failure and war

Wei (Master’s at Dartmouth College) 12

(Li Juan, THE AMERICAN CHINA THREAT MENTALITY, Master’s Thesis in Liberal Studies, March 2012, pg. 77-79)

The American China threat mentality has become an effective tool that perpetuates American exceptionalist practice in respect to U.S. relations with China and their dichotomous view of the world. It also helps shape the future trajectory of China‑U.S. relations.

The American China threat mentality basically evolved from three major trends including racial nativism in the late nineteen century, McCarthyist extremism in the Cold War and the new American exceptionalism in the post‑Cold‑War era. This evolution started in the late nineteenth century when racial nativism was in full swing, cultivating the fear of the Chinese immigrants. The climax of this nativist movement was the 1882 Chinese Exclusion Act. This fear and exclusion of the Chinese immediately morphed into the fear of Communism during the Cold War. McCarthyism definitely culminated in this paranoia of Communism or Chinese communism in particular. This extremist mindset and practice continued after the Cold War and was further reflected in the new American exceptionalism which supplied the American China threat mentality with the friend‑or‑foe binary opposition and the exceptionalist norm that promoted the American political model and legitimized its transgressions of and exemptions from the rule of law. Moreover, as suggested by Galtung's oscillation model, Americans' misunderstanding of the stark realities of Chinese politics and economy from 1949 to 1958 also enhanced Americans' misperceptions of China and further contributed to this China threat mentality.

Grounded on the friend‑or‑foe rationale and exceptionalist norm, the American China threat mentality not only was reflected in American public opinion of China as well as U.S.‑China policy, but also found its way into the discourse of American mainstream media and scholarly works. The scrutiny of the media discourse and scholarly publications concerning the four pivotal incidents in the history of China‑U.S. relations reveals that mass media reified the American China threat mentality by virtue of using those events as a way to revive Americans' Cold War memory, criticize the Chinese government and therefore accentuate the enemy image of the Chinese government and communism.

In a bigger picture, the American China threat mentality followed a zigzag pattern similar to Galtung's oscillation model. This pattern featured alternating periods of the waxing and waning of the China threat mentality, corresponding to the fluctuation of American public opinion on China. To be specific, the waxing of this China threat mentality was parallel to the 9‑year distribution period and the waning to the 9‑year growth period.

In a similar fashion, China‑U.S. relations showed a curvy pattern as well. From the confrontation and containment in the 1950s to the moderate improvements in the bilateral ties between the two in the 1960s, China‑U.S. relations fluctuated widely. From the nascent opening contacts and rapprochement in 1970s to the increasing military and economic cooperation in the 1980s, the fluctuation of China‑U.S. relations continued. From the strategic engagement in the 1990s to the widespread concerns over China's future economic trajectory and military prowess in the 2000s, China‑U.S. relations oscillated in the same manner. With a clear sight on the similar zigzag patterns of the American China threat mentality and China‑U.S. relations, one can predict that China‑U.S. relations will continue to fluctuate the conceivable future.

With growing interdependence and interweaving economies, America can no longer operate its relations with China by virtue of the American China threat mentality and the dichotomous view of the world. It will be in the interest of our nations to seek common ground while reserving our differences. Moreover, lack of historical perspective and a completely shallow understanding of the roots of Chinese culture in Confucianism, Buddhism and Taoism will only misguide America and create more problems than solve.

Additionally, the misperception of Americans in viewing all Communism as the same lacks the understanding that post‑Cultural Revolution communism in China was a system that while flawed in some ways, worked for the Chinese people. Americans did not dare to admit that the communism at that time in China was actually saving a country of over 500 million people'97 from foreign oppression, domestic tyranny, constant warfare and starvation. It was Americans' imperative in post World War II to contain all of communism in the world which led to American policy seeking to ring China with a circle of strategic holdings. Another reason for America perceiving communism in the world and Chinese communism in particular as a threat was that communism was frequently linked to notables such as Stalin, and this threat of communism was a self‑created and self‑fulfilling fallacy predicated on the paranoiac aspect of American politics, which will only perpetuate actual **conflicts or even wars**.

Their calculations are not objective – there is no mechanism to predict or prepare for terrorism – reject all of their claims to knowledge

**Kessler** Sociology at Beilefeld **& Daase** Poli Sci at U of Munich **2008** Oliver & Christopher Alternatives p EBSCOhost

The objective is to develop means and methods to deal with uncertainty and reduce it to risk.46 Uncertainty is subsequently redefined in terms of contingency: One may not know what the next state of the world exactly is going to be but one can have a good guess and possibly find some insurance. To calculate risks does not mean that they can be measured objectively. Not all uncertainties are of quantitative nature and thus understandable within the common definition of rationality.47 In particular, the evaluation of risks may vary according to the political interests or cultural contexts If this is acknowledged, the traditional concept of deterministic causality loses its validity. Uncertain political results and uncertain strategies do not follow predetermined laws, but, if anything, probabilistic laws. Thus, what political scientists can achieve at best is probabilistic knowledge—that is, knowledge about necessary and sufficient reasons and causes that may not be able to predict single events but that do identify the conditions under which the realization of specific events is more or less likely.

If this is accepted, the question of how big the threat of international terrorism currently is can no longer be answered by pointing to the next terrorist act that will surely happen at some point in the future. For the fact that the current calm is just the calm before the next storm is as true as it is trivial. However, exactly such trivial insights that the next terrorist "attack" will happen determine current security policy discourses. There are two reasons for this. First, there are two equally inadequate standard models to examine the risk of terrorism.49 The one inquires into the motivational structure of terrorist groups and individual terrorists and tries to extrapolate future attacks from past terrorist activities. The other attempts to calculate the risk by multiplying expected losses by their probability of occurrence. The former is preferred by terrorism experts and regional specialists, the latter by decision makers and security analysts.

The problem of the first method, however, is that it cannot account for new developments and spontaneous changes in terrorist practices. There is always a first time when new strategies are used or new targets are selected. Even using planes as cruise missiles in order to destroy skyscrapers was an innovation not clearly foreseen by specialists, because such behavior was nearly unimaginable at the time. Extrapolation methods to determine terrorism risks are thus inherently conservative and tend to underestimate the danger.

The problem of the second method is that it is very difficult to "calculate" politically unacceptable losses. 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 improbability 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 management as a rational endeavor breaks down. Under the historical condition 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 deterrence 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 catastrophe does not attempt to provide means of absorbing uncertainty. Rather, it takes uncertainty as constitutive for the logic itself; uncertainty is a crucial precondition for catastrophies. In particular, catastrophes happen at once, without a warning, but with major implications 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 happen 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 "rationality." 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 catastrophe 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 measuring dangers and assessing the quality of political responses. For example, 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" currency to evaluate them. As a consequence, the framework of the security dilemma fails to capture the basic uncertainties.

#### This means only the alt can ever solve terrorism.

Butler 4 (Judith, Professor of Rhetoric and Comparitive Literature @ the University of California, Berkley, “Precarious Life: The Powers of Mourning and Violence”, pg 15-18)

So, is there a way, in Roy's terms, to understand bin Laden as "born" from the rib of US imperialism (allowing that he is born from several possible historical sources, one of which is, crucially, US imperialism), without claiming that US imperialism is solely responsible for his actions, or those of his ostensible network? To answer this question, we need to distinguish, provisionally, between individual and collective responsibility. But, then we need to situate individual responsibility in light of its collective conditions. Those who commit acts of violence are surely responsible for them; they are not dupes or mechanisms of an impersonal social force, but agents with responsibility. On the other hand, these individuals are formed, and we would be making a mistake if we reduced their actions to purely self-generated acts of will or symptoms of individual pathology or "evil." Both the discourse of individualism and of moralism (understood as the moment in which morality exhausts itself in public acts of denunciation) assume that the individual is the first link in a causal chain that forms the meaning of accountability. But to take the self-generated acts of the individual as our point of departure in moral reasoning is precisely to foreclose the possibility of questioning what kind of world gives rise to such individuals. And what is this process of "giving rise"? What social conditions help to form the very ways that choice and deliberation proceed? Where and how can such subject formations be contravened? How is it that radical violence becomes an option, comes to appear as the only viable option for some, under some global conditions? Against what conditions of violation do they respond? And with what resources? To ask these questions is not to say that the conditions are at fault rather than the individual. It is, rather, to rethink the relation between conditions and acts. Our acts are not self-generated, but conditioned. We are at once acted upon and acting, and our "responsibility" lies in the juncture between the two. What can I do with the conditions that form me? What do they constrain me to do? What can I do to transform them? Being acted upon is not fully continuous with acting, and in this way the forces that act upon us are not finally responsible for what we do. In a certain way, and paradoxically, our responsibility is heightened once we have been subjected to the violence of others. We are acted upon, violently, and it appears that our capacity to set our own course at such instances is fully under­mined. Only once we have suffered that violence are we compelled, ethically, to ask how we will respond to violent injury. What role will we assume in the historical relay of violence, who will we become in the response, and will we be furthering or impeding violence by virtue of the response that we make? To respond to violence with violence may well seem "justified," but is it finally a responsible solution? Similarly, moralistic denunciation provides immediate gratification, and even has the effect of temporarily cleansing the speaker of all proximity to guilt through the act of self-righteous denunciation itself. But is this the same as responsibility, understood as taking stock of our world, and participating in its social trans­formation in such a way that non-violent, cooperative, egalitarian international relations remain the guiding ideal? We ask these latter questions not to exonerate the individuals who commit violence, but to take a different sort of responsibility for the global conditions of justice. As a result, it made sense after 9/11 to follow two courses of action at once: to find those who planned and implemented the violence and to hold them accountable according to international war crimes standards and in international courts of law, regardless of our skepticism about such institutions (skepticism can furnish grounds for reform or for the making of new law or new institutions for implementing law). In pursuing a wayward military solution, the United States perpetrates and displays its own violence, offering a breeding ground for new waves of young Muslims to join terrorist organizations. This is poor thinking, strategically and morally. Ignoring its image as the hated enemy for many in the region, the United States has effectively responded to the violence done against it by consolidating its reputation as a militaristic power with no respect for lives outside of the First World. That we now respond with more violence is taken as "further proof" that the United States has violent and anti-sovereign designs on the region. To remember the lessons of Aeschylus, and to refuse this cycle of revenge in the name of justice, means not only to seek legal redress for wrongs done, but to take stock of how the world has become formed in this way precisely in order to form it anew, and in the direction of non-violence. Our collective responsibility not merely as a nation, but as part of an international community based on a commitment to equality and non-violent cooperation, requires that we ask how these conditions came about, and endeavor to re-create social and political conditions on more sustaining grounds. This means, in part, hearing beyond what we are able to hear. And it means as well being open to narration that decenters us from our supremacy, in both its right- and left-wing forms. Can we hear that there were precedents for these events and even know that it is urgent to know and learn from these precedents as we seek to stop them from operating in the present, at the same time as we insist that these precedents do not "justify" the recent violent events? If the events are not understandable without that history, that does not mean that the historical understanding furnishes a moral justification for the events themselves. Only then do we reach the disposition to get to the "root" of violence, and begin to offer another vision of the future than that which perpetuates violence in the name of denying it, offering instead names for things that restrain us from thinking and acting radically and well about global options.

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1. **No link—**
2. **Problem-solution is good, but the aff is the wrong solution to the wrong problem, that’s all the link and case debate. Our alternative takes a problem-solution approach that reclaims discourse and policy from the elites and for the people. Our Lal evidence talks about concrete solutions that have come from the approach of the alternative—the end of the Vietnam war, the abolition of state-sanctioned apartheid, the end of the Cold War.**
3. **We are not the ontological and epistemological questioning Owen criticizes. We don’t insist on entirely perfect truth claims, but if we win the aff’s truth claims are probably wrong this is not a reason to vote for them anyway.**

#### Owen votes neg interrogating the discursive backdrops they make their truth claims on is key

Owen 2 [David, Reader in Political Theory at the University of Southampton “Reorienting International Relations: On Pragmatism, Pluralism and Practical Reasoning”, Millennium: Journal of International Studies, Vol. 31, No. 3]

The first dimension concerns the relationship between positivist IR theory and postmodernist IR ‘theory’ (and the examples illustrate the claims concerning pluralism and factionalism made in the introduction to this section). It is exhibited when we read Walt warning of the danger of postmodernism as a kind of theoretical decadence since ‘issues of peace and war are too important for the field [of IR] to be diverted into a prolix and self-indulgent discourse that is divorced from the real world’, 12 or find Keohane asserting sniffily that Neither neorealist nor neoliberal institutionalists are content with interpreting texts: both sets of theorists believe that there is an international political reality that can be partly understood, even if it will always remain to some extent veiled. 13 We should be wary of such denunciations precisely because the issue at stake for the practitioners of this ‘prolix and self-indulgent discourse’ is **the picturing of international politics** and the implications of this picturing for the **epistemic and ethical framing of the discipline**, namely, the constitution of what phenomena are appropriate objects of theoretical or other forms of enquiry. The kind of accounts provided by practitioners of this type are not competing theories (hence Keohane’s complaint) but conceptual reproblematisations of the background that informs theory-construction, namely, the distinctions, concepts, assumptions, inferences and assertability warrants that are taken for granted in the course of the debate between, for example, neorealists and neoliberal institutionalists (hence the point-missing character of Keohane’s complaint). Thus, for example, Michael Shapiro writes: The global system of sovereign states has been familiar both structurally and symbolically in the daily acts of imagination through which space and human identity are construed. The persistence of this international imaginary has helped to support the political privilege of sovereignty affiliations and territorialities. In recent years, however, a variety of disciplines have offered conceptualizations that challenge the familiar, bordered world of the discourse of international relations. 14 The point of these remarks is to call critically into question the background picture (or, to use another term of art, the horizon) against which the disciplinary discourse and practices of IR are conducted in order to make this background itself **an object of reflection and evaluation.** In a similar vein, Rob Walker argues: Under the present circumstances the question ‘What is to be done?’ invites a degree of arrogance that is all too visible in the behaviour of the dominant political forces of our time. . . . The most pressing questions of the age call not only for concrete policy options to be offered to existing elites and institutions, but also, and more crucially, for **a serious rethinking** of the ways in which it is possible for human beings to live together. 15 The aim of these comments is to draw to our attention the easily forgotten fact that our existing ways of picturing international politics emerge from, and in relation to, the very practices of international politics with which they are engaged and it is entirely plausible (on standard Humean grounds) that, under changing conditions of political activity, these ways of guiding reflection and action may lose their epistemic and/or ethical value such that a **deeper interrogation of the terms of international politics is required.** Whether or not one agrees with Walker that this is currently required, it is a perfectly reasonable issue to raise. After all, as Quentin Skinner has recently reminded us, it is remarkably difficult to avoid falling under the spell of our own intellectual heritage. . . . As we analyse and reflect on our normative concepts, it is easy to become bewitched into believing that the ways of thinking about them bequeathed to us by the mainstream of our intellectual traditions must be the ways of thinking about them. 16 In this respect, one effect of the kind of challenge posed by postmodernists like Michael Shapiro and Rob Walker is to prevent us from becoming too readily bewitched.

The aff’s form of scenario planning creates serial policy failure, the alt’s form solves global violence

Mythen 8 [Security Dialogue 2008; 39; 221 Gabe Mythen and Sandra Walklate School of Sociology and Social Policy, University of Liverpool, UK Terrorism, Risk and International Security: The Perils of Asking 'What If?']

Augmenting and cementing its use in judicial, intelligence and security communities, the ‘What if?’ question has been prevalent in the realm of politics, with figurehead politicians such as George Bush and Tony Blair frequently using hypothetical attack scenarios to concretize the idea that it is inaction (nonviolence) rather than military action (state violence) that is impractical. Implicit in such ideological manoeuvres, which form **the building blocks of** Furedi’s **politics of fear**, is the assumption that pre-emption is the only reasonable way of resolving terrorism. If political vistas are driven by the hypothetical appearance of future dangers, the end point is **invariably worst-case-scenario thinking**, as the Iraq WMD affair points up. A fixation with projective horizon-scanning also supports and **legitimates the misguided militarization of domestic policing.** Following on from the 7/7 bombings in London, an innocent Brazilian electrician, Jean Charles de Menezes, was killed by eight close-range shots to the head as part of the Metropolitan Police’s ‘shoot to kill’ policy, operationalized in response to the terrorist threat. It later transpired that the police had mistaken him for a suspected suicide bomber (Hinsliff, 2005). In a further example of overzealous action, 250 police officers stormed a house in Forest Gate, London, in search of a chemical weapon. In the arrest, Mohammed Kahar was shot in the chest as he was detained with his brother Abul. After being held under the Terrorism Act and questioned for eight days, both men were later released without charge (Dodd, 2006: 2). Following the London and Glasgow bombings, serious concerns have been expressed by the Asian community about a backlash against British-born Muslims. To cite one stark example, the Metropolitan Police reported an alarming 600% rise in religious hate crimes in the month directly following the 7/7 bombings.7 It is important to point out that there is nothing natural or inevitable about the elements that constitute the ‘war on terror’. Rather, the ‘war on terror’ is a heterogeneous and orchestrated set of security processes and practices (Aradau & van Munster, 2007; Kellner, 2002; Rasmussen, 2004). What is most striking about the ‘war on terror’ is its emphatic and absolute approach. Instead of seeking to limit and reduce the risk, the alleged objective of the ‘war on terror’ is simply to wipe terrorism out. The obliteration of terrorism can only be achieved by the adoption of an aggressive set of policies that actively seek out terrorist cells and punish states that fail to quash or challenge terrorist activities. Such power-plays are put into motion through aggressive activities that ‘take the fight to the terrorists’, such as the invasions of Afghanistan and Iraq. The Foucauldian echoes of such attempts to discipline and/or punish nations that give voice to or promote subaltern discourses about terrorism are axiomatic. Yet, it remains questionable as to whether these geopolitical excursions are legitimate, practical or just: It is extraordinarily dangerous to declare, as the Bush administration has done, that the whole world is a battlefield in the war on terror, and that the laws of war apply to every element of the struggle against terrorism. If the whole world is a battlefield and every suspected terrorist is a combatant, then it would be entirely permissible for the United States to do on the streets of Paris or Hamburg or Cairo what it did . . . in Yemen – in other words, if its intelligence picked up the presence of a suspected terrorist in a house in a European or Middle Eastern city it could fire a Predator missile at that house so long as it took appropriate care to minimise civilian casualties (Malinowski, 2003: 85). After the 2005 attacks in London by British-born Muslims, one might add that – adhering to the presiding logic of the ‘war on terror’ – this makes the UK both the subject and the object of its own aggression. The current formation of security policy in the USA and the UK appears to be driven by a desire to reproduce order in an uncertain world. Yet, this drive toward the certainties of bygone ages generates a clutch of thorny issues. First, if ‘new terrorism’ is treated as a protean enemy, conflicts with vastly different roots and causes – for example, in Chechnya, Spain and Palestine – are diagnosed as a common disease to be treated with a **universal dose of medicine** (Sontag, 2004: 3). Second, activist UK and US foreign policy has caused rifts within the United Nations, being criticized and resisted by many other member countries (Goh, 2004). This ‘neo-isolationist reflex’ has led to the formation of a counter-modern security strategy that tramples over existing complexities and ambiguities in an attempt to provide order and certainty (O’Tuathail, 1999: 9; Steinert, 2004).8 This is akin to managing the flux and uncertainty of globalization through blanket ‘either/or’ strategies, rather than acknowledging the ‘and’ of the risk society (Beck, 1996). Such an absolutist approach defines terrorism as a uniform object and frames the current situation as a ‘for us or against us’ battle between ‘good and evil’. Democratically elected governments have a duty to maintain basic civil liberties and uphold fundamental freedoms. The tendency of the governments of the UK and the USA to ignore international law, ride roughshod over human rights and restrict public liberties does not seem to be a particularly effective or ethically sound way of regulating international terrorism. True security cannot and should not depend on inflicting insecurity on another. As Rehn (2003: 58) warns, if particular states flout consensually agreed security regulations, rules on human rights and fundamental freedoms, poco a poco the basis underpinning them disappears and the rules lose meaning. The issue that needs to be foregrounded in the present debate about the management of the terrorist risk is what degree of liberty is worth paying for what degree of security. If the pursuit of security comes at the expense of human rights, then not only is the quality of that security compromised, but the very principles of democracy are threatened. As Hudson (2003: 225) warns: The fearfulness of risk society is leading western societies to respond to dangers in ways that undermine the basic values of liberal societies, values honed to guard against the dangers of repression and inhumanity as well as to express commitment to democratic governance. It is evident that the language of neoliberal politics has become saturated with risk and stunted in its discussions of the enduring burdens of poverty, disease and famine (Culpitt, 1999: 148).9 Against such a backdrop, Sachs (2007: 2) links together issues of safety and poverty, arguing that the former cannot be achieved without the eradication of the latter: How can it be that we think we are safe? We think we can be safe when we leave a billion people to struggle literally for their daily survival; the poorest billion for whom every day is a fight to secure enough nutrients . . . how can this be safe? Not only do basic survival problems require solutions, they should not be readily distanced from the issue of terrorism. In many respects, terrorism is acting as the ideational glue that sticks the politics of risk together. We would argue that the resultant projective risk-based security paradigm is as problematic as it is perilous. In addition to being expediently mobilized to validate pre-emptive military attacks on international targets, the ‘What if?’ proposition can also serve as a rationale for domestic law and order policies. In identifying the ‘presence of the future’ in current ‘war on terror’ discourses, we can begin to grasp the ways in which governments deploy technologies of risk to both frighten and motivate citizens. Alongside the drive to securitize individuals, it is imperative that elected politicians orchestrate a public debate about terrorism that directs attention away from fear and instead seeks to discuss policy alternatives to regulating terrorism. In the affluent West, the penumbra of the politics of risk is shading out pressing global issues. While Western nation-states strive to shore up their territories against terrorist attacks, 50% of the global population still do not have access to clean drinking water and over 18 million refugees remain displaced. By 2010, 10 million children in Africa will be orphaned as a result of AIDS (Cohen, 2001). Amid the fraught habitat of the risk society, we need to be bold enough to ask what the real dangers actually are and to insist that the political ordering of risk is **inspected rather than passively accepted.**

#### Can’t steal a bomb---global nuclear security is increasing---stops terror

NTI 13 (Nuclear Threat Initiative, 30 January 2013, “Global Nuclear Security Gains: NTI Nuclear Materials Security Index, One-Year Progress Report,” http://www.nti.org/analysis/articles/global-nuclear-security-gains-nti-nuclear-materials-security-index-one-year-progress-report/)

In January 2012, the Nuclear Threat Initiative (NTI) released the NTI Nuclear Materials Security Index, a first-of-its-kind public assessment of nuclear materials security conditions in 176 countries – 32 with one kilogram or more of weapons-usable nuclear materials and 144 with less than one kilogram of weapons-usable materials. An updated version of the NTI Index will be released in early 2014. In the meantime, since the completion of the inaugural NTI Index,[1] dozens of countries have taken or pledged to take key steps to strengthen their own nuclear security conditions, diminish opportunities for terrorist access to nuclear materials, and enhance nuclear security around the world. Progress on Reducing the Availability of Nuclear Materials Eliminating weapons-usable nuclear materials is, of course, the most significant step a country can take toward ensuring that terrorists can’t get access to the materials needed to build a nuclear bomb. Since release of the NTI Index: Three countries – Austria, Mexico, and Ukraine – have completely eliminated all weapons-usable nuclear material from their territories. Five more countries – Kazakhstan, Poland, South Africa, Sweden, and Uzbekistan – have reduced their stockpiles of weapons-usable nuclear material. As a result of these actions, now only 28 states have one kilogram or more of these materials, instead of the 32 countries profiled in the 2012 NTI Index. When the second edition of the Index is released in 2014, Austria, Mexico, Ukraine, and Sweden [2] will move off the list of countries with more than one kilogram of weapons-usable nuclear material. This progress builds on steps taken following President Obama’s April 2009 speech in Prague when he initially announced a four-year effort to secure all vulnerable nuclear material worldwide. In addition to the three countries that have eliminated all weapons-usable nuclear material listed above, Chile, Libya, Romania, Serbia, and Turkey as well as Taiwan have eliminated their stocks of weapons-usable nuclear material since April 2009. As a result, there are nine fewer states with weapons-usable nuclear material than in 2009, demonstrating significant, measurable progress in the global effort to prevent nuclear terrorism. Additional near-term progress is possible. Vietnam, the Czech Republic, Hungary, and Poland have committed to eliminating their remaining weapons-usable nuclear material, and Australia and Italy pledged at the 2012 Nuclear Security Summit in Seoul, South Korea to further reduce their nuclear material stockpiles. New Commitments and Actions The NTI Index also assessed countries’ commitments to global norms, including participation in two key treaties to prevent nuclear terrorism: the Convention on the Physical Protection of Nuclear Material (CPPNM) and the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT). Since the completion of the first NTI Index: Côte d'Ivoire and Vietnam acceded to the CPPNM, an agreement vital to enacting security standards for materials in transit. Twelve new countries are now party to the 2005 Amendment to the CPPNM, which obligates state parties to enact standards for nuclear materials in use, in storage, or in transit domestically and requires countries to take criminal action against nuclear thieves, smugglers, and saboteurs. Argentina, Belgium, Georgia, Ghana, Greece, Israel, Lesotho, Luxembourg, Macedonia, Mexico, Sweden, and Vietnam have all taken this important step since the 2012 NTI Index was completed. [3] Five new countries – Australia, Côte d'Ivoire, Malta, Nigeria, and Turkey – are now party to the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT), which commits states to criminalize acts of nuclear terrorism and promotes cooperation among countries on investigations and extraditions. NTI anticipates more progress before the release of the 2014 NTI Index, as France has pledged to complete ratification of ICSANT and the 2005 Amendment to the CPPNM and Norway has pledged to ratify ICSANT. In addition to progress in the international legal arena, several countries have taken other steps to enhance global nuclear security: China and India for the first time contributed to the IAEA’s Nuclear Security Fund, which assists states in preventing, detecting, and responding to nuclear terrorism. Kazakhstan, Mexico, and Ukraine joined the G8 Global Partnership Against the Spread of Weapons of Mass Destruction. Japan formed a new independent regulatory agency to address nuclear safety and security, a substantial policy reform.

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**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**

**Increase means to become greater**

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

**Gaziano**, **2001**

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

#### Coronogue 12 – 1AC Author

**The AUMF is a grant of authority – expanding the AUMF expands the presidents war powers authority**

**Taeb and Levey 13**, Government Relations manager at the Arab American Institute, and Levey is Arab American Institute Legal Fellow on the AUMF

(6/13, Yasmine and Isaac, Time to fix the AUMF, thehill.com/blogs/congress-blog/foreign-policy/305349-time-to-fix-the-aumf-)

**During the past decade, the United States has taken extraordinary measures in fighting terrorism** all across the globe. Although the threats we face change continuously**, the legal authority and framework the executive branch has relied on has remained the same for nearly twelve years**. **The Authorization for the Use of Military Force** (AUMF), **passed** immediately **after** the **September 11**, 2001 attacks, **was a declaration of war** against the people who attacked us. **It gives the president immense power**, including over the lives and liberties of American citizens, **and doesn’t create much accountabilit**y. Since we now face a terror threat that is fundamentally different from the one we faced on 9/11, we must assess the AUMF’s continuing application and relevance, and whether it’s still necessary to fight terrorism. **The AUMF grants the president extraordinary power**. The last president used it to justify torture and illegal warrantless surveillance of Americans. This one uses it to justify lethal drone strikes all over the world, including at least one aimed at a U.S. citizen. The Supreme Court said in 2004 that the law authorized the President to detain an American citizen as an enemy combatant without any criminal charges. Last month, Pentagon lawyers said the AUMF might allow the U.S. to enter Syria, on the grounds that the extremist al-Nusra Front there is an “associated force” of al-Qaeda. That was too much for even Sen. John McCain (R-Ariz.), who said the authority “is no longer applicable to the conditions that prevailed” when Congress passed the AUMF in 2001. Sen. Angus King (I-Maine) added that the argument had “essentially rewritten the Constitution,” because it is Congress, not the president, that declares war.

#### The groups expands authority to groups who aren’t currently authorized

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)

America's chief security threats used to come from the Taliban and al-Qaeda. The Taliban harbored the perpetrators of the 9/11 attacks, al-Qaeda, and fell squarely under the AUMF's nexus requirement. Now, al-Qaeda has many allies and cobelligerents; these groups employ similar tactics, share comparable ideologies, and present significant threats to American lives. But does the AUMF authorize force against these groups? Are groups such as al-Shabaab,90 AQAP,91 and the Pakistani Taliban92 sufficiently tied to 9/11 or al-Qaeda? These groups are violent, dangerous, and opposed to the United States. In many ways, they are just as dangerous as al-Qaeda. However, many of these groups did not even exist on September 11, 2001, and the ones that did were not directly involved in the attacks. Thus, they could not possibly have a strong relationship to the attacks themselves, nor did they harbor those who did. Since the AUMF's text only authorizes force against those actors the President deems were involved in the 9/11 attacks, these groups are necessarily outside of Congress's authorization.

### AT Their Intper

**Authority is delegated power to act**

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

Applying agency principles, a principal is responsible for the acts of its agents done within the scope of the agent's authority, "even though acting contrary to instructions." [Dick Loehr's, Inc v Secretary of State, 180 Mich. App. 165, 168; 446 N.W.2d 624 (1989)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=115&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b180%20Mich.%20App.%20165%2cat%20168%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=708331d40466e4347936b73e103c82fb). This is because, in part, an agency relationship arises where the principal [\*\*\*36]  has the right to control the conduct of the agent. [St Clair Intermediate School Dist v Intermediate Ed Ass'n/Michigan Ed Ass'n, 458 Mich. 540, 558 n 18; 581 N.W.2d 707 (1998)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=116&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b458%20Mich.%20540%2cat%20558%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c0a63a81a484a6ce53be229bc2290a07) (citations omitted). The employer is also liable for the torts of his employee if "'the servant purported to act or to speak on behalf of the principal and there was reliance upon apparent authority, or he was aided in accomplishing the tort by the existence of the agency relation,'" [McCann v Michigan, 398 Mich. 65, 71; 247 N.W.2d 521 (1976)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=117&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b398%20Mich.%2065%2cat%2071%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=5219d53b6a7119254f8041c911d87fd2), quoting [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=118&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=71c1bf8c001fe5ae1153be4268b8e9e9), p 481; see also [Champion v Nation Wide Security, Inc, 450 Mich. 702, 704, 712; 545 N.W.2d 596 (1996)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=119&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b450%20Mich.%20702%2cat%20704%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=3d1841dc7f4fb90804d8adb6349a6fae), citing [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=120&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c1927abf5bf3954a85d211c044ada141), p 481 ("the master is liable for the tort of his servant if the servant 'was aided in accomplishing the tort by the existence of the agency relation'"). In [Backus v  [\*213]  Kauffman (On Rehearing), 238 Mich. App. 402, 409; 605 N.W.2d 690 (1999)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=121&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b238%20Mich.%20App.%20402%2cat%20409%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=d9947545fee151274d489cbc14123160), this Court stated: **The term "authority" is defined by Black's Law Dictionary to include "the power delegated by a principal to an agent."** Black's Law Dictionary (7th ed), p [\*\*\*37]  127. **"Scope of authority" is defined** in the following manner: **"The reasonable power that an agent has been delegated** or might foreseeably be delegated in carrying out the principal's business." Id. at 1348.

#### Authority only comes from congress

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

 Some have argued that the historical record supports not only rejecting  any Presidential claim of preclusive Commander in Chief wartime authority, but also denying the President independent substantive constitutional power

to conduct warfare that is authorized by Congress.279 This reading of history  would not  find any  Presidential power to conduct war grounded  in an

independent  constitutional authority as  Commander in Chief, but  would  derive such presidential power exclusively from statutes authorizing warfare. The extent of presidential power to conduct warfare would, according to this  perspective, be determined solely by legislation authorizing warfare. The historical record contains  some support  for this perspective. The Framers’ intent in naming the President Commander in Chief was clearly to  provide for civilian control of the military and to ensure that one person,

and  not an unwieldy legislative body or someone appointed by Congress, would  direct, order, and supervise the military. That intent is not inconsistent with  viewing the President’s substantive power to conduct warfare as stemming

from, and not  independent  of, legislative enactment. The history of the Commander in Chief’s  powers  under British  law also  suggests  that  her powers came from the statute and not the Constitution itself. That all of our declarations of war provide the President with the authority to use the entire

army and navy to fight the enemy suggests that the declaration of war itself  might  not  have sufficed to invoke the  President’s  Commander in Chief power.280 Statements by various Republican Senators during the Civil War debate on the Confiscation Act  that  there is  “not  a syllable in the Constitution  conferring on the President war powers,” and that the President can conduct  war “only in the manner and in the  mode” prescribed by Congress, also  support  a position  that  the Commander in  Chief Clause accorded  the President  only a command  function, but  no independent substantive power.281 So too, Chief Justice Marshall’s statement in Talbot v. Seeman that

the whole powers of war are vested in Congress and that, therefore, “the acts of that  body can alone be resorted to as  our guides”

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in determining  whether a capture was lawful also suggests that the extent of the President’s  power as  Commander in  Chief is  determined solely  by legislative

authorization. Furthermore, in Brown  v. United  States, Marshall suggested

that neither a declaration of war nor a broad authorization of force activate a Commander in Chief’s power to execute the laws of war.283 The Brown Court recognized that a declaration of war gave the United  States the rights which war confers, but argued that it did not automatically  empower the Executive to implement such war measures. Marshall held that

the congressional power to make rules concerning captures on land and water was  an  independent substantive power, not  included in  the  declaration of war. Therefore, the declaration did not authorize the President to seize enemy  property in the United States. Indeed, Marshall notes  that  Congress’s

independent authorization for the detention of enemy aliens, and for “the safe

keeping and accommodation of prisoners of war,” “authorizations that were

separate from its declaration of war, affords  a strong  implication that  [the  President]  did not  possess  those powers  by virtue of the declaration of war.”

### Firebreaks

**Obama just arbitrarily defines words to shirk enforcement**

**Pollack, 13** -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” **In response to the threat, we see the deliberate reshaping of the law:** Since 2000, “the Israel Defense Forces, guided by its **military lawyers, have attempted to remake the laws of war by consciously violating them and then creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; **in the US‘s case, targeted assassination, repeated often enough, seems permissible**, indeed clever and wise, **as pressure is steadily applied to the laws of war.** Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at this game of stretching the law to suit the convenience of**, shall we say, the **national interest**? **In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie** if ever there was one, placing him in distinguished European company, **Obama redefined the meaning of “combatant” status to be any male of military age throughout the area** (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### No Indo-Pak war – no political will on either side – extreme caution will check any use because neither country wants a fourth war because of both economic and human costs. That’s Louden.

#### Indian self-restraint checks.

Yadav and Barwa 10 [Vikash Yadav is an assistant professor of political science at Hobart and William Smith Colleges in Geneva, New York. Conrad Barwa is a researcher at the School of Oriental and African Studies, London. The future of India-Pakistan rivalry PRAGATI—THE INDIAN NATIONAL INTEREST REVIEW April 2010 ]

\*\*\* BJP = Bharatiya Janata Party - The party is associated with Hindu nationalism and advocates conservative social policies, self-reliance, free market economics, foreign policy driven by a nationalist agenda, and strong national defense [Wikipedia]

There is zero possibility that India would contemplate further dismembering Pakistan. India has no incentive to risk a nuclear exchange. Evidence of India’s self-restraint over the last decade is abundant. Even spectacular attacks by militants, allegedly supported by elements linked to the Pakistani government, on India’s parliament and on its financial core have not led to war. The restrained response by the current Congress party-led coalition to the attacks in Pune, despite accusations from the BJP about being ‘soft on terrorism’ demonstrate the caution with which India approaches any potential slide into a conflict with Pakistan. The reason is that the fragmentation of Pakistan into a number of hostile and unstable Islamic republics is India’s nightmare scenario. Decapitating the hydra only creates more problems and distractions for India’s foreign policy.

#### No escalation.

Loudon 8 [Bruce, The Australian, Doomsday dread, December 04, 2008, http://www.theaustralian.news.com.au/story/0,25197,24746635-25837,00.html]

Three wars with Pakistan have demonstrated that India, despite its historical association with Mahatma Gandhi's principles of pacifism, is not a non-violent country. It has an army that is more than a million strong and would be prepared to go to war against Pakistan were there to be more attacks such as the one in Mumbai. But recourse to nuclear weapons, most observers believe, is unlikely, especially given the country's long-standing adherence to a policy of no first strike. Similarly, the reality behind the chest-thumping in Pakistan is that the country, in trouble on almost every front, would effectively be committing suicide were it to launch a nuclear attack against India, as one analyst puts it. "It's just not on. Only a madman would even think about it. It would amount to national self-destruction. They would not survive it as a nation. They'd be destroyed, and everyone in Islamabad knows that," the South Asian analyst says. When, only a few days before the Mumbai attack, Zardari, addressing an Indian audience, pledged Pakistan to a new no-first-strike policy, there was expected to be a reaction against him among the generals who hold the real power in Islamabad. But none was forthcoming, and that is seen as an important indication that they, too, in the context of Pakistan's fledgling democratic rebirth, have concluded that the country's nuclear arsenal should be restricted to serving a deterrent purpose.

#### EU relations down now – but cooperation inev.

Walt, IR – Harvard, 11 [The coming erosion of the European Union Posted By Stephen M. Walt Thursday, August 18, 2011 - 11:19 AM Share http://walt.foreignpolicy.com/posts/2011/08/18/the\_coming\_erosion\_of\_the\_european\_union]

Third, I argued that the glory days of transatlantic security cooperation also lie in the past, and we will see less cooperative and intimate security partnership between Europe and America in the future. Why do I think so? One obvious reason is the lack of common external enemy. Historically, that is the only reason why the United States was willing to commit troops to Europe, and it is therefore no surprise that America's military presence in Europe has declined steadily ever since the Soviet Union broke up. Simply put: there is no threat to Europe that the Europeans cannot cope with on their own, and thus little role for Americans to play. In addition, the various imperial adventures that NATO has engaged in since 1992 haven't worked out that well. It was said in the 1990s that NATO had to "go out of area or out of business," which is one reason it started planning for these operations, but most of the missions NATO has taken on since then have been something of a bust. Intervention in the Balkans eventually ended the fighting there, but it took longer and cost more than anyone expected and it's not even clear that it really worked (i.e., if NATO peacekeepers withdrew from Kosovo tomorrow, fighting might start up again quite soon). NATO was divided over the war in Iraq, and ISAF's disjointed effort in Afghanistan just reminds us why Napoleon always said he liked to fight against coalitions. The war in Libya could produce another disappointing result, depending on how it plays out. Transatlantic security cooperation might have received a new lease on life if all these adventures had gone swimmingly; unfortunately, that did not prove to be the case. But this raises the obvious question: If the United States isn't needed to protect Europe and there's little positive that the alliance can accomplish anywhere else, then what's it for? Lastly, transatlantic security cooperation will decline because the United States will be shifting its strategic focus to Asia.

The central goal of US grand strategy is to maintain hegemony in the Western hemisphere and to prevent other great powers from achieving hegemony in their regions. For the foreseeable future, the only potential regional hegemon is China. There will probably be an intense security competition there, and the United States will therefore be deepening its security ties with a variety of Asian partners. Europe has little role to play in this competition, however, and little or no incentive to get involved. Over time, Asia will get more and more attention from the U.S. foreign policy establishment, and Europe will get less. This trend will be reinforced by demographic and generational changes on both sides of the Atlantic, as the percentage of Americans with strong ancestral connections to Europe declines and as the generation that waged the Cold War leaves the stage. So in addition to shifting strategic interests, some of the social glue that held Europe and America together is likely to weaken as well. It is important not to overstate this trend -- Europe and America won't become enemies, and I don't think intense security competition is going to break out within Europe anytime soon. Europe and the United States will continue to trade and invest with each other, and we will continue to collaborate on a number of security issues (counter-terrorism, intelligence sharing, counter-proliferation, etc.). But Europe won't be America's "go-to" partner in the decades ahead, at least not the way it once was. This will be a rather different world than the one we've been accustomed to for the past 60 years, but that's not necessarily a bad thing. Moreover, because it reflects powerful structural forces, there's probably little we can do to prevent it. Instead, the smart response -- for both Americans and Europeans -- is to acknowledge these tendencies and adapt to them, instead of engaging in a futile effort to hold back the tides of history